

**ALIENATING CUSTOMARY LAND: PEOPLE OF THE  
LAND AND PEOPLE OF PROPERTY IN VANUATU**

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Acknowledgments

I want to acknowledge and thank many people.

First, my advisors and supervisors. I owe Francesca Mercuri a great deal. When I was undertaking a masters degree, she kindled my interest in anthropological research as a means of engaging with social concerns. As my supervisor she has continued to mentor me, and especially has taught me how to develop critical perspectives by reflecting on their experiences. Greg Hawkins has given me time and insight generously. His advice is both invaluable as we shared very similar experiences in the Port Vila area, and has gone beyond me to help me in terms of analyzing them and writing them to key audiences. Greg has provided insight and support in the legal dimension of this work, and importantly as the application of a professional and academic life to the process of applying the outcomes of land dealings for Melanesian people.

I confirm that this thesis is my own original work.

*M Harradine*

Mark Harradine

9 March 2014

## Acknowledgements

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First, my supervisor and two advisors. I owe Francesca Merlan a great deal. When I was undertaking a masters degree, she kindled my interest in anthropological research as a means of engaging with social concerns. As my supervisor she has continued to mentor me, and especially has taught me how to develop critical perspectives by reflecting on lived experiences. Greg Rawlings has given his time and insights generously. His help has been invaluable as we shared very similar experiences in the Port Vila area, but Greg has gone before me in terms of analysing them and relating them to key anthropological themes. Jim Fingleton has provided incisive critique on the legal dimensions of this work, and importantly too the inspiration of a professional and academic life dedicated to improving the outcomes of land dealings for Melanesian people.

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*Go katelotu rekina Atua ro mujia matou tukina arima taagata sa go taagata prakoto, tno lake gani taagata nfaru raf sai fafaturaga.*

## Abstract

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The extensive land alienation on some islands in Vanuatu appears to contravene both the national constitution and desires of local people. The constitution states that all land is held in customary tenure; the Ni-Vanuatu indigenous majority (about 95% of the population) find alienation severely encroaches on their land entitlements. Given this strong opposition, the thesis asks how alienation occurs. It concludes that alienation results from the operation of key state-level forces of the recent period, inherently in tension. The interplay of indigenous self-determination and national development imperatives, mediated by elites, construes land as property and a marketable commodity.

First, indigenous self-determination, for ni-Vanuatu, requires state recognition of customary forms of relations to land. Recognition, though, entails acceptance of state control over relations to land, effected through institutional arrangements that define land as property. This process of propertisation is a precondition for alienation. It allows legal ownership of land to be vested in customary groups, but also creates property rights that may be sold. Second, propertisation is central to national development and relates closely to colonisation and its aftermath. Shortly after independence in 1980 legal property rights were offered to former colonial occupiers. These rights still obtain and effectively allow foreign investors to own land. Third, the thesis focuses on the situation and role of elites around Port Vila, the national capital. These people embody the conflict between customary and property forms of relations to land, mediating ni-Vanuatu and foreign interests in ways that further propertisation and land alienation.

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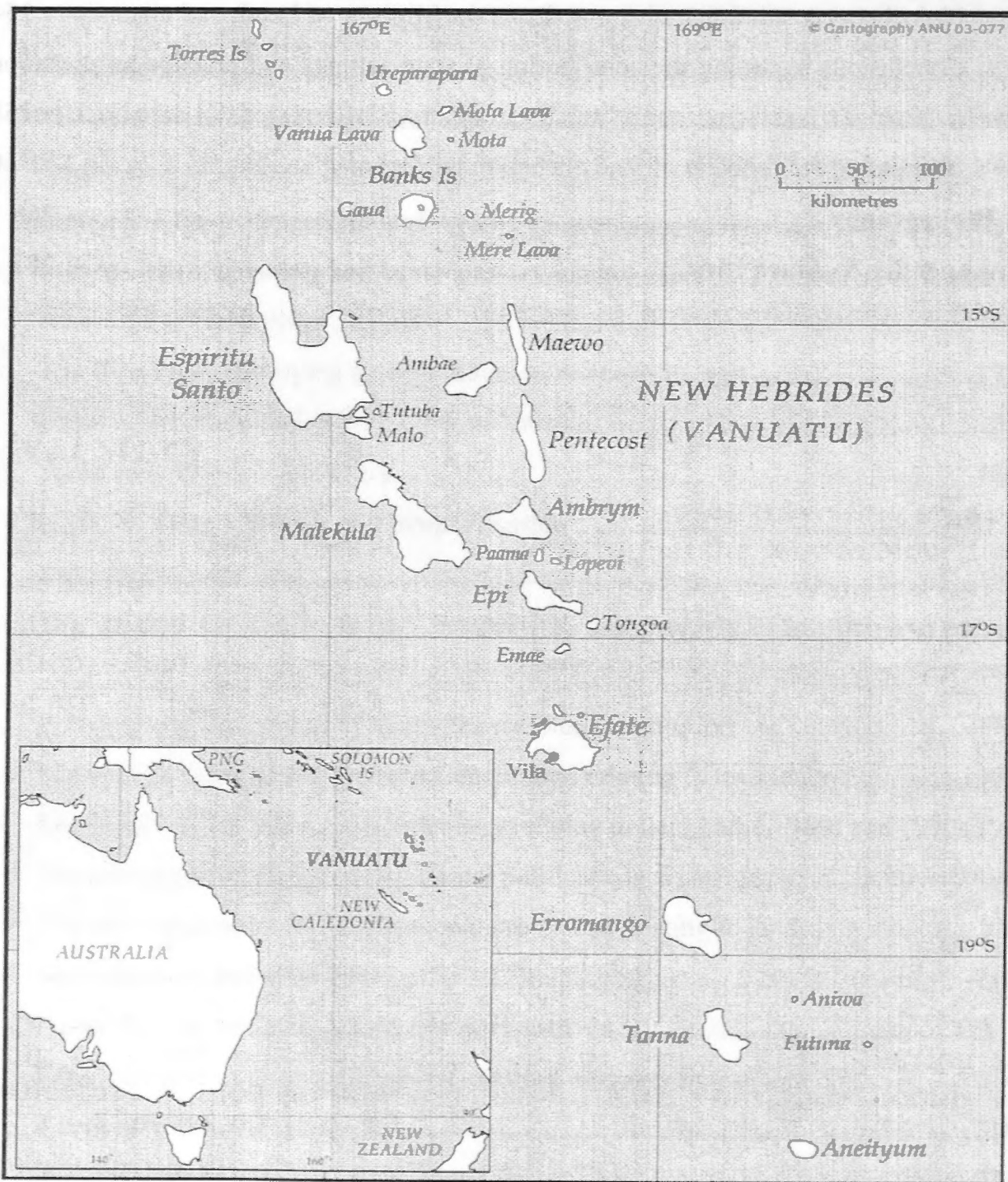
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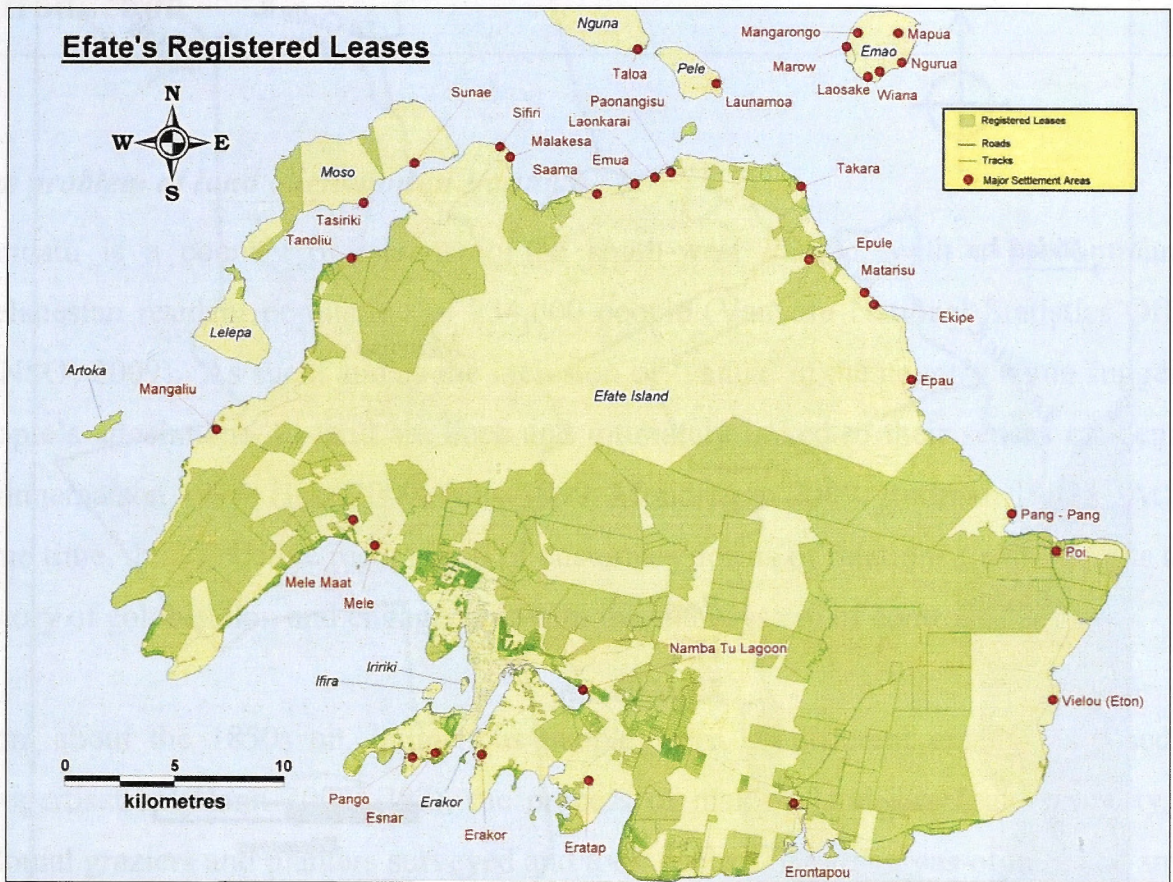
# Maps



**Map 1: Vanuatu**

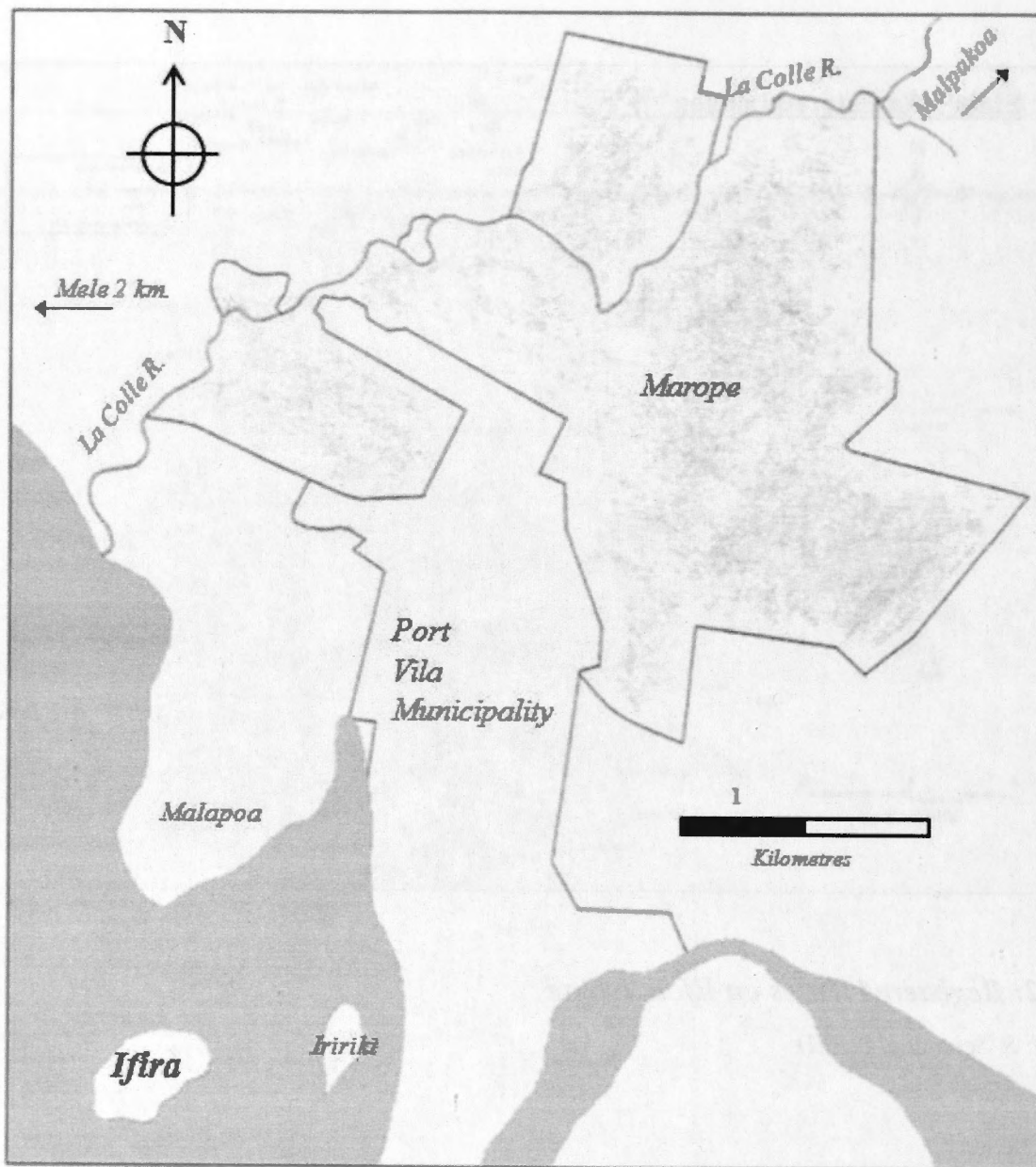
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**Map 2: Registered leases on Efate Island**

Source: S. Scott et al (2012)



*Map 3: Urban boundaries and Ifiran customary land*

## Introduction

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### *The problem of land alienation in Vanuatu*

Vanuatu is a country of islands in the south-west Pacific, with a predominantly Melanesian resident population of 234,000 people (Vanuatu National Statistics Office (VNSO) 2009). As such, and as the inclusion of 'vanua' in the country name suggests, people's attachments to land are deep and intimately linked to their senses of identity (Bonnemaïson 1994, Hess 2009, Jolly 1999, Mondragón 2009, Rodman 1992). At the same time, this evocative recognition of customary forms of relations to land points to a history of colonisation and engagement with the state system of control over land.

From about the 1850s on, indigenous people were, to different extents, exposed to 'propertisation' (Hann 2007: 287), the process of making land into legal property, as colonial graziers and planters surveyed and took control of large areas of land and small townships in the islands that became known as the New Hebrides. The most notable of these townships was Port Vila, the key trading port of the New Hebrides, which also became the centre for the French and English colonial administrations (Scarr n.d.). Indigenous people disputed settler claims (sporadically and to little effect) to property ownership throughout the colonial period, and recognition of their claims to land became a key political issue in the run up to Independence in 1980 (MacClancy 1981; 1984; Van Trease 1987; 1995).

At independence, ni-Vanuatu (the noun for indigenous people in Vanuatu) achieved state recognition of their claims to land, but it was tempered by the forces of decolonisation and development that also shaped the new state's approach to control over land. The Vanuatu state system for control over land is based upon the recognition of customary land ownership over all land in Vanuatu. However, long term land leasing arrangements, originally introduced to promote development and which provided continuity of tenure for colonial period settlers, have become a more widespread means for alienating land from customary tenure.<sup>1</sup> Further, the specification of universal

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<sup>1</sup> The government is also legally able to acquire land from customary land owners in the public interest.

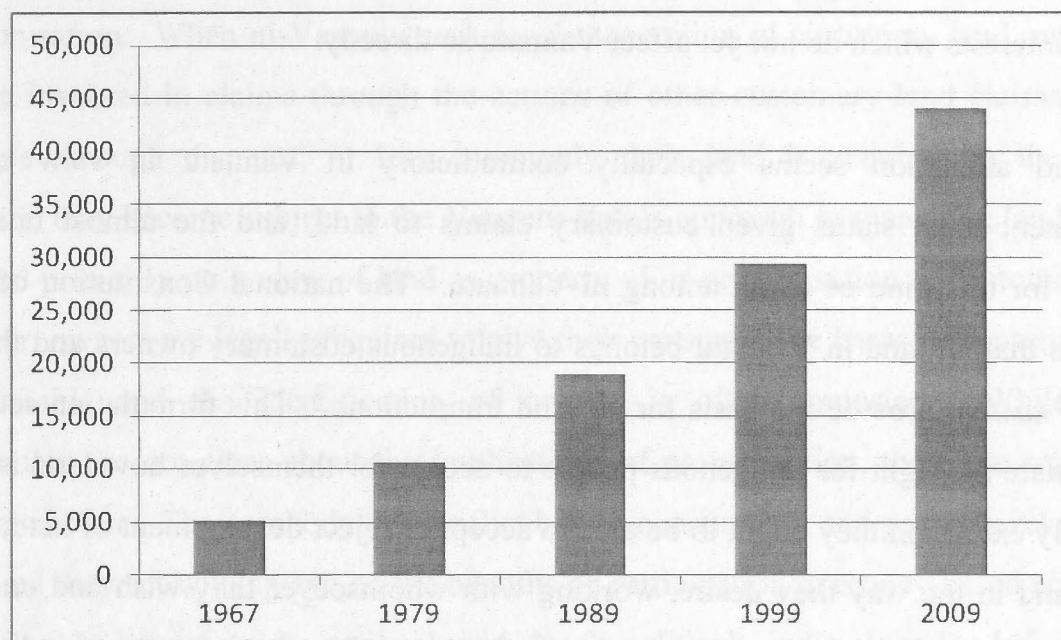
customary tenure did not bring an end to indigenous contestation over land. Instead it promoted a new form of it. Tonkinson (1982: 305) predicted 'litigation brought by local people disputing land claims is likely to reach massive proportions', recognising the deep differences between people that characterise customary relations to land. The state's response to these disputes, which are very difficult to resolve and can run for years, has created another avenue for the alienation of land from customary land owners. When customary land ownership is legally disputed, the national Minister for Lands may grant leases on the disputed land, acting as legal trustee for customary land owners.<sup>2</sup>

Land alienation from customary land ownership is occurring in specific areas in Vanuatu, and is particularly evident in and around Port Vila, the capital of Vanuatu. Port Vila is located on the island of Efate and has a population of 44,000 people (VNSO 2009). The city is expanding as ni-Vanuatu and expatriates, attracted variously by the perceived advantages of an urban lifestyle and its reputation as a gateway to paradise or a quick profit, come to settle there. Table 1 overleaf shows the rate of growth in Port Vila's population from 1967 to 2009. The central area of Port Vila, which in colonial times was the Port Vila municipal area, has been made government land. On the urban fringes land is being progressively turned over through leases to residential, commercial and tourism development. Frequent exercises of ministerial trusteeship over disputed land are helping the process along. This kind of transformation in land tenure is extending out from Port Vila. Land along the coast of Efate, the island on which Port Vila is located, is progressively being developed. An analysis of land leases in Vanuatu (S. Scott et al 2012) found registered leases along the coast of Efate cover about 121.5 kilometres of the estimated 215 kilometres of coastline. In addition to this kind of development, informal settlements are proliferating across the island.

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<sup>2</sup> The Minister for Lands at the time this thesis was submitted, Ralph Regenvanu, has consistently opposed this practice.

**Figure 1: Population Growth in Port Vila: 1967-2009**



Source: VTSO 2009

Speaking very generally, ni-Vanuatu attitudes towards legally transacted alienation are ambivalent. Many ni-Vanuatu in and around Port Vila consider the changes in land use that accompany alienation to be potentially beneficial. But they also express concerns about it. They sometimes complain that land leases are being granted by the government without proper consent and on unfair terms. They do not feel sufficiently in control of their circumstances, or that they are benefiting to the extent they should. The impacts of alienation also concern them, especially its consequences for people who claim particular land areas as theirs on the basis of continuous use, occupation and cultural ties.

At one level, alienation is explicable as an almost inevitable, albeit largely unwelcome, consequence of development and indigenous recognition discourses. The kind of land use transformation and reactions to it in Vanuatu are manifestations of a widespread phenomenon of land sales to corporate interests and to cashed-up lifestyle and economic immigrants, and of attendant concern among people who regard themselves as incumbents (see for example Knudsen 2010 and Van Noorloos 2011). While outright land ownership is restricted in Vanuatu - only indigenous customary owners may own

land - land transfers are effected through long term land leasing arrangements. This strategy, which is rooted in recognition of customary land ownership but makes a nonsense of it in practice, is broadly the same as the one Filer (2011) has identified as the means for alienating customary land in Papua New Guinea, in that country due to mining interests which do not yet affect Vanuatu so directly.

Yet land alienation seems especially contradictory in Vanuatu in view of the pre-eminent legal status given customary claims to land, and the almost universal support for this kind of claim among ni-Vanuatu. The national Constitution of 1980 provides that all land in Vanuatu belongs to indigenous customary owners and that the rules of *kastom* provide the basis for all land transactions.<sup>3</sup> This formulation seems to encapsulate the right for indigenous people to decide for themselves how land is to be used. By extension they ought to be able to accept or reject development of land, to the extent and in the way they desire, working with whomsoever they wish and on terms suitable to them. Land development that is detrimental to the interests of indigenous people (as they perceive them) is, legally speaking and from a moral standpoint, not meant to happen in Vanuatu and yet it does.

These are current, contentious and vexing issues. I first became interested in them whilst employed as a governance adviser in the Ministry of Lands from 2003 to 2005. Living and working alongside ni-Vanuatu people every day, the incongruity of alienation that people do not want - in a country in which people's very selves are defined by their customary connections with place - became progressively more apparent to me. Like the people who have become my close associates and good friends I am concerned about alienation. At the same time I am not satisfied with a contemporary, popular explanation that attributes alienation to the actions of expatriates and their ni-Vanuatu collaborators. Although sympathising to an extent with this perspective, it does not square fully with my experiences. So I took the decision to undertake research addressing the question: how does land alienation occur in Vanuatu?

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<sup>3</sup> Articles 73 and 74 of the Constitution. The Constitutional provisions relating to land are discussed in Chapter 6.

The thesis demonstrates that alienation results from the creation of property rights over customary land, combined with expatriate demand for land in certain areas of Vanuatu, in a political environment defined by the competing forces of indigenous self-determination and economic development and as yet subject to the effects of decolonisation. When ni-Vanuatu seek legal recognition of customary land ownership (or are involved in claims through the actions of other customary land claimants, for example through disputes, or less commonly their land is acquired in the public interest)<sup>4</sup> they become subject to the Vanuatu state's approach to managing land, which is based primarily on a view of land as property. For propertisation of customary land to occur, owners are legally required to give their consent. The bases of consent can be questionable and the identification of owners is often contested. While many ni-Vanuatu are not clear about the implications of propertisation, there are some elite people who are. They embody the conflict between customary and property relations to land, and they act with an eye on the benefits of participation in money-based economy. Operating in commercial, national and local political, judicial and administrative institutional settings (in which customary and property forms of relations to land intersect), elites are able to mediate tensions in favour of creating property rights. Once land is made into property it can be alienated. Expatriates especially desire land in and around towns and along coastlines, noticeably in or near areas settled and developed in the colonial past. They can readily acquire very long term (50 to 75 year) leases through commercial transactions without knowing or consulting customary land owners.

The perspective I develop in this thesis is relevant to anthropological debates, especially by portraying the multiple layers of indigenous understandings of land in a contemporary Melanesian and Pacific urban context. It also contributes a critical view on state engagement with land matters and is relevant to research and public policy action directed towards addressing alienation and more broadly supporting indigenous aspirations with respect to land.

In this chapter I begin with an ethnographic narrative which defines alienation from a contemporary ni-Vanuatu perspective. Next, I discuss how I came to pursue the

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<sup>5</sup> The account presented here is based on a diary note taken at the time.

problem of alienation through anthropological research. Then I consider the political and moral dimensions of research into matters of land and the particular style of ethnography I engage with in response to them. In the next section I expand on the methodological underpinnings of this research, focussing on the key issue of finding and coming to grips with levels of sociality operating on different scales in the field locale. I then discuss the theoretical framing of the thesis and conclude with a summary of each chapter.

### ***Our land***

In December 2003, I attended the annual Vanuatu Ministry of Lands Christmas Party at the official residence of the Ministry Director-General in Port Vila.<sup>5</sup> At the time I was a governance specialist working in the Government of Vanuatu. The position was funded by the Australian Government agency for international development assistance, AusAID. For much of the previous twelve months I had worked in the Vanuatu Ministry of Lands and the Director-General had personally invited me to attend the party.

As I walked through the front gate of the property, I saw that the Director-General's large home was wonderfully situated overlooking a lagoon. I surmised that it had once been a colonial administrator's house, from the time before 1980 when Vanuatu was jointly administered by France and the United Kingdom as the Condominium of the New Hebrides. Experiencing the wonder of a new situation, I savoured the physical beauty of the party setting and the evident enjoyment of my fellow guests. The trees within the grounds were suffused with the fading orange light of a tropical sunset, contrasting vividly with the darkening clear sky above. Men stood about in small groups joking and laughing together and children raced around delightedly. Some women sat on woven pandanus mats spread out on the lawn, keeping an eye out for the children and chatting among themselves. Other women were laying out food and drink on trestle tables away to one side of the gathering.

There looked to be about 150 people in all, enjoying a modest and pleasant gathering. I chatted to a few of my work mates after greeting the Director-General. I spoke mostly

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<sup>5</sup> The account presented here is based on a diary note taken at the time.



in Bislama, the Melanesian pidgin and national language of Vanuatu, inwardly satisfied that I rarely needed to speak in English. We were engaging in what is known as *storian*, the informal kind of conversation and talk through which people share news and ideas. I asked about their plans for Christmas and New Year holidays, which revolved mainly around spending time with families on their home islands or, less ideally, with family and friends in Vila. Attendance at Christmas church services was also discussed, reflecting the very high level of professed and practiced adherence to Christianity in Vanuatu. I also noticed that a variety of languages were in use, reflecting the diversity within the ni-Vanuatu population.<sup>6</sup>

Never able to switch off from wondering about social conditions and appropriate public policy responses, I smiled wryly at the contrast between the party scene and the views of some political commentators I had read, who seemed to have formed their views of Vanuatu from afar and grossly caricatured social conditions there. The party setting (typical of large social gatherings that I have attended many times since, too, in settlements and villages as well as elite environments like this one) suggested to me that, notwithstanding the economic and social problems that are supposed to beset Vanuatu as a 'developing country' in the Pacific, people can operate well and successfully together: their approach to social ordering and provision evidently works.

During the evening I was confronted, a little roughly, by a man about my role in the Ministry and presence in Vanuatu. The incident was triggered, I think, by a speech the Director-General made. In it he singled me out for special praise. He said that I had worked very closely with him and the corporate services area of the Ministry to develop a package of land law reforms and revenue measures that had recently been approved by the Council of Ministers. Shortly after the speech I headed away from the centre of the gathering to get some food, and the man followed me.

I did not recognise him and only subsequently learned he was a senior Ministry official. He was visibly agitated. 'What are you doing here?' he asked aggressively, in English. Unsure how to respond, I asked if he would like to have another beer with me (he was

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<sup>6</sup> 'About 112 languages' are spoken in the archipelago of islands comprising Vanuatu (Arutangai 1987: 261).

just finishing one I noticed and I pointed to the near-empty plastic cup in his hand). My attempt at being friendly did not work; it riled him all the more. 'Are you disrespecting me, you have no right', he responded indignantly. Before I could protest he sprang at me, unexpectedly agile. He grabbed and shook me, anger lending strength to his feeble office worker's arm and his remonstrance, 'this is our land, you have no right to be here, you should go back'. Another work colleague (also a senior official) then took him by the shoulders and spoke quietly into his ear, in a language I did not understand at the time. The man's grip on me weakened, his hands fell limply to his sides and our work colleague, apologising to me, led him away.

Over the next few days I reflected on this incident. I was vaguely aware before it that many people around Port Vila were concerned about the presence of foreigners, their investment in land, the way they develop it and their selfishness in sharing their material wealth. This was the first time, though, that I had been directly confronted by someone about alienation and felt, literally, the strength of conviction against it. I wondered if the man thought I was acting as an agent for expatriates. That was certainly not the case, to avoid conflicts of interest I did not have contact with expatriates involved in real estate or land development activities. I also recognised, in his reference to rights, a moral basis to his concerns: my presence was not only unwelcome but wrong. Later I learned that the man who intervened in this altercation spoke in Ifiran, the language of the people widely recognised as customary land owners of much of the Port Vila area.

While the incident exemplifies the depth of concern foreign presence engenders, significantly it reveals the meaning of alienation from a ni-Vanuatu perspective in the simple phrase, 'our land'. The idea of 'our land' operates at two levels. The first level is the national and reflects the legal claims of ni-Vanuatu to own land within the territorial boundaries of the country. The second is the localised level in which people view themselves as inseparably connected to place. Alienation represents an unwarranted intrusion on, and curtailment of, the property and customary entitlements to land that respectively pertain to each level. This intrusion has a physical dimension: the actual use and occupation of land by expatriates and the exclusion of ni-Vanuatu from it. It also has an ideological dimension: the loss of control over decisions about land, which is indicated by the indignant but impotent insistence that I was not entitled

to be in Vanuatu and should leave. While my protagonist understood the advantages of property rights as a senior government officer, ni-Vanuatu differ in their levels of understanding and ability and desire to activate them.

### ***Research background***

After returning from Vanuatu in 2005, I enrolled in the Master of Applied Anthropology and Participatory Development (MAAPD) program at the Australian National University. I was very apprehensive about attempting this course at first, as my undergraduate studies had been in commerce (with some philosophy mixed in for interest) and my work experience prior to the job in Vanuatu had been in the field of public policy development and government program evaluation, in the Australian government. Nonetheless I hoped that the course could help me to engage more effectively and ethically in development work. The two and a half years I had spent in Vanuatu prior to starting the MAAPD had left me with a profound sense of unease about promulgating policies and practices developed in one country context and implementing them whole and entire in another. National policy and administrative settings relating to land in Vanuatu did not seem to reflect what people referred to as *kastom* (which at that time I thought of as being customary rules and practices regarding the use and occupation of land, in the Ministry context), in part because *kastom* relating to land evidently concerned people's connections with specific locales but also because these settings seemed consistently to produce results that did not suit many ni-Vanuatu, just an elite few.

While initially it was the development component of the course that drew my eye, as time passed my interest in pursuing anthropological research as a means of addressing social issues intensified. The anthropological component of the course provided tools for me to reflect critically on my past experience and involvement in the Vanuatu government context. Other defining moments included the experiences of reading two ethnographies of development (Hilhorst 2003, Crewe and Harrison 2002) and conversations with ANU anthropology teachers and researchers. I found the ethnographies to be discursive and accordingly difficult to grasp, but at the same time found them to be very rich in terms of the kind of insight they offered into social conditions and processes. I particularly noticed that the authors did not privilege state forms of social organisation, a stance that struck a chord with my own views on

recognising people's own perspectives and aspirations. I also saw commonality between their participant observation research approach and the way in which my perspectives on land politics in Vanuatu had developed. I had spent two and a half years living with my family in Port Vila, and we had settled into the run of daily life there, sharing experiences and making friendships among ni-Vanuatu people and expatriates. Much of what I had learned came simply by spending time in Port Vila, working and living in the community. The cumulative stock of experiences I had gained and relationships I had formed laid, I began to think, a good platform for an ethnography directed towards supporting ni-Vanuatu aspirations regarding land.

After completing the MAAPD in 2007, I decided to apply to undertake PhD study at the ANU. I was initially attracted to investigating the circumstances of people living in the informal settlements proliferating in the Port Vila. However after discussion with Francesca Merlan, who became my supervisor, I decided to research the perspective of Ifiran people (the customary land owners of much of Port Vila) on land and *kastom*. The Ifirans seem to be more successful in making land laws and administration work in their favour than any other group of ni-Vanuatu, including by influencing these structures. My aim was to examine the contribution of Ifiran understandings and practices to contemporary social conditions, including disputes, land sub-division and alienation. Responsive to the experiences of fieldwork, my emphasis shifted from an exclusive focus on the Ifiran perspective to examining the problem of land alienation. In effect, this shift resulted from the far more nuanced understanding I developed regarding Ifiran social practices and the extent to which they (and Ifiran identity) are a response to the same large-scale political and economic forces which affect all ni-Vanuatu, but in an environment characterised by the presence of outsiders (ni-Vanuatu as well as foreigners) who greatly outnumber them.

I was due to commence my candidature in January 2008. However, the arrival of another child in our family mandated a return to paid work for a while and I took another development job in Port Vila during 2008. While there I began to learn the Ifiran language and scope out the activities I would undertake during dedicated fieldwork. I began my PhD in January 2009, and stayed in Port Vila for a further twelve months with my family. After I returned to Canberra I was able to study full

time until June 2011, but then needed to take extended leave on medical grounds and returned to study part time in February 2012. I have travelled back to Port Vila for personal reasons and work on several occasions since then and have taken the opportunity to confirm my observations and test my conclusions with ni-Vanuatu interlocutors.

### ***Moral and political dimensions of researching land and kastom in Port Vila***

One advantage derived from the extended period I spent in Port Vila prior to commencing fieldwork was an understanding of the intensity and pervasiveness of politics and moral judgements around land issues that makes it difficult for anyone, and especially an expatriate, to gain and maintain access to people and situations that provide the kind of insights needed to construct an ethnographic perspective. In addition, the layers of interactions regarding land and *kastom* present apparent contradictions, an indicator not of confusion, but of the way in which the idea of *kastom* is understood and used.

*Kastom* is the Melanesian pidgin word for 'tradition', 'custom' or 'traditional culture' (Crowley 1995: 115), and is self-evidently a loan word from the English 'custom'. Farran and Paterson (2004: 45) note that 'custom derives originally from the Latin word *consuetudo* which means a habit or a usage, coming to the English language through the French word *coutume*'. This basic definition and etymology suggests something of the semantic sphere in which *kastom* operates. However, it does not comprehend the multivalency of *kastom* that anthropologists encounter in Vanuatu. Perhaps the best encapsulation of the multiple meanings of *kastom* from this perspective is Bolton's, for whom *kastom* is the word 'people in Vanuatu use to characterise their own knowledge and practice in distinction to everything they identify as having come from outside their place' (Bolton 2003: xiii).

To show how emotive, embedded and layered issues of *kastom* and land are in Vanuatu, I will briefly describe a public meeting about land and *kastom* which I attended in 2008, and which was part of a public information and consultation process following the

national Land Summit of 2006<sup>7</sup>. It was held at the National Council of Chief's *nakamal* (meeting house) in Port Vila. Government meetings are held in this *nakamal* when matters relating specifically to *kastom* are going to be discussed, symbolising recognition of customary spheres of sociality in Vanuatu and the role of chiefs in them. The meeting was held in the evening, not an easy time to get people together unless they are really determined to attend. Usually they would already have returned home or gone to visit friends and family, attend church practice sessions, play sport or drink kava (at places also called *nakamal*, reflecting a continuing connection between urban kava consumption and customary practice).

Sometimes meetings in the chiefs' *nakamal* are conducted after a customary fashion, with a chief presiding and with everyone attending allowed to have their say. Not on this occasion: in this place, in which localised forms of authority are manifestly recognised by the state but also (and thereby) subordinated to it, the twenty or so attendees settled in among the perhaps 200 white plastic chairs arranged in neat rows. They faced a panel of five experts in land matters, sitting behind a long table at the front of the room. Behind the experts was an enormous projector screen and flanking them were large loudspeaker stacks. A team from *Televisin Blong Vanuatu* stood by to record the proceedings. After the chair's customary western exhortation for everyone to move forward so the panellists did not feel lonely (and the customary lack of response from the attendees), the rules for the meeting were laid out. First, each of the panellists would speak. Then there would be a question and answer session. People were asked to address the chair and speak using a microphone when asking questions. People were asked to give their names for the written record. We were instructed that only Bislama was to be spoken (this being both an inclusive and exclusive measure, it meant the few

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<sup>7</sup> The Land Summit was held at the Chiefs' Nakamal in Port Vila in September 2006, and brought together a range of stakeholders to discuss pressing issues regarding land use and occupation in Vanuatu. Government officers, politicians, chiefs, academics, community representatives and members of the public came together in this forum. A series of public meetings throughout the islands of Vanuatu was also held to ensure a wide spread of views on land matters was captured. The Land Summit passed 20 resolutions on matter such as defining customary land ownership, resolving disputes and fair land dealings. These resolutions were subsequently taken up by the Ministry of Lands in a Land Reform steering group. This process has recently produced a number of new laws and amendments to laws, passed in the Parliament in November 2013 and gazetted (made effective) in February 2014.

foreigners present would not be able to ask questions or understand proceedings unless they had become sufficiently proficient in Bislama).

Among the panellists was a senior official of the Ministry who spoke about the importance of *kastom* land ownership. He began his speech by saying that for Ni-Vanuatu 'land is our mother', and went on to argue that ni-Vanuatu are responsible for protecting land and should work with the government to achieve this. In response, an old man took the microphone, tapping it to make sure he would be heard. He did not ask a question, he began simply to speak. He said that a *nakamal* is a place for *stret* (honest) talk. He recalled the time before independence, when people heard about the return of *kastom* land. He said that his life at the time on a plantation was hard, but that he had a job and worried that if *kastom* returned, the plantation would return to 'black bush' and he would be forced to leave with his family as they were not the *kastom* owners.

This short exchange captures the contrast between the place of *kastom* in national politics and customary interactions, between evocative talk on the one hand and practical concerns on the other and the inter-connectedness of the two. Note the old man's words seemed to accept the possibility of defining who *kastom* owners are; but at the same time express a concern that recognition of customary land ownership would adversely affect him and his family. While signalling the possibility that accommodation of these interests could be achieved, significantly the exchange and the setting were (to me) also redolent of spin and sounded jarring and discordant notes. If *kastom* is so highly esteemed by ordinary ni-Vanuatu, should it not have been the old man who spoke about land as his mother, and perhaps the official who talked about jobs, about paid livelihoods? Why was the old man seemingly implying that the government official was not being straightforward?

This example points to the 'invention of tradition' (Hobsbawm and Ranger 1983), of which the national political recognition of *kastom* is a kind, and the way in which 'anthropologists studying these phenomena become entangled, not only in their fascinating theoretical complexity, but often also in their political and moral consequences' (Otto and Pedersen 2005: 43). Since the 1980s anthropologists have

been examining *kastom*, and concerns about definition and authenticity permeate the literature.<sup>8</sup> Carrier (1992: 12) criticised such concerns as reflecting an anthropological concern with describing 'an authentic Them, a radically different society that is free from the corrupting influence of contact with Us'. Closely allied with concerns about authenticity is the tendency to essentialise, that is to create and substantiate eternal, immutable social structures (also Jolly 2000). By framing research in a way that tends to seek the authentic Other and essentialise, whilst invoking standards of academic rigour and objectivity, an underlying value set or political objective can be incorporated into research outputs. This possibility is demonstrated in the way that 'things ... identified as authentic are more noticed, esteemed and presented' (Carrier 1992: 12). These views reflect a broader cautiousness about embedding personal senses of cultural validity in research, yet a tendency to evaluate the construction of tradition and the role of anthropologists in that process remains, sometimes in explicit terms of approbation and disapprobation, rightness and wrongness, or through divestiture and differentiation. Lindstrom (2008:168) describes the language of invention as 'radioactive' and suggests that 'we *should* [my emphasis] understand such political manipulations of *kastom* as ... an admirable and inescapably human' process. Linnekin describes a Hawai'ian nationalist scholar as someone 'who doesn't like missionaries much', 'like most anthropologists' (Linnekin 2000: 269). Such statements frame the contribution of anthropological research in dealing with social problems in a way that makes it far too easy to argue, like Sahlins (1999: 403), the existence of a 'rhetorical shift to morality and politics that has overtaken all the human sciences'.

To the extent Sahlins is suggesting a kind of disciplinary decline I disagree as the subject matter of anthropology is essentially political and ethical and, as Otto (2005: 42) says, 'researchers cannot avoid being actors in the world they investigate' It follows that anthropologists need to make judgements about potential research topics and appropriate styles of engagement. This process inevitably raises ethical questions. To engage in research at all anthropologists must make an initial judgement that, 'there is nothing inevitably wrong with imposing ourselves on what we study' (Turner 1992: 18). While taking a strong activist political stance is a valid option, it can preclude

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<sup>8</sup> This literature is extensively covered in Chapter 6, which examines the deployment of the idea of *kastom* in political settings.



development of 'an objective account of social and cultural processes' (Kolig 2005: 309) and views which do not suit the anthropologist's own can be too readily represented as less valid or substantial. Care must be taken to be explicit about the research objectives and to delimit conclusions. Linnekin, for example, while reflecting on the interplay of tradition and Christianity in Hawai'i, makes a general statement that would not sit well with ni-Vanuatu I know who consider that Christianity is part of *kastom*, or who consider that *kastom* and Christianity are complementary, or who regard missionaries with some affection. The activist approach can also support elite framing of debate around particular social issues, which might well be a quite deliberate choice on the part of a researcher but may also reveal a certain susceptibility to the objectives and strategies of elites. Alternatively, it might be adopted in order to support the objectives of so-called ordinary people: but taking their part might produce an inaccurate view of elite agency.

Another, inescapable, political and moral issue when dealing with land issues in Vanuatu is that of race. Perceptions of people as raced beings, and particularly the distinction made by ni-Vanuatu between *blakman* and *waetman*, shape land dealings and people's understandings of them. Alienation is considered to be a problem caused by *waetman*, for example. The moral dimension of the problem of *waetman* in relation to land dealings is summarised well by Bashkow (2006), whose research stance on this matter of race is like the one I take.

Melanesian people's attachments to their lands is validated by virtually every element of their traditions, and it is the one theme in the national discourse in which they construct themselves in terms that are primarily positive.

To many Papua New Guineans, there is something immoral – even incomprehensible – about whitemen's treatment of land as a mere commodity that can be bought and sold. (Bashkow 2006: 229-230)

The political nature of the distinction is highlighted in the ways people manipulate it, in terms of membership and attributes of people who are touted as belonging to a particular racially defined group.

Like Bashkow, I accept and report on vernacular racial classification and its implications. For the most part the thesis discussion of race examines the binary distinction between *blakman* and *waetman* because, as Bashkow notes for the Orokaiwa 'the racially oversimplified terminological opposition between 'white' and 'black' ... is in fact the central organising principle of ... vernacular racial categorisation' (2006:6).

This research also extended to capturing the perspectives of expatriates. Racial typification of people as white men and black men is also widespread among this group, although expatriates are rather less inclined to discuss themselves and others in these terms, as they are usually sensitive about being labelled racist and often believe (wrongly) that they are not.

My aim in this research is to contribute to what Jean and John Comaroff (2003: 157) refer to as 'principled social science' through the production of an ethnography that addresses contemporary social concerns regarding land in a reflective, informed and balanced manner. This kind of task, according to them, demands attention to the operation of larger scale social processes which affect the lives of people with whom anthropologists engage, and are such a pervasive force in contemporary localised social contexts. A focus on explicating the operation of different layers of sociality in people's lives provides a way to engage with vexing political and moral concerns whilst avoiding ensnarement in them, but it raises issues of method and analytical framing.

### ***Research approach and field methods***

Taking on the task of examining social relations that operate on a scale beyond the here and now has implications for ethnographic approach and offers some analytic/theoretical possibilities and challenges. Jean and John Comaroff have explored this issue, depicting it as the conduct of 'ethnography on an awkward scale' (Comaroff and Comaroff 2003). They re-affirm the anthropological determination to engage with people where they are (classic ethnography), and focus on discovering the larger scale social processes that operate and play out in the local places people inhabit (the result of internalizing critique of the boundedness and completeness of field locale). They consider larger scale processes to be ethnographically discoverable and representable, in their own research taking a historiographical approach to provide large scale context for their analysis of the events and processes they see unfolding around them. Importantly,

though, they emphasise the need for each ethnographic work to establish its own heuristic framework. The matter of finding and addressing social relations on a large scale needs to be addressed anew each time a piece of research commences, and be discovered through fieldwork and the understandings synthetically derived from it.

My initial literature search suggested that this research would fit readily within a lineage of commentary on issues of indigeneity and national politics in Vanuatu beginning with Keesing and Tonkinson (1982) and which has a strong historical component. That initial position is reflected in the historical elements of the thesis discussion which, for reasons I will explain, are spread throughout the chapters. Taken as a whole, these elements portray alienation as a consequence of political elite engagement with the idea of *kastom* around the time of national independence in 1980, which in turn relates to a longer history of engagement with French and British colonial powers and settlers since about the 1860s. The history of the New Hebrides was characterised by the almost complete political disenfranchisement of people classified as native, and the widespread appropriation of their land by settlers. The French in particular made far reaching land claims, pursuing an ambition to make the New Hebrides an exclusively French political dependency. This history and understandings of relations to land were etched deep in the minds of indigenous New Hebridean political leaders in the 1970s, who tended nevertheless to align with one or other of the colonial powers and identified as francophone or anglophone respectively.

Francophone indigenous leaders were typically well aligned with the French preference for a limited form of political self-determination. The anglophones, however, developed a vigorous and ultimately successful brand of fiercely pro-independence politics, backed by the British. They demanded the return of alienated land and they invoked the idea of *kastom*, in the sense of indigenous traditional ways, as the basis of a national identity. While the potential articulations of *kastom* were potentially problematic for the almost entirely Christian population, *kastom* had broad appeal as a morally justified inversion of colonial era characterisation (and suppression) of the ways of people labelled as natives. However, *kastom* was invoked for the political purposes of its elite promoters, which included making land available for development, although under the control of ni-Vanuatu. The seemingly radical declaration of universal

customary land ownership to an extent masked this purpose, which became apparent in the very first piece of legislation passed following independence. This law, the Land Reform Act, established a process for the alienation of land. It was followed soon after by other pieces of legislation (notably the Land Leases Act and its seventy five year lease terms) which promoted alienation but did little to support and protect customary land owners.

The political historical perspective, though, does not reflect the dominant impression of alienation that I have formed over the ten or so years since I first travelled to Port Vila. Early on, while working in the Ministry of Lands, I wondered at the reasons why my colleagues engaged in behaviour that from a bureaucratic perspective was considered sub-standard or perhaps corrupt. I began to see this apparently deviant behaviour as a window on to what people referred to as *kastom*, their ways. That early intuition has developed, over time, into a view that alienation is the consequence of a tussle between competing, and to a significant extent irreconcilable, perspectives on relations between people and land. People in Port Vila variously construe land as legal property and also as customary land, as the places to which peoples inviolably belong. Accordingly the thesis is structured around this central insight.

Importantly, the thesis shows that the tensions between customary and property forms of relations to land are manifest in differences between social groups and that they are also embodied within people. The conflict between the two is evident in the situations of elite people in particular, and shapes their agency with respect to land dealings at local and national levels. Again, this perspective on elite engagement in land dealings echoes previous commentary ((Keesing 1982; Rodman 1987, 1995; Philibert 1986, 1989; Babadzan 1998, 2004) to an extent, but the research develops an empirical and contemporary perspective on how these elite people are able to bend the ideas and actions of others to their own wills. Their form of power emanates from the positions they hold in local and national level institutions, and mid-level ones (like businesses and area councils of chiefs) that connect small and large spheres of sociality. Within these institutions they exercise hierarchically specified forms of power, providing a base for them to develop and implement strategies across the spectrum of institutions. They are

able to act without the knowledge and consent of others, by crossing boundaries others cannot, and by controlling access to forms of knowledge, people, places and resources.

Barth (1978) observed that social events are simultaneously part of social life operating on different scales, from the most intimate through to the worldwide. By inference, the large scale is discoverable through direct participation in, and observation of, social processes: if one is able to gain sufficient access to the varying levels operating within people's lives. There are three inter-related factors in the case of this particular research which support analysis of levels and linkages through detailed treatment of contemporary perspectives and experiences.

The first relates to the opportunity I had to live in Port Vila for an extended period (for about five years in total over eight years as a resident and as a researcher), and to gain access to restricted contexts in which social life on different scales can be observed. Consequently, rather than rely on other accounts to elucidate these different contexts, I am able to describe and analyse them through a multi-sited ethnography. The research examines the operation of small scale, customary, sociality through fieldwork conducted with Ifiran people. It offers insights drawn from participation in more generally accessible elements of the daily round of life in Port Vila, and from engagement with key institutions of the state as a development worker and during fieldwork (facilitated in part by my Ifiran contacts, demonstrating the way in which different social spheres imbricate in them). This multi-sited method is appropriate, as well as possible, in this case. Marcus highlighted the possibilities of 'multi-sited strategies that raise the nature of relationships between sites of activity and social locations that are disjunctive, in space or time, and perhaps in terms of social category as well' (Marcus 1999: 7), in order to comment on contemporary social trends. Hannertz (2003: 206) observes that multi-local projects are focused on 'translocal linkages', and this research demonstrates how linkages can be embodied in people who move seamlessly between sites. Methodologically this thesis demonstrates how the amorphous concept of 'the state' and its impacts can be addressed by locating and elucidating state level sociality in specific sites that operate in very close proximity to more intimate social settings, allowing people to establish links between the two kinds of sites, and to promote customary ideas and practices within government.

The second relates to the kind of place Port Vila is. It is a 'world city' (Hannertz 1993) albeit on a small scale: a state capital, an international port and a place where many people aspire to participate in the benefits of a money-based economy. It is also a 'worlding city', 'a milieu of intervention, a source of ambitious visions, and of speculative experiments that have different possibilities of success and failure' (Ong and Roy 2011: xvi). These characterisations of Port Vila relate respectively to theories of globalisation and worlding. Vila is an urban place in which people have a sense of participation in world-wide processes: they recognise and accommodate people who come from other countries. They operate within a liberal and democratic framing of political economy in government. The impacts of global movements of people and of money are evident there: Vila is a popular destination for lifestyle changing expatriates and because of Vanuatu's tax haven status (Rawlings 1999a, 2004). The idea of worlding is consistent with the view of agency that emerges from long-term engagement in the daily life of Port Vila. It speaks to the importance of attending to the way in which people differentially respond to and seek to shape their circumstances, and to the ideas and practices that emerge from this engagement. In the Port Vila context people face the realities of living in a place where their lineages often provide entitlements to land elsewhere, and claims to land need to be made on the basis of other forms of entitlement such as property rights and citizenship.<sup>9</sup>

Third, by depicting perspectives on scale using categories and concepts that people themselves deploy, I intend to highlight disjunctures in spatio-temporal understandings and constructions of place which contribute to the problem of alienation, mindful of

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<sup>9</sup> The worlding theoretical framework is developing a mid-range counterpoint to globalisation theory, with attendant political and evaluative extrusions opposing globalisation narrative, encapsulated colourfully in Wilson's phrase 'globaloney discourse' (2007: 211). The points I take to be relevant to anthropology are admonitions to attend to particularities and view affairs from the perspective of people encountered in the field, and at a macro level to attend to geographies (Roy and Ong 2011) as well as political-economies. These are points that have been made before, notably in relation to the Pacific by Hau'ofa in *Our Sea of Islands* (1994). But equally Hau'ofa points to the lived reality of liberal-democratic forms and post-colonialism in the lives of Pacific people, a reality that still obtains in the domain of relations to land.

Rodman's (1992: 644) injunction that 'the contests and tensions between different actors and interests in the construction of space should be explored'. As Jolly (1999: 282) observed, 'place and time are conjoined in Vanuatu in both national and local narratives'. However, there are mismatches between conceptions of space and time at national levels and at local levels. Spatially, the legal cartographic definition of bounded territories does not readily match up with customary specifications of particular areas. Differences in conceptions of time are also neglected, an issue that Munn's (1992) perspective on temporality first highlighted for me. For many people in Port Vila the past, especially in the form of people who have lived before, is essentially an element of the present and it is regarded as critical to the unfolding of the future.<sup>10</sup> Also, and vitally, the representation of the past in customary processes is directed towards reaching an accommodation between people, and thus the past and what is true about it is continuously re-fashioned. This view of time is very different to the historical view of the past deployed in court processes to determine customary ownership, as the thesis will show. It is one intimately linked to the construction of place by ni-Vanuatu people.

The research methods I used during fieldwork were shaped in the main by my experiences of living and working in Port Vila for a lengthy period before commencing fieldwork, and my local classification as a foreigner and a *waetman*.

As a long term resident with strong social connections to ni-Vanuatu people, I had learned the value of *storian* as a means of tapping into people's perspectives without enduring the pointed political and moral evaluations attached to more directed forms of interaction. My initial plan was to spend the majority of my time with Ifiran people in their social contexts, to observe and listen to them, and thereby to develop an understanding of their connections with place and the processes by which they construct them. In order to be in a position to do this, I applied for research approval through the Vanuatu Cultural Centre, the standard route foreign researchers follow to gain legitimacy and support for their research in Vanuatu. This approval was not given, but nor was my application rejected.

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<sup>10</sup> Keesing (1993) makes a similar observation about *kastom*, but the link between past, present and future that people make has ontological and epistemic dimensions, rhetorically represented by the idea of *kastom*.

In the circumstances, I needed the support of some elite Ifiran people to obtain a research visa and access to the Ifiran community. They facilitated the visa through the Vanuatu Ministry of Lands, and the relationships I had built up through working in the Ministry also helped. From the perspective of the officials who processed my application (very speedily) it did not matter whether I was a researcher or AusAID funded adviser: I was a known and trusted *waetman*, a potentially valuable connection for them regardless of my exact status. Chief Kalsakau, the paramount chief of Ifira gave me his *blesing* to undertake research with Ifiran people, but directed me to work with selected Ifirans to develop a dictionary of the Ifiran vernacular language. For the first five months of fieldwork this permission provided me with an opportunity to be with Ifiran people, although noticeably my access to Ifira Island itself was restricted during this time. Through *storian* and participating in the daily round of activities, I was able to develop an ever deepening knowledge of Ifiran relations to land. In a conversation with a language tutor (related in Chapter 2) at this five month point, I revealed some of what I had learned about these connections with place. In doing so I made it known that I had gained a level of understanding that was held to be appropriate only for Ifirans, and definitely not for *waetman*. From that point my access to Ifira was largely cut off, except for contact with friends and the men of one Ifiran clan, who saw potential benefit in my research (in the form of material to use in land ownership cases).

For the remaining seven months of my formal fieldwork period, I began to focus more on the insights that I could gain from my own circle of ni-Vanuatu friends and contacts (to whom I declared my research interests, although no one was concerned about my professional status), with *storian* still my preferred means of developing understanding. During this latter period I also carried out some contract work for AusAID, assisting with the implementation of free primary education. This work gave me access to expatriate social circles and the opportunity to listen to expatriate views on land matters. I also spent time at the Ministry of Lands as a researcher, examining land records and talking with officers to update my understanding of events and processes within the Ministry.

### ***Analytical perspective***

Of the many possibilities for framing the thesis analytically, the multi-disciplinary literature on international policy and state building (particularly relating to Melanesia)



most closely matches the aims of addressing alienation as a contemporary social concern, and attending to issues of scale<sup>11</sup>. The inter-relationship of state precepts, government practice and localised understandings and practices is a key concern in this literature. There is a spectrum of views regarding the reasons why these elements do not coalesce and align, and how they might be addressed. The idea of failed or failing states is exemplified by Wainwright (2003: 496):

a number of states in the South Pacific continue to face significant challenges, including law and order problems, weak institutions, economic stagnation, lack of employment opportunities, social malaise, and corruption.

An institutional weakness narrative is represented by Fukuyama, who has paid closer attention to conditions within these countries and has identified a range of factors which he considers constraints to institutional reform promoted by external agents and also with respect to particular activities (2003). While his work resonates to a certain extent, language that problematises the practices of administrators<sup>12</sup> does not accord with my experience and, secondly, perpetuates a view that people are aliens in the context of dealings with their own state institutions: that they are, to borrow Douglas' term, 'matter out of place' (Douglas 1966: 36). Some of this commentary espouses a form of ideal liberal democratic practice, termed 'good governance' (Huffer and Molisa 1999; Jenkins 2002; Larmour 1998), and I mention this configuration here because it manifests in the Vanuatu Ministry of Lands, and also because it points to the twist of moral justification that proponents of institutional reform lend to the thrust of their political steel. This claim to rectitude is based on a questionable naturalisation of liberal-democratic polity as the preferred state model in Vanuatu, a country in which

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<sup>11</sup> Foucault's 'governmentality' (see Lemke 2007), Wolff's critique of liberalism (1969) and Scott's legibility (2006) for example all offer possibilities for analysing the Vanuatu situation at a deeply structural level.

<sup>12</sup> Explicit in a 'memo' regarding the application of his general model within the Western Pacific, obtained through SSGM. For example, in it he refers to the supposed 'wantok' or 'big man' system in PNG politics as one that 'violates the norms of a modern bureaucratic-rational state' (Fukuyama n.d.: 6).

people are constituted primarily within their customary groups, and moralities emerge from and within these group contexts.

Other commentators within the state-building stream espouse the same issues but present them more circumspectly: regarding people as belonging in their circumstances, if not presently engaging with them in the optimal way, and as the rightful arbiters of how their states should develop in future (Fry and Kabutauluka 2007). They criticise (see for example Nelson 2006) the objectification of emerging states as failing or failed for not taking sufficiently into account the specific contexts of state (and nation) building. Dinnen (2004: 6), notes in this regard that the Melanesian nations are 'in the nascent stages of state and nation building ... with a short experience of centralised administration, among the highest levels of ethnic diversity in the world, and, as yet, little sense of common identity'. A collection of studies edited by May, investigates reasons why 'policy making and implementation have fallen short of expectations' (May 2009: 1) within and outside of PNG. May summarises four key themes in this regard: the gap between policy process and remedial action, the turnover of governments, minister and senior bureaucrats, weakness in policy coordination and planning, and decentralisation of political power and administration. Except for decentralisation, these are key factors in Vanuatu.

There is a strong focus in this context-specific and deeply informed commentary on improving the standard of government, but an insistence that development must be informed by, and emerge from, indigenous understandings and practices. Morgan and McLeod (2006: 414) suggest the 'ultimate intention of state building must be the creation of viable indigenous structures of governance, not simply the imposition of western models'. The thesis engages with this idea, and accordingly the analysis presented is for the most part synthetic, tied very closely to drawing out first order implications of fieldwork findings. It explores four sets of agent perspectives: those of the customary owners of much of Port Vila (the Ifirans), of ni-Vanuatu from other islands, of foreigners, and also of ni-Vanuatu elite people. Elites emerge from their own customary constituencies and form a powerful block in national political contexts. By way of conclusion, the thesis comments on the possibilities of developing an indigenous

model of propertisation and the potential limits of state engagement in the control of relations to land in Vanuatu.

### *Ifira*

Geographically and politically positioned at the centre of Port Vila life, the 2,000 or so Ifiran people are recognised as the customary land owners of Port Vila, along with people from the peri-urban villages of Pango and Erakor. About 800 people (VNSO 2009) live on the small island of Ifira in the centre of Port Vila harbour, and the island is the centre of Ifiran social life. Colonial and now independent state action has, perhaps more than for any other group of ni-Vanuatu, had profound effects on Ifiran land claims and lifestyles, which have been transformed through prolonged and close up contact with expatriates in their guises as colonial rulers and settlers, and more recently as lifestyle and economic immigrants. Ifirans do not have legal customary ownership rights over a significant part of their land, which was first expropriated in the colonial period and was declared municipal land in 1981 (Arutangai 1987: 280). The Ifirans are the ni-Vanuatu people most affected by the national land lease system, as the demand for leases is greatest in and around Port Vila.

At the same time, the Ifirans are well positioned to take advantage of propertisation through their influence in politics, administration and commerce. Ifirans hold key posts in government: at the time of my fieldwork (2009) the President, the Minister of Foreign Affairs and the Attorney General were Ifirans, for example. They manage substantial commercial operations: the Ifira Trust is the largest ni-Vanuatu owned and operated business in the country. Broadly speaking, rather than conceptualising *kastom* as the polar opposite of legal polity, Ifirans deploy their own particular understandings and forms of practice, and also work through state and commercial institutions very flexibly to appropriate and exercise rights to land. Working in concert with other elite people from other customary groups, powerful Ifiran actors deploy strategies for securing rights to land as property which have significant economic and social impacts, and shape national government approaches to dealing with land issues.

The money-spinning results of Ifirans' particular objectifications of *kastom* and their ability to break through local boundaries and impact on national politics and policies are regarded with an admixture of suspicion and admiration by other ni-Vanuatu. Given the

extent of their integration into a ubiquitous political economy, the 'specter of inauthenticity' (Jolly 2000: 274) attends their invocations of *kastom*: other ni-Vanuatu often say of them that they have lost their *kastom*.

Within the Ifiran group there are people who frame interactions regarding land and bend them to their own purposes, and other people who participate in their strategies on a more or less willing basis. The compact that obtains among Ifirans is similar to the kind of situation that Rodman (1987, 1995) noted in the Longana district on Ambae, in which powerful men act as 'masters of tradition', controlling the concept and practice of customary land ownership in ways that support their capitalist ventures. Other people accept this control to the extent that they perceive benefits will flow from it, and because it is relatable in their minds to the exercise of customary authority. To an extent 'masters of tradition' illuminates the ways in which powerful people operate in politics and administration in Port Vila too. The kind of ability to control the application of the customary land ownership principle is similar, although operating at the national level people are in a position to shape and define national settings related to occupation and use of land. The basis on which other people in government circles accept this level of control is also similar. The operation of bureaucratic hierarchy creates an additional imperative to follow elite direction and opportunities for people to reach elite positions.

Elite Ifirans emerge from, and are beholden to the dictates of, families that have grasped the possibilities of an urban based existence. These families remain embedded strongly within their systems of customary relations, but at the same time they seem more able to accommodate alliances and unions with others who, from a customary perspective, are considered alien. It is the existence of these families and the loosening of their ties to specific places, which sets the context for individual agency, elite or otherwise. The distinction in roles relates to mediating ability and action: elite people mediate the process of loosening of ties and other people accept their mediation to the extent that the elite are perceived to deliver benefits, which may be variously defined and more or less development-oriented.

### *Summary of chapters*

The thesis is organised into three parts. The first (Chapters 1-3) examines customary and legal (property) forms of relations to land in Port Vila. The second (Chapters 4-5) considers the role of elites in mediating between customary attachments and property rights. The third part (Chapter 6-8) discusses the propertising effects of state ideology, law and administrative practice.

Chapter 1 addresses Ifiran relations to land. The chapter describes the readily observable aspects of Ifiran relations to land by recalling a transect walk on Ifira Island. It examines Ifiran imaginations relating to land, discussing the implications of the local metaphor for the island as the 'eye of Ifira'. While confirming that Ifirans adhere to the sense of an inviolable connection between themselves and the land, it reveals diversity in their senses of place-based identity, which are multi-layered, and their associated views on entitlements to use and occupy land. These layers include senses of belonging to place through matrilineal (*naflak*) connections, to Ifira through patrilineal (*warkali*) attachments and as customary land owners within a legal framework.

Chapter 2 discusses the bases and impacts of claims to customary land ownership through a case study of Ifiran claims to the area known as Marope. It investigates the processes and the intellectual mediation of legal and customary relations to land by some Ifirans which allow propertisation to occur. Following an account of the process by which Ifirans of one *naflak* obtained legal ownership of Marope, the discussion turns to the ontological and epistemological dimensions of land belonging. These deep layers of thinking demonstrate that kin/place connections form the essential and central layer of relations to land, and that Ifiran belonging and property ownerships are appropriated within, or understood in relation to these connections.

In Chapter 3, the focus of discussion turns to exploring the relations to land of the majority of the town's population, who are immigrants, or children of immigrants. It separately considers ni-Vanuatu and expatriate immigration, reflecting a widely recognised, demonstrable and significant difference in the way the two groups regard land. The former understand customary expectations and recognise local customary attachments, the latter are largely unaware of them. While confirming that expatriate

demand for land is a key driver of alienation, the chapter also finds that land is made readily available to them as property, and that the actions of ni-Vanuatu from other islands also contribute to land alienation in and around Port Vila.

Chapter 4 established the existence of an elite class of ni-Vanuatu people. An exploration of the local metaphor of '*nawita*', octopus, identifies these elites as effective and operators in local and national level social contexts. The chapter then examines the how elites emerged from indigenous engagement with colonial and pro-independence politics. It highlights the close relationship between their forbears and Christian churches and colonial administration.

Chapter 5 examines the mediating role of elites in propertisation, and the bases on which other ni-Vanuatu accept their elite agency. The analysis is based primarily on discussion of the powerful and commercially successful Ifira Trust. The Trust is shown to be an instantiation of elite perspectives with regard to land, and operates to translate customary claims to land into property rights. Elites embody the conflicts between customary and legal forms of relations and utilise them flexibly and in different contexts to achieve their objectives relating to land use and holding, which include developing land as property.

Chapter 6 argues that the national level ideology relating to control of land, as expressed in the constitution, strongly supports propertisation, notwithstanding the proclamation of universal customary tenure. The central place of *kastom* in this ideology represents an extension of its use as powerful rhetorical device by pro-independence activists. In the constitution it operates to foreground customary attachments, but other elements of the constitution, when read in conjunction with an account of the Constitutional Committee, reflect a concern with making land available for development, through the recognition of property rights.

Chapter 7 discusses key provisions in the land laws of Vanuatu and demonstrates they establish a legal framework for propertisation and alienation. The transitional provisions which permitted selected colonial land owners to occupy and use land following Independence have not been repealed and provide the legal means for

expatriates to acquire property leases. The land lease law allows the take up of 75 year exclusive leases on customary land, effectively allowing expatriates to obtain ownership rights.

Chapter 8 considers the link between administrative action within the Ministry of Lands and alienation, examining the tension between bureaucratic dictates and *kastom* which manifests in the Ministry. It demonstrates that Vanuatu government officials contribute to alienation when they comply with formal bureaucratic requirements, and sometimes when they act in accordance with customary dictates and imperatives. In conclusion I argue that the state's approach to the management and control of land privileges a liberal model of property and discuss the potential for investigating and developing an indigenous mode of propertisation.

## Chapter 1: The perspective of Ifiran customary land owners

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### *The people of Ifira*

In the centre of Port Vila Bay there is a small island, about one kilometre long from its north-east end to its south-west end, and about 500 metres wide. Its name is *Ifira Tenuku*, Ifira Island, in the Samoic-outlier language spoken by the people who live there (Clark 1998: viii). Bislama and English speakers call the island Ifira. In French it is called Ile Fila or Ilot Efila. Fila is the South Efatese language name for the island and it is from this name that the town name of Port Vila is taken (Miller, 1987: 33). At the time of my fieldwork in 2009 and 2010, there were about 800 people living on Ifira Island (VNSO 2009). People from Ifira Island have told me that there are also about 1,200 *ifira tan va'asako*, mainland Ifirans and I am familiar with areas in Port Vila in which Ifiran people dwell and have spent time with them there. These people identify themselves as Ifiran, they *blong Ifira*, and claim customary land ownership of much of the Port Vila area.



*Photograph 1: Ifira Tenuku*



The Ifirans claim customary land ownership even though Port Vila is a national capital and international port: a place that, on the whole, seems to leave very little room for the kind of indigenous relations to land with which the idea of customary land ownership is readily associated in Vanuatu. A large part of the area over which the Ifirans claim customary ownership was permanently acquired from them soon after independence, in 1981 (Arutangai 1987: 280) by the government, under a constitutional provision permitting this in the public interest, to function as the capital of Vanuatu. This acquisition effectively re-instituted the alienation of land that had occurred under French and British rule from the late 1800s. Outnumbered twenty to one in Port Vila by other ni-Vanuatu and foreigners, there is little in the way of objects, practices and understandings in the town to suggest it is an Ifiran place. Economically the Ifirans rely almost entirely on paid employment and business-derived income to live.

An Ifiran name for Port Vila, *istoa* (from the English, store) represents a key element of their sensibilities about the town and the relationship with the people who they meet there. While Ifirans obtain what they need to live from it and them, the relationship is an arm's length one, it is a relationship with others. As the Christmas Party scene in the introductory chapter showed, while Ifirans accommodate others (practically speaking they have little say but they also see opportunities in their situation), they still demand recognition of their own relations to land. Whilst among ni-Vanuatu there is a level of recognition and acceptance of Ifiran claims, there is also vigorous contestation of them. Ni-Vanuatu people from the peri-urban villages on Mele, Pango and Erakor (to a lesser extent) claim customary land ownership of areas which overlap areas claimed by the Ifirans, and these have resulted in legal land disputes.<sup>13</sup> These are long-standing claims and widely accepted. People from the island of Tongoa are also now laying claim to customary land ownership of the area, the bases of which will be tested over time but this nevertheless bears witness to the ongoing contestation that attends invocations of customary land ownership.<sup>14</sup> Some ni-Vanuatu question the validity of the Ifirans' deployment of the idea of customary land ownership. I was told on a number of occasions that Ifirans have lost their *kastom*, they are now living like foreigners. I also

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<sup>13</sup> In Chapter 2 one of these disputes is discussed in some detail.

<sup>14</sup> This claim is promoted by the Vete Association.

heard people suggest that the Ifirans make this claim simply because there is money to be had by claiming customary land ownership.<sup>15</sup>

Living in Port Vila over a number of years I became increasingly aware of the presence of Ifirans in the spaces we shared, finding for example that we worked together, and that our children went to school together. Over time I developed closer social ties with some Ifirans and through them gained the opportunity to study Ifiran perspectives on relations to land during fieldwork. In this chapter I discuss Ifiran relations to land, focussing in particular on how people live and how they think about themselves and their situation. First, through recalling a transect walk of the island, the chapter scopes out the more immediately observable aspects of relations to land: where people go, what they do there, and the places they identify. Second, the chapter examines Ifiran perspectives on land and identity, using the local metaphor 'eye of Ifira' as a starting point for discussion. This metaphor provides an insight into the deep, inviolable connection between people and place, found elsewhere in Vanuatu and recognised as Rodman (1987: 35) and Jolly (1992: 342) note in the Bislama phrase *man ples*. Lastly, it considers the links between Ifiran perspectives and their self-identification as customary land owners in the Port Vila area.

Relations to land among the Ifirans are multi-layered and there is noticeable diversity in their senses of place-based identity, and their associated views on entitlements to use and occupy land. There is clearly an Ifiran 'layer' in people's sensibilities and social practices that is deeply felt and socially important. The notions of Ifira and of belonging to an Ifiran group have the particular character of a solidarity that allows people to respond cooperatively to the circumstances they see unfolding around them, and especially to immigration of other ni-Vanuatu and expatriates (who act powerfully and with scant regard for extant relations to land, radically re-making them after their own fashion). They understand that this form of representation is useful, even necessary, in the context of legal dealings, but are aware to different degrees and have

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<sup>15</sup> VULCAN was abolished by the government in 1988 'on grounds of mismanagement and administrative expense' (Corrin Care and Paterson 2007: 312). Customary land owners were offered lump sum compensation but the Ifirans rejected the compensation offered to them, and is still an open issue.

different levels of comfort about the impacts of projecting themselves to others in legal terms as a united whole. The reality of differences among Ifirans means that claims to customary ownership based in Ifiran belonging are always subject to contestation within the Ifiran group.

### *Transect walk on Ifira Island*

I did not get to spend much time on Ifira Island during fieldwork. As was frequently pointed out to me, I was not Ifiran and accordingly had no cause to go there unless asked, especially on weekdays when many adults work or attend to other affairs in town. So an invitation to spend a full day with friends on the island on National Independence Day, 2009, was a welcome one from a research as well as social perspective. An impromptu stroll around the island in the morning, before public holiday festivities began, provided an opportunity to reflect on what I had learned up to that date and to gain new insights into Ifiran relations to land. In this section I recollect this event as a transect walk, using physical points along it as prompts for introducing key elements of Ifiran relations to land. The picture that emerges is one of multiple cultural influences operating on the island, in potentially contradictory ways. People are able to reconcile these multiple influences, and their different positions on them, through a shared sense of place-based identity. In Bislama they call themselves *man Ifira* and *woman Ifira*, and in their own language *tagata Ifira* and *tefine Ifira*. The perspective of Ifirans exemplifies Rodman's (1992) observation that places are socially constructed and can have multiple meanings, and also Jolly's recognition that the invocation of the formula *man ples* not only operates to reflect a joint constitution of people and place, but also proclaims 'people as rightfully in control of it' (Jolly 1992: 342).

I left home early in the morning and made my way to the place where small water taxis pick up people to take them (and their purchases) from the mainland to Ifira Island, a short trip of only five to ten minutes. I phoned my friend to let him know I was ready to be picked up, as he had offered to send his own boat to meet me. Knowing that there would be no urgency felt about getting underway on the other end, I began to look around. I was standing on a vacant, muddy block on the Port Vila harbour front, situated between a five star hotel and a lively wharf for inter-island shipping. Already somewhat attuned to Ifiran sensibilities and with the prospect of a challenging Ifiran day ahead

(including being tested on my tentative spoken Ifiran) my mind turned to how an Ifiran might construe this area.

The object that stood out most immediately, simply because of the sheer physical size of it, was the five star hotel. I then noticed the hotel guests enjoying an al fresco breakfast on the outside deck of the hotel restaurant. Compared to the muddy spot in which I was standing and the grubby, grimy everyday workings of the small wharf nearby, the hotel scene appeared to come from another world, one perhaps where excess is a measure of success. Certainly the creamy stucco, glass, steel, impeccably presented ni-Vanuatu attendants and lavish servings of food suggested the behaviour of foreigners about which ni-Vanuatu, including Ifirans, complain: that they come, build expansively and expensively, subordinate ni-Vanuatu and make profits for themselves. That is all true enough in my experience, but Ifirans also recognise the role their own have played in creating such situations, a role that is complex and will be drawn out as this thesis progresses.

Turning the other way, I saw some graffiti spray-painted onto a wharf storehouse wall which read 'Mafiran Territory 2007' and 'enter at your own risk' and 'no public zone'. These graffiti, I knew, were probably rendered by a younger Ifiran. My children had seen a similar word, 'Mafira', scratched into desks at their school. Other ni-Vanuatu friends recounted to me their experiences at a local high school with Ifiran youngsters and the hubris with which they proclaimed themselves Mafirans and owners of the school. Mafira is a contraction of 'Mafia' and 'Ifira'. What Ifiran youngsters have picked up in this phrase is the connection between the way they perceive Ifirans to act and portrayals in books and on screens of powerful families operating outside the remit of the law. I know this to be so, but I suspect they are also expressing contempt for the views of other ni-Vanuatu that characterise Ifirans using these references. When discussing my research with other ni-Vanuatu, they often warned me to stay away from Ifirans as they were 'like gangsters', 'a mafia' and the customary chief of Ifira was 'the Godfather'.



*Photograph 2: Wharfside graffiti*

This notoriety had spread even to the diplomatic community in Port Vila, with one senior diplomat describing Ifira as ‘the heart of darkness’, recalling Joseph Conrad’s phrase, but in this context pointing to perceived Ifiran corruption and its impact on national development. There is also a connotation of ‘mafira’ which would only be picked up by Ifirans: it sounds similar to the Ifiran language phrase ‘*tama’fira*, child of Ifira.

The kind of self-characterisation the graffiti symbolises is well known among Ifirans but it is not well accepted. The term ‘Mafira’ draws grimaces from some to whom I spoke (young and old) who see it as connected with a focus on money and power which they think will ultimately tear their way of life apart. Others would simply point out the dangers of drawing attention to Ifiran affairs in such an inflammatory way. The term ‘territory’ does represent a universally held Ifiran view, though. The vacant block, the hotel, the wharf are all considered to be, or be on, Ifiran land, regardless of their legal status as being on state-owned land.

The graffiti 'no public zone', points to a distinction made between areas in this territory in which the Ifirans accept the presence of others and those where others are not welcome unless specifically invited. Ifira Island is the primary place reserved for Ifirans. Unlike the other peri-urban settlements of Port Vila, which may be accessed by road, Ifira Island has the natural protection afforded by the waters of the harbour that surround it. This disposition makes it easier for the Ifirans to control access to the island, and makes it less noticeable and accessible to the idly curious. There is no blanket restriction on outsiders, it is more that visitors are expected to have a good reason to be there, and not just be wandering around. Friends are welcome, as are people attending or participating in sport, religious and public events. There are a number of school children who live in Port Vila who attend the Ifira school. Ifira is not yet a popular tourist destination but there are residents who are keen to develop it as a day trip venue, and sometimes small groups go there. Cameras sometimes annoy people there and are associated with tourists: for the research my key contacts asked me not to take pictures on Ifira Island or in Ifiran places on the mainland. Outsiders should be, simply, good guests.

Whites or other people who are obviously foreigners (all described as *taagata itoga*, literally Tongans, in Ifiran), and who are not known or accompanied by a ni-Vanuatu, can expect to be queried if they attempt to board a water taxi and to be politely re-directed if they do not have an acceptable reason for visiting. On this particular morning, I saw my friend's boat approaching the harbourside (after only half an hour of waiting). While the boats generally look the same there are minor differences in the way they are decorated and I spotted the distinctive yellow topstructure and red stripe around the hull of his, as it approached the harbourside. I walked forward to meet it. A burly man, also waiting for a boat, stepped between me and the waterfront and asked 'Friend, where are you going?' He stood aside only when I explained my reasons for going to the island. This guarding behaviour on the Vila side of the bay is significant. The sea between areas of land is a constitutive element of Ifiran territory and identity, indeed if it were not for the primary focus of this thesis on land development, an account of Ifiran life could easily focus on the deep connection between Ifiran people and the waters they live within.

The passage of people between Ifira Island and Port Vila is both a distinctive and an ordinary feature of daily life for Ifirans and it has been so for a long time, since the 1870s when colonial activity began to centre around the area (Scarr n.d.). An old Ifiran man living on the mainland recollected watching canoes 'like a flock of birds' pulling cleanly through the clear waters of the bay towards Port Vila each morning and then returning to Ifira Island in the evening. He also noted that people from the island would make the trip to the mainland to tend their food gardens. This daily routine continues now as many residents work in Port Vila, in government and in businesses, and also go there to buy food and consumer goods and to obtain services like health care, education and so on. For mainland Ifirans, journeys are less frequent but they nonetheless make the short passage often to participate in events and visit family on Ifira Island. The canoes are almost gone now, replaced mostly by a class of fibreglass power boats, about six metres long and open except for a small covered foc'sle. They operate as water taxis, carrying fee paying passengers, but they are also family transports. Many people on Ifira want to get involved in ferrying people for money and so there is a compact between boat owners concerning who may operate for fares on particular days. On this particular day I was transported free, as a family friend, and I wondered how it would be possible to ever make money given the close kin connections between people on Ifira Island.

People cumulatively spend a lot of time in these boats. In fine weather the five to ten minute trip is a delight, the speed of the boat creating a pleasant draft of warm tropical air and light, cooling water spray. Picturesque views are on offer in all directions. In poor weather, sea and rain soak passengers as they hunker down against the elements and waves buffet the small craft. The trip routine is well established. For example passengers sit on wooden planks but those concerned about getting dirty or wet know that they can flip them over and sit on the dry, or dryer, side of them. Most people know each other and the journey is often noisy from *storian*<sup>16</sup> (usually in Ifiran with a smattering of Bislama) and the general social by-play enacted between passing taxis through boisterous and good-humoured yelling and gestures. The racket of internal

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<sup>16</sup> *Storian* is a Bislama word which means literally 'storying', telling stories. It is the word used to refer to the extended conversation in which people regularly engage in Port Vila: it is a primary means by which people share news, ideas and construct meaning.

combustion engines operating at full noise amplifies the aural experience. Along with the practical purposes of the trips people routinely make, they also reinforce and reproduce an important Ifiran cultural trope, that the Ifirans are '*taama tai*, children of the sea, recollecting Pacific inter-island connections in the pre-colonial past.<sup>17</sup>

On the way to Ifira Island, we passed close to Iririki Island (*Reriki Tenuku*, little island, in Ifiran), providing a close up view of the western-style tourist resort there with its plush accommodation, restaurants and bars and swimming pools. On the west side of Iririki Island a new development of strata titled apartments on the market is prominent: they sell for approximately USD270,000 each, putting them well beyond the reach of most ni-Vanuatu but very affordable for dreamers and tax dodgers from Australia and New Zealand. From a legal perspective, Iririki Island is indisputably (for the present at least, so perhaps undisputedly) Ifiran customary land and there is a formal lease in place between the Ifira Trust and the Iririki Island Resort which to expatriates gives Iririki the semblance of freehold security. The Trust is effectively the commercial arm of the Ifirans, with businesses in land leasing, municipal services, shipping and stevedoring.

Arriving at Ifira just a few minutes later, the boat made land close to my friend's house. Stepping off on to a white sand beach, the contrast between Iririki and Ifira, geographically only about a kilometre away from each other, could scarcely be starker. On Ifira Island stands a village of modest concrete cinder block or metal clad homes sheltered under trees. And the contrast with noisy, crowded Port Vila is just as dramatic. There are no sealed roads, no motor vehicles and the air is scented with the smoke of cooking fires. In the open spaces between houses, people talk together and children play happily. Animals (dogs, chickens and pigs) also share these spaces. It was clear to me why an Ifiran man, with whom I casually discussed my research one day, commented that it was good to talk about the Ifiran point of view because 'I feel like I am a *kastom* owner, like a rural person not an urban person', when on Ifira Island.

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<sup>17</sup> The Ifiran categories of '*taama tai* and *taagata itoga* are, interestingly and pointing to a history of linkages between Pacific peoples, very like those used by the people of Tonga's main island noted by Hau'ofa (2008: 32). They refer to people from other islands as *kakai mei tahi* or *tahi*, people of the sea.



Some children came racing up to embrace me, wrapping their small arms tightly around my legs whilst yelling out *tasopo* to let the grown ups know I had arrived. My friend came out to meet me, then led me to his house about twenty metres up a sandy path from the water's edge. We chatted for a while and I was introduced to everyone around at the time; all of them family members and living either with my friend in his house or in houses around his. I asked him to translate *tasopo* and he explained it meant a stranger, rather than a foreigner (*tagata itoga*), someone not an Ifiran but welcome, a guest.

There was some time to fill in before Independence Day festivities began, so my friend asked if I would like to walk around the island. We set off and he took me first to the north east end of Ifira Island, which is the more public, communal area of the island and the site for the day's festivities. A lot of work was going on to set up food stalls, loud speakers, bunting and to raise Vanuatu national flags. This activity in preparation for celebrations of national independence pointed to recognition and acceptance of national level identity, as well as immediate locale-related identity.<sup>18</sup> Beyond this activity, my eye was drawn to the general arrangement of places and buildings.

In the centre of the communal area there is a large, open, flat space, the *marae*, which is the paramount Chief of Ifira's dancing ground and a place for public events and meetings. It was here that the stalls were being set up. On the north side of the *marae* is the house of the paramount Chief of Ifira, Teriki Paunimanu Mantoï Kalsakau III. *Teriki* is translated by Ifirans into English as chief, or lord. *Paunimanu* is the *kastom* name bestowed on the Chief at his ordination and means 'protector of thousands'. Mantoï is his given name and Kalsakau is his patrilineal family name. He is the third in a line of Kalsakau paramount Chiefs. Chief Kalsakau is at the apex of a complex chiefly system. He is assisted in his administration of *kastom* by his *taasila* (assistant chiefs) who together form the *maramaraga* (council). There are also a number of 'clan' chiefs reckoned through matrilineal lines who also have assistants and councils, and reportedly *marae* at one time too. Chief Kalsakau III is also an important member of the Vaturisu, the Efate Island Council of Chiefs. To the south of the *marae* is the

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<sup>18</sup> My observations are consistent with some previous commentary on the emergence of national identities in the Pacific that are tied in some way to tradition (Lawson 1997) and *kastom* (Bolton 2003).

village meeting house (the *farea*) and also the *nakamal*, a place for men to drink kava. The chiefly structure, the *marae*, the *farea* and *nakamal* all point to the practice of localised *kastom*. The *marae* and *farea* are loci for *kastom* ceremonies, including the *kastom* element of weddings and funerals, and along with the *nakamal* are places for *storian* about specific issues of the moment or matters affecting village life more generally.

To the east of the *marae* is the Presbyterian Church. Its high, A-framed, green painted roof is the most clearly visible built feature on Ifira Island from Port Vila. The Presbyterian Church visibly represents the presence of Christianity in the village, which dates back to the mid 1880's when the Presbyterians established a mission on Ifira (Miller 1987: 35). The Presbyterian Church has played a major part in defining Ifiran identity and supporting Ifiran action relating to land. Whilst the Presbyterian Church is still well attended, some Ifirans belong to other denominations, with the Assemblies of God being the most prominent among these. There are also people who belong the Bahá'í faith.<sup>19</sup>

To the west of the *marae* is the sports ground and, beyond that, the village school. The sports ground is the home ground for the Ifira rugby union and football teams. While Ifira was once an extremely strong football side in the Port Vila premier competition, rugby union is the premier sport on the island at the moment and is an obsession for those involved. In this sporting sphere, as in others as will become clear in the thesis, the Ifirans tend to dominate other groups of ni-Vanuatu in terms of administrative ability and representation. A former development officer for rugby union in Vanuatu quipped to me that the Vanuatu Rugby Union should be called the 'Ifira Rugby Union' because of Ifirans' influence in its management and because there are eight Ifira teams in the age and premier competitions. Ifiran residents' participation in competitive sport as Ifirans helps to sustain and promote contemporary Ifiran identity. Cricket is also a passion for those who play it, as I recall from playing against Ifira for the North Efate Bush Pigs team in the national competition. Ifiran teams are named 'Black Bird', a reference to the 19<sup>th</sup> century practice by which labour recruiters indentured people in the

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<sup>19</sup> Ifiran Bahá'í appear in Hassall's (2005) essay on the Bahá'í faith in the Pacific.

area to work in plantations, known as blackbirding.<sup>20</sup> This reference points to a formative period for Ifiran identity, and to the Ifirans' awareness of, and engagement in, broader political issues relating to the characterisation and treatment of indigenous people for over one hundred years. While there is an anti-European thread in this sensibility, there is also a whole-hearted acceptance of selective aspects of European culture in contemporary social practice. There is some Anglophone and Francophone division of sentiment on Ifira, but there is also a sense that the European style is a world-embracing one, and taking from it allows Ifirans to reach out and participate in affairs beyond places that are their own.

The Ifira school is a government run-school which offers classes from Years 1-10 in French and English. Children attending the school come from all over Port Vila; attendance is not restricted to Ifira residents. The teaching of French and English (although in separate streams) in the one school is something of an exception in Vanuatu: many schools teach in one language or the other, reflecting the colonial and missionary influences that prevailed in the particular areas in which they are situated. It is a well established, but not universal, practice for parents on Ifira to have some of their children educated in French and others in English. By doing so they hope to ensure that their children can take advantage of the opportunities offered through the two educational systems. They can then be employed in either French or English speaking enterprises. School education is very highly valued as a pathway to success and where possible children are sent to the best Vanuatu-system schools (Central Primary and Malapoa College in Port Vila) or, if there is enough money, to the Lycée Française, the Port Vila International School or boarding schools in Australia and New Zealand. Parents keenly seek scholarships for primary, secondary and tertiary education, and there is a special arrangement with a Presbyterian Church high school in New Zealand to take a number of Ifiran students each year.

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<sup>20</sup> Parnaby, quoted in Fitzpatrick, reports that in the period 1863-1904, 25,535 New Hebrideans worked on Queensland plantations. This number compares with a total population of the New Hebrides in 1910 of 60,000 (estimated), with Parnaby concluding that 'the labour trade to Queensland certainly contributed directly to the depopulation of these islands (Fitzpatrick 1965: 4). Fitzpatrick himself reports that 'many islanders died on the Queensland canefields' with the mortality rate varying between 6 per cent and nearly 15% in the 1870s and 1880s (Fitzpatrick 1965: 3).

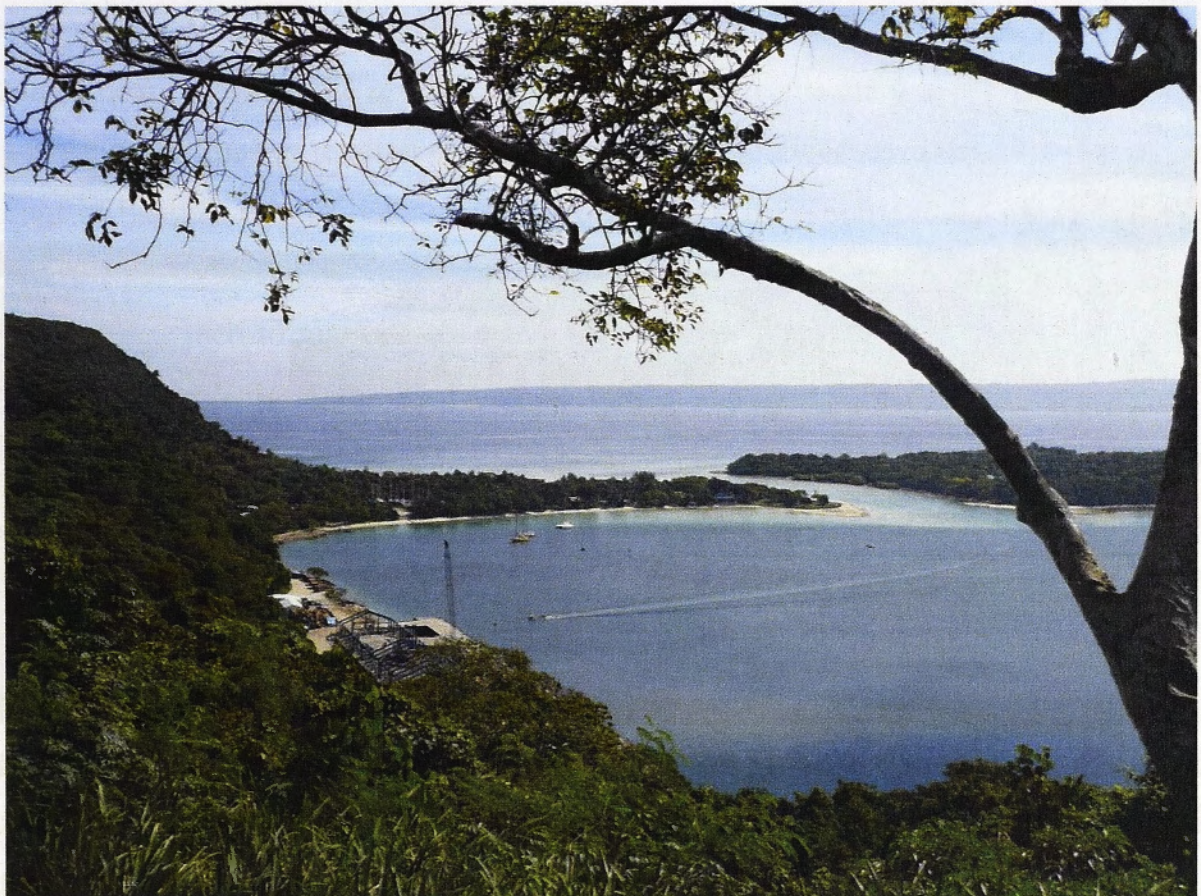
The layout of the public area, I have been told by other anthropologists, is a typical one for a missionised village, incorporating traditional cultural and introduced elements. Importantly, institutions which operate from these spaces and structures sustain a localised form of social relations which is at the heart of Ifiran identity.

After looking around the communal area, we started down a small road running in a south westerly direction from the *marae* which connects the public area of the village with the dwelling areas. People live, typically as extended families, in houses that are clustered into areas belonging to kin-based groups. My friend pointed out that this arrangement generally holds, although there are exceptions. Ifira residents refer to the groups concerned as 'tribes' or 'clans' in English, *matarau* or *naflak* in Ifiran and *famili* in Bislama. Children belong to their mother's *matarau*, and as a general rule land ownership passes from mother to daughter. Each *matarau* is named for a totemic natural species or object. For example *matarau tefeke* is the octopus clan.

We talked a little about the different *matarau* as we walked; my friend recollecting disagreements between the *matarau* over territorial boundaries. He asked if I knew why members of a *matarau* lived together and I answered it was because of the land, 'if you do not use it you will lose it'. He slapped my shoulder, 'that's exactly right!', and laughed loudly at the saying he knew well but which he had not heard applied to land before. It is actually very appropriate to the practice of land occupation and use on Ifira Island, and more generally in the customary land areas around Port Vila and throughout Vanuatu.

Beyond the dwelling area to the south-west is a mangrove fringed shore, choked with rubbish washed ashore on currents from Port Vila or discarded by residents of Ifira Island. This part of the island is very close to Ifira Point on the 'mainland' (Efate); the two are separated by a shallow channel about 100 metres wide. At very low tides it is possible to walk between the Island and the Point. The Point is being developed for high end residential occupation (under the marketing name Dream Cove) and the Ifira Trust holds the customary land leases in this area. The offices of the Ifira Trust are visible on the mainland from here too, part of the complex of buildings and

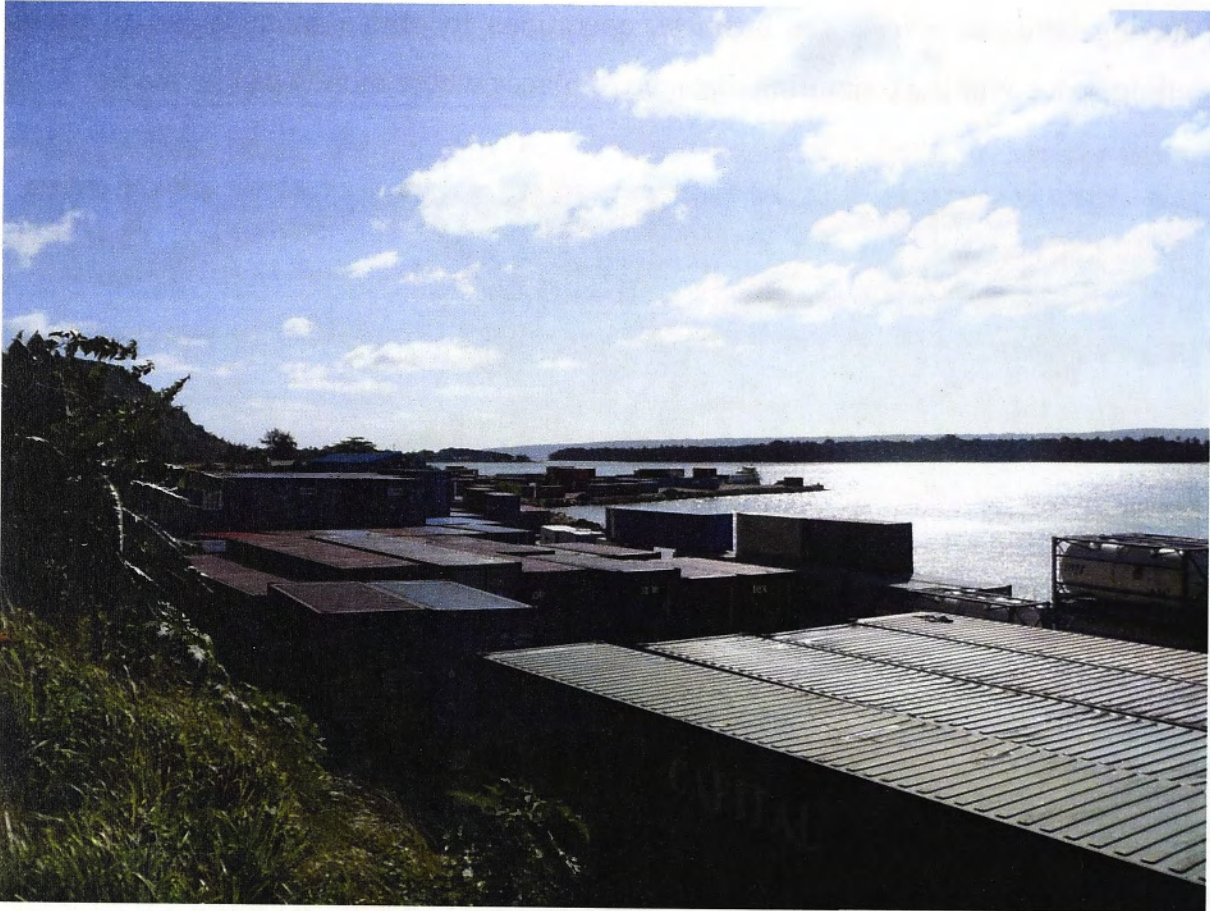
infrastructure and docks which comprise the international and domestic wharves. The Trust Office is strategically positioned there as the Trust, through Ifira Wharf and Stevedoring Incorporated, manages all dockside services under a long term agreement with the Government of Vanuatu. The extent of Ifiran commercial operations is substantial. I had too, by this point, noticed that there were no large food gardens on Ifira Island, and together these factors suggested the economic importance to the Ifirans of having land, as a base for business operations to obtain money, and to provide dwelling space within commuting distance of places where money can be made.



*Photograph 3: Ifira Point and the international and domestic wharf area*

Just inland from the mangroves there is an area of largely uninhabited bushland extending over the south-western end of the island, over which there are land claims, evidenced by a few houses there to ensure an ongoing presence. On the other side of the bushland, to the west, there is a sand beach from which the view is dominated by three large rocks projecting from the water. These are, according to my friend and others, inhabited by malevolent entities. Their view reflects a cosmology in which there are many emplaced supernatural entities that can exert influence on people and events.

Magic can be used to control these influences, but also can be directed against others. The domain of the dead is not a dead domain: stories about interactions with the dead, the *apu* or *bubu*, are not recollections of the distant past. The *apu* are considered to be present among the living and to be involved in key aspects of social life, even by influencing how land is used.



*Photograph 4: Another view of the wharf area. The Ifira Trust offices are hidden from view among the cargo containers.*

Stories of encounters with *apu* and other entities in everyday settings are common. A young Ifiran man, for instance, related how he and friends were eating chicken and tossed some half eaten pieces into a nearby cave. Not long after this, whilst he was walking down a street in Port Vila, he was approached by an old man whom he did not recognise. The old man offered him a plastic container containing takeaway chicken and rice. He was scared and ran away from the old man. His family advised him not to speak to the old man if he ever approached again, because they were not sure what he was: that the boy was scared indicated that this was an entity which could do harm. The old man appeared again and insisted on giving takeaway to the young man. The young man asked why and the old man said ‘you gave me food to eat and now I must feed

you' at which point the young man realised this was an *apu* who dwelt in the cave in which he and his friends had discarded the chicken. This story points to the relationship of reciprocal support that people esteem on Ifira, which is symbolised by the sharing of food, and in which *apu* are held to participate. *Apu* may also be encountered in other forms, as octopus or sea snakes, and in dreams. *Apu* is also the word for living old people: living and dead *apu* are always present. This cosmology is essential for understanding relations to land. Land is deeply invested with pre-existing interests. Among these interests are those of deceased kin, who along with the living are considered to belong to the land, with the whole forming a solidarity. The consequences of not taking these interests into account include illness and death. A saying I heard was that the *apu*, or the ground, would consume you if you did not meet your responsibilities in relation to land. During my fieldwork two deaths in the nearby village of Pango were attributed to the actions of *apu*, in response to the misuse of land.

Heading back then to my friend's house, we walked along a path that passes near the village graveyard. There was a by-election for the National Parliament coming up, and I noticed half a dozen or so political candidates' posters nailed up on trees near this graveyard. The posters I noticed, were all for Ifiran candidates for one of the national parliamentary seats for rural Efate, not just for Ifira. Most of the candidates shared the same two surnames, Kalsakau and Sope, although they represented different political parties. These posters pointed to the willing involvement of at least some Ifirans in another aspect of a world-wide culture, this time an overtly political one. The concentration of this interest in certain families, and the link between it and localised authority (with many of the candidates closely related to Chief Kalsakau) is manifest in them, too. But again a possible contradiction appeared: in the physical juxtaposition of the graveyard and the signs of one source of power, a state political one, with another, cosmologically based one. 'I think the *apu* might want to vote as well,' quipped my friend.

The transect walk on Ifira Island points to considerable complexity in the relations to land operating there. Dimensions of this intricacy include a melding of autochthonous, traditionalist and introduced political-economy constructs, and a tension between maintaining a localised identity and physical links to land while seeking to engage in

broader spheres of social relations. There is an apparent pressure point in the relationship between *matarau* and Ifiran belonging through membership of families participating in the Trust. Consequently the perspective offered by the transect walk, while highlighting factors on which a claim to customary land ownership might be brought forward, also suggests the aspects of relations to land which lead others to question the basis of the claim Ifirans make. However, Ifiran people are able to manage their complicated circumstances and lay claim to customary land ownership out of a substantive and shared sense of identity and purpose. That they can, and the way in which they do, points to perspectives on relations between people and land which are particular to this group of people and emerge out of the way in which they respond to and engage with their circumstances.

### ***Ifiran perspectives on land and identity***

#### *The Ifiran gaze*

Standing on the north east end of Ifira Island, on the small cliff near Chief Kalsakau's house, one sweeping look takes in the expanse of Port Vila, a view visually similar to the one cruise ship passengers and ni-Vanuatu inter-island travellers have as they arrive in Port Vila harbour (which are discussed in Chapter 3). But the cognitive and affective perspectives of the residents of Ifira are different from those who have no or little connection with the island. One day, while walking with a friend and speaking as we went about nothing in particular, we found ourselves in this spot. He lapsed into a contemplative moment as his gaze took in the town in the distance. When he spoke again he commented that Ifira Tenuku is the 'eye of Ifira', Speaking of Ifira Tenuku as the eye, whilst himself visually taking in the geographical extent of Ifira, reflects the fundamentally unitary construction of people and place, which Trask (1999) notes makes Oceanic peoples as one body with their surrounds. It also reveals the tension between being deeply rooted and movement that characterises attachments to place in Vanuatu (Bonnemaison 1985, 1994: Lindstrom 1990: Jolly 1999). The particularity of the Ifiran gaze is also evident from the setting and reflective demeanour of my interlocutor. While Ifira is in close proximity to Port Vila, it is a calm place, an eye in the sense of being a calm centre in the midst of a storm. This section discusses Ifiran perspectives on place and identity in two related ways. First it examines the construction of Ifira Tenuku as a central and uniquely Ifiran place, which stands in



juxtaposition to the town nearby. Second, it reflects on the dimensions of Ifiran identity, which are intimately related to movements of Ifirans, other ni-Vanuatu and expatriates in the spaces they share.

### *Ifira Tenuku - a central place*

Port Vila is a very busy town, the streets are filled with people and vehicles and the clamour that goes along with them. It is also a place of moral temptations from a Christian perspective.<sup>21</sup> In contrast Ifira looks like a rural village and it is a quiet and ordered place. The modest facades of the houses and the layout of the village contribute to the image of Ifira as rural haven, a refuge for those who seek a simple life of communal peace and harmony (recall from the transect walk the man who said he feels more rural than urban on Ifira Island). The threats to physical security and safety which concern people in Port Vila do not trouble residents of Ifira to the same extent. *Man aelan*, people from islands other than Efate and who are generally blamed for property crimes in town, may walk about freely in Port Vila and the other peri-urban villages. They cannot do this on Ifira Island because the waters surrounding it create a physical barrier and social gatekeepers, like the burly man who blocked my way, stop them visiting. However, the fond (and in some respects sustainable) image of a bucolic idyll and moral refuge, is at odds with other desires and pressures which relate to deploying land to participate in money-based economy. Personal views about this participation vary, but for the most part centre on commingled senses of anticipation and apprehension about the benefits of money. This ambivalence<sup>22</sup> is perhaps best exemplified by a story several ni-Vanuatu have shared with me. The versions of the

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<sup>21</sup> The adherence of Ifiran people to a scripturally focussed Christian tradition makes them familiar with biblical references to metaphors of the eye. The King James Bible, for example, has Matthew 6:22 as 'The light of the body is the eye: if therefore thine eye be single, thy whole body shall be full of light'.

<sup>22</sup> The ideas of ambivalence, apprehension and anticipation (which I recorded during fieldwork) resonate with concepts explored in the anthropology of money. Shipton (1989) discusses the ambivalence of Luo farmers towards money, while Maurer (2006: 21) suggests anthropologists are finding that the introduction of money meets with 'appreciation, fear'. The Ifirans present an interesting case study, but I am not here actively engaging with this anthropology.

story I heard differ slightly, the one I relate here is the one I heard from one of my Ifiran language teachers.<sup>23</sup>

At night there is a light that can be seen moving across the waters of Port Vila harbour, or still, away in the distance. The light comes from a diamond set in the forehead of a great snake. If one is brave enough (most ni-Vanuatu I know detest snakes), it is possible to follow the snake to its cave, where it will be found coiled around a briefcase. Anyone who is then brave enough to take the briefcase will have great wealth. A few people have seen the light but have been too afraid to follow it. There is one boy who was brave enough to follow the light, and he saw the snake and the briefcase. But he was too afraid then to take the briefcase.

The story reflects a view of money as a perilous means to achieving a sought after lifestyle, also perhaps a sense that it is somehow connected with business (symbolised by the briefcase), even if how is not always entirely clear. Of course the people who manage the Trust know much about how business works<sup>24</sup> but there is distinction with respect to facility for dealings with money, and attitudes towards it, among Ifirans. The story also reflects a sense that much must be chanced to obtain money: leaving the island, following another guiding light and facing dangers are pre-requisites. With a Christian heritage, Ifirans are also well aware the snake is a symbol of personalised evil which tricks people into doing things they should not. Other Ifirans told me that 'money is destroying us' and that 'everything was good until money came inside'. In saying this they refer to the way in which Ifiran land is being used for business and being leased to foreigners. One young Ifiran man I know was so disgusted with the way money dominates considerations about how land ought to be used that he refuses to set foot on Ifira Island. These attitudes were evident among people who were less engaged

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<sup>23</sup> I also read a similar story in an Australian newspaper article in 2011 or 2012, but unfortunately I did not keep the reference. The article talked, as I recollect it, about a possible discovery of gold in Papua New Guinea, which was discounted when local people indicated that it did exist and is guarded by a snake. In August 2013, a ni-Vanuatu interlocutor told me that she had also heard the story whilst travelling in the Solomon Islands. Greg Rawlings told me he also heard this story in Pango. Wardlow (2004) also comments on the story of the snake and wealth.

<sup>24</sup> They also recognise the limits on their own knowledge and use commercial and legal expertise when they reach them.

directly in political and market economy activities than elites, and recall Taussig's (1980) depiction of some peasants in Colombia and Bolivia, who view relations of capitalist production and exchange as unnatural and evil. Others, and noticeably the members of two elite families (discussed in Chapter 4), are conspicuous consumers when they are away from Ifira. Over kava one evening in a circle of senior government officials (in Port Vila, not on Ifira Island), a man from one of these families was describing how he had pulled off a deal in the United States to import two luxury sports utility vehicles (with a market value of about USD 70,000) at less than cost price. 'Hey, if you've got it, you have to revel in it!' he exclaimed, to approving laughter from the others.

Displays of conspicuous consumption are very rare on Ifira Island. This situation is seemingly consistent with the social practice of people I know from other ni-Vanuatu groups around Port Vila. There is a general norm of sharing between family members which means that if one family member is richer than others then wealth will be distributed to equalise the material circumstances of family members. Among many ni-Vanuatu this practice reduces the economic standard of living which families achieve as a whole, as there is not much money to share around. However among Ifirans this is not always the case, as unlike others who may simply not have enough money for material wealth to be made visible, on Ifira there are significant inflows of money<sup>25</sup> and it would be possible for some people to display their wealth if they so wished. Several factors are at play. Education has a high priority, and some families have little left after paying school fees and other education expenses. Ostentatious displays of wealth invite criticism and demands for financial and material assistance from relatives and other Ifirans. Taste is also a consideration. Consequently, lavish expenditure on houses is uncommon, and wealth displays are typically limited to personal adornments like jewellery and designer label clothing and the possession of electronic goods. As the price of these consumer goods varies considerably, and cheap copies of high end items are readily available from the 'Chinese' stores in Vila, they are accessible in some form to most Ifirans. Consequently people able to spend a lot on them do not stand out from their less well-endowed fellows. Christian virtues of humility and simplicity are a

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<sup>25</sup> Especially from the Trust.

factor for many who are devout practitioners of their faith. Also the main opportunities for spending up big are to be found in town, not on the island. Trucks (the universal term for motor transport) are also highly sought after and are purchased for use on the mainland. Big nights out on the town enjoying *kali* (mixing kava and alcohol) and nightclubbing are also popular. Buying access to political power, within the Ifiran community and more broadly, are also important objectives for some. Elite people also tend to operate secretly.

During fieldwork people raised the issue of unequal distributions of income from the Ifira Trust between families on the island with me and pointed to the high level of concern within the community about it. Families that receive a larger share of Trust funds than others seem careful about ensuring that their standard of living is not noticeably better than that of others (on Ifira Island at least). However, the temptation cannot always be resisted. While I was doing fieldwork, a member of a prominent family was building a two story house on Ifira Island, and felt the need to go public about it, publishing his justification in the Port Vila newspaper, and portraying the house as the just reward for a life well spent in the service of others. Another built a fence around his house to stop people looking in, an unprecedented act on the island, and one which someone told me, disapprovingly, shows the 'kind of people they are'.

While conflicts and tensions exist and manifest to a certain extent on Ifira Island, land is not being leased on the actual island. The Ifira Trust office is located on the mainland, near the wharf. Its orientation with respect to the island seems to reflect how Ifirans recognise the need for money in their circumstances, but keep the means of its production away from the Island, and so actively construct it as a relatively calm place. This orientation also allows the elite people who manage the Trust to conduct their business secretly. Ifiran people are highly attentive to where others are going, who they are with and what they are doing. They can piece together much by observing such movements, but the separation of the Trust office from the island means they are deprived of this opportunity.<sup>26</sup>

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<sup>26</sup> These findings recollect Jolly's analysis of the link between mobility and status, especially her observation of 'strategic and motivated mobility' (1999: 284) and Rodman's (1992: 649) commentary on discursive and non-discursive forms of knowledge regarding place, which elites seek to control.

### *Ifiran identity*

The metaphor of the eye also relates the island and Ifiran people to their broader surrounds, suggesting that there is a wider Ifiran whole to be considered and that is so: Ifira Island is centrally located within a larger geographical area which Ifirans consider to be Ifiran land. This area encompasses all of the Port Vila municipal area and extends, in broad terms, to the La Colle river to the west (which forms a boundary with Mele village), to beyond Erangorango village to the north and to near Pango village to the south east. Map 3 (page vi) depicts the approximate extent of the territory claimed by Ifirans to be theirs. The boundaries are contested by people of Mele, Pango and also Erakor.

This initial, cartographic description (with hints of conflict) of the Ifiran territory points to a challenge Ifirans face every day that is almost unique in Vanuatu, but is more widespread among the indigenous people of towns throughout Melanesia, and that is the presence of migrants on their land.<sup>27</sup> For all ni-Vanuatu, place is constructed through the events of everyday life, in moving through, being still in and sensing surrounds and interacting with other people. As Mondragón (2009: 122) observes: 'Ni-Vanuatu villages and gardens constitute the grounding poles of human life and the everyday contexts for the circulation of people – circulation being an act of self-production ... it follows that the physical surroundings within which people move are not 'inhabited' (pace Ingold 2000), so much as *produced*, day after day'. Ifirans, as they go out from the village or their homes in Port Vila each day, do not go to gardens, they enter an urban and contested environment. In town Ifirans engage with ni-Vanuatu people, who share similar sensibilities regarding land but who are not in their place, and foreigners who do not think about land in the same way at all. They conceive of it as property, not as than being laden with the self-defining and sustaining meanings it has for people for whom it is a place of origin and whose lives are physically and psychically dependent upon it. These people, too, are engaged in the construction of their own places, and the claims which result impinge on and challenge Ifiran ones. Within this environment, and

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<sup>27</sup> Goddard's (2005: 7) description of the Motu-Koita 'longest-existent resident groups' of Port Moresby suggests their situation and responses are very similar to those of the Ifirans: 'the Motu-Koita villages have mostly survived, transformed but relatively insular, as spreading suburbs encompass them, and their inhabitants are increasingly politically organised to withstand the complete loss of their land'.

intimately connected with claims to land, the protection and promotion of Ifiran identity is a critical task.

Language is considered a marker of Ifiran identity and connection with land, because it is usually only spoken by Ifirans, in specifically Ifiran places but also in public places where people can use it to speak without being understood by outsiders. To undertake fieldwork with the Ifirans, Chief Kalsakau made it a condition that I help to develop a dictionary of Ifiran language, as he was concerned that its usage was declining. To do this, I worked closely with three Ifiran men endorsed by Chief Kalsakau, and used Clarke's (1998) dictionary of the Mele language (another dialect of the same language) as a basis for compiling about four hundred entries in the Ifiran dialect.<sup>28</sup> My efforts to speak and listen were also seen as a marker of how serious I was about understanding Ifiran perspectives. But there was more to be understood than met the ear. The Chief's insistence that Ifiran language be spoken by all Ifirans is not simply an attempt to maintain cultural continuity with a pre-European past. It is politically motivated, perpetuating the idea of a peculiarly Ifiran indigenous identity.

While Atara Ifira is endemic to the area, a proportion of today's Ifirans descend from *naflak* groups in areas of Efate where other languages (notably South Efatese) were spoken. These people moved into the Ifira area in the chaotic period attending early colonial activity. This fact perhaps ought to have been obvious to me at the time I commenced my fieldwork, but it was not. After seven years in Port Vila I (like many other outsiders) had accepted the idea of Ifiran indigenous identity, which is so strongly projected by Ifirans. So I was surprised when a friend said to me one day, in the context of a language training session, 'you know, we are not *stret* (straight) man Ifira'. He went on to explain that Ifiran language is not his mother tongue, and that at some point in the past the people of his *matarau* needed to learn this language and thereby become Ifiran. Among Ifirans, it is well known that some people had to adopt Atara Ifira as their vernacular language and they understand the potential this fact creates for differentiation among them with respect to land dealings. Countering this possibility is a narrative which characterises the language switch as a consequence of missionary

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<sup>28</sup> This work forms Attachment A.

influence. On this construction of past events, it was reputedly Polynesian missionaries who brought Atara Ifira with them in the mid 1850s, forcing all the people in the area to take it up. While historical accounts this story of a radical replacement of one language with another in the area do not exist, missionary activity undoubtedly acted to reinforce the position of Atara Ifira as the pre-eminent vernacular of the area. The Presbyterian missionary John Mackenzie, who began proselytising in the 1870s, taught catechism and preached in Atara Ifira (Miller 1987)..

Another way in which the Ifirans establish their identity, and which strengthens their claims to land on the basis of being Ifirans, is through the identification and characterisation of people who are not Ifirans. This 'othering' reflects the significant presence of other ni-Vanuatu and expatriates with whom they deal every day, and makes it a central aspect of their social relations (Stasch 2009) and their sense of identity. Ifirans use Bislama terms, in common with other ni-Vanuatu, and these are discussed in Chapters 2 and 3. Here I mention Ifiran language terms and some implications of them.

In the transect walk discussion the concepts of *tagata itoga*, a foreigner, and *tasopo*, a stranger<sup>29</sup> were introduced. These are interchangeable terms to a degree, but *tasopo* carries the connotation of being a guest and suggests the relationship with others that Ifirans are most comfortable with: it refers to people who are known personally and act respectfully. Another term, *'tama tai*, child of the sea is contrasted with *'tama fate*, a child of the mainland, and connotes a superiority that Ifirans and Mele are taken to have over people who hail from elsewhere on Efate.

While the language of the assertion and the reference to the sea reflect Polynesian influence and origin, Ifirans do not generally revel in Polynesian heritage and on the contrary often seem to repudiate it. Two Ifirans on separate occasions pinched the skin on their forearms to draw attention to its dark shade and so demonstrate that they are Melanesian, not Polynesian. On one of these, my interlocutor related the story of a chief, Roi Mata, who he considered to be Polynesian and to have introduced *naflak* to

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<sup>29</sup> These are the singular forms, the plural forms are *taagata itoga* and *taasopo* respectively.

Efate<sup>30</sup>, told me that *roimata* is also the name for milk of a young coconut (from *rroi*, coconut cream and *mata*, immature) and that, just like this milk, this chief was weak and so his blood has died out.

Ifiran references to blood relate to *warkali* membership, but they also relate to a concern with blood purity, which is associated with a Melanesian heritage and blackness of skin. This view is not restricted to Ifirans: a senior government official told me ('and Mark please do not take offence but') that he did not promote an official because he was 'too light skinned', even though a ni-Vanuatu. A public meeting was held at the *farea* to discuss the membership of the Ifira Trustees board, to which all 'Ifirans of pure blood' (Vanuatu Daily Post, 20 April 2009, p.4) were invited by a group calling itself the *atama Ifira aritu*, the Ifiran children of tomorrow.

Critical to the production of Ifiran identity are the processes which take place within the group, and which are largely hidden from outsiders. The transect walk introduced the six *matarau*, which each lay claim to land on Ifira Island and more broadly within Ifiran territory. *Matarau* membership is organised matrilineally and land ownership is passed through the female line, with male relatives controlling its use and occupation. The transect walk also briefly mentioned that the Ifira Trust represents 31 families. The families are determined on the basis of patrilineal descent. They are called *warkali* in Ifiran, and *blad* (blood) in Bislama.<sup>31</sup> To make matters, structurally speaking, more complex again land is passed through the male line under this system. Guiart (1964), in an account of the kinship and social systems in the villages of Efate, noted this mixing of kinship-based systems on Ifira and concluded, broadly speaking, that the patrilineal system represented an overlay on a pre-existing and traditional matrilineal kinship system, which operated throughout much of Efate, and which is known as *naflak*. However, Guiart could not rule out the possibility of Polynesian influence, noting that the Ifirans spoke a Polynesian language. Ballard (pers. com.) suggests a reconstruction of kinship practices and forms (if it is possible) would likely find a complex interplay of matrilineal and patrilineal forms which reflects the history of peoples in the area, characterised by inter-island migration. My own experience supports Ballard's

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<sup>30</sup> I found these to be common, but not universal, understandings.

<sup>31</sup> To re-cap, *matarau* is *famili* in Bislama and tribe/clan in English, and *warkali* is *blad* and family.



perspective. The view that these kinship based relations are rigid systems, and their present state is confused, does not represent the way Ifirans work through issues of territoriality and land use, except in a superficial way. Indeed, the construct of Ifiran identity arguably relies in part on the conjunction of the two, and the working through of the tensions they present in practice. Facey makes very similar points in her analysis of kinship idioms on Nguna, another island lying just off the coast of Efate:

When people are asked to explain the difference between *naworawora* and *namatrau*<sup>32</sup> most start out saying that they are different, but soon conclude that they must be the same after all. The confusion lies in the question itself which assumes the existence of entities which are both analytically discrete and structurally comparable (Facey 1989: 82).

The *matarau* belong to a wider *naflak* system operating on Efate, which people variously described to me as including between 15 to 30 different clans. People are very clear about which *matarau/naflak* they belong to, especially as there are marriage *tabu* associated with *matarau* membership<sup>33</sup>, but they are not as knowledgeable about the *matarau* of others. They recognise kin ties through *matarau* to people in other villages, including in the villages of Mele, Erakor and Pango who, in legal dealings, are rivals with Ifira for customary land ownership in Port Vila. People belonging to *matarau tefeke* can be found in Pango or Erakor villages for example, where the clan is known as *naflak wit* in South Efatese or *famili nawita* in Bislama. *Warkali* tend to be more geographically restricted to Ifira, especially as women can lose *warkali* membership if they marry a non-Ifiran. But even so there are cases where the ties of *blad* cut across village boundaries.<sup>34</sup> Because both *matarau* and, to a lesser extent, *warkali* cross village boundaries, reference to both helps to differentiate people as being Ifiran.

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<sup>32</sup> *Namatrau* is equivalent to the Ifiran *matarau*. Facey translates *naworawora* as 'tribes/descendants': a concept I did not hear in my dealings with Ifirans.

<sup>33</sup> Discussed further in Chapter 2.

<sup>34</sup> An example is presented in Chapter 2, in the context of a case study about a land dispute between Ifira and Mele villages.

Ifirans deploy senses of *warkali* and *matarau* belonging in working out arrangements about the use and occupation of land among themselves, especially when there is a marriage or a death. They also use them in determining how to put forward claims to customary land ownership against others, as the case study on a customary land dispute in the next chapter will show. However, the way belonging is reckoned and deployed differs according to the circumstances being considered. This flexibility even goes as deeply as recognising specific *warkali* and *matarau*. In seeking to compile lists of the 31 *warkali* and 6 *matarau* I had been told existed, I found variations in what people told me, which could not be put down to memory lapses but which related to ongoing negotiations about land ownership, access to benefits through the Trust and government compensation. In one case, a list of *warkali* I compiled in conversation excluded two family names of European and Asian origin, pointing to a politics of exclusion on the basis of blood purity (mentioned earlier in this chapter). In another, I took down a list of *matarau* which excluded a clan that had been using its links to specific areas within Ifiran territory to pursue its own claim for government compensation.

The flexibility with which Ifiran people deal with claims to land is a hallmark of their cultural practice and understandings, the deeply held patterns of thought which shape people's perceptions and interactions with each other. Here I am defining culture in a way that might confound some Ifirans, because as I was told 'land is more important than culture, you can always have a culture if you have land' and '*kastom* is just a cover for land', also a sentiment other ni-Vanuatu expressed to me. This sentiment about culture, and its near synonym in this context, *kastom*, is telling in terms of Ifiran claims to customary land ownership: they are not, from people's own perspective, made on quite the same basis as the claims to land they make among themselves.

The ways in which people deploy their lineages and land claims (and those of others) with outsiders does not reveal the extent of their knowledge about these matters, or the kind of knowledge they possess. In dealings with outsiders, Ifiran people select and provide an evaluation of information for them. This strategy was not initially clear to me, and I first became aware of it while doing archival research with an Ifiran friend. We came across the genealogical notes of John Layard, an English anthropologist, which looked to be compiled somewhere between 1915 and 1920. My friend pointed

out that the genealogies presented were being used in a legal land dispute case between people of Pango, Ifira and Erakor, in ways that he considered unfairly privileged people of Pango. He said that Ifiran people knew far more than came out in the court case, but that this knowledge could not be shared in court.

Deep knowledge does emerge when Ifiran people are discussing specific land or kinship issues (the two matters being inseparable) among themselves, but it goes far beyond knowledge of rules and facts: it is revealed and discerned within the context of people's interactions. I said one day to an Ifiran man that talk about land seemed to go beyond *kastom*, to which he excitedly said 'yes, that's right, from here on we will talk about *supe*'.<sup>35</sup> *Supe*, broadly speaking, means a 'way of being' and in the broadest possible terms there is considered to be a wrong way of being (*supe saa*) and a right way of being (*supe merie*). In relation to land, *supe merie* is not a static state. It needs to be determined in the circumstances people find themselves in. In this context, principles (*supe tapu*) provide a guide, but these are embedded within a process which is characterised by a mutual working through and balancing of needs and claims, effected above all through talking. This separation between *kastom* and people's own lived, deeply emplaced, ways is also noted by Taylor (2008: 13) who recalled a Sia Raga man asking him to explain *kastom*, as the man thought that an anthropologist should know what it is. Taylor offered an explanation, to which the man responded that *kastom* is *olbaot*, imprecise and vague, and not the same as their *aelanan vanua*, their way of the place.

Talk does not lead to the settlement of claims once and for all, but rather determines relations to land for a while, until a need arises to adjust to unfolding circumstances again. Consequently talk about kinship and land never stops; as Goldman (1983) pointed out in relation to Huli land disputes 'talk never dies'. Talk is considered to give

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<sup>35</sup> This distinction between *kastom* and *supe* also marks a boundary in terms of the information I am able to convey with regard to understandings and practices within the Ifiran group. While my key Ifiran interlocutors exhorted me to learn about *supe* and become part of it, they were equally adamant that *supe* should not be shared in written form, except in a very limited way. Chapter 2 provides a circumspect account of my engagement in *supe*: this was considered by Ifiran interlocutors to be at the limits of acceptability.

an opportunity for *apu* to participate in and deterministically influence arrangements being made. In talk about land, the truth about genealogies and patterns of land use is connected to recollections of the past, but also to the ability of speakers to present their claims strongly, to speak with power as people say. Through talk, stories are developed and the strands of *warkali* and *matarau* are bound together. Other factors may be brought to bear in decisions too. For example, I was told that moral character is a factor in deciding land claims: motives of disapprobation, punishment and rapprochement can affect land dealings.

While claims to land are able to be determined among Ifirans, their interactions are frequently marked by contestation. This situation relates to the multiple levels of belonging in which they deal, but also to a sheer determination to get, and hold on to land, and to enter into dispute if necessary. In this respect, Ifirans appear to exemplify Tonkinson's (1982) observation that localised *kastom* divides, rather than unites people in Vanuatu. There are several closely inter-related, even inseparable, considerations operating. In part, there is a plain recognition that land is necessary to sustain physical being, whether through traditional usage (food gardening) or as a means to obtain money. There is also a sense that land owners have a responsibility, to the people who have gone before and to those who will come, to be good stewards of land. Some people expressed to me their fear that they would be killed by the *apu* if they did not meet their responsibilities. A connection with land is also necessary to have an identity and achieve social status. Complementing Rodman and Jolly's observations regarding *man ples*, men that do not have land are said, literally, to be nothing (*man nating*). It is not correct, though, to assume that this deep connection is an immutable one, that identities are static. As Teaiwa (2006: 75) points out, it is essential to recognise 'changes in indigenous ways of knowing and being'.

### ***The connection between Ifiran identity and relations to land and customary land ownership***

The intricacy and range of Ifiran understandings and practices challenges an undifferentiated view of them as customary land owners in the Port Vila area, and yet that is the kind of perspective which underpins key Ifiran legal dealings relating to land. The government offered compensation in 1988 for the forced acquisition of their land

on this basis, and the Ifira Trust arrangement recognises the claims of Ifirans as a whole to customary land around the Port Vila municipal area. Nonetheless, Ifirans universally, in my experience, regard themselves as customary land owners of Port Vila. To conclude the chapter I briefly outline the bases on which they accept and assert this designation.

The people who identify themselves as Ifirans have constructed a shared sense of place based identity, notwithstanding significant dimensions of relations to land that create tensions amongst themselves. One source of tension arises from conjoint senses of *matarau* and *warkali* belonging, which provide the primary basis for people's sense of self, a basis that is kin-focused rather than oriented toward a broader community or individualistic. Another relates to differences in views about how land ought to be used, and the extent and form of engagement with the money-based economy that dominates social life in the area in which they dwell. These tensions are mediated through shared cultural forms, including practices for negotiating land claims, language, the desire to achieve a right way of being (*supe merie*), a norm of reciprocal sharing and a cosmology in which people past, present and future are eternally connected to place. Specifically Ifiran forms have emerged too, especially the idea of a Trust, 31 patrilineally reckoned families which belong to it, and also an Ifiran paramount chiefly system.

Relations to land, axiomatically, are responses to the conditions in which people live, and the Ifirans' environment is characterised by the need for them to deal daily with the significant presence of others, both ni-Vanuatu and foreign (which will be investigated further in Chapter 3). In this context, Ifiran identity allows them to respond cooperatively to the circumstances they see unfolding around them, and especially to the presence of these other people. It is recognised by people who share it, and by those they view as others, to provide a basis for claiming customary land ownership. In taking this course they enter a shared space of legitimacy, in which customary land ownership mediates competing claims to land, notwithstanding the different conceptions of relations to land held by the people who participate in it. For Ifirans, the claim encapsulates a shared sense of what is important regarding land: it represents their relations to land, it does not fully comprehend them. The projection of Ifiran identity

masks these arrangements from external scrutiny, as does the geographical location in which they manifest, which is not accessible to most.

The effects of claiming legal customary land ownership, generally speaking, include recognition of access to property rights, and also the creation of ideological and physical spaces within which people may maintain their own senses of connection with land. However, within the Ifiran group there are differences of view about the potentialities inherent in the hitching of Ifiran identity to customary land ownership, and there is differential access to the benefits of deploying this construct. While it is possible for people to feel that they are in control of their destinies, that *supe merie* is being achieved or is achievable, they can also sense that things are not as they ought to be. Ideas about what those destinies are, and the relative importance of cultural forms, are also differentiated.

The widespread acceptance and invocation of customary land ownership among Ifirans, notwithstanding internal tensions and concerns, points to the mediating power of *kastom*. As Keesing noted, *kastom* is polysemic, it has 'multivalent flexibility' (1982a, 1982b: 371) and people define it with reference to their own circumstances. By identifying their own relations to land as customary, Ifirans can engage with other people in terms that these others understand (in various ways), and satisfied that their own sentiments and aspirations are represented. *Kastom* seemingly works for everyone. Accepting the designation of customary land owner is the first step in the process of propertisation. The next chapter examines, through a case study, the way in which Ifiran relations to land, represented as a claim to customary land ownership, are enveloped within the state controlled system for land management, and the effects of this incorporation.

## Chapter 2: Marope, a case study in customary land ownership

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### *Claiming customary land on the urban fringe*

Soon after commencing fieldwork, I spent a day with David, an Ifiran man, in his food garden. During the week he works as a senior manager in the Ifira Trust, the largest ni-Vanuatu owned business enterprise in Vanuatu. As an elder of the Presbyterian Church he has obligations to meet on Sundays, and so we went out to the garden on a Saturday. His garden is located on the urban fringe of Port Vila in a locale called Blaksands by most. The name refers to the colour of the volcanic sand beaches in the area. Blaksands is well known as one of several informal settlements in and around Port Vila, and is home to an ever growing number of immigrants from other islands in Vanuatu.<sup>36</sup> Among Ifirans, the area in which David's garden is located is known as Marope, which means flat land in Ifiran. There are many Ifiran names for specific places and objects throughout the area.

The name Marope has also been taken up in legal dealings and general parlance to refer to the plain which extends from the coast to the lower reaches of the mountainous centre of Efate Island. People who fly into and out of Port Vila are familiar with this area as the international airport is located in the centre of it. One end of the runway is on legally recognised Ifiran customary land and the other end is on Government-owned land, a situation resulting from an extension of the runway without an attendant extension of the Port Vila municipal boundaries, prior to independence. Exemplifying the kind of situation which exists on the urban fringe of Port Vila, Marope is an area where claims to, and uses of, land intersect and varying perspectives on relations to land are evident. As well as the airport and informal settlements, formal land development is occurring to meet the demand for space created by immigration and economic growth.

The Ifirans have long maintained that they are the customary owners of this area. In 1930 they lodged a caveat against applications lodged in the Joint Court of the

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<sup>36</sup> Jean Mitchell has conducted anthropological research in the Blaksands settlement, focussing in particular on the experience of young people and their participation in shaping meanings and practices in a postcolonial urban environment (2002, 2004).

Condominium for the registration of titles in the area. They were unsuccessful, and the land was turned over for plantations. Since this alienation occurred, the Ifirans have struggled for recognition of their claims to the area and to control development there. A military airfield was built on it during World War II and the land on which this airfield was built became part of the Vila municipality. Following Independence the land contiguous with the Vila municipality has been held in customary tenure, but legal land ownership became the subject of bitter dispute with people of Mele. After a long running court case in the 1990s, the Ifirans were awarded customary land ownership in the area. I say 'in' rather than 'over' because the boundaries of Marope ascertained by the court do not geographically or ideologically encompass the area Ifirans regard as Marope. The rectangular protrusion of the runway into the area that is recognised as customary land is the most obvious sign of the way in which the court has followed existing boundaries of alienated land, beholden effectively to a colonial cartography, rather than being based in customary perspectives of land as territory. Notwithstanding this legal assignation of ownership, Ifirans are not able to control development in the area as they would like. They are able to an extent to manage leasing and also informal development, but cannot fully control the use of land which has been leased, or stop *man aelan* coming into the area. Their predicament is attributable to ineffective legal leasing and planning, demand for land on the urban fringe and ongoing contestation over ties to land within the Ifiran group.

I arranged to meet David at the water taxi pick-up point, expecting that he would come from Ifira Island, where he lives. Instead he arrived in his four wheel drive vehicle (which he parks at the Ifira Trust office) accompanied by his son and a cousin. We took an easy 15 minute drive from the centre of Port Vila along the Efate coastal road. After turning down a side road and stopping, we walked a little way down a narrow dirt track, fringed with heavy undergrowth, and through a gap in a barbed wire fence into his garden.

Over the next few hours David, his son and his cousin laboured under a very hot sun, cultivating an area to make it ready for planting seeds and tubers of various kinds, and training yam vines. David clearly revelled in the physical work; the younger two were not so enthusiastic. I watched as David quickly and methodically cut cane with his



knife to make trellis for yam vines. Then he inserted the cut ends into the deep volcanic soil next to each plant, deftly, carefully winding the young vines around them, one after another, plant after plant, row after row. He looked very much at home in the garden, his happiness was plainly evident.

David's attitude towards his garden is consistent with that of some other ni-Vanuatu people I know who have well paid jobs in business and government. They do not need food gardens for physical sustenance, but the acts of maintaining gardens and eating the produce from them give them a good deal of psychological satisfaction. People have said to me that gardening reminds them of their roots (very often they lived in villages on islands elsewhere as children, and boarding schools often have gardens in which children work) and that they are *man ples*. Some said, too, the island food (*aelan kaekae*) they grow in their gardens is more nourishing and palatable than food bought in shops.<sup>37</sup> Not everyone thinks this way, people have also told me that they are glad not to have to 'sweat', and while respectful of 'grassroots' people they are glad they are not like them. For Ifirans, gardens in the Port Vila area are also significant because they can be used to demonstrate ongoing use and occupation of land in a way that is recognisable to residents from other islands and to courts, supporting claims to customary land ownership.

As they worked and I watched (keen to join in but politely refused) we talked about this and that; about the particular social arrangements relating to this land among other things. David said that Ifirans had worked this land for a long time, that the land belonged to another of his cousins (*graon blong hem*) and that he had given David permission to make a garden on it. While he did not mention *kastom*, I recognised the decision making and land use rights David mentioned to be a part of what people define in every day usage as *kastom* from my experiences over several years in Port Vila, and direct personal and professional involvement in local processes concerning land use and occupation. He also talked about the presence of other ni-Vanuatu, referring to them as *man kam*, 'man come', and argued they should only live in the area with the permission of the Ifirans, but that they did not always behave with respect. The word 'respect' here

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<sup>37</sup> Crops grown include yam, taro, manioc, kumala (sweet potato), leafy vegetables, fruit and sugar cane. People also raise exotic crops that they like, namely tomatoes, carrots, capsicums, turnips and beans.

also carries resonances of, and is connected with, *kastom* and encapsulates the idea better than any other except the kind of rights to land mentioned above. I knew there were dwellings around us but I could not see them. I could hear people talking nearby and smell smoke from their fires. From time to time people walked to and fro down the track we had come in on, making their way between their homes and the coastal road.

There was a large, newly-constructed, building complex in the block of land adjoining David's garden. The incongruity of it led me to ask David what it was. He explained that it was a tuna fish processing plant, being built with funding from the Chinese Government in a joint venture with the Vanuatu Government. I asked how this arrangement had come about: clearly there needed to be a land lease for it to go ahead, but had the Ifirans agreed to this development? David's eyes narrowed. 'Ifira's ground, Ifira's business', he said, and I refrained from asking further questions about it. Discordantly for me, though, the juxtaposition of a food garden and an industrial processing plant seemed to exemplify the replacement of one set of relations to land, based in *kastom*, with another, established through a legal property arrangement, which facilitates alienation. Somehow, certain Ifirans, by whom I mean David and other elite people in the group, had been able to make an arrangement which reconciles demand for their land from outsiders, the agency of the state, and their own sense of relations to land. For them, alienation appears not to be problematic but rather incorporated into their perspectives on how land can be appropriately used. Whereas other ni-Vanuatu I know (and whose perspective will be discussed more in Chapter 3) tend to problematise alienation as it threatens their ways of life and their identity, elite Ifirans seem confident and in control. However, the reaction my question prompted indicated not only that I was transgressing a knowledge boundary, but suggested the tension between customary and property forms of relations to land that elite people embody. I had clearly touched a sore point.



*Photograph 5: Marope land use, a food garden and fish processing plant*

David became quiet and pensive after this awkward moment, and when he spoke again it was in Ifiran to his relatives. I could only understand that he was telling them to speak in Ifiran language; that I was to be taught Ifiran. As I knew barely any I was relegated to sitting, in awkward silence, on the stump of a coconut tree. After about half an hour or so David relented and spoke to me in Bislama, but reinforced my status as an outsider, 'if you do not have land and you do not have language, then you are not man Ifira'. His cousin also remonstrated with me, 'Ifiran *kastom* is land, language and Jesus Christ and if you are to understand then the Lord Jesus will reach into your body and take out your white heart and give you a black heart'.

David and his cousin emphasised a customary connection between social status and rights to land, a centrally important imaginary form for Ifirans and ni-Vanuatu more widely in my experience. It was used to deny me access to a kind of knowledge which is held to belong properly only to those who have land, and so the appropriate status to obtain it. They made it clear that I would not, on this occasion, be told more about matters which they held to be appropriately shared only among Ifirans. However, David had taken me to the garden to watch and listen and learn, and so the visit itself

and their rebukes pointed to the possibility that I might be brought to understand more about the situation I had questioned. I would need to undergo radical change to do so though.

As fieldwork progressed, Ifiran mentors helped me to understand Marope from their perspective. They initially directed me to examine the court records for the land dispute case (as a source of *kastom*) and, over time, supported me to make the kind of change needed to understand the Ifiran perspective on Marope more fully. So here I will discuss the bases and impacts of claims to customary land ownership through a case study of Marope, following the timeline of my own learning. I first discuss the legal reckoning of customary land ownership of Marope Land. Then, based on an account of my own 'transformation' (as one Ifiran mentor called it) I draw out Ifiran perspectives about this particular area of land. An account of these perspectives is pertinent to an explanation of unwanted land development and alienation, as they are of the kind that permits the intellectual mediation of legal and customary relations to land which underpins propertisation to occur. Finally, I comment on the propertising implications of legal claims to customary land ownership.

The transformation which Ifiran mentors led me through enabled me to appreciate and internalise the multiplex perspective on relations between people and land from which Ifiran people operate, and which is a response to living in an increasingly urbanised environment characterised by changing land use and the influx of significant numbers of non-Ifirans. People are able to conceive of themselves in relation to land and other people (inclusively or exclusively) in discernibly different ways: as kin belonging to place, Ifiran villagers and, significantly, as property owners. The ontological standpoint and epistemology of Ifiran people marks the kin/place connection as the essential and central layer of connection, and Ifiran belonging and property ownerships are appropriated within, or understood in relation to kin/place belonging. The kin/place connection is self-defining, whereas the property level is an adjunct for most Ifirans.<sup>38</sup>

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<sup>38</sup> For elites, legal property rights very important. Chapters 4 and 5 discuss the elite perspective in detail.

### *Historical context of the claim to customary land ownership*

The legal customary ownership of a sizeable portion of the Marope area was determined by the Efate Island Court in 1993, in the context of a land dispute between the villages of Mele and Ifira. The land subject to the Court's decision is shown in Map 3 (p.vi).

The 1993 case was not the first time, though, that legal claims had been made by indigenous people over the area and I offer a brief account of them here. It is based on recollections older men from both Ifira and Mele shared with me, the original Bislama court records I analysed during fieldwork,<sup>39</sup> and Van Trease's historical account of land politics in Vanuatu (1987). Van Trease writes:

Beginning in the last half of the 19<sup>th</sup> century, Europeans began to acquire land around Vila harbour, much of which was part of the traditional landholdings of the residents of Fila Island. These acquisitions occurred at a very chaotic time – a period of population decline, accompanied by considerable movement of people into the Vila area from elsewhere on Efate and Vanuatu .... However, most Fila islanders would not have understood that to a European, the giving of a bit of tobacco, cloth or an axe meant the permanent acquisition of the rights to the land.' (Van Trease 1987: 181)

In the 1993 case the Efate Island Court established that an English settler, William Basset, claimed to have bought land in the Marope area in 1872. Ifiran customary land ownership claimants in the 1993 case agreed that an arrangement of some kind had been made with Basset, for which the chief making the arrangement had received two axes. However, as Van Trease notes, there was no clearly defined system for registering land claims at that time, and the boundaries of the land Basset purported to acquire were not clear. Colonists were able to register claims with the British Western Pacific High Commission in Suva and the French administration in Noumea: these were not verified and colonists could give any account they liked regarding the bases of agreements they reached and the lands to which they related. It was only in 1928 that the Joint Court of

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<sup>39</sup> For Land Case No.1 1993, Ifira Island Court.

the Condominium began to grant titles to land, based on transactions that had been occurring since the late 19<sup>th</sup> century. 'Natives', indigenous New Hebrideans who were neither British subjects nor French citizens, had very limited legal rights under the Condominium articles, but they were able to contest registration of land. A court-appointed Native Advocate assisted them to lodge and present caveats against registration before the Joint Court. Edward Jacomb, a locally-based lawyer who strongly opposed French settlement, and who was particularly close to the residents of Ifira (during fieldwork I was told by Ifirans that he had been adopted into both an Ifiran *warkali* and a *matarau*), helped them to prepare and lodge caveats against land registration in 1929 and 1930.

One caveat was lodged, in the name of the 'Natives of Ifira' in response to an application for registration of land in the area of Marope, running from the coast between the La Colle and Tagabe Rivers and extending inland for up to four miles. The application was made by the Société Française des Nouvelles-Hébrides (SFNH). The SFNH was a French colonisation society which had the primary purpose of buying and registering large tracts of land to support French settlement and exclude Anglophone settlement. If the SFNH acquired land it did not mean that it would automatically be developed, settlers still needed to be attracted to the area. Land around Port Vila, though, was sought after.

The SFNH's application was based on an original deed of sale between two men, 'Naarawah' and 'Frubaway', and William Bassett. Bassett on sold the land to an Anglophone trader, who in turn on sold it to the Compagnie Calédonienne des Nouvelle-Hébrides (CCNH, which became the SFNH) in 1890. Between 1890 and the 1929 application for registration, several planters had bought small pieces of this land from the SFNH.

The case put by the Native Advocate to the Joint Court of the Condominium was based on two key arguments. The first related to the continued use and occupation of land by Ifirans. He showed that the SFNH was aware of continuing native use of the land, pointing to periodic protests made by Ifirans and written agreements between them and settlers about the specific use of land. He argued that registration of the land would

deprive the people of Fila Island of land they depended upon for cultivation. The second argument he raised related to uncertainty about the boundaries of the land to be registered. The Joint Court rejected the caveat and permitted registration of far reaching land boundaries (as shown on Map 1). Chief Mantoi Kalsakau recollected this decision in conversation, calling it a bad one and summarising its consequences: 'the white men forced the people of Ifira to leave this land with guns, cattle, fencing wire' (Field notes, 5 April 2009). The traces of this period of occupation and use were still evident at the time of fieldwork in David's garden: the coconut stump on which I sat, and others like it in the surrounding area, showed a coconut plantation had once grown in this area. The colonial settlers did not have exclusive control, though. During World War II, the US Army found that 'the flat southern plain provides space for any size of airfield desired' (Rottman 2002: 29) and built one right in the middle of it in May 1942. This airfield was later to become the Port Vila domestic and international airport. No battles were fought in the area, but people were able to see and to a degree participate in the benefits of the material wealth of the United States servicemen. They witnessed highly mechanised logistics and civil engineering operations, of the kind now controlled by Ifirans themselves through the Ifira Trust.

Ifiran claims did not cease with the legal registration of land title in 1929 and 1930. Ifirans recollected in conversation with me that even though the legal case was lost, people always remembered the land was theirs and waited for the time when it would be returned to them. Their forbears witnessed the land progressively turned into plantations, on which they could work, but also that they were excluded from the profits derived from crops grown, and copra produced, on their land. They also saw land title changing hands without any reference back to them, and they received no payment for these exchanges. The use of land in this way became accepted: what rankled more and more was the occupiers' lack of recognition of customary relations and failure to make appropriate payments on this basis. The idea of receiving payment for land use is not an enormous cultural shift. It is relatable to the idea of *na'usotoga*, the giving of tribute to a chief which is still well known and understood,<sup>40</sup> and also more broadly to notions of value exchange. In 1964 the Chief of Ifira, Graham Kalsakau (Mantoi's father), wrote

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<sup>40</sup> Giving tribute recognises and reinforces the prerogative of the chief to control land, which is a key concern of people now, as ever.

to the two Resident Commissioners of the Condominium about the Joint Court's decision concerning Marope. The Resident Commissioners responded to Chief Kalsakau, saying that they could not change the Joint Court's decision (Van Trease 1987).

Independence in 1980 brought an end to the Ifirans' contestation of colonial land claims as ownership of land was vested through the constitution in the customary owners of it, according to the rules of *kastom*. The titles of land owners in the Marope area were revoked, according to people from both Mele and Ifira to whom I spoke, and ownership was given to them, except for the area within the boundaries of Port Vila public land. According to Marcel, about 80 years old at the time of fieldwork and the grandson of the first Ifiran Presbyterian pastor (Pastor Sope), the people of Mele and Ifira reaffirmed a long standing arrangement that the La Colle River marked the boundary between the two villages. I did not confirm this particular agreement with anyone else, but both Mele and Ifira people to whom I spoke readily accepted the river to be the inter-village boundary, and that it was established by Pastor Sope. Pastor Sope was in a unique position to make this agreement because of the authority he derived from his position in the Presbyterian Church, and also from having both an Ifiran family and a Mele family: his second wife was an Ifiran, after she died he married a Mele woman.<sup>41</sup>

However, consanguinal and affinal family connections across the village boundary are very common and the question of why a boundary is needed at all arises. One reason relates to a historical administrative division between mission churches based at Ifira and Mele, and also differences in denomination: some Mele people have a Catholic religious heritage. There are other indicators of the differentiation people make between Ifira and Mele: while sharing a language there are noticeable (and maintained)

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<sup>41</sup> Pastor Sope's first wife was from Pango (it is generally accepted, although not universally), and he was also instrumental in establishing boundaries between that village and Ifira (Land Case No. 1 of 2009, Efate Island Court). His boundary crossing ability foregrounds the explanation of elite agency in the second part of the thesis. His resulted from having multiple, localised kin attachments and holding a position of authority in the Presbyterian church. This combination and others allow elite people to operate outside the imaginative and physical limits established by one sphere of social relations, and to apply the imperatives of one in the context of the other.



differences in the Ifiran and Mele dialects, and people sometimes referred to warfare in the past between the two villages. Standing at the north eastern tip of Ifira Island with a friend one day, he identified the place as a nineteenth century post for sentries, whose responsibility was to look out for war canoes approaching from Mele. I also heard claims of sorcery being practiced by one village against the other.

The legal return of legal land ownership to customary land owners in 1980 created a general issue about how people would establish new legal arrangements about land among themselves.<sup>42</sup> Disputes emerged as people began to advance their own localised forms of *kastom* through customary land ownership claims, particularly in areas in which land had already been alienated. The circumstances the Ifirans found themselves in (that is, in an area much sought after by others) made obtaining legal customary land owner status virtually a pre-requisite for protecting their preferred relations to land. Mele people were in a similar position. So, whatever the specific trigger for the Marope Land dispute may have been, it is not surprising that a dispute arose between claimants from the two villages.

### *The Marope land dispute case*

In 1993, the Sope family of Mele village lodged a claim with the Efate Island Court for the land known as Marope. Following accepted administrative practice then, the Court broadcast a message on local radio to let the public know about the claim and to give other people the opportunity to lodge a claim against the Sope family of Mele, asserting an ownership interest in the land. Subsequently, six parties lodged claims against the Sope family. They were:

- Chief Nunu Naperik Mala;
- Naflak Teufi of Ifira;
- Family Kalsakau of Ifira;
- Ifira Tenuku Community Holdings (ITCH) Limited;
- Nikara Family; and
- the Ifira Community.

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<sup>42</sup> By the act of physically removing foreign nationals, their expertise, capital and means of production were lost, so another key issue to be addressed was how to attract foreign investment under the new arrangements. People were not going to go back to their gardens and subsistence living.

From the names of the parties it is possible to discern a number of bases for making claims to customary land ownership. They are quite diverse, drawing on concepts of chiefly authority, kinship, legal trusteeship and community. The identification of some claims as Ifiran is readily apparent. Chapter 1 introduced the ideas of 'family' (*warkali*) and *naflak/matarau* belonging, and the claims made by ITCH Ltd. and the Ifira Community are relatable to the Ifiran collective identity. Again, the tensions with which Ifiran people routinely deal come to the fore. While the claims on the basis of kinship ties might appear more customary than the claims based in corporate or community forms, it is important to recognise that Ifirans made claims during the colonial period as a body, as a collective. From their perspective, then, contemporary claims made on these bases are entirely legitimate and show respect for past practices. They reflect the sense of pride engendered by the expulsion of colonial powers, and the moral re-evaluation of indigenous people this political action entailed. However, the presentation of claims on multiple bases also reflected a reconfiguration of the way in which solidarity was deployed in this post-Independence legal action, and exposed more of the everyday sense Ifiran people had that, while willing to support one another, there were differences between them. These differences, though, did not simply resolve along bloodlines: the claims in the Marope case evidently put consanguine people in conflict with one another. Most noticeably the Ifiran and Mele branches of the Sope family were set against each other.

The dispute proceeded as Land Case No.1 of 1993.<sup>43</sup> At the commencement of the hearing, there was some debate concerning the boundaries of the land being considered. Naflak Teufi Ifira representatives sought to revisit the issue of the arrangement Nareo made with Bassett in the 19<sup>th</sup> century. They agreed that there had been an arrangement made for Bassett to use some land, but stressed that he was never held to be the owner of it. They argued, too, the arrangement made with Bassett was for an area far smaller than the area being claimed by the Sope family, and that it was not within the boundaries of the area being contested by the Sopes. The magistrate advised, simply, that the court could only make a decision with respect to the area identified by the

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<sup>43</sup> The description of the court proceedings here is taken from the Bislama version of the court record.

original claimants, the Sope family of Mele. While in this fundamental respect the court did not attend to a critical aspect of customary attachment (the definition of the place in question), the court procedure incorporated features intended to promote the participation of potential claimants and bases of claims. A ni-Vanuatu magistrate presided over the court, and the language of the court was Bislama.<sup>44</sup> The magistrate invoked a feature of civil law procedure (written in English) specific to land cases: 'the court has no obligation to apply the technical rules of evidence but can admit and consider information related to the case, at the court's discretion' (Efate Island Court, Land Case No.1 of 1993). The case record attests to the magistrate's application of this rule. People were allowed to speak frankly and openly, consistent with the kind of process that operates in *nakamal* meetings.

These procedural arrangements reflect the kind of conjoining of local and national perspectives on land which occurs in court contexts. They are not customary, clearly. Neither, as the magistrate pointed out, do the evidence rules represent 'usual' civil court practice. The court process, then, may be regarded as mediating between different perspectives regarding the area in question. It encouraged participation, suggesting that customary attachments would be respected and recognised, but operated to facilitate the allocation of property rights in the Marope area.

The case record reflected the highly political and hard-nosed nature of customary land disputation in Vanuatu. The dispute brought out long standing rivalries and sources of grievance, and demonstrated the relative importance of Ifiran and kin level allegiances. At one point Chief Kalsakau, in the context of putting the claim for the Ifira Community, chastised the Mele Sopes for creating a separation from their own Ifiran kin and perpetuating it through their land claim. He also counselled them to reconcile. Most significantly (and reflecting tensions *within* the Ifiran group), the claims of the Kalsakau family and Naflak Teufi Ifira seemed to be at odds on the essential issue of chiefly authority in and over the area of land concerned. One of Chief Kalsakau's brothers,

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<sup>44</sup> Albeit in a noticeably anglicised form, in order to incorporate legal principles and understandings. Note, too, that the magistrate has no standing from a customary perspective to make decisions regarding land use and occupation, and that Bislama was not the vernacular language of the disputants, who could all speak Ifira-Mele.

Kalpokor, led the case for the Kalsakau family, not Chief Kalsakau himself. Kalpokor claimed the original arrangement made between Bassett and local people was negotiated by Fubuwana and Nareo (these are the same men called 'Frubaway' and 'Naarawah' in the 1929 Joint Court case). He also asserted that Fubuwana was Nareo's chief, and presented a genealogy to show how the Kalsakau family descended from Fubuwana. On these bases, he claimed, the Kalsakau family should be recognised as the true customary owners of Marope Land. The leader of the case for Naflak Teufi Ifira, Pastor George Kano, claimed to be the holder of the paramount chiefly title in the Marope area, and to have received it as the direct descendant of Nareo. He argued his claim with reference to genealogies and by revealing a high level of knowledge about customary places and objects in the area. In making his claim he challenged the paramount authority of Chief Kalsakau within generally recognised Ifiran boundaries.

The way in which the magistrate was able to take these competing claims and make sense of them was a testament to his familiarity with the bases of localised land claims. Rather than declare simply for one against another, he balanced the various claims in a way that ensured most would obtain a benefit. He delivered his judgment on 25 February 1994. He struck out the claims of ITCH Ltd. and the Ifira Community, however, saying that they could not be held to be consistent with *kastom*. He found that Pastor George Kano, as the chief of Naflak Teufi Ifira, was the 'true custom owner of the land'<sup>45</sup> on the east side of the La Colle River, and that Chief Nunu Naperik Mala (associated with Mele) held ownership on the west side of the river. Thus, he recognised the boundary between the two villages without giving it priority over claims based in traditional attachments to land. The identification of 'true custom owners' allowed him to differentiate between rights to decide on the use of land and rights to occupy and use it. He accordingly ruled that a range of parties had 'perpetual rights to occupy, use and enjoy the area' of which Kano was the true custom owner. These rights, according to the court, include 'the customary right to make gardens, build houses and live on the land subject to any government restrictions. This right also includes the right to receive rents or any other form, of profit.' These rights he found belonged to Chief

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<sup>45</sup> All direct references in this paragraph are taken from the official English version of the judgment quoted in the case of *Chichuria v. Kalsakau* (2005).

Nunu Naperik Mala, Naflak Teufi of Ifira, the Sope family of Mele and the Kalsakau family of Ifira.

While the magistrate demonstrated familiarity with localised processes and sensitivity to them in reaching a decision, the case ineluctably and irrevocably embedded legal precepts into people's future dealings with Marope Land, which are in tension with people's own sense of relations to land and the ways they are determined. At a readily discernible level, the boundaries of the land are now cadastrally fixed, and the court has defined the rules with respect to decision making and land use that apply within them. Less evidently, there is an impact which relates to the interest of both claimants and the magistrate in authenticity. The claimants in the case wanted their perspectives to be recognised as authentic. They used a wide range of sources and reflected on processes they engaged in away from the court: authenticity from their perspective involves enfolding the court case within an ongoing process that they control to ensure that land is held and used appropriately. This interest will become more apparent in the next section which investigates the perspectives of Ifiran agents on Marope, introduced in Chapter 1 in the context of discussing *supe merie*. The magistrate had an interest in determining particular historical facts and applying them to make a decision. While the claimants applied their knowledge flexibly and as needs must in the court context, as a means of negotiating present circumstances to control the future, the magistrate attempted to establish *kastom* as it operated at some point in the past, before European settlement. The claimants' attempts to 'invent tradition' (Hobsbawm and Ranger 1983) in this context were eschewed in favour of an arbitrary idealisation of the past.

The Marope court case exemplifies the challenge to customary ideals and practices created by legal reckonings of customary land ownership in Vanuatu, a consequence of the institutional propertising role of the courts.<sup>46</sup> In land ownership cases the objective of courts is to determine, once and for all, who is (or are) the owners of pieces of land. To achieve this result, the court process (broadly construed) entails the dissection of people from place, so that the constituent human and ground components may be re-assembled as owners and their property. The de-composition phase is effected by

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<sup>46</sup> Also of customary land tribunals, established by the Customary Land Tribunal Act 2001, which assumed jurisdiction for land disputes from island courts. Rights of appeal to the Supreme Court remained.

uncovering (through the giving of evidence) and analysis of customary senses of people-place belonging. The meaning of people-place belonging, which is constructed through the events of everyday life, is exposed in a way that highlights the tensions which are inherently part of this ongoing process.

The Marope case example also highlights a fundamental shift, from colonial era to current arrangements, in the standing indigenous people now have as a result of their Constitutional enfranchisement as land owners. This recognition did not, though, reverse propertisation, it remained entrenched as a primary objective of the state ideology relating to land. Within this frame there is still potentially room for contestation. However, people's acceptance of legal jurisdiction points to an alignment between what the court is seeking to do and what they want to achieve: benefits which they differentially perceive to flow from being legally declared customary land owners. Whatever those benefits might be - to do a deal with a foreign government, to have a basis for claiming compensation for an airport extension, or merely to get relatives off of one's back - the declaration of ownership gives substance to a property form of relations to land, which people must reconcile with their continuing senses of people-place belonging.

### ***Ifiran perspectives on Marope***

Ifirans claim legal customary land ownership of Marope Land, but from their perspective legal customary ownership supports customary connections with Marope, rather than defining their relationship with it. Legal ownership enables Ifirans to make arrangements regarding the use of Marope with others, especially enabling them to participate in the market economy. More fundamentally for Ifirans, relations with Marope (and the idea of Marope as a place) are defined by senses of kinship and Ifiran group belonging, views regarding the appropriate exercise of power to make decisions regarding land use and occupation, and by their ontology and epistemology. In this section I discuss Ifiran perspectives on Marope, framed as an account of the process Ifirans led me through to obtain an understanding of them. In the course of it I alight upon the analytical categories suggested above, but the processual context provides an important insight into the lived and continuously developing nature of *supe* regarding land.

### *Early fieldwork insights*

The gap between legal customary ownership entitlements and people's own senses of customary ownership first became apparent to me while reviewing the court record for the Marope land case. I noticed that David's garden and the fishing plant were outside the boundaries of the area that had been legally declared 'Ifiran' customary land. David and his cousin confirmed this understanding, and said that legally speaking customary land ownership of the area was disputed, but that they had obtained a lease on the land. This situation pointed to the Ifirans' willingness and ability to utilise the law relating to land flexibly to control land belonging to them. If they cannot obtain customary land ownership of an area which they regard as theirs in *kastom*, they will utilise other legal mechanisms in order to establish control over it. In this case, David's cousin was willing to be portrayed legally as a lessee, rather than as an owner. I was somewhat confused by this position because it seemed self-defeating: if he was an owner why would he accept a lesser legal status in respect of his land? Also, though, I felt it made sense: as customary owners, Ifirans are confronted with the reality of competing demands for their land and able to comprehend the possibilities of making it available for commercial purposes. The lease in this case enabled them to assert their customary claim to land and to secure access to financial returns, in circumstances where a court had refused to consider the issue of boundaries that Ifirans had raised. I noted at the time 'a connection between the legal situation regarding this land, high level political and bureaucratic connections, Ifiran lifestyle preferences and kinship, with the last of these seeming to legitimise everything else.' (Field notes, 17 April 2009).<sup>47</sup> That observation pointed to the trinity of interests - land claims, kin relations and the exercise of power - at the core of Ifiran social life. They imbricate to such an extent that investigating one aspect of them inevitably leads into an understanding of the others.

As I came to know people I kept notes about their family names and where they lived. In the context of my language work, I tried to identify kin relationship terms and talked with my Ifiran language tutors about their meaning. The following table sets out some of these terms, noting ones that allow people to identify themselves with a particular

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<sup>47</sup> Facey makes a similar connection in her account of kinship idioms on Nguna (1989).

*warkali* and *matarau*.<sup>48</sup> I also heard many other kin idioms, but I do not discuss them here as I did not have an opportunity to explore their significance. In part that is because people hold them close, but I also sensed that they were somewhat more peripheral to the daily round of life than those included in the table.

**Figure 1: Ifiran kin terms**

Term	Relationship to ego
Mamau	Father, father's brother – same <i>warkali</i>
Leita	Mother, mother's sister – same <i>matarau</i>
Apu	Grandfather (all)
Ati	Grandmother (all)
Auwa	Mother's brother – same <i>matarau</i>
Mami	Father's sister – same <i>warkali</i>
Noane	Husband – same <i>warkali</i>
Nufune	Wife – same <i>warkali</i>
Taweana	Any blood relation of husband or wife
Teina	Same sex sibling. If ego female, then sister or any female first cousin. If ego male, then brother or any male first cousin.
Nokave	Other sex sibling. If ego female, then brother or any male first cousin. If ego male, then sister or any female first cousin.

These kin relations create a powerful structure for regulating the behaviour of people with respect to ownership, use and occupation of land. At the same time the rules that bind kin in relationship and obligation do not always fit well in the fluid and open environment of a town, and within a very small population. As time went on, I was struck both by the tensions inherent in operating patrilineal and matrilineal forms of belonging to place within a small population of 2,000 people, and people's ability to manage these tensions.

With regard to strategies for managing tensions, people would politely decline to discuss their own situations but would say that they needed sometimes to *stretem long*

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<sup>48</sup> These are patrilineal and matrilineal kinship forms, as discussed in Chapter 1, and establish bases for land claims.



*kastom*, 'straighten' kin relations through *kastom*. Going beyond this, they mentioned the importance of adoptions as a means of preserving patrilineal and matrilineal connections. Both the adoption of children (*vakare*) and of adults (*mavis*) are practiced. I also noticed, that people were in some cases, seemingly, transgressing fundamental *supe tapu* (in this context, forbidden ways) relating to prohibitions on marriages between kin. The primary prohibitions are on marriage between brothers and sisters and between any first cousins, and on marriage with fathers or father's brothers, or mothers or mother's sisters. That is, ego may not marry a *nokave* or a *mamauleita*. There is also a prohibition on marriage within one's own *matarau* spoken about; marriages are meant to be exogamous. I found three examples of marriages between *nokave*, and I confirmed with a key informant that they were marriages between first cousins by birth. In each case, though, he said that there had been straightening, and that Chief Kalsakau *baendem tufala long kastom*, he had bound the couples in *kastom*. I asked why this practice was occurring and his answer was simple: *from graon*, because of land.

As I had gathered some very intimate information without people knowing specifically that I had done so, I was concerned about the ethics of representing it in written form. I sought the counsel of Marcel, who was my primary language tutor at the time (introduced in the previous section, a generally respected old man and grandson of Pastor Sope). I told him about the marriage arrangements I had figured out and also what I knew about some specific instances of straightening through *kastom*. He sat silently as I spoke and after I had finished he looked thoughtfully at me. He said, *yu save ko dip*, meaning that I was able to go deeply into these matters. I think it became apparent to him then what my interests were, and that they went well beyond learning language. Thereafter I met with him only twice again, and our conversations were far less open than before. On the last occasion we met I asked him when he would next like to meet, and he said he would let me know. He did not contact me, and I later confirmed through an intermediary that he did not want to meet anymore. Again, as in the garden with David, I had run up against a boundary of rights to knowledge.<sup>49</sup>

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<sup>49</sup> What that knowledge consists of, I think, is in part knowledge of things that others do not have, but also synthetic insights, bringing together matters that are known in other contexts, but are not necessarily connected up in other people's minds. Hence an outsider demonstrating the ability to do the same kind of thing is threatening, and unexpected.

I was deeply concerned at the time that losing contact with Marcel would end my chances of developing a deeper understanding of Ifiran perspectives relating to land. In a most unexpected way, though, this separation opened the way for me to engage more closely with men of *matarau teufi*, the legally recognised customary land owners of Marope. This experience helped a great deal in terms of understanding the differences between the representations of relations to land that people make in claiming customary land ownership, and Ifirans' deeply held, self-constitutive senses of these relations. The representations made in court reveal the 'people' dimension of the people-place belonging construct to be kinship groups, but the fascination with presenting them in a very structural way (and as connected with definable territories) relates to the interests of the court, and also to the interests of the elites who stand to benefit most from these presentations. Pointing out the actualities of engagement with these structures (which inevitably creates non-conformance) challenges representations made in court and the power base of elite people. In contrast, the perspective from which people operate as they negotiate the events of everyday life reveal the ongoing centrality of kin relations but also transformations in their structure and significance through the experience of colonisation.

### *Transformation*

Jon is a long time friend, a senior government official, and an Ifiran. We met regularly during fieldwork in town sharing talk over meals at either an American style cafe or Chinese restaurant, and occasionally at outdoor places where he would tell me about the meaning of them from his perspective. Shortly after the events I relate above took place, I vented my frustration about the loss of a relationship with Marcel, and said I did not know where to turn next. Jon heard me out, but suggested that I should look at my problems in a different way. Why, he asked, had this change in my plan for the study happened? Recognising he had an opinion to offer, I said I wasn't sure, and asked if he knew. He nodded and said: 'you know, I used to think that school was important, but it does not give you wisdom. The *apu* have wisdom, and we have to listen to them to know how to act'. The distinction between school learning and wisdom Jon makes here recalls Jolly's (2004) observation that ni-Vanuatu differentiate between forms of knowledge acquired through *skul* and through *kastom*. In the context of the conversation it represented a shift in register, and repositioned me and my study within

a locally understood frame. Having lived for 4 years in Vanuatu I was well aware of the shift occurring and did not see it as a novelty, or experience the thrill of being given access to a new mode of knowing. Rather, thinking simply that he referred to Marcel (a fair enough inference), I replied testily that it was difficult to listen to them when they did not want to speak to me. 'I do not mean the *apu* who are alive, but the ones who are with us now, around us', he said.

Familiar with the cosmological view underpinning his statement, I was not disconcerted by it, but rather by the suggestion that the *apu* might be interested in dealing with me: operating in this mode, I was well aware that I had little social standing at best. Jon explained that as my study was about land they would certainly be interested. He said, too, granting me the slightest bit of status that I was his *tasopo*,<sup>50</sup> and while white I acted with respect. These factors also meant that the *apu* would want to contact me and might be willing to support my study. The references to whiteness and respect here parallel the distinction between *skul* and *kastom*, with whiteness here connected to the former (specifically through my study), and respect to the latter. This kind of distinction is, while touching on the topic, extended to the law and *kastom*. In my experience people sometimes called the law *samting blong waetman*, a white man's thing, separating it from *kastom*. But at the same time, these are not irreconcilable categories in most people's minds, among people I know anyway: the invocation of difference really depends on the context and specific issues being considered in them, and it is not always an oppositional reference but points to the possibility of joining (as in this case). The idea of 'customary land ownership' is a primary example of an ideological formation which people are able to relate to both foreign influence and to their understandings and practices.

Jon said that I needed, if I was to understand '*graon*', to go through a 'transformation', calling to my mind David's reproachful words. Here, though, Jon was offering to lead me through the process. The first step, he said, was to ask the *apu* for help. I could, he said, just say the words inside my head, or I could go to specific places and speak to the *apu*. He told me about one such place near a track that I regularly walked along, a cave

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<sup>50</sup> For more on the meaning of *tasopo*, refer to Chapter 1.

created by the overhang of a large rock (often used by passers-by to dispose of their rubbish). He said that before too long I would see old people, or have dreams, or just think more about land. When that happened I was to let him know. He pointed to a particular kind of epistemological process: the transformation I needed to make would entail developing a different way of learning, related to an underlying cosmology in which the invisible world is real, present and active.<sup>51</sup>

I have to say very little happened for two months after our conversation. Dutifully, each time I walked along the track I greeted the *apu* in Ifiran as I had been taught and asked for their help. Jon often asked whether anything had happened along the lines we had discussed. I talked with other ni-Vanuatu friends and family about what I had been asked to do and, while some looked askance (some because they said it was dangerous to trust Ifirans, others because belief in *apu* is associated with *grasruts*, not sophisticated urban life), others strongly approved and began to tell me stories and share experiences of their own dealings with the old people. Something of the hold that the idea and experience of *apu* has on people began to take within me too. I sensed the awe that *apu* inspire: they are powerful actors who can influence events, supportive of their own people's causes and yet able to inflict sickness and cause death among them, as well as among others. The walk along the track and the words I spoke each time took on new meaning.

One night, after an evening spent with friends at a *nakamal*, I dreamed that I woke up: still on my bed but unable to move, see or speak. Next, I felt strong pressure on my chest, forcing me through the bed and into the floor. I passed into darkness and emerged in a dry river bed, of the kind I knew well from walking in the centre of Efate.

I wondered whether to attribute my experience simply to the effects of kava, but when I next met Jon, I told him about the dream and he was very excited. 'The transformation is happening', he exclaimed. He said that I had experienced the effects of kava as they

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<sup>51</sup> I found this very easy to do. As a younger man I spent some years in a monastery and the idea that there are ways of knowing and that there is far more to the world than what is tangible deeply inhere in me. I shared the idea of discernment, a key monastic process for attaining transformation, with Jon and he found it instantly recognisable.

are meant to be experienced; kava is a *tabu* substance. He interpreted the dream as meaning the *apu* were watching me carefully and willing to help me. He asked whether the *apu* said something, and I answered that I had not heard anything. He pressed me for an answer, convinced I had been told something. Finally, he asked me to say a word, anything I might have heard, and I said 'ebufa'. I felt 'ebufa' was in some way connected with land but I was not sure why or how. Jon was very pleased, as he said 'ebufa' was once a *kastom* village, very close to where I dwelt in Port Vila.<sup>52</sup> He explained that it was a place belonging to *naflak teufi*, in the time before settlers came.<sup>53</sup> And, he said, it was a sign that we were being directed towards Marope, so that I could '*folem footsteps blong Nareo i kam daon kasem solwota*', follow the footsteps of Nareo to reach the saltwater. To recall, in the Marope Land case the descendant of Nareo, George Kano, was held to be the true customary owner of Marope land. Jon refers here to the same Nareo, and he offers to help me understand how Nareo and *matarau teufi* travelled, over time, from Marope and re-established themselves on Ifira Island, at the same time retaining connections to the land they held to be their own. The process for doing this, said Jon, entailed spending time at Marope so that I could '*kasem spirit blong graon*', catch the spirit of the land. At the same time, the '*graon mas smelem yu*', the land had to smell me. He said he would speak to the chief of *naflak teufi* to seek his permission.

Two more weeks passed, and then Jon contacted me to say that he had permission and that we would be accompanied by the chief of *naflak teufi*. George Kano had died before my fieldwork. So it was his son Aloan whom Jon and I met, at a small souvenir and motor scooter rental business on the harbour front, that Aloan manages. I offered my truck for the trip, a reliable four wheel drive suitable for travel on the very poor tracks in the centre of Efate. Four of us set off: Aloan's cousin emerged from the shop

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<sup>52</sup> At the time, I did not recall how I had heard the word 'ebufa'. I wondered if I had made it up, and if George's reading was a convenient device to lead me in a way that advantaged him. Later, re-reading a history of the Presbyterian Church on Efate (Miller 1987), I found the name 'Bufa' on a 19<sup>th</sup> century missionary's map of villages, inland from where Port Vila is now situated but quite close geographically to where I lived. I knew, though, that George's interaction with me was nonetheless purposive. How? When it comes to land, interactions always are, *storian* like this always go on, continuously re-framing and shaping relations to land.

<sup>53</sup> A claim others would strongly contest.

just as we left, keen to go up to Marope as he had not been there for a while. On the journey Aloan talked exclusively in Ifiran. Jon explained that it was very important for me to hear what he had to say in Ifiran. I shook my head at the irony of being asked to understand him when opportunities to learn the language had been cut off. Jon recognised my predicament and when he thought I was losing the thread of narrative he translated into Bislama for me. This happened regularly as Aloan's speech was far more complex in structure than the simple day to day conversation that I still struggled to comprehend and participate in. But I understood some key things: that the trip was to help me understand *supe kastom*,<sup>54</sup> and that by taking it we were making a link between the two *marae malpakoa*, the one on Ifira Island and the one in the hills behind Marope. Jon helpfully confirmed my understanding in Bislama: *marae* are dancing grounds, he explained, and they wanted to prove, by visiting the Marope site, that there was indeed a *marae* there.

We went out along the Efate coast road, but rather than turning toward Blaksands and Mele we turned to the east and skirted around the airport perimeter. The road at this point was fine to drive on, but as we drew ever closer to our destination it became progressively narrower, until it was no more than two wheel tracks and the bush pressed in around us. While the conversation going on in the truck was generally light hearted and good humoured (sounding!), I noted that the three men of *naflak teufi* were eyeing the places we passed in a proprietary fashion, and reflecting on what they saw in terms of land use. Some houses and gardens belonging to Tannese people prompted some conversation about *taagata itoga*, foreigners. Aloan's cousin, also by now taking pity on me, said in Bislama, *long taem we oli kam oli oraet be nao ia oli kam strong tumas, yestedei mi harem i les long olgeta, letem tsunami i karemaot olgeta*. That is, 'when they came they were okay but now they have become very strong. Yesterday I had had enough of them, let a tsunami carry them away'. And *man kam, oli sud kam mo gobak*. That is, 'man come should come and go back'. His words portray the very strong tension that exists between incumbents and immigrants on Efate. The *man kam* though looked well settled: I remember in particular one very idyllic scene in which women and children were talking and playing by a clear, rain fed pool, around which flowers and

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<sup>54</sup> The only time I heard these two words combined, suggesting the recognition of a boundary between the two, which this trip was crossing.

colourful shrubs had been planted: that people had put effort into making their surrounds attractive and pleasant in this way indicated to me that their activity was a routine one. At one point we stopped for my companions to challenge a group of teenage boys who were carrying bamboo stakes and bush knives. When asked where they were going, the boys looked a little frightened at the prospect of dealing with a truck load of full grown men, but explained that they were simply passing through the area to go pig hunting in the bush. Aloa gave them permission to do that, and in the truck talk turned to wistful recollections of hunting expeditions and the taste of wild pig.

Jon regularly exhorted me to *kasem spirit blong graon*, to 'catch the spirit of the land', referring to the relations between *naflak teufi* people and the area through which we travelled. These relations include a view that ground is sentient and can distinguish between claims people make to be on it: *yu blong wan graon, graon hemi save smelem yu, blad blong yu mo famili blong yu*. That is, 'if you belong to ground, the ground is able to smell you, your blood and your family'. Notice here the references to blood and family: even in a context focussed on *matarau* belonging *warkali* has a place. Can, I asked, the ground smell an outsider: in relation to me could *eia tokuan tpa*, '*enamu mi merie o enamu mi saa*': could it 'say of me that I smell good or bad?' Jon nodded, '*iore*', yes, and added that one reason for this trip was to allow this to occur.

After more than an hour of driving we arrived at what my companions all recognised as *Malpakoa*, the *marae* of Nareo. I could not recognise it as a dancing ground, or anything for that matter, as our surrounds were covered completely in thick growth. Nonetheless, Aloa walked around, pointing out the features of the *marae*. I could make out that we were on a level piece of land as we walked, but no more than that. While I struggled to understand what he said, I was struck by his air of authority and how the other men listened intently and quietly. Speaking in this way is a talent that is highly esteemed in my experience; people say that the talk of someone with it 'has power': it requires command of language, certainly, but it also needs to reflect, as in this case, facts as people understand them. I understood Aloa was recollecting the past, and heard him talking about his own line of patrilineal descent, which, along with the link between the two *malpakoa*, established his responsibility for the people of *naflak teufi*. I recognised male forms of names (often beginning with *kal*) and female forms of name

(often beginning with *lei*). We stayed for a while at *Malpakoa* and then drove further into the bush, as Aloan wanted to show me another important place.

When we reached our next destination, we stopped and walked a small way from the track to a clearing on a high ridge. From this vantage point we had a most stunning view over a very deep and verdant valley. My eye was drawn to a flat-topped rock promontory on which stood two massive, and presumably venerable, *nambaga* (banyan trees). I pointed to them and asked my companions if they indicated people had lived here before.<sup>55</sup> They said yes, that once the interior of Efate had been heavily populated. There were once many tribes, but at the time white men came there was sickness and fighting, many people died and others fled to the coast. Many died of dysentery and in inter-tribal war. Nareo led the people of *naflak teufi* to the coast, and to Ifira Island. This was the first time I heard the story of de-population told by descendants of the people who experienced it, and I was deeply moved. Aloan then spoke in Bislama. He said that while much had happened in the past, my presence and study would help to restore the relations between people and could help Ifira and *matarau teufi*. It was I, not my companions, who raised the issue of what had happened in the past here, and I who had drawn Aloan's grandiloquent response. Then Aloan came back to the point of coming to this particular place from his perspective. He asked in English, 'do you think tourists might like to come here?' Recovered from my self-indulgent musing, I replied they might, it being such a beautiful and peaceful place. 'Yes', he said, 'I have been thinking about eco-tourism for some time.'

This trip with the three men was revealing, to me, about Ifiran perspectives relating to land. They showed that sometimes the presence of other ni-Vanuatu is unwelcome, and that foreigners might be accepted in circumstances suitable to them. They affirm the requirement for others to act as good guests and also their intention to remain in control of their land, and indicate a willingness to consider uses of land which produce monetary income. While very aware of the way the past has contributed to their current situation, what is important is not history in itself, but the way in which it positions them now to respond to their circumstances. It is essential to note, however, that people

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<sup>55</sup> *Nambaga* can mark significant places.



do not pass lightly over the travails of their predecessors, rather they add weight to the sense of responsibility for maintaining connections to land that they have.<sup>56</sup>

### *The operation of customary authority*

The visit to Malpakoia also led me to question the role of chiefs and the basis of their authority.<sup>57</sup> It appeared to me the chief held an absolute authority with respect to representing *matarau teufi* and making decisions about the use of land, thereby effectively vesting all the rights to land of *matarau* in him, ultimately. In a sense the chief represents a consolidation of the many into one. I wondered if people were comfortable with this situation. People to whom I spoke were consistent in saying that it is necessary in order for them to maintain the connection they have with land. This position applies as much to the position of Chief Kalsakau as it does to Aloa Chichirua. The customary title of Aloa, *Marik Atlangi Narewa*,<sup>58</sup> which was translated into English for me as 'most high chief who speaks', conveys the role people expect him to fulfil. They recognise this chief's role in representing the whole in dealings with outsiders, and to have the final say in matters of use and occupation of land. Thus this chief's authority arises from a shared sense that he performs a necessary function relating to land, rather than deriving from hereditary entitlement. In terms of family connections, it is only necessary that Marik Atlangi Narewa be a member of *matarau teufi*. While, as I shall discuss below, the title Marik Atlangi Narewa has mainly been passed from father to son, what is most important to people is for continuity of the title to be maintained. The decisions and representations made by one person occupying this position thus continue after that person's death and remain binding until another Marik Atlangi Narewa speaks. In doing so, of course, it is expected that previous holders of the title will influence the decisions of the incumbent. There is a tension, clearly, between the role played by Aloa Chichirua and that of Chief Kalsakau, but people seem willing to accept both sets of authority as long as they both work in their favour.

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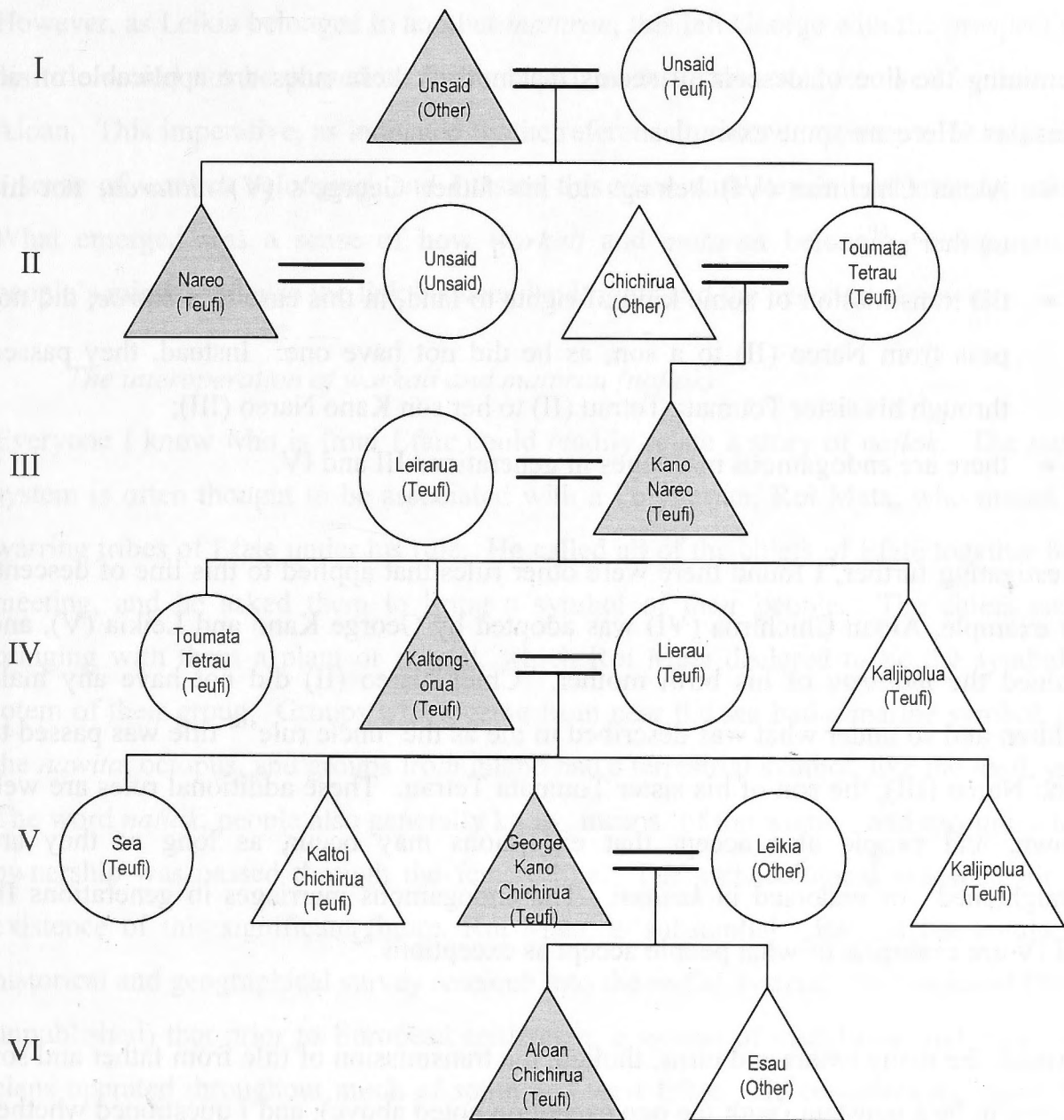
<sup>56</sup> In this respect the Ifirans seem to be in a similar situation to the Tolai, who Neumann (1992: 308) describes as having experienced 'large-scale alienation' of their land; but who for all that retain a strong sense of cultural continuity.

<sup>57</sup> In the Ifiran context, I did not encounter the situation that Gewertz and Errington (1999: 42) describe, of 'members of the middle class defining themselves as "chiefs" relative to their grass-roots kin and, thereby, as ontological superiors'.

<sup>58</sup> The name Nareo is a contracted form of this title.

The way in which the paramount chiefly title of *matarau teufi* has passed from one generation to the next illustrates how people balance the competing demands of *matarau* and *warkali* belonging, use straightening techniques and respond to social change over time. I discuss it here as an additional insight into the subjectivities of Ifirans with respect to land. While Ifirans are generally extremely reticent to discuss or reveal their lineages, Aloan's line of descent had been made public through the Efate Island Court process, and people know it well as it is so critical to them. I compiled my version from court records and conversations with people of *matarau teufi*. The diagram overleaf shows this line of descent. The men highlighted in grey are the paramount chiefs. Compared with other genealogies I compiled, there was a high level of consistency in accounts concerning this one, reflecting the need for people to be in agreement on it, in order to reinforce legal claims to customary land ownership.

Figure 2: Line of descent of the paramount chief of matarau teufi<sup>59</sup>



This line of descent shows the kind of issues which confused me when I first began investigating Ifiran kin structures and their links with land. The general rules I was supplied to understand the transmission of rights to land were:

1. Children belong to their father's *warkali* and to their mother's *matarau*.
2. Rights to land are transmitted from father to son.

<sup>59</sup> 'Unsaid' indicates the name or *matarau* in question was not shared with me.

3. Ownership of land is transmitted from mother to daughter.
4. Decisions about occupation and use of land are made by a close male relative of the land owner.
5. People may not marry within their own *matarau*.

Examining the line of descent, it seems that not all these rules are applicable on all occasions. Here are some examples:

- Aloan Chichirua (VI) belongs to his father George's (V) *matarau*, not his mother's,<sup>60</sup>
- the transmission of some kind of rights to land, in this case to a *marae*, did not pass from Nareo (II) to a son, as he did not have one. Instead, they passed through his sister Toumata Tetrau (II) to her son Kano Nareo (III);
- there are endogamous marriages in generations III and IV.

Investigating further, I found there were other rules that applied to this line of descent. For example, Aloan Chichirua (VI) was adopted by George Kano and Leikia (V), and retained the *matarau* of his birth mother. Chief Nareo (II) did not have any male children and so under what was described to me as the 'uncle rule'<sup>61</sup> title was passed to Kano Nareo (III), the son of his sister Toumata Tetrau. These additional rules are well known, and people also accept that exceptions may occur, as long as they are 'straightened', or endorsed in *kastom*. The endogamous marriages in generations III and IV are examples of what people accept as exceptions.<sup>62</sup>

Through the many twists and turns, though, the transmission of title from father and son seemed to be a constant (with the one exception noted above), and I questioned whether this reflected a deliberate strategy. In conversations, particularly with Jon and Marcel, I was able to confirm that it did: fathers try very hard to ensure that titles they hold pass to their sons. While titles are not strictly hereditary, there is a social compact operating

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<sup>60</sup> I am not aware of any other examples of this kind of *matarau* affiliation.

<sup>61</sup> Which Facey (1989) relates to *naflak*.

<sup>62</sup> Having said this, people recall subdivisions within clans once existed, for example *naflak nawita* (octopus) people were called either red or black octopus. These subdivisions allowed the rule of exogamous marriage to be met.

whereby people accept attempts to pass them on in this way. The imperative seems very strong, as exemplified in particular through the transmission of the paramount chiefly title from generation V to VI. According to Jon, George Kano Chichuria (V) married Leikia because he loved her and did not want to accept an arranged marriage. However, as Leikia belonged to another *matarau*, this left George with the prospect that his title would not be passed on to his blood, an issue that was resolved by adopting Aloan. This imperative, as indicated by the reference to blood, appears to be related to a sense of *warkali* belonging, and I tested this view with key informants and others. What emerged was a sense of how *warkali* and *matarau* belonging co-operate, in people's minds, and also the link between land rights and the exercise of power.

#### *The interoperation of warkali and matarau (naflak)*

Everyone I know who is from Efate could readily relate a story of *naflak*. The *naflak* system is often thought to be associated with a Polynesian, Roi Mata, who united the warring tribes of Efate under his rule. He called all of the chiefs of Efate together for a meeting, and he asked them to bring a symbol of their people. The chiefs came, bringing with them a plant or animal, which Roi Mata declared to be the symbol or totem of their group. Groups which came from near the sea had a marine symbol, like the *nawita*, octopus, and groups from inland had a terrestrial symbol, like the *teufi*, yam. The word *naflak*, people also generally know, means 'of the womb', and recognise land ownership was passed through the female line. The archaeological evidence for the existence of this significant figure, Roi Mata, is substantial. Ballard has conducted historical and geographical survey research into the *naflak* system. He has found (2007, unpublished) that prior to European settlement, a system of matrilineal and matrilocal clans operated throughout much of south and west Efate. He considers the name Roi Mata to be a paramount chiefly title, which was passed on for at least 25-30 generations. His view that *naflak* is matrilocal is supported by the arrangement of the dwelling areas I noted on Ifira Island.

Ifirans with whom I spoke had differing views about the way in which *matarau* and *warkali* belonging began to operate together. In general terms they all agree that: *naflak* is 'from the side of the woman'; women held land *bifo* (which connotes the time and ways of forebears); and that at some point *man i kam insaed*, man has come in, so that now titles and land are passed from father to son. The point at which men came in

to the equation varies, with reports that it changed with Roi Mata and the introduction of *naflak*, others at the time Samoan Presbyterian missionaries arrived, or even when the first Scottish Presbyterian minister ordained Kalsakau I as chief of Ifira in 1906. And some said there were myths which explained how this relationship between men and women came to be. I saw alignment between the views people held about these matters and their own claims to land. Establishing facts, as they might be understood in a historical frame, is of less consequence than constructing the past to explain conditions in the present, and doing this establishes a kind of truth which promotes social cohesion while remaining contestable.

A relationship between land rights and the exercise of power is also suggested by hereditary transmission. Some older people recollected that *matarau* chiefs had a lot of power in the past and tried to accumulate as much power as they could and to pass it on to their sons. This power was linked to control over *marae*, where ceremonies were conducted and deals made. They were consistent in saying that there was polygyny before Christianity, and that it was possible, even desirable, for a titled man to ensure that one of his wives was from his *naflak*. By having a wife from ego's own *naflak*, it was possible for ego to ensure that the title passed to his son. By taking wives from other *naflak*, ego was also able to control other clans' land and assume power. While ego could not live in all places he could establish *marae* and perform ceremonies in each place. People owed ego *na'usotoga* (tribute). If ego's son was able to marry into his own and all the other *naflak* that his father controlled then *marae* could be passed seamlessly to him. To ensure that control was maintained, these men enforced other practices such as infanticide (infants were stupefied and then buried alive) and sterilisation of women (one technique related to me involved making them eat a particular kind of leaf).

The overall effect of 'transformation' provides an insight into the lived reality of people-place belonging, and the multi-dimensionality of this belonging for Ifiran people. It begins (and ends) with the unity between *apu* and land, encompasses *matarau* belonging, reconciles Christian views of family and ontology (which have the potential to separate people from land) through *warkali* belonging and accepts customary land ownership as a form of recognition by others which is useful. Lest this seem a

somewhat naïve view, I balance it with a brief reference to the link that exists in between control over land and not only status as persons but to the exercise of power, and will be discussed more in Chapters 4 and 5, which consider elite agency.

To conclude this section, I close by recounting a conversation with a key research participant in which he synthesised Ifiran perspectives relating to land. He had spoken candidly about some of the politics of land within the Ifiran group (and which seemed much focussed on obtaining power). The idea of Ifiran ways did not factor in this discussion at all. This rawness prompted me to ask: what is more important, *kastom* or land? Without hesitation he answered 'land, because you can always get a *kulja*. Once land is gone you cannot get it back'. Looking at culture in another way, as relating to the deeply ingrained patterns of understanding that are self-constitutive and which social practice emerges from and informs, this imagination about land is a cultural one, and as far from a sense that people's interests in land are to recreate or somehow hold tightly to past practices as it is possible to be. On this construction of culture, the response showed land tenure to be a pre-eminent Ifiran cultural concern. Demonstrating this point, he went on to explain that to work out what to do about land claims, people start from a survey of current conditions, and the past is interpreted to support their present circumstances. People also have a *longfala luk luk*, a long term view, which is mindful of their responsibility to make sure land is retained and passed on to future generations. The past is important, but in the sense that it may be drawn on to respond to current circumstances and control the future.

### ***Effects of customary land ownership claims***

While (as the discussion on Ifiran perspectives above indicates) people imagine they retain control of relations to land and can incorporate court processes within their own *kastom*, by participating in legal actions people yield up a significant level of control over relations to land. This is a general effect that Francesca Merlan pithily described as the 'old one-two' (pers. com.): recognition entails encapsulation. In return for the potential benefits which attach to status as legal customary land owners, people must accept the state's authority to control dealings over land. They accept, with differentiated levels of awareness, the deployment of a particular kind of hierarchical authority structure, in which a state office holder is installed and accepted as the highest authority, able to define the powers of local authorities and to direct them. Similar to

the circumstances in which Kluane people find themselves, Ifirans engage in processes and use categories that 'white bureaucrats' understand (Nadasdy 2003), except the agents of the state are usually not white. Further, claims to customary land ownership have effects on people's identity, which may act ultimately to destabilise their customary relations to land. As Weiner and Glaskin note:

Legal mechanisms ... do not, as they purport, serve merely to identify and register already-existing customary indigenous land owning groups in these countries. Because the legislation is an integral part of the way in which indigenous people are defined and managed in relation to the State, it serves to elicit particular responses in landowner organisation and self-identification on the part of indigenous people. (2007: 3-4)

There is a generally obtaining sense among Ifirans that legal recognition of customary land ownership is beneficial, although benefits are differentially construed. At the same time they are responding to their circumstances rather than dictating them. While an analytical perspective accentuates the tensions between the ideologies brought to bear in the court context and practice outside of it, these differences do not appear as distinctly in the lived lives of people for whom the court is an integral part of the social sphere they inhabit. They also live with the reality that if they do not lay claim legally to their land, someone else is bound to do so.

The court process differs from the cycle of talk and decision making which characterises the way in which people determine arrangements relating to land among themselves. It entails extraction of localised forms of understanding and practice from the contexts within which they emerge, and selective re-interpretation of them to create a basis for determining the allocation of rights to land as property. Debate over land is framed within the terms of the claim that is originally made, granting pre-eminent status to that claim. Land is defined as an area of ground contained within fixed, cadastrally set boundaries. Pre-eminence is accorded historical fact as a form of truth. Social practice that existed before Europeans is recognised as authentic and arrangements



made between people and Europeans (notwithstanding that the boundaries then established are still taken by the court to exist), and among themselves, during the colonial period can be less esteemed and noticed (Carrier 1992), as the Marope case exemplifies. Land ownership arrangements become permanently fixed.

The effects of this participation are not locally contained, nor do they adequately protect local interests. Court processes create precedents and support the implementation of nationally applicable rules and processes. The redefinition of relations to land based on the central idea that land is property creates interest in it among people, foreigners, whose perspectives relating to land are often very different from those of the Ifirans and other ni-Vanuatu. If people do not feel that their claims have been adequately recognised, they are put in a position of having to operate outside of the rules established by the State to achieve their aims, or to use them flexibly.

The findings of this chapter foreground the discussion in the third part of the thesis, which demonstrates that state ideology, laws and administrative process marginalise aspects of local understanding and practices relating to land and encapsulate them within a legal system and framework of understanding, in which land is primarily viewed as a form of property. They also point to the argument with regard to elite action that will be developed in the second part of the thesis. The chapter shows how Ifiran elite representatives draw flexibly on national and localised ideological and processual forms to claim customary land ownership. They negotiate differences between law and *kastom*, which have fundamental cosmological and epistemological dimensions. Accordingly these Ifirans do not so much reconcile differences as contain and attempt to control tensions. They are adept in dealing with legal processes, viewing them as necessary and potentially beneficial to them. Willing to present claims in ways that work in the court context, they are incorporating legal processes into their own thinking and processes relating to land. Further, they are flexible in defining arrangements that constitute proper relations to land, accepting some reconfiguration of land usage (that deriving from monetary investment rather than ni-Vanuatu rural to urban immigration). These elites, usually highly educated and with long, even inter-generational experience in land disputation, also envisage grand possibilities for the use of legally recognised customary land. Developing an industrial plant, a putatively

foreign and out of place object, in partnership with their own government and foreign investors, is well within their ken. Other Ifirans are generally accepting of this strategising, but more based on their sense of the benefits it produces than on a clear understanding of its implications.



### Chapter 3: The bases of immigrant claims to land

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#### *Immigrant perspectives and practices*

In the first two chapters, discussion centred on exploring the relations to land of indigenous people who are firmly emplaced in the Port Vila area, and who claim customary land ownership on this basis. These people, though, are in the minority. The majority of the town's population are immigrants, or children of immigrants (Mitchell 2004). This chapter explores the ways in which immigrants become established in Port Vila and their contributions to alienation and contested land development. It begins with a discussion of ni-Vanuatu understandings concerning immigration. It then examines ni-Vanuatu and foreign immigration, demonstrating that these groups have different sensibilities about relations to land, and that the former understand customary expectations. It concludes that, in different ways, the presence of both groups contributes to land alienation.

While continuity of land tenure is extremely important to ni-Vanuatu, they recognise their own connections with past movements of people in the Pacific and their customary perspectives embrace ways of dealing with situations in which outsiders seek to settle on and use their land. In the Port Vila area customary land owners need to deal with the challenge of accommodating others, far outnumbering them, in their midst. They (and other ni-Vanuatu) distinguish between *blakman* and *waetman*, reflecting similarities in thinking and practice about land among ni-Vanuatu and significant differences between them and expatriates in these regards. The chapter offers ethnographic examples that illustrate the respective similarities and differences in relations to land which people perceive.

At one level the chapter supports frequently expressed, generalised, opinions: that ni-Vanuatu demonstrate respect for *kastom*; that expatriates take land without recognising the claims of incumbents (simultaneously physically excluding them), denying the validity of their perspectives and leaving them without viable alternative life ways. It also challenges them, demonstrating that all immigrants participate in

alienation (albeit with differing intentions and abilities to give effect to them) and pointing to the operation of elite agency and government institutions.

The various kinds of living arrangements ni-Vanuatu immigrants make demonstrate the critical importance they attach to customary relations to land and that, consistent with this view, it is their own localised relations to their own places and kin that are most important. Lind's (2010) observation regarding Paamese, that they 'easily accommodate urban dwelling without leaving Paama behind', applies generally to ni-Vanuatu settlers in Vila. While recognising that there are customary land owners of land in the Port Vila area, in many cases ni-Vanuatu immigrants have little to do with local customary land owners and can live there without making arrangements directly with them. This situation reflects the reality of the dominant political-economy in Port Vila. It is the central place of the Vanuatu state and as such gives ni-Vanuatu a basis of entitlement to be in a place that is not theirs in *kastom*. It is a place where a money based economy prevails and land use and occupation entitlements can be bought. In their ways of living and working there, in valuing what Port Vila has to offer them, people are participating in the marginalisation of customary forms of relations to land without necessarily being aware of the part they play.

Expatriates do take land: they desire it, have the wherewithal to obtain it and are commonly ignorant of customary bases of claims to land when pressing theirs. The ethnographic material presented emphasises just how spectacularly unaware these people are of customary forms of relations to land, and further that they morally justify their own penchant for leaving their own homes elsewhere, travelling great distances and taking over the land of others. Their preferences and actions can be considered the primary proximate cause of alienation. However, they are clearly aided and abetted in their endeavours and imaginations by national government laws and processes which support property rights.

### ***Ni-Vanuatu perspectives on immigration***

As Pacific people, ni-Vanuatu have a repertoire of stories about their forebears' migrations across the sea and of active social connections between people on different islands in times past. Ifiran people, as discussed in Chapter 2, recollect Polynesian immigration in the area and also at times express pride in their seafaring roots. The

*naflak* system, they typically say, was introduced by a Polynesian chief, Roi Mata, ending an Efate-wide war. In addition, Ifirans told me about a cataclysmic volcanic eruption which transformed the land and seascapes in which their forbears lived. They lived on a large volcanic island, called Kuwae. The volcano erupted so violently that most of the island collapsed into the sea, leaving the Shepherds, which lie to the north of Efate.<sup>63</sup> These stories reflect a more widespread recognition of past immigration and changes in relations to land among people who claim the Port Vila area in *kastom*. Details of them are contested, even within groupings like the Ifiran one. Luders (2001), in an examination of academic claims regarding Roi Mata, points to the varying accounts that Efate and Shepherds people tell about Kuwae, Roi Mata, the great war and *naflak*<sup>64</sup>. He also notes that 'it is not uncommon for information readily supplied to be misleading and deeper, more reliable, information to be closely guarded' (Luders 2001: 250). This tendency relates to the exercise of elite agency. People are made powerful through their access to this deep knowledge, as in deploying it and withholding it they are able to exert control over relations to land. Within their customary groups there is an expectation that the people who hold this knowledge will exert control for mutual benefit, together with an acceptance of secret knowledge.

A fierce determination to maintain control over land shapes the way in which incumbent people relate their current situation to past events, and in turn how they deal with incomers. They talk about past movements of people in ways that reinforce their claims of inalienable connections with land. This way of thinking about themselves is deep rooted, rather than being merely a contemporary development prompted by the development of relationships with outsiders. Speiser<sup>65</sup> collected a story from Ifiran people about the promontory called Malapoa, which is today considered to be part of Ifiran customary land. Malapoa, according to this story, is the upturned canoe of the

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<sup>63</sup> Hoffman (2006) provides a summary of the geological, environmental and cultural impacts of this event.

<sup>64</sup> Luders observes regarding the Kuwae explosion, which no one contests as a physical event, that 'The island of Kuwae was fractured by a colossal volcanic explosion in A.D. 1452 ±1 (Eissen et al. 1994; see also Luders 1996: 289-92) ... This was one of the eight greatest volcanic events in the past 10,000 years (Monzier et al. 1994: 216). It evidently altered global climate drastically for some years, in turn causing major changes in human affairs'(Luders 2001: 254).

<sup>65</sup> This account is taken from a manuscript, dated by hand '1906', shared with me by an Ifiran contact.

forebears of the Chief of Ifira, who were thought to have come from Samoa. The story reflects an understanding among Ifirans (some, at least) that their forebears immigrated at some time in the past, but in recognising that connection they make a powerful statement regarding their attachment to place. The canoe has become part of the land and so therefore have the people who travelled in it. They hold themselves to belong to the sea and also belong to the land, rather than coming from the sea and settling on the land.

Explanations of past movements Ifirans are making in the present, in the context of *storian*, sometimes put Ifira at the centre of events, depicting it as a place of origin for people and ways. Framing events in this way can produce statements that run counter to the views held by outsiders and would usually be considered by them to be outlandish. They are a response to a history of change in land use and occupation in the Port Vila area, and point to the Ifiran determination to maintain their customary land. These changes threaten the Ifirans' purchase on land but also offer possibilities for new explanations that strengthen their claims. I offer three examples here. First, Clark (1998) identifies the Ifiran language as a Samoic-outlier, and accordingly as a language imported by immigrants. Contradicting this view, an Ifiran man told me about the first time he met people from Tuvalu. He was surprised that he could understand their language, but surmised this must have been because Ifirans settled on the islands that now comprise Tuvalu *bifo*. Second, the archaeological view on the Austronesian settlers of the area, the Lapita, has been interpreted to me as proving the Ifirans are the original people of the area, because the Lapita were Ifirans.<sup>66</sup> And finally (for now, as there are other stories) there are people who wonder at times if Ifira is Jerusalem, and that the Ifirans are the original people of God. These statements reinforce Ifirans' sense of inalienable connection to place but also reflect a concern with livelihoods and identity. They recognise the need to accommodate the presence of others and that in the contemporary urban context of Port Vila that they need to rely on their good auspices. Making accommodations of this kind is an aspect of customary relations to land, and the

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<sup>66</sup> These claims are an interpretation of the discovery in 2003 of a Lapita burial site at Teouma, near Port Vila, and earlier discoveries of Lapita sites in Vanuatu. The Lapita appeared in the Bismarck archipelago around 3300 years ago and over the following few centuries moved through the islands of Melanesia and western Polynesia (Bedford, Spriggs and Regenvanu 2006).

story telling of Ifirans reflects a certain confidence that maintaining them will enable them to control their situation satisfactorily.

Chief Jimmy Meameadola is a *kastom* chief from the island of Moso (a small island located just off the north coast of Efate), a magistrate of the Efate Island Court and a member of the Vaturisu, the Efate Council of Chiefs. I came to know him through family connections and have had some long discussions with him about *kastom* related to land.<sup>67</sup> He is a strong advocate for traditional understandings and practices relating to land and is the primary drafter of the Efate Customary Land Law, approved by the Vaturisu in 2007. In one of our discussions he summarised cultural understandings and practices relating to the movement of people within Efate, prior to European incursion. He explained that people have always had reasons to change the places they live: to escape from epidemic illness or hostile neighbouring groups, or because of natural disaster, or to make new gardens and leave ground fallow. People also generally moved when they married. Further, there was *kastom* concerning moving, that was enacted by the people moving and by the people in the area they planned to occupy or travel through. He did not discuss this *kastom* in detail,<sup>68</sup> but significantly pointed to its applicability in situations where relocation was peaceable and in which it was contested. In a peaceful situation, representatives of a moving chief would negotiate with representatives of an incumbent chief to determine arrangements for safe passage through an area, or for the use of it. Ceremonies involving the exchange of goods would then be held to recognise and confirm any arrangement made. Warfare was also embraced within *kastom*. Thus, even when there was significant contestation over land, people had a sense that they were operating within a recognised cultural frame.

European incursion irrevocably and fundamentally changed this pattern of life, but *kastom* relating to the movement of people was not extinguished. In particular, a sense of host-guest relationships is very strongly evident among ni-Vanuatu in the context of contemporary Port Vila life. The continuing applicability of *kastom* in mobility is demonstrated in a twentieth century example of inter-island mass migration in response to natural disaster: the movement of the population of Maat village on the island of

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<sup>67</sup> The Chief gave me his permission to study and write about *kastom* relating to land in Efate.

<sup>68</sup> Again, demonstrating that access to *kastom* knowledge is restricted.



Ambrym to Efate Island. Maat was evacuated by the colonial government in 1951 after volcanic activity on Ambrym blanketed the village in ash. The people of Maat initially resettled on the island of Espiritu Santo but after experiencing resistance from local people there, many took up the offer of a French planter to work on his plantation near Mele village on the outskirts of the Port Vila area. This area has now developed into the village of Mele-Maat. Tonkinson's research on social continuity and change in the 1970s demonstrated in part that, even though the Maat people lived in the area legally, as incomers they still needed to establish a relationship in *kastom* with the incumbents of the area (Tonkinson 1985). At the time of my fieldwork, over thirty years on, the relationship between Mele and Maat people retains a host-guest flavour. The situation Arutangai (1987: 287) noted still holds true: acceptance of the descendants of the Maat villagers still requires that they demonstrate respect for the customary land owners of the area.

An impact of European presence that has been profound in terms of its impact on customary land owners is the loss of control over decisions regarding their land. This is an issue which rates in significance alongside the decimation of the local population and dramatic alterations to ways of life which indigenous people in the Port Vila area experienced, and is of course intimately connected to them. This loss of control operates at a legal level, as discussed in Chapter 2. It is also reflected in the character of the problem they face in dealing day to day with outsiders. Rather than being in a situation where they can eye off outsiders and make decisions about admitting them and on what terms to admit them, they live in a situation where strangers are in their midst: in significant numbers and able to make arrangements for living on their land without reference to them.

#### *Classifications of outsiders in Port Vila*

Even though connections with land are not as settled in Port Vila as elsewhere (taken as a whole), people in Port Vila still find ways to classify strangers and make generalisations about how people in the groups they define will behave. In Bislama a compound noun form, combining the word *man* or *woman*, and an adjective or noun representing a defined place, represents differentiation between people by their place of origin. From the preceding chapters readers will recall one particular use of this form in the distinction made between *man ples* and *man kam* (or *man aelan*). It is also used to

identify people from different countries, provinces, islands and villages. An Ifiran man, for example, will readily identify himself as *man Vanuatu*, *man Shefa*, *man Efate* and *man Ifira*. Others can be differentiated at any of these levels, which noticeably are centred on a sense of belonging to a localised place. Customary forms of belonging to land are expressed using this device: people will refer to themselves in ways which point to their places of origin, the places they hold themselves to be owners of in *kastom*. Interestingly, no one to my knowledge has ever claimed to be *man Port Vila*, or *blong Port Vila*. As Rawlings notes (1999b: 76), this phrase carries an insulting connotation, that someone is effectively without a place. Forsyth (2007: 15) also comments that in five years in Vanuatu she never heard anyone use this phrase to describe themselves. People may say that they *slip long Vila*, or *stap long Vila* (they sleep or stop in Vila), but they do not say they belong there. Among ni-Vanuatu there is mutual recognition of people's claims to customary land ownership and on this basis all accept that there are customary land owners of the Port Vila area, but few would suggest that they have strong claims in *kastom* in the area themselves.

The other levels establish a hierarchy of claims to live in Port Vila, based on people's customary and administratively defined places of origin.<sup>69</sup> Generally speaking, ni-Vanuatu recognise that people who originate from the area, like the Ifirans, have a pre-eminent (although not exclusive and not particularly well defined) claim to the land there. They also recognise that their nationality (being *man Vanuatu* or *ni-Vanuatu*) allows them to live in Port Vila. Between these levels, people from Efate island (collectively *man Efate*, this phrase carrying similar connotations to *man ples* in their view), view Port Vila as belonging more to them than to ni-Vanuatu from other islands. In part this claim relates to a sense of island-based identity, in part it relates to claims Efatese can make to kinship connections with customary land owners of Port Vila, including through reference to the *naflak* belonging. People from Shefa province argue they have a stronger claim to live in Port Vila, which is the provincial capital, than people from other provinces. All clearly differentiate between themselves and foreign nationals: foreigners are considered not to have birth-related rights (on the basis of either citizenship or customary ownership) to dwell in Port Vila. This basis of

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<sup>69</sup> Village, island, and province

distinction was apparent in the Ministry of Lands Christmas party, that is recalled in the introductory chapter: it was my presence that was held to be problematic by the Ifiran man in that situation, not that of the other ni-Vanuatu people who were also present.

Relatedly, ni-Vanuatu people routinely classify strangers on the basis of perceptions of difference in physical traits, especially skin colour. The key distinction drawn in this regard is between *waetman* and *blakman*. *Waetman* is a term used to describe light-skinned foreigners collectively, and it carries the kind of ambivalent moral evaluation of these outsiders which Bashkow (2006) noted among Orokaiva people in Papua New Guinea. There is a growing presence of Asian immigrants, who are called *jinua* (Chinese). Pacific islanders are identified as Melanesian, Polynesian and (less certainly) Micronesian. These terms have roots in the classification of indigenous peoples by European colonists, and carry racial implications. However, while people have adopted terms first introduced by colonists, they have appropriated and reversed the moral polarity of them. They proudly and readily proclaim themselves to be *blakman* and Melanesian.

*Waetman* are generally considered to be very different from ni-Vanuatu, another class of strangers who have little in common with *blakman*. Not all ni-Vanuatu subscribe to this view but nonetheless it is quite widespread. This view relates to the depth of perceived difference between *blakman* and *waetman*, and the moral characterisation of this difference, which is discernible for example in the challenge David's cousin issued to me (see Chapter 2). It demonstrated the view that, for a *waetman* to comprehend social arrangements relating to land properly, a radical change - replacing white with black sensibilities - is necessary. Another example, drawn from a different and more intimate context, serves to emphasise the point. It is common enough for people who spend a long time in Vanuatu to be taken into a family,<sup>70</sup> as I was. In a discussion one day with my adoptive brother, we talked about land alienation. He said to me, 'I am sorry to have to tell you, but being white is not a good thing'.

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<sup>70</sup> Not Ifiran.

While customary land owners sometimes consider the presence of other ni-Vanuatu on their land to be troubling, they recognise each other as operating from a similar perspective about land: one that belongs to *blakman*, and is considered to be respectful. *Waetman* are not considered to hold this view and to use their considerable resources poorly. Consequently, even if foreigners live in Port Vila under a legal arrangement, people do not necessarily accept their presence willingly. The judgement people make applies to *waetman* as a class: while individuals may be found on closer acquaintance to be reasonable, acceptable and adaptable, as a whole they are considered paradoxical. This assessment arises out of reflection on contemporary events and it is also informed by the memory of colonial rule and the kinds of impacts it produced. People are deeply concerned about the possibility of being expelled from their land and changes to their livelihoods; and also about losing connection with their land, which would threaten their status and very existence as people. Concerns are emerging about *sinua* but these are in my experience of the same kind that people have with *waetman* in so far as they relate to land holding and dealings. Further, people view *sinua* as taking advantage of laws and government processes which originated with *waetman*, and are commonly said to belong to *waetman*. So in this way too *waetman* are at the heart of the problem people perceive. People's views and concerns are in my experience well-founded, relating to experiences of physical exclusion from land people live on and use, and to substantive differences in cultural perspectives on relationships between people and land, but less visible to most ni-Vanuatu are the operation of boundaries in the transnational lives of expatriates (Fechter 2007).

### *Ni-Vanuatu immigrants*

#### *People who have respect*

James and Grace Luena had lived in Port Vila for about fifteen years at the time I conducted fieldwork. They came because of James' work: he is a policeman, stationed at the headquarters of the Vanuatu Mobile Force in Port Vila. Both are from Malekula, a large island which lies some 300 kilometres to the north of Efate. James had lived in Port Vila before, when he trained to become a policeman about 25 years ago. He also attended high school on Efate, at a Presbyterian Church school called Onesua. In Port Vila they live in a modest 40 square metres government-supplied house very close to the centre of town, on public land. They have three teenage children. The two boys

attended Onesua like their father, and the girl attends Malapoa College, a sought after government system school. Also living with them is a nephew who attended the University of the South Pacific, doing a bachelor degree in accounting. Grace works five days a week as a cleaner at a local tourist resort and she also picks up babysitting work on weekends.

They do not have many close relatives living in Port Vila, but have close contacts with other people from Malekula, and describe the other police families living around them as being like their own family. Another key social group for the family is the Assemblies of God church, which Grace is especially active in as a member of the local congregation choir. While they can be reasonably regarded as among the more financially well-off immigrants in Port Vila, they do not have enough money to travel frequently back to Malekula. They sometimes make up boxed packages of consumer items to send home, throughout the year but especially at Christmas. They take them out to the airport to be transported home on a regular inter-island service between Port Vila and Malekula. Telecommunications between Port Vila and the island improved markedly in 2008 with the opening of a national mobile telephony network. With this, the family is able to communicate far more regularly with their kin on the island than in the past. Maintaining cultural continuity is an important concern for James and Grace, and at home they often speak in their own indigenous language, although their children are very much at ease speaking Bislama, which is more widely spoken around town and among people their own age.

Like other well-off people, James and Grace have access to land on the urban fringe of Port Vila where they maintain a food garden. James, through work, had access to a utility truck that they could use to go out to the garden and bring back produce from it. However he became very sick for a while and lost access to the truck. After a few weeks, when James was well enough, he took public transport out to the garden. When he arrived, he found other people, from the island of Pentecost, working in it. This was an unexpected and unwelcome development. James demanded to know why they were working in his garden, given he had a verbal agreement with the local land owning chief to use this land for that purpose. The Pentecost people replied that they, too, had made an arrangement with the local land owning chief's family to take over this garden. The

Pentecost people were referring to customary processes relating to land: ni-Vanuatu people readily make arrangements concerning land without formalising them legally, working in with local customary practice to do so. What then occurred exemplified the respectful and proper observance of *kastom* relating to land that ni-Vanuatu are taken to understand, wherever they originate from.

James and Grace asked me to accompany them one afternoon to see the chief concerned, as a witness they said, and as someone (a *waetman*) who had some knowledge of land laws. As it transpired my presence was superfluous, but the request indicates James and Grace's awareness of different bases for land claims and sense that both customary and property perspectives can potentially be brought into play in land dealings around the Port Vila area. When we arrived at the chief's house, he welcomed us and we took seats on low benches set under a tree near his house. Even though we were there to discuss a serious and contentious matter, the talk was very polite and moved over a range of subjects, coming back from time to time in the ebb and flow of it to the matter of the garden. In the course of this *storian*, which took about three hours in all,<sup>71</sup> James explained the situation he had found and recollected his understanding of the arrangement that had been made. It turned out that Grace and he were paying what is considered a considerable sum (about USD 100 a month, equivalent to 6-7 days of the basic wage) for their plot. Noticeably, he did not insist on following through on the arrangement previously made, or demand a refund from the chief. Rather he laid out his case simply and quietly, deferring to the chief's rights as land owner and arbiter, and allowed the chief to respond in his own way and time. He and Grace exemplified *rispek*, for customary process and for the entitlements of customary owners, which is highly regarded and which ni-Vanuatu are considered to show, or at least should be able to demonstrate.

This chief, like others I know, clearly had a very good ability for settling disputes, and over the course of the afternoon elements of a solution were put in place. In relation to James and Grace's garden he said that because an arrangement had been made with the Pentecost islanders it could not be ended, as it would be wrong (an assessment James

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<sup>71</sup> In determining arrangements relating to customary land, lengthy negotiations are important.

accepted). But, he said he would arrange for another piece of land to be given to James and Grace. The chief also explained that it was his son who had made the arrangement with the Pentecost islanders, not him personally. In an elegant and well-received gesture of recompense (and censure of his son), he offered the services of his son to drive James and Grace to and from town while their truck was not available, and additionally offered to have his son collect a truckload of firewood and have it delivered to their house too. Firewood can be expensive and difficult to find, so this was good compensation for the loss of produce from the garden.

#### *Ni-Vanuatu island claims to land*

Ni-Vanuatu born and raised on other islands (and other places on Efate) come to Port Vila for a variety of reasons: for work, to be with family, or to experience the benefits of urban life (Mitchell 2004). These benefits include access to services and consumer items that can only be bought in Port Vila, escaping the responsibilities of life in their home villages (from *kastom* people sometimes say) or simply participating in the rush of Port Vila life: it is a relatively exciting place to be.

There are various means by which ni-Vanuatu immigrants make arrangements to live in Port Vila. Some take leases on land in the same way as expatriates, but this requires money and legal knowledge and is within the reach of the relatively few people who have well paid jobs in government or the private sector. Some of these people are able to lease in established areas of town, among expatriates, others take leases and build houses in new residential developments (for example, Beverly Hills and Teouma) being constructed on customary land. Others, people in the public service, the police or teaching service are sometimes entitled to government housing, for the most part in a relatively poor state of repair. Others again make informal leases with lease holders or directly with customary land owners and yet others move into notionally illegal, but generally well established and officially tolerated, settlements such as Oehlen, Paama, Blaksands, and Seaside (Chung and Hill 2002).

Overall, immigration can be characterised as being related to the form of political economy that predominates in Port Vila, and critically which is less evident elsewhere in Vanuatu. Port Vila offers the opportunity for people to participate in a money-based

economy: in this sense it is much like towns anywhere. It is also the base of the Vanuatu state and the institutions of the state are most well developed there. People generally have better access to health care and education than elsewhere in Vanuatu, and most state public service jobs are located there.

While Port Vila offers advantages in these regards, people tend to replicate the kinds of familial relationships they are familiar with at home and maintain social links with home islands. People often live together with others from their extended family, or close to others from the same island. The names of settlements and informally leased areas sometimes reflect people's home island origins. For example 'Oehlen Mataso' is an area informally leased by people from the island of Mataso in the Shepherds. 'Paama' is a settlement which is named after the island of Paama and in which people from that island congregate and settle. Partly this practice relates to economic circumstances: it is difficult to make way in Port Vila without family support unless one has a lot of money, but it also reflects people's cultural preferences and the importance of kin relations. Demonstrating this point, it is a practice among financially more well-off families to lease large blocks or take out contiguous leases so that relatives can live together. In their houses it is very common to find members of the family visiting or just arrived in Vila from the home island. The effect of this practice is the existence of culturally distinct enclaves, within which languages and cultural practices are maintained. Within the communities that people make in Port Vila, they have chiefs who exercise some aspects of the customary authority that they would on home islands. They value spending time on their home islands, to maintain social connections and their own claims to land there. People from other areas of Efate and the adjacent small islands (Nguna, Pele, Moso, Lelepa and Emao) are able to commute more readily, to remit money and goods back home more often and at less cost, and also to bring in agricultural produce from them (important as food gardening space is becoming increasingly tighter in Port Vila). Other people *krismas*,<sup>72</sup> spend Christmas, on their islands, and like Grace and James periodically put packages on planes and boats to go back to their islands.

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<sup>72</sup> Intransitive verb.



This behaviour points to a view of land and people relations which is similar to that of Ifirans and other customary land owner claimants in the Port Vila area. As confirmation of this perspective, while people feel they have a sense of entitlement to be in Port Vila, they understand it is not their own place in *kastom*. Operating from it incomers can be deferential and respectful of incumbents' claims, as in the case of James and Grace, but they can also ignore them and assert their own claims to place aggressively.<sup>73</sup> Either way, their actions are mutually intelligible among immigrants and incumbents as deriving from a shared understanding of the relationship between people and land. They recognise each other as people belonging to particular places, for whom this kind of belonging is centrally important. It is this mutual recognition which, above all else, differentiates them in their own minds and in the minds of local customary owners, from *waetman*. The deep mutuality in perspectives runs deep, evidenced for example by recognition of the role of *apu* and the ways they are taken to manifest locally. For example, a man from the island of Paama, who is a security night guard at a local supermarket on the harbourfront, recalled one night hearing a great sucking sound coming from the water. When he looked in to the water he saw a giant octopus wrapping its tentacles around a concrete pylon (set as a foundation for an over the water restaurant being constructed) and pulling it into the sea. This was a *bubu* protecting the claims of Ifirans, who were opposed to this development, he said. Another similar story I was told relates to a man from Penama province who had come to Port Vila for provincial games. He was bragging openly about how he was far better than local people and would beat them on their land. He disappeared, and his body was later found washed up on a local beach, with the marks of octopus suckers all over it. This,

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<sup>73</sup> The Vete Association, for example, is a group that claims customary land ownership of Port Vila. While I could not investigate this claim in depth while in Port Vila for fear of compromising a more critical set of research relationships, some contact with them was inevitable. They conducted a widespread graffiti campaign, spraying empty buildings and some government premises with slogans and their phone number. Investigating further, I found the Association is dominated by people from the island of Tongoa, some 200 kilometres to the north of Efate. They claim they are the original inhabitants of the area, drawing on linguistic connections, genealogies and prophetic revelation to establish their case. This Tongoan claim is rejected outright by Efatese in favour of claims made by people of Port Vila's peri-urban villages.

the storyteller said, was action taken by the *bubu* because the *man Penama* had shown disrespect to the people of the area. The octopus, as discussed in Chapter 2, is a form *apu* may take according to the Ifirans.

Coming back to the issue of alienation, while it might seem that this mutually shared sense of proper relations to land would serve to promote customary forms of relations to land, I suggest that it actually operates to marginalise customary relations to land and to more firmly establish relations to land associated with nationalised, monetised political economy. This I argue occurs because, while people think very much about themselves as belonging to their own group and their own place, in Port Vila they are in a place that is not their own. In focussing on their own objectives they readily pass over the impacts of their participation in Port Vila life on localised customary relations to land, and do not necessarily make the connection between doing this and the potential ramifications for their own places.

While ni-Vanuatu immigrants are usually respectful of local land ownership claims when they encounter them, very often they do not need to deal directly with customary land owners in making arrangements to live in Port Vila. Richer people and people with government jobs can operate through legal and state administrative means. Poorer people may make informal sub-leases with formal lease holders, without knowing the customary land ownership arrangements that underpin the leases. In some settlements, there is contact between settlement representatives and local customary owners, but people moving to settlements can do so without seeking permission from customary land owners: they simply move in with their families. Rather than being the result of deliberate exclusion of customary land owners, the situation that exists seems to be one in which customary relations to land in the Port Vila area are simply overwhelmed, unable to operate and increasingly irrelevant in a context in which large numbers of unrelated people seek to live on and use land in non-traditional ways. The reconfiguration of social relations to land that is occurring may well be operating effectively to accommodate everyone who wants to be in Port Vila, but marginalises the objectives and processes of local customary land owners and leaves immigrants with a sense of unfulfilled obligation.

This marginalisation extends to the way in which *kastom* is recognised in national political and cultural contexts, exemplified by events associated with the 2009 3<sup>rd</sup> National Arts Festival<sup>74</sup> held in Port Vila. The official opening ceremony was held on open ground near the national Parliament House, on land that most would agree belongs in *kastom* to the people of Ifira. As part of the opening ceremony, recognition of the customary ownership of the area was symbolised by the offering of a pig, mats and food crops for the chief of Ifira and separately for the people of Ifira. While this seems like a customary form of recognition, the Chief of Ifira was absent from the ceremony and not represented, as he ought to have been to evidence his agreement to the ceremony. According to Ifiran contacts, the Chief was not able to reconcile all of this happening on Ifiran land just a few days after the incoming President of the Republic of Vanuatu had made a speech which included comments about corruption which were read by Ifirans to be directed towards them. Notwithstanding the Chief's absence the ceremony went ahead: an act considered disrespectful by my interlocutors. The events held in the course of the festival, marketed as 'a wonderful chance to experience and enjoy all aspects of Ni-Vanuatu culture including customary legends, custom dances, custom magic, traditional music, traditional island food, sand drawing, rope drawing, mat weaving, basket weaving, *tam tam* display and performance, canoe display and race',<sup>75</sup> also drew adverse comment from these Ifirans, who considered that the performance of dance and magic of other people on their land to be disrespectful and to weaken their *kastom* and that of others, too.

There are a range of other factors which indicate Port Vila is a place in which *kastom* relations to land are made to be out of place. One such is that people in some cases come to Port Vila to escape the burden of village life, which is regulated through *kastom*. A statutory office holder, related to me that he had to leave from his home village because he would never have rights to land there. His mother was a Fijian, and because rights to land in *kastom* passed matrilineally, he would never be given land and his children would never be secure. In Vila, at least, they have a chance for a good life. Another young friend of our family came to Port Vila as a sixteen year old to avoid the

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<sup>74</sup> Organised by the Vanuatu Cultural Centre

<sup>75</sup> Vanuatu Tourism Office. <http://vanuatu.travel/news/vanuatu-tourism-office/3rd-national-arts-festival-week-port-vila.html>. Last accessed October 2009.

physical and sexual abuse she suffered in her village. Also, as people become economically successful they sometimes become dismissive of *kastom*, as something belonging to the *grasruts* or *man bus* (man bush) and instead esteem sophisticated, cosmopolitan lifestyles. They sometimes express critical and suspicious views about ni-Vanuatu who are not so successful. On the basis of economic status, they consider themselves to have a better claim to be in Port Vila than other ni-Vanuatu. Sentiments they have expressed to me include that people without jobs should go back to their islands and that other ni-Vanuatu are lazy and not willing to 'sweat' to make money. Of course this assessment can include less well off customary land owners from the Port Vila area. Further, as people from other islands become settled in Port Vila, there will be an increasing number of children born there who will not be able to establish the kinds of customary connections with places elsewhere that people seem generally able to maintain. Finally, Port Vila seems to be a place where people can act in ways that would be condemned as immoral or selfish, and not tolerated, in their home villages.

### *Expatriates*

#### *People who have no respect*

Over the several years I spent in Port Vila, I witnessed areas on the outskirts of town being progressively turned over to settlements, formal residential developments and tourist resorts. Riding on my bicycle through these areas it was possible to see the signs of changing land use: a rough shelter with a few people living in it sometimes foretold the development of a new settlement; the burned remains of trees and survey stakes the harbingers of formal development; the newly made roads I traversed and barbed wire fences along the routes I took sure indicators of where land would next be developed.

Marope, discussed in Chapter 2, is one such area. To the south east of Port Vila there is another area in which this process has been very noticeable and with which I am familiar. It lies between the coast and the two kilometre stretch of road between Elluk, a well established expatriate enclave in Port Vila, and the village of Pango.<sup>76</sup> When I first arrived in Port Vila in 2003 it was possible to stop at almost any point along the road and walk 200 metres or so down any of a number of small tracks to the beach,

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<sup>76</sup> Rawlings (1999b) wrote on Pango and urbanization.

passing among modest houses and food gardens. From the road there was little evidence of real estate development visible, except for a new tourist resort close to Pango, called Breakers for the waves which roll in from the Pacific along this piece of coast and the good surfing. My work colleagues in the Ministry of Lands knew stories about this resort and the property investor who had developed it. They related how the investor had arranged with some customary land owners to have a lease issued on the land between the road and the beach, extending for at least several hundred metres along the road. The investor was said to have built the resort and intended to sub-divide the remaining land into smaller leases for sale to other expatriates. They were silent about their own roles in this process, begging a question about the part bureaucrats play in alienation, a matter which is considered more fully in Chapter 8.

Several years later, during my fieldwork, I returned to this area for a barbecue with Australian expatriates who lived in a house which had been recently built there. Turning off the road on to one of the small tracks I had known, but which had now become a driveway, I immediately noticed changes in the physical setting which had occurred in the space of just a few short years. On one side of the track/driveway, stood an original, modest house of the kind with which I was more familiar in this area, wooden framed, woven palm frond walls and a tin roof. On the other side of the track I saw a plot of land that had recently been cleared, empty but for survey stakes and piles of felled paw paw and banana trees which attested to recent use of this section as a food garden. Looking down the driveway, a high masonry wall blocked the view to the ocean which had once been on offer from this vantage point. I drove on between the modest house and denuded land, stopping only briefly as a motorised gate was opened to let me enter the secure compound in which my expatriate acquaintances resided. Inside the compound a large, two story house (very expensive looking befitting its absolute seafront position and at least 250 square metres in floor area) dominated the space.

After welcoming me to their house, the expatriates proudly showed me around the grounds. The view beyond the house, across a bay to distant white sand beaches and mangrove fringed shores, and to the horizon over the blue Pacific, was breathtaking. Standing on the ocean front edge of the property, and leaning over the low wall there

(low so as not to block out the view) I could see a ni-Vanuatu family group thirty metres or so away, some fishing from the rocks and others relaxing in the shade of some pandanus trees left standing on the fringe of the vacant plot that had once been a garden. The expatriates' dog which was near me barked incessantly and aggressively at them. It clearly annoyed one of the ni-Vanuatu men who yelled at it, threatening to hit it. I waved in apology, but the expatriate did not do anything to stop the dog barking at them: indeed he wanted it to as he had obtained it to be a guard dog. Over the course of an afternoon and a few beers I learned some details about the arrangements he had made to live there and his relationship with his neighbours outside the wall. Unsurprisingly, my acquaintance was paying what was considered a large sum for Vila, VT300,000 per month (about USD 3,000), to live there on a two year lease. He had taken the lease from another expatriate,<sup>77</sup> who had acquired a long term lease (75 years) on the land on which the house stood. He mentioned that he knew the people living in the house outside his gate. He recognised the head of the household as a customary land owner and was keen to have a good relationship with him. In this regard he had a standing offer for one of the man's sons to be a gardener for him (at VT1,500 per day, about USD 15, at the time of fieldwork accepted among expatriates as a fair wage). He did not mention any problems in his living arrangements and relationship with his neighbours, except that the gardener was unreliable and he needed to employ another one. Indeed he thought the relationship was good. As evidence of this he mentioned that the people outside the gate were voluntarily helping by keeping an eye out for potential (ni-Vanuatu) intruders and were pleasant to him and his family as they passed to and fro. He seemed oblivious to the vast discrepancy in material wealth between his family and theirs and he evidently felt unequivocally entitled to be living in the fashion he did.

Outside the walls of the compound, the situation of the people living there is emblematic of the experience of alienation and of the lack of *rispek* foreigners are commonly thought to show. They were, on their own account, not involved in signing any paper to allow a lease to be granted on the land and were not involved in the legal dealings for it. Consequently they felt there was no possibility of legal recourse when a

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<sup>77</sup> Not the developer of the resort, but most likely someone who had obtained a lease from the developer, the original lessee..

*waetman* started to build between their own house and the sea, but squarely on their land. I was not able to view the administrative records for the relevant titles, and so could not verify this story. Nonetheless, I have heard several anecdotes about people in this kind of situation, and it certainly typifies the way in which customary claimants can quickly be eliminated from legal dealings relating to their own land. While the family concerned did not offer an explanation for their exclusion from the process of signing a negotiator certificate (the first step in the legal recognition process), their situation almost certainly reflected the deployment of one or two strategies. First, developers can deal directly with chiefs, whose signatures on negotiator certificates can be legally recognised as evidence of customary land owner consent to transactions. Second, factions can develop within customary land owner groups and developers can make deals with individual factions. In the Pango context, it may well have been that this latter strategy was executed, as the paramount chieftainship of Pango was being contested at the time and factions in the community were aligning with different contestants for the title.<sup>78</sup>

They had little in the way of a relationship with the *waetman* beyond exchanging pleasantries, and the only solid income producing arrangement that had been made was for one of their young men to do gardening (mowing the lawn and such like, not productive gardening). This work, though, is hot and boring – far less interesting for the young man concerned than spending his time in the town centre with friends. The family recognised other domestic work (housekeeping and babysitting) was also available, but noticed that, rather than offer it to the family's female members, the expatriates employed women from other islands to do it. Notwithstanding the inequity of their situation, these people did not openly complain and in this respect adopted a stance that was similar in my experience to less powerful Ifirans. However, in this particular situation, they did not have the level of protection afforded Ifirans by a powerful and organised chiefly leadership.

The apparent lack of complaint does not indicate acceptance, however. Through various means I developed a number of general impressions on the uneasy relationship

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<sup>78</sup> Land Case No.1 of 2009.

between ni-Vanuatu and foreigners. I would sometimes talk to people as I rode around in the vicinity of Port Vila. Being able to speak Bislama fluently was a boon, people would visibly relax and be more inclined to *storian*. They would usually ask where I was from and what I was doing in Vanuatu. I would explain (depending on the date of the conversation) that I was working in the Ministry of Lands funded by AusAID, or as a research student investigating customary land arrangements. In Port Vila, when opportunities arose, I asked ni-Vanuatu people I knew about their views on instances of alienation. Particularly when I was doing fieldwork I would ask where they were from (if I did not already know), what they knew about developments around them, and what they thought about them. Sometimes mass media presented perspectives on these issues.

While ni-Vanuatu people were usually aware that land deals had been made, they were often not sure about the legal arrangements underpinning them, and in some cases people with customary land ownership claims felt wrongly excluded from them. It was clear that people did not know about the size of the amounts of money which change hands between expatriates. On a couple of occasions I let people know about the amount of rent that I paid to a French national (VT150 000 per month, or about USD 1500 during fieldwork, for a three bedroom house for me, my wife and five children) and they were astonished at the sum, equivalent to 100 days basic wage. In this situation of information asymmetry and exclusion from processes affecting them, people seem to hope that their generosity in extending to strangers the concession to dwell peacefully on their land or to use it will be recognised and reciprocated. In this regard they are quite realistic about the situation they face: the growing numbers of incomers means there is progressively less space for gardens but this loss can be made up through opportunities associated with having these others around. People are not averse to lifestyle changes and typically view Western-style technology, consumer commodities and money as holding desirable possibilities. As Foster (2002) notes in the Papua New Guinea context, people's concern is not typically that these things are around but with obtaining a fair share of them.

*Waetman* appear to be both compelling and repugnant. They are not respectful; do not follow due process; do not accept customary control over land. They are *man nating*, as



they have no customary entitlements to land. Yet they are successful and increasingly exercise material control over land. In this regard people's views seemed broadly consistent with Stasch's (2006: 327) encapsulation of the 'moral' issue which troubles Melanesians more widely about the people they recognise as whites, namely, 'how do they do it?' In sharing their reflections on *waetman* with me, people highlighted both the power of *waetman* agency and their moral weakness. For example, *yu ting se yu hae tumas, yu mo gud bitim mifala*, that is, 'you think you are so high up, that you are better than us'. And in a back-handed compliment, *yu no olsem ol narafala waetman, yu gat rispek*, that is, 'you are not the same as other white men, you have respect'. The effect of the combination also drew comment: 'I do not understand why they act as if they have status when they do not have any', said a friend, commenting on the way in which *waetman* typically behave. Whereas *blakman* are taken generally to be people who show respect, or at least are capable of it, *waetman* are considered generally to be oblivious to accepted mores, and are viewed as arrogant. There are two observations related to this evaluation I want to make (aside from the obvious one that people's assessment of *waetman* is generally accurate), as they are crucial to understanding the perspective this thesis develops on alienation. First, people's general assessment of *waetman* is taken up in national level political discourse about alienation, and strongly influences decisions taken about responses to it. I comment here only that it is largely impotent but serves the useful political purpose of convincing people that something is being done to help them. The second relates to the way in which 'whiteman as a perceived cultural presence is a global phenomenon' (Bashkow 2006: 2). Thus, the reflections of people in and around Port Vila on *waetman* point to their participation in spheres of sociality which extend spatially and temporally well beyond a localised customary purview.

#### *Foreign immigrant claims to land*

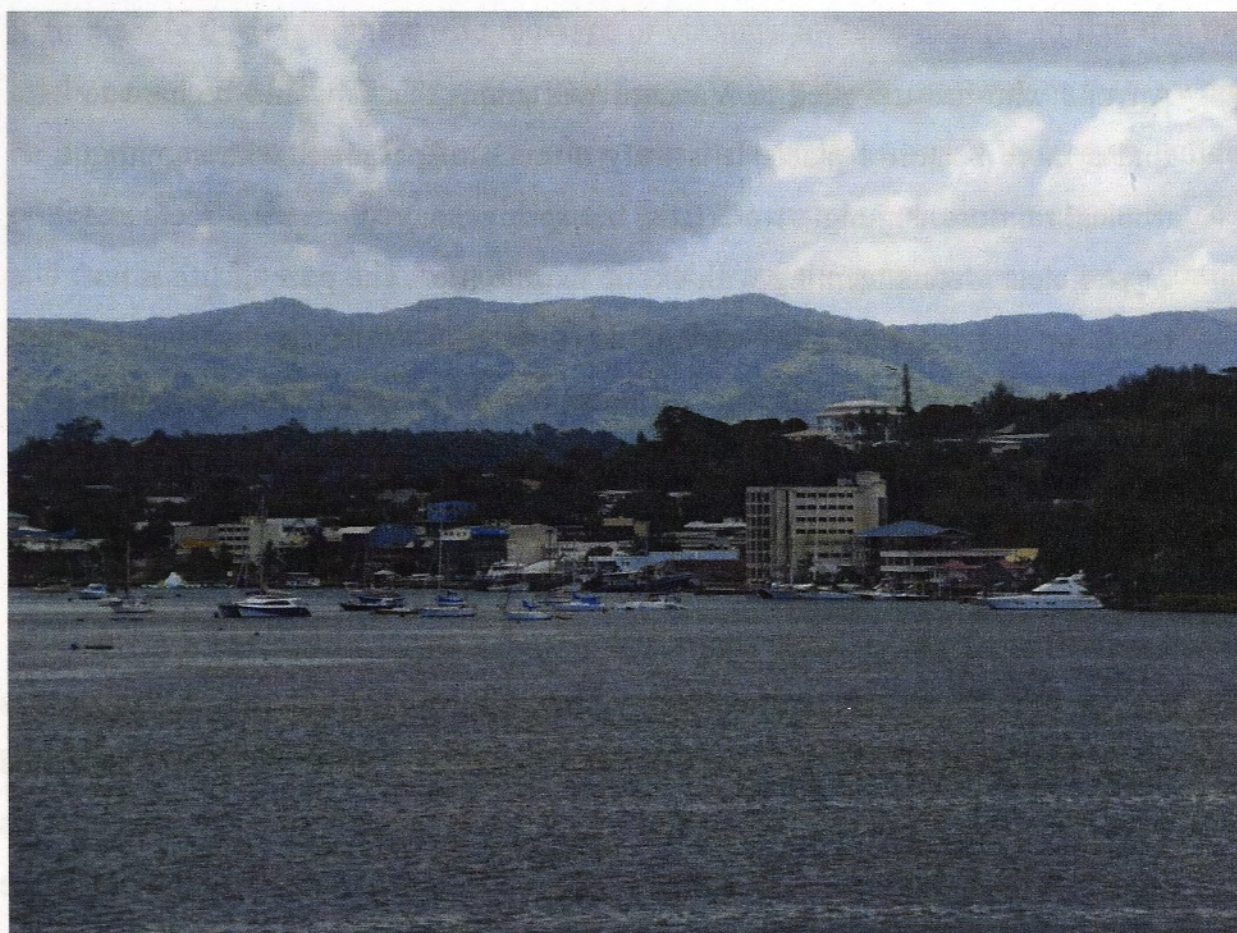
Here I explore the ways in which the people who ni-Vanuatu routinely call *waetman* seek to become emplaced in Port Vila. I provide more foregrounding than in the treatment of ni-Vanuatu immigrants, to highlight the very different perspective from which they operate. I will refer to them using the general term by which they refer to themselves: expatriates. Unlike ni-Vanuatu, these people are mostly at pains not to describe people as black or white, but this is more a nod towards contemporary evaluations of racism than representative of a radical reconfiguration of thinking

towards and about the people their forebears would readily have referred to as natives. The discussion here is based on dealings with a group of approximately 30 expatriate acquaintances over the five years I spent in Vanuatu, in work and social settings including through the local school and sporting teams. The specific comments attributed to them, and the attitudes conveyed, were all documented during the fieldwork year and with people's knowledge that I was undertaking research into customary land issues.

Many expatriates first arrive in Port Vila on vacation, following their dreams of a relaxing sojourn on a South Pacific island, or perhaps enticed by the prospect of an extraordinary natural or traditional cultural experience. Tourists fly in daily from cities in Australia and New Zealand and arrive on pleasure cruise ships two to three times a week. Arrivals by air catch brief glimpses of the green jewel set in the endless blue reaches of the Pacific that is Efate Island, on which Port Vila is situated. That is, of course, if it is not raining. Entering the natural harbour of Port Vila Bay at more sedate pace, cruise ship passengers (mostly Australians and New Zealanders) are presented with a panoramic view of the township of Port Vila, framed by the verdant, steep-sided mountains of central Efate. The international wharf, the arrival point for ship-borne international visitors, is visible from here, beyond a small island in the bay which dominates the entrance to the harbour. While the still distant Port Vila is visually appealing enough this island, Ifira, is sensorily overwhelming. A pristine white sand beach fringed by thickly entangled trees and shrubs, waves breaking gently on the shore and washing back into water of intense azure turning to deep blue, almost violet, around three rock promontories which stand arrayed like sentinels protecting the island's seemingly unspoiled beauty. On a clear day this place is screen-saver perfect, looking every bit a piece of the tropical paradise that tourism guides promise Vanuatu will be. As they draw closer to the wharf they can see a charming local village situated on the island, and small dark-skinned children waving to them.

On arrival at the international wharf, tourists typically spend a few minutes poking around the stalls which sell tourist trinkets, and sometimes chat to the souvenir sellers. Then they climb into mini-buses and taxis for a five minute trip along the wharf road into the centre of Port Vila, where they enjoy duty-free shopping, spend some time in

the bars and restaurants, look around, take photos and speak to obliging townspeople. Ni-Vanuatu are generally friendly in the presence of tourists,<sup>79</sup> away from them they sometimes shake their heads in amused disbelief at the spectacle presented by some: white skin burned red in the unfamiliar sun; often corpulent; scantily clad; decorated with backpacks, jewellery, sunglasses and cameras; sweating profusely and sucking endlessly on water bottles. Some tourists head off to a nearby 'custom' village for demonstrations of authentic traditional culture, shouting delightedly when men brandishing spears leap out of the bush at them in mock challenge. Tourists who have arrived by air engage in similar activities, but with more time than the cruise ship visitors they also take road trips around Efate and use Port Vila as a base for visiting other islands.



*Photograph 6: A view of Vila from near the international wharf*

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<sup>79</sup> *Turis man*, as they are known in Bislama, are welcome visitors because they come, spend money and then leave.

After their sojourns in Vila and Vanuatu most return to their lives elsewhere, their appetite for an authentic Pacific island experience sated, or sometimes disappointed. But some of them want to live in Vanuatu, enchanted by the kind of relaxed and privileged lifestyle they think the place offers. They imagine opportunities to retire or to make a substantial living or social contribution, a world away from the ordinariness of the office, the shop floor, the suburbs. Other people are initially drawn to Vanuatu for more pragmatic financial reasons, especially keen to explore the possibilities of Vanuatu's tax haven status (Rawlings 2004). These people may make Vanuatu their long term home but frequently too they invest in real property from offshore, or live in Vanuatu for a short period and then rent out their property after they leave. The attractions of Vanuatu for many expatriates are encapsulated in the following quotation from a leading expatriate business adviser:

Anyone who has travelled to Vanuatu will admit that it would be hard to find a more beautiful place. It is truly a touch of paradise, with stunning tropical rainforests, jungle waterfalls, hot springs, incredible coral reefs and crystal clear waters teeming with exotic marine life. The pace of life is not raced or hurried and the warmth and friendliness of the ni-Vanuatu constantly help to lift the spirits. The country boasts an advantageous tax regime which is enhanced by several unique features when compared to other finance centres: there is no income tax in Vanuatu, no withholding tax, no capital gains tax, no death duties and no exchange controls.<sup>80</sup>

Van Noorloos (2011: 85) describes a very similar situation in Costa Rica, which 'has become an important destination for migrants from the United States, Canada and Europe to "buy their piece of paradise" and "live their dreams"', relating this movement to a 'wider process in which western populations have increasingly made the move to such far-away corners of the world as Central America in search of 'paradise': a higher quality of life for a lower cost but also an investment opportunity. While this 'residential tourism' trend is a clear factor in the migration of expatriates to Vanuatu, there are a range of reasons why they settle in Vanuatu for more extended periods (a

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<sup>80</sup> [http://www.vanuatuparadise.com/NewFiles/anglais/investssement/investir\\_ang.html](http://www.vanuatuparadise.com/NewFiles/anglais/investssement/investir_ang.html). Last accessed 15 January 2011.

few years or permanently): they come to work in diplomatic or development assistance missions, churches, professional firms, commercial institutions, businesses, tourist resorts, tertiary education institutions and non-government organisations.<sup>81</sup>

While part of the attraction for many lies in the differences they perceive between life in Vanuatu and life at home, there is much that appears familiar to them. In making a decision to live in Vanuatu they consider requirements important to them (relating to housing, education, health care, jobs, access to technology, personal and property safety) and find that these can be met with some trade-offs, for example greater personal freedom comes at the cost of some level of amenity, profit at the expense of some material comforts. Dealings with the Vanuatu Government to obtain visas and residency permits are, while frustrating, also familiar forms of bureaucracy. Significantly there is nothing - no message or circumstances or events - to flag that they might need to modify their behaviour or lifestyle in any significant way or that it would be appropriate for them to operate other than in accordance with their own cultural preferences. On the contrary, as the quote from the investment adviser above suggests and the discussion that follows will demonstrate, Vanuatu is made to appear welcoming to them, a place where they can settle on terms they understand.

While some newly arrived expatriates, for example diplomatic staff, are provided with accommodation, many need to seek out places to live and invest in. While renting for a short term is an option, many seek the certainty of longer term land interests in and around Port Vila.<sup>82</sup> Longer-term land interests fit in with their own views about the security that holding land as private property provides. Additionally, long-term investment in real estate can be used to meet the Vanuatu Government's minimum

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<sup>81</sup> Within the expatriate group there are social divisions and groupings. One worthy of note is the imagined morally-based division between people who are in Vanuatu to do good, and those who are there to make money. In the former category are development and NGO workers and of course social researchers. These people tend to eschew the connection between themselves and the others, thinking themselves to have a more authentic reason for being in Vanuatu than them and imagining an empathy with 'ni-Vanuatu' on this rather tenuous basis. Their tendency to assume that meaning well is the same as acting well is a powerful one, and as I shall show can contribute to the problem of alienation.

<sup>82</sup> It is rare for newly arrived expatriates to seek to establish themselves elsewhere in Vanuatu initially, although Espiritu Santo and Malo are destinations for French people from New Caledonia.

investment requirements for residency. Expatriates will often start their searches with real estate agents who offer properties for sale or rent. In the centre of town there are several real estate shop front windows displaying pictures of homes 'for sale' or 'for rent' (in French too, *à vendre* and *à louer*). This billing glosses over the Constitutional provision relating to land ownership: legally speaking land may only be leased. Most agents also have websites which people peruse before they arrive in Vanuatu. The picture presented to them is one with which they are familiar. The kinds of property deals offered by agents seem to be very much business as usual for these prospective new residents, and the prices of properties are attractive to many. People can snap up land on the ocean front or near a lagoon, with incredible vistas and cooling tropical breezes, at a price that is very low compared to similar offerings on the Australian east coast. When the land holding arrangements are explained in more detail they can seem a little alien, but they are presented as secure and having the backing of the law. For example:

No land in Vanuatu is freehold, therefore all land is leasehold. Leases usually extend for 50 or 75 years from the date of Vanuatu's Independence in 1980, or sometimes from the date that a new lease is created. Leases can be extended up to 75 years. The urban leases are contained within the Municipal Zone of Port-Vila and Luganville. The lessor is the Government, acting on behalf on [sic] its people who are the Custom Owners or free-holders, and the buyer becomes the lessee when a transaction is completed. All leases are registered in the central government Land Records Department and all transactions on land leases must be registered.<sup>83</sup>

The details of land holding arrangements deter some people from settling in Vanuatu but for many they are, initially at least, a minor issue. They rarely need to negotiate

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<sup>83</sup> [http://www.vanuatuparadise.com/NewFiles/anglais/investsment/immo\\_ang.html](http://www.vanuatuparadise.com/NewFiles/anglais/investsment/immo_ang.html). Last accessed 13 January 2011. The real estate agent's advice quoted above is legally inexact – not all leases can be extended by 75 years. It does though recognise the differentiation between urban and other leases, and the recognition that urban leases are issued by the Government. The use of the term 'free-holder' for customary land owners is not one I have seen or heard in any other context.

with, or even know the identity of, customary land owners. For urban leases there is no need to consider customary land ownership as the Government has already taken the land from its owners. When taking leases on customary land, they generally deal with real estate agents and government officers rather than directly with customary land owners. Those taking leases on Ifiran land sometimes deal with the Ifira Trust, a business entity which represents customary owners. This situation reflects the legal and administrative arrangements by which customary leases are established<sup>84</sup> and also the marketing of higher end residential properties that attract expatriates.

Very evidently, these newly arrived people do not attend to other perspectives on the relationship between people and land, in particular they have no insight into the meaning of customary land ownership from a ni-Vanuatu point of view. Focussing on their own immediate and pressing needs, they pay little heed to the broader social implications of moving in to a place, to the effects on people who already live there or on those who have other kinds of claim to it. Lacking the social facility to interact closely with ni-Vanuatu they turn to familiars, people like them and institutions they recognise, for support. They are not confronted with different perspectives about land in these social relations, rather they are reassured that theirs are normal and even desirable.

While lack of familiarity with their circumstances explains the behaviour of some expatriates, even among well established expatriates a lack of awareness of local perspectives on relations to land prevails, and I was perplexed by it. They adhere to an insular kind of perspective about the relationship between people and land that draws heavily on cultural perspectives from their own places of origin. In this way they are similar to ni-Vanuatu immigrants, however, the particular perspectives they bring to bear are markedly different from those of ni-Vanuatu.

In a place which they do not consider home, but which they often hope will become home, expatriates draw on their own deeply ingrained patterns of thinking about relationships between people and land to create their own visions of what life in

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<sup>84</sup> Discussed in Chapters 7 and 8.

Vanuatu will be like and these ineluctably frame their practices and experience. There is no question, for them, that they can rightfully transplant themselves to a different country, and that in this new place the rules about land holding should be similar to those at home, with a hint of the exotic and challenging added in. They come from places where seeking a new life and new opportunity elsewhere is considered estimable and people who can do this are regarded as fortunate. Critically, too, they bring their own sense of the determinants of social status with them: occupations, money, positions within state hierarchies, education and possessions including land and houses. If anything, they often feel they have higher status in Port Vila than at home: it is a place where a hairdresser can join the social A-set, where a middle level public servant from Canberra can rub shoulders with government ministers and ambassadors. This sense of status impacts on their dealings with ni-Vanuatu people, who are routinely and instinctively considered inferior on some or all of the dimensions of status that expatriates value, even by those who abjure racism. This attitude converts to treatment of local people that is at worst flagrantly opportunistic and exploitative, and often patronising and pitying. Even the idea of development, an enterprise in which many expatriates are engaged, and which from an ethical perspective is well meaning, is based on the cultural fashioning of superiority and inferiority (Sachs 2010; Escobar 1995).

It is important to recognise that not all expatriates think and act in the same way, with some more willing than others to recognise ways other than their own as the product of intelligent, committed, human response to social and environmental circumstances, and to recognise the limitations and pitfalls of their own adaptations to these same circumstances. It is these people who over time come to understand more of local perspectives on social relations concerning land. But when they do they tend to associate less and less with expatriates who persist in following their own ways, and opportunities to share their learning with their compatriots are thereby lost.

Land and residence issues are a relatively common topic of conversation among expatriates and revealing about their subjectivities. At work, or meeting up with each other on weekends at social venues, at each other's homes or at a local beach, expatriates reflect on their experiences in Vanuatu. Because of the relationships I developed working with AusAID, over the several years I was in Vanuatu I was able to



participate in many conversations on these issues, and during fieldwork took particular notice of what people had to say. Conversations about land in these contexts confirm that the land holding arrangements in Vanuatu appear to be perfectly in order for many expatriates, particularly those who have all of their dealings with local lessees and owners mediated through real estate agents, or who hold only urban leases. Vanuatu is perceived to be a lot like home, where land may be obtained in exchange for money through an arrangement sanctioned by law. The main difference expatriates recognise is the existence of 'customary land owners'. For the majority of expatriates, who come from New Zealand and Australia, customary land ownership is a familiar concept in the broad: they recognise it as similar to Maori land ownership and Australian Aboriginal native title. However, in my experience there is less opposition to the idea of this kind of land right being applied in Vanuatu than in those countries. This seems counterintuitive, because many expatriates have blatantly and unassailable senses of their own superiority in relation to ni-Vanuatu, but I attribute it to their particular sense of what authentic customary land ownership is. Further, expatriates do not have the sense of an innate claim to land in Vanuatu that they do in their own countries, rather they recognise that their rights to land derive in some way from those of ni-Vanuatu. Unlike Australia or New Zealand, where people in my experience criticise indigenous land owners for not having a strong continuous connection with land, or for not being indigenous at all, they view Vanuatu (outside of Port Vila and Luganville) as being an untouched paradise. From this impoverished observation they often readily assume that the connection between people and ground has never been broken and that traditional ways are still strong. Of course this way of thinking precludes recognition of 'full' customary land ownership in Port Vila, where expatriates mostly live, pointing to a link between what is considered morally appropriate and arrangements which suit people's own situations. In and around Port Vila the property deals they make lock in their own rights and expunge those of customary land owners, and this removes the kind of threat they imagine exists at home, that productive capacity and amenity will be lost as indigenous land rights are progressively recognised and developed. Overall they feel less threatened and have a sense that traditional ownership is justified in Vanuatu, more so than at home, because it really does not affect them.

With respect to Port Vila there is a kind of recognition of vestigial indigenous interests inherent in the ambivalence expatriates express about social change which they perceive to have occurred among ni-Vanuatu there: change centred around the adoption of technologies and ways that are recognisably their own (that is, the expatriates' own). Sometimes they express the opinion that changes of this kind are positive, that they are evidence of development. Sometimes (and even the same ones who support development say this) people express sorrow and concern that the changes in lifestyles and language they perceive means cultural richness and diversity is being lost.

A specifically moral form of evaluation manifests itself in people's reflections, which tends to reinforce people's own preferred positions. Expatriates have a particular view, based on their sense of land as property, about how customary land ownership rights ought to be exercised. In conversation with me people have said that they respect and want to uphold the rights of custom owners as it is, unquestionably, their land. Ni-Vanuatu should have the right to live on it, develop it or lease it out as they wish, they say. People have also said to me ni-Vanuatu people should receive a fair return on land themselves if they wish to sell it. Their use of the word 'sell' demonstrates the distinction between long term leases and freehold is not a significant one for many, they are thought to amount to the same thing. People also say it is good for ni-Vanuatu to develop or sell their land because they will then be able to share in a lifestyle similar to their own. They generally have sufficient trust in the rule of law to accept that there is no moral hazard in land transactions. They assume that the right thing is done by and for the customary land owners by following legal and bureaucratic process. In coming to this view they notice too that, unlike the governments of Australia and New Zealand, the Vanuatu Government is comprised almost entirely of 'indigenous' people. So why would these people not look after their own fellow citizens' interests? Only if they are corrupt, of course, meaning the moral issue is more one between ni-Vanuatu, rather than a problem for investors acting in good faith or for promoters of national development.

In the view of many expatriates I spoke to there is a strong imaginary link between law and moral certitude which is always present but manifests in talk and action when the wrong thing is taken to be done. The view foreigners have of aspects of property developers' sharp practices is an example of unlawful practice which by foreigners'

own standards is considered immoral. Many among those I have talked to view sharp practices by property developers (obtaining land by deception, paying an unfair amount to custom land owners) as wrong and are not knowingly involved in them. Few, however, would think to investigate the transaction trail from a first lease to their own or think about contacting a customary land owner representative to see if the arrangements in place suit the land owners. The same imaginative connection also sometimes produces scepticism about ni-Vanuatu land claims, notwithstanding general acceptance of the ideal of customary land ownership. The kinds of views expressed by foreigners on customary land claims included; 'when money is on offer they'll come from everywhere'; 'people will lie to get what they want' (Field notes, 25 May 2009); and 'they'll do each other in to get land' (Field notes, 11 October 2009). These observations are culturally inflected ones, and reveal characterisation of an 'other' in the terms understood by people themselves, a phenomenon very familiar to anthropologists. In the development sphere some expressed to me the view that ni-Vanuatu are circuitous, slow-moving thinkers and crafty (not direct, decisive and sincere) when it comes to land dealings.

As cultural assessments of others these kinds of phrases slip all too easily from the tongues of expatriates, but people do sense dissonance between what they say and what they are experiencing. Recognising the inconsistencies and gaps in their own understanding they say things like 'I don't get them' (Field notes, 19 March 2009) and 'we are just wired differently' (Field notes, 25 May 2009). They also recognise in a nascent kind of way that there are personal differences, preferences and approaches among ni-Vanuatu, and that there are different bases of identity among ni-Vanuatu too – they are not all the same. However, cultural forms and family, village and island connections remain mysterious and are routinely glossed as the 'wan tok'<sup>85</sup> system. Some try to explore the situation from an economic view, assessing the behaviour of ni-Vanuatu as economically rational, consistent with their impoverished circumstances and uneducated state. Some connect what they take to be corrupt behaviour to be connected with a lack of understanding about the law. Some refer to a 'spiritual

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<sup>85</sup> The phrase *wan tok* is one I have only ever heard spoken by foreigners and political activists in Vanuatu, or by ni-Vanuatu referring disparagingly to groups that are not their own, in conversations with foreigners. People generally consider it to be a phrase belonging to *man PNG*.

connection between indigenous people and land', an essentially authentic sense that 'modern' people have lost.

Expatriates' evaluation of their own transactions and of customary ownership reveals a view of the primary relationship between people and land in Vanuatu as being properly, even necessarily (in view of their needs), framed through property rights. Relevantly though, it is not just that they prefer to do things this way, or that it is the way it is done at home (although certainly these considerations are prominent in their thinking): it is the manner of acting that is presented to them as appropriate when they arrive in Vanuatu. While differences between the law in their home countries and Vanuatu are glossed over for them, undoubtedly the law in Vanuatu is primarily constructed according to a view of the relationship between people and land as being a property one. This construction of relations between people and land encapsulates alienation: the ability to buy and sell land, on another view, is the ability to detach people from land and put others in their place seamlessly and irrevocably.

### ***Immigrant contributions to alienation***

The chapter explains how the classification of immigrants in Port Vila is tied intimately to their ability to recognise and participate in customary forms of relations to land. On this basis there is a distinction between broad classes of people who show respect for *kastom* and those who do not. Ni-Vanuatu immigrants and local customary land owners, share a sense that without land a person has no status and, when away from their own place, that they are on someone else's and host/guest arrangements apply. Ni-Vanuatu generally find the behaviour of immigrants they classify as *waetman* to be problematic because they do not typically show respect for customary process or claims.

This classification is relevant to the thesis argument because it points to the different ways in which the two groups of immigrants tend to contribute to land alienation. The chapter confirms the commonplace assumption that it is the people who are referred to locally as *waetman* who are the primary instigators of alienation. However, and less commented on, ni-Vanuatu immigrants contribute to alienation by living in Port Vila on the basis of claims based on citizenship and without specific local permission. Significantly, both groups of immigrants are able to establish claims to be in Port Vila

based on a view of relations to land which is not customary but rather which reflects the operation of state control over land and a view of land as property.

In Port Vila most land is subject to the property regime and in the adjoining areas it is being progressively made into property. The state appears to support and promote foreign investment. But how is unclear as the introduction of customary land ownership at the time of Vanuatu's independence contained an emancipatory promise: freedom from control by *waetman* so that ni-Vanuatu may use and develop their own land in their own preferred ways. In the contemporary public policy context, customary land ownership is still seen to be critical to the development of Vanuatu as a uniquely, proudly, Melanesian and Pacific nation, socially and economically successful. The fundamental imperative of the original customary land ownership policy remains: identify customary owners of land and let them control it as they see fit.

The information asymmetries noted in the chapter provide a lead towards understanding the state orientation in favour of property. Many ni-Vanuatu know very little about the property aspects of the law and most expatriates are in the dark about *kastom* relating to land. This is a situation in which elite actors can exercise unusual influence, and in the next chapter I turn to consideration of their contribution to propertisation and alienation.

## Chapter 4: Elite mediators of customary tenure and property

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### *An emerging elite*

This chapter is the first of two which focus on people who powerfully mediate customary and property forms of relations to land in Vanuatu. They are at once very successful and very difficult to study because they do not usually represent themselves or stand out as people who are able to do this, and they are able to control intrusive enquiry very effectively. During fieldwork I encountered them within the Ifiran group and also in government contexts, in which I met elite people from Ifira, elsewhere in Efate and from other parts of Vanuatu.

Due to their close customary associations, these people do not typically identify themselves as a group separate from other ni-Vanuatu. Twice, though, I heard people whom I consider to be in this social stratum refer to themselves as part of a 'ni-Vanuatu middle class'. Another indication that they have different views and act differently to other ni-Vanuatu in some ways is the view I heard some express about people they identify as *grasruts*, whom they on occasion disparage as indolent whilst themselves enjoying a lifestyle of material plenty. This attitude extends to criticism of their own families on occasion: as one said disparagingly about his own close relatives, they 'want money but they do not want to sweat for it'. These findings are reminiscent of Gewertz and Errington's regarding the emergence of a socially and economically elite group in Wewak, Papua New Guinea. They observed a 'reclassifying of people as to worth and their prospects' (Gewertz and Errington 1999:120) among 'middle class' people. Relevantly for this thesis, the distinction elites<sup>86</sup> draw between themselves and their own people reflects a level of separation from their customary attachments to place, and a concomitant embrace of the possibilities of property rights.

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<sup>86</sup> The term 'elites' is used as a simple descriptor for the people being discussed in these chapters. Goddard notes (2005: 40) a reductive and dichotomous distinction is made between 'elites' and 'grassroots' in Papua New Guinea English. I did not encounter this kind of usage in Port Vila.

With the broad aim of explicating the role elites play in the process of propertisation, over the course of two chapters I will explain who these elites are; how they have come to hold the positions they do; their perspectives and forms of action; and also consider their relationship with other ni-Vanuatu people. Before moving to the main discussion, I foreground some of the conclusions that emerge from the two chapters. Then, this chapter proceeds to address the issue of who these people are, from two perspectives. I analyse the local metaphor of *nawita*, octopus, which marks elite people as having the ability to operate unobtrusively and effectively in local and national level social contexts. Then I discuss 'resumés' and genealogies of two case study families to illustrate the connection between people in representative and managerial positions and certain prominent families. The chapter then turns to the question of how elite people have emerged from the experience of colonisation and pro-independence politics, from the arrival of Europeans in the 1840s through to the 1970s. It concludes with a reflection on the conditions and key ideologies of the 1970s which established these people as powerful mediators in land dealings in the national sphere going forward.

Previous commentary on matters of *kastom* and land in Vanuatu has identified elite people: they appear as 'urban sophisticates' and 'politicians raised in urban settings and educated overseas' (Keesing 1982a: 299), 'masters of tradition' (Rodman 1987, 1995), and more generally as instrumental elites (for example Philibert 1986, 1989; Babadzan 1998, 2004). These commentators reveal, commonly but with different emphases, elites' participation in money-based, market economy and in liberal-democratic forms of political power, positioning their activities within a frame of large scale forces. I highlight these perspectives because they tie in with my own research, which illustrates that liberal political and capitalist market economic categories are ethnographically evident and highly influential in people's lives in Vanuatu. The alienation of land reflects a 'globalized context and neo-liberal policy environment' (Van Noorloos 2011: 90). While operating with an eye on their own customary constituencies (also recognised by the aforementioned writers), elites tend to perpetuate and extend the influence of these big systems, attesting to the importance of property rights for participation in them: they are property promoters, developers and beneficiaries. These sentiments resonate to an extent with venerable ideas of comprador elites or Gunder Frank's (1972) *Lumpenbourgeoisie*.

At the same time I am mindful of Ong's criticism (2011, p.5) of theorisation that attributes specific sets of power relations to the effects of neo-liberalism as a large scale, undifferentiated political force. Ong is concerned with the Asian geo-sphere, where analysing lives primarily as responses to Westernised globalisation discourse is questionable and the idea of worlding helps to elucidate the situations people are in. The caution is equally applicable to analyzing politics in Vanuatu: due regard needs to be given to how people engage with large scale movements. In this vein the self-reflective phrase 'ni-Vanuatu middle class' is instructive, suggesting the importance of customary attachments and liberal political-economy to elites. The chapters show they play a mediating role in managing tensions between customary dictates and the pressures imposed by participation in a money-based economy and nationalist action. Within their customary groups there is an expectation that elites will engage in larger spheres of activity and elites respond to that.

Further, the perspective developed maps the engagement of indigenous people with shifting state prerogatives over time, through the colonial period and in the transition to independence. Notably, the 'middle distance between the present and history', the time of decolonisation and 'its ideologies of independence and modernisation' (Kelly and Kaplan 2001: vii) continues to exert an influence over elites in Vanuatu. The impact of this engagement on the forms and significance of relations to land in Vanuatu follows the same pattern Kaplan identified in Fiji. She writes (Kaplan 2005: 33, 40):

Around 1800 the term *itaukei* ("people of the land" and "owners of the land") had a primary meaning as "commoner installers of the chiefs," ...

... whatever being a Taukei was in the 1700s and early 1800s in Fiji, and however land may have been held and used, in colonial Fiji from 1874 on it meant having something: that "something" being bounded and mapped property that you shared with your kin, that was linked to your "custom and history," and that couldn't be sold.



Essentially, use of ethnic Fijian land is now explicitly seen as the ethnic Fijian capital contributed to businesses, the national economy, and the nation-state more generally.

Through the process of propertisation, people of the land also become people of property. Elites in Vanuatu are identifiable in matters of land, not so much because they trade one perspective for the other, but through the ease with which they engage with property rights, in addition to being reliant upon them. The history of colonial land occupation and use has made all ni-Vanuatu in the Port Vila area dependent upon engagement in the market economy to varying but usually significant degrees, but that fact alone does not mark them as elite.

With regard to the question of how elites contribute to propertisation and alienation, the discussion focuses on describing elite thinking and action, responsive to the access I gained to elite settings and people. Nonetheless, the thesis does point towards stratagems which coalesce around the ability to set context and control process within institutions (Marcus 1983).

Ni-Vanuatu elites generally speaking have support to act on behalf of their customary group. This support is contingent, at least partly, on elites' delivery of benefits to the group. Reciprocally, elites are granted the prerogatives of holding secret knowledge and operating in contexts beyond the purview of the group. In business and state contexts 'acting on behalf' may involve representation, carrying out formal roles (managerial or official) or securing financial benefits. The relationship of reciprocity holds if elites are judged to provide benefits commensurate with group expectations.

Elites are eligible to hold official positions within the institutions of the state by meeting educational and experience requirements, and they also attain them through nepotism. In these positions, they can promote their own interests in accordance with formal dictates, and they can also do this by circumventing them. In the latter case, they need to establish alliances within state institutions which allow them to operate secretly. These alliances are noticeably structured along customary lines. They may operate in established businesses in the same way. If they establish an entity, they can control the

objectives, processes and distributions from it. Operating in cooperation with a network of family and broader customary group connections, elites are able to align their activities within state and business contexts. Ifiran elites are adept in all of these strategies, to the extent that arrangements Ifirans make have an impact on not only the Ifiran group, but ni-Vanuatu more widely. They exemplify the possibilities for elite action in Vanuatu.

### *Nawita*

In 2003, I was employed in the Vanuatu Ministry of Lands. One day, while working away quietly in a small office alongside two ni-Vanuatu officers, we saw a very senior official pass by the open door. One of my colleagues leaned over to me and whispered conspiratorially, '*nawita*'. *Nawita* is the Bislama word for octopus, one of the few taken from the word stores of local languages rather than from English. I guessed that he was referring to the senior officer, that *nawita* was a nickname for him. I laughed: this senior officer had a reputation for facilitating questionable land deals so I interpreted the appellation as a sly reference to his corrupt activities. Although no one could piece together exactly how, everyone was convinced of his involvement. Entering into the conspiracy I said,<sup>87</sup> 'you mean, because his tentacles reach out and touch everything'. My colleague looked quizzically at me. 'Maybe', he said, meaning not really. 'Have you seen an octopus move about on the sea floor?', he asked. I replied that I had. 'What do you notice about it?' I thought for a moment about the flowing and sinuous movements of these creatures across sand and rocks and coral, and then it struck me. Octopuses change colour as they move from one place to another to blend in with their surroundings. So I said, 'They can change colour' and it was his turn to smile. 'That's right, they can become white'. So, one inference to be drawn from the metaphor was immediately clear. The official was taken to be able to act either like a *blakman* or a *waetman*, depending on the circumstances. Further layers of meaning became apparent to me over time, and crystallised in my mind during fieldwork.

A few years later, when letting friends and acquaintances know about my fieldwork with Ifiran people, a few (in the course of warning me against this decision) referred to them collectively as *nawita*. The senior official in the Ministry of Lands my colleague

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<sup>87</sup> In Bislama, I have translated the conversation to facilitate interpretation of the metaphor.

pointed out is an Ifiran, and so I recognised that his comment represented a more generally held view about Ifirans: they are collectively viewed as people who can become like *waetman*. This attribution is a variation on the supposition that the Ifirans have lost *kastom* but explores the implications of that loss further. They are held to be like *waetman* in the way they use money and political and administrative processes, they are adept and knowledgeable in them. Equally, though, there is recognition that the Ifirans are still *blakman*. The metaphor carries that implication not only in the reference to the switching capability of these people but in the word *nawita* itself. Many people in Port Vila know that *nawita* is a family or clan name on Ifira, and recognise that Ifirans (in common with other ni-Vanuatu) act in ways that privilege their own families, a behaviour they associate with *blakman*.

The attribution of this *nawita*-like quality to a powerful ethnic group and for the benefit of families within it requires unpacking. Significantly, this view was mostly conveyed to me by people who I consider to be *nawita*-like or who aspire to elite positions. Their projection of this switching behaviour on to others (complete with reference to the morally laden categories of blackness and whiteness), and lack of self-recognition regarding their engagement in it or aspirations towards it, reflects how *nawita*-like people operate at the limits of social acceptability and comprehension and an attendant tendency to attribute problems to the agency of others.

From a less personally invested standpoint, I regard the view that these people are fundamentally, substantially *blakman*, and can be like *waetman* as a kind of reflection on the identity of *nawita*-like people. In common with all ni-Vanuatu I know *nawita*-like people have a multi-dimensional perspective on relations between people and land, but operate in situations which enable and require them to envisage and enact ways of reconciling the conflicts between customary and property perspectives with which everyone lives.

The observation of colour changing captures the ability of *nawita*-like people to transition readily between social contexts and to operate in the manner appropriate to each. I suggest, though, that they assume personas in different social contexts rather than merely adopting a facade in the 'white' ones associated with larger scale political

and economic activity. Their behaviour is similar in kind to linguistic code or register shifting, which indexes participation in different social contexts. However, the shifting is not always evident in a change in language, and extends to the deployment of different ideologies and ways of acting in social settings pertaining to localised and larger scale spheres of sociality. *Nawita*-like people are distinguished by an extremely well developed ability to do this and occupy positions in which they can. The senior official in the Ministry of Lands, for example, professes and promotes adherence to legal customary land ownership, and seems to apply it when at work. He is well regarded by international donors and advisers (who are not familiar with his *modus operandi*). Yet people know he uses legal and extra-legal means to look after his own family's interests, by fast tracking and facilitating land transfers and development applications for them, and as an agent for others.<sup>88</sup>

Ifirans, more than any other group of ni-Vanuatu, are in a position where they must deal with the conflicts of customary and property perspectives and so *nawita*-like behaviour is very evident among them and to the people with whom they deal. For present purposes, this high 'incidence' of *nawita*-like behaviour among the Ifirans allows me to draw on case examples from fieldwork to discuss elite attributes and action, but I do not accept that all Ifirans are the same in this regard. Leaving aside the connection made by interlocutors between *nawita*-like behaviour and Ifirans, a very important dimension of who elite people are comes into focus: they are connected with a number of well-known families.

### *Elites and prominent families*

There is a noticeable concentration of elite positioned people within very well known and powerful families in Vanuatu. It is not always the case that elite people are connected with one (or more) of these families, and far from everyone in these families is in an elite position. However, the link is a strong one. I exemplify it here using a case example of the Kalsakau and Sope families of Ifira. While they are not the only Ifiran families from which elite people emerge, they are very well known among Ifirans

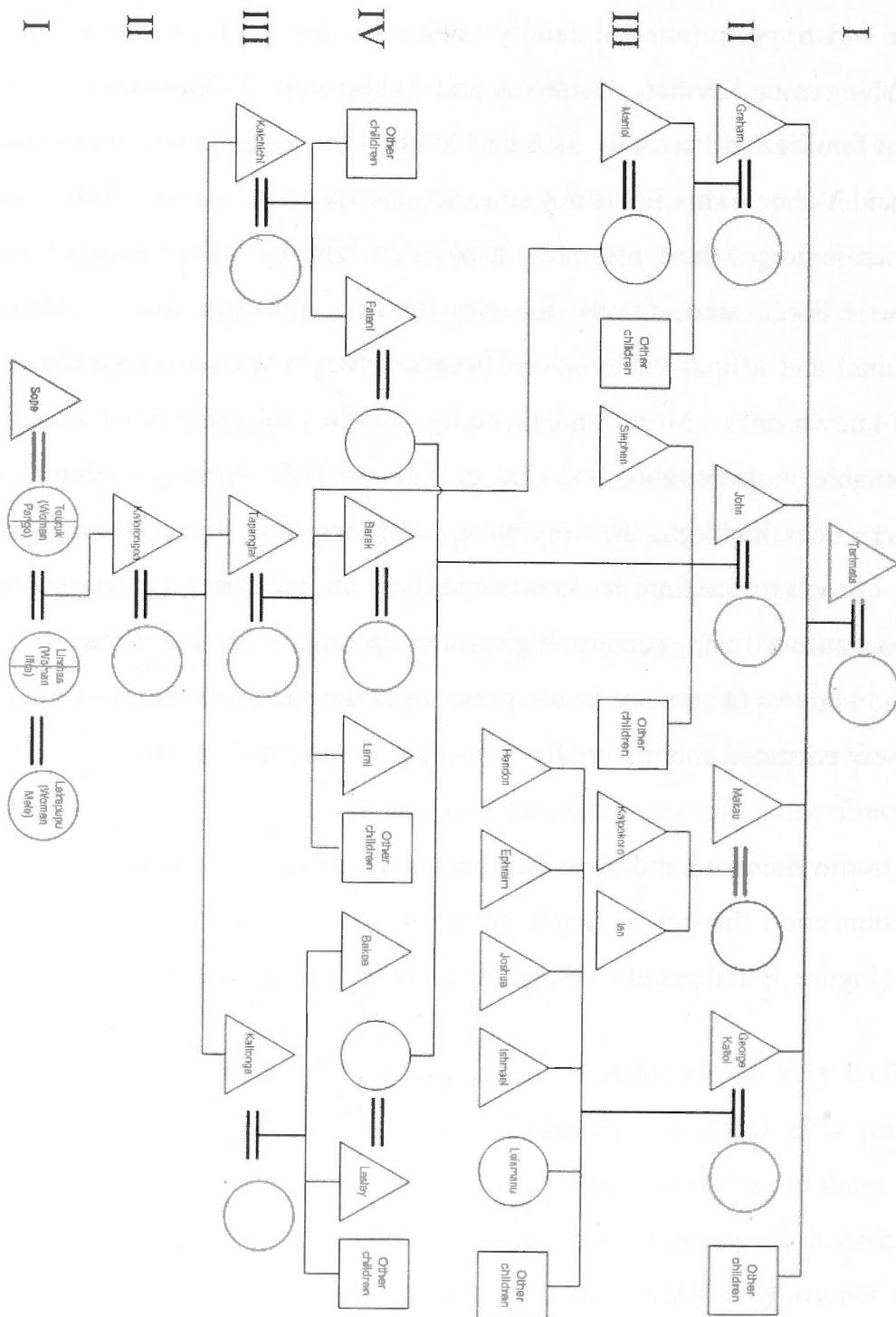
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<sup>88</sup> No one I know has witnessed deals being done between this officer and developers, and there is speculation that the developers do not deal directly with him, but that he receives instructions from the family.

and more widely in Port Vila as being very powerful, and their situation exemplifies the connection between certain families and powerful agency in local and national level social processes. People in these families use their positions to support one another, acting opportunistically and flexibly in bureaucratic, business, religious and customary institutional contexts to implement strategies devised in intimate settings. Along with Kalsakau and Sope, prominent family names originating from the South Efate area include Mangawai, Korman, Kalpokas and Sokomanu. From elsewhere in Vanuatu, prominent families in Port Vila include Molisa, Lini, Loughman, Regenvanu, Kilman, Natapei and Vohor. This list is not an exact or exhaustive one of all the families from which elites emerge: there are many aspects of familial relations which mean that it cannot be. For a start, family fortunes tend to wax and wane. Also, there are consanguinal and affinal kin relations between people with these surnames and other less well-known ones. More fundamentally, families (like any other social group) are not immutable, impenetrably bounded or fully united. Having said that, the list of names here does highlight the very strong link between elite positioning and certain families: in each of the families nominated there are members, sometimes from two or more generations, who occupy high status positions in the kinds of institutions mentioned above. Others are lesser personages but are still, on the whole, noticeably more school educated and materially well-off than most ni-Vanuatu.

Turning to the Kalsakau and Sope families, it is very easy to demonstrate the power-to-family connection through a simple juxtaposition of a genealogical chart of the two families (Figure 3) and resumes/biographical notes for key family figures (Figure 4).

Figure 3: Genealogy of selected members of the Kalsakau and Sope families



**Figure 4: Biographical information for selected members of the Kalsakau and Sope families**

<i>Kalsakau Generation I</i>	
Tarimata	b. 1880 Teacher and Presbyterian Church elder Appointed paramount Chief of Ifira in 1908 Assessor of the Native Court d. 1950
<i>Kalsakau Generation II</i>	
Graham	b. 1913 Teacher and Presbyterian Church elder Appointed paramount Chief of Ifira in 1952 Vice-Chairman of the Malvatumauri (National Council of Chiefs) Chairman of the Vaturisu (Efate Council of Chiefs) Assessor of the Native Court d. 1989
John	Graduate of the Fiji Medical School (1943) Member of the New Hebrides Advisory Council on land reform (1965-1969) Medical Officer, Department of Health
Makau	Graduate of the Fiji Medical School (1953) First medical superintendent of Port Vila Base Hospital after Independence
George	b. 1930 Assistant Superintendent of Police, British Division of the New Hebrides Constabulary Head of the Natatok political party First Chief Minister of the National Assembly of the New Hebrides, Nov 1977-Dec 1978 (NUP) Second Mayor of Port Vila Presbyterian elder d.2001
<i>Kalsakau Generation III</i>	
Mantoi	Appointed paramount Chief of Ifira in 1989 Chairman of the Vaturisu (Efate Council of Chiefs) Chairman, Ifira Group of Companies
Stephen	Member of the Union of Moderate Parties Member of Parliament Has held Ministries of Agriculture, Education Executive Director, Ifira Group of Companies
Kalpikor	b.1945 Founding member of the Vanua'aku Pati Founder of the Ifira Island Trust First Finance Minister of the Vanuatu Government
Hendon	Area Secretary Blaksands Independent candidate for National Parliament
Ephraim	Secretary General, National Union of Labour
Ishmael	State Counsel Attorney General, Republic of Vanuatu (2007-) Coach, Vanuatu Rugby Union Team
Joshua Tafura	Leader of the National Community Association (political party) President of the Vanuatu Labor Party Member of Parliament for Efate Rural Has held Ministries of Ni-Vanuatu Business Development, Public Utilities
Leismanu (Colwick)	First Political Adviser, Ministry of Foreign Affairs, Ministry of Justice
<i>Sope Generation I</i>	
Sope	Presbyterian pastor
<i>Sope Generation II</i>	
Kalorongoa	Presbyterian pastor

<i>Sope Generation III</i>	
Barak	Worked in the British Administration Member of the Fila Island Land Committee (1974-) Secretary General, Vanua'aku Pati Secretary, Vila Urban Land Corporation (VULCAN) Founder, Melanesian Progressive Party Prime Minister of Vanuatu Nov 1999-Apr 2001 (Melanesian Progressive Party)
Lami	President of SHEFA province
Pakoa (Kaltonga)	Manager, Ifira Shipping Agencies Limited 1992 Director, Dream Cove Investment Limited Executive Director, Ifira Trustees Limited Director, Ifira Ports Development Committee Member of Parliament for Efate Rural Has held Ministries of Foreign Affairs, Justice

The rise to contemporary prominence of people belonging to these families began with two men, Tarimata Kalsakau and Pastor Sope. Tarimata Kalsakau was trained as a Presbyterian teacher at Tangoa, a northern island of the New Hebrides, and was ordained by the Presbyterian missionary John W. Mackenzie as Chief of Ifira in 1908, and married Leimoko of Ifira Island in 1909. He died in 1950 aged 70 (Miller 1987: 42). Pastor Sope was born in 1872 (Miller 1987: 49) and died in 1958.<sup>89</sup> He became a Presbyterian mission teacher and married an Ifiran woman, Linmas, who bore a single son, Kalorongoa, before her death in 1900.<sup>90</sup> Sope then married a woman of Mele, Leirapupu, and became strongly associated with Mele through that marriage. One of Sope's Mele grandsons became the first President of Vanuatu.

In subsequent generations, as the two figures show, members of the two families have been successful in attaining high ranking positions in a variety of fields. The initial links made between Kalsakau and Sope and the Church have facilitated the families' ascendance to power in various spheres. During the colonial period, members of these Ifiran families achieved prominence in chiefly, administrative and church roles. In the 1970s they began to take up possibilities for national political involvement in New Hebridean representative forums and political parties. After Independence they

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<sup>89</sup> This year of birth is contested by his grandson Simeon Kaltonga Sope who said he was born about 1850. However, in 1948 Sope wrote a letter saying he was then 76 (Miller 1987: 52). On the evidence of Sope's own hand and also taking into account the year of his death, it is more likely that he was born in 1872.

<sup>90</sup> The history from which this information is taken (Miller 1987) states that Linmas was Sope's first wife, but family members have insisted to me that Linmas was Sope's second wife, he first married a woman from Pango (Touruk), but she died whilst they were on mission in Ambrym without having any children.



transitioned successfully from a colonial institutional environment to one in which they occupy key commercial managerial positions, and exercise national political power, whilst retaining their local power base. Some individuals hold positions in more than one sphere of influence.

From this case example it is evident that these elite people and their families emerge out of a history of close connections with church and state during the colonial period. The next section examines this history with a view to investigating these connections and the circumstances in which they developed. Before moving to that discussion, though, I want to reflect on why, given that these institutions have deeply affected the lives of all Ifirans, that some families became powerful and others did not.

As might be expected, the Sopes and Kalsakaus have a position on this issue, and claim in essence that they are in these positions because of their long standing connections with land and exercise of authority. I heard Kalsakaus argue that the family comes from an unbroken chiefly line that goes back 3,000 or more years. Even young Kalsakaus are convinced of this entitlement. One of my children related to me the story of a primary school aged Kalsakau who made a speech to the other students arguing that he should be made school captain because he came from a long line of chiefs. I heard Sopes claim that archaeological evidence shows there has been settlement on Ifira for thousands of years, and the artefacts found are of Sope ancestors. On this view, the prominence of the families and their members are simply, inevitably and correctly contemporary expressions of their long standing positions within the Ifiran group and connections with Ifira.

As might also be expected, there is a good deal of contestation within the Ifiran group about these claims. I was told that Tarimata Kalsakau was adopted by Teribaka (the last *kastom* paramount chief before Tarimata) and that he had an uncertain heritage. Kalsakau literally translated means 'man of the reef' and critical people either take this to mean Tarimata was literally discovered on a reef, or that his father was not known: a foundling or child of uncertain parentage. I did not hear anyone question Teribaka's position, and people accept therefore that Tarimata Kalsakau could exercise chiefly authority because of his adoption. However, they question whether Teribaka decided on this course himself, or was pushed to take the decision by Mackenzie in view of his high

regard for Tarimata Kalsakau. Of Sope they say simply that he was from Pango and was only married to an Ifiran woman for a short time, and then he moved on to Mele. They also recollect and recount their own lineages and customary forms of authority attached to them. These stories go to the extent of suggesting another paramount chief lives on Ifira and could claim the position from Kalsakau.

The substance of the competing claims is not significant in the context of this thesis and ethically it is questionable whether they should be related in view of the potential future impacts.<sup>91</sup> Rather it is the fact of contestation that is of relevance here: it suggests there is more to the ascendance of the two families than Mackenzie's identification of two bright prospects who over time delivered on his expectations and were supported by him on that basis. The contestation demonstrates that Ifirans hold, in common, a view that lineages are important in terms of recognising land holding and authority. Regardless of what Kalsakaus and Sopes may claim and the merits of their claims against those of others, it indicates they do not wield contemporary power on the basis of clear continuity with privileged familial positioning in the past. Rather, Ifirans seem more to be making an accommodation among themselves which allows these powerful families to operate: while to a degree recognising their claims to exercise power, they do not grant them an absolute entitlement. By rehearsing various versions of power relations in the past they effectively keep the powerful families honest, and all are on notice that other claims may emerge again. The existing accommodation survives both because the people in powerful positions seek to perpetuate it, and are presently able to meet expectations regarding reciprocity: there is a general sense that they deliver benefits commensurate with their licence to control land dealings, representation in government and management of Ifiran businesses. Importantly too, within the Ifiran group there are close consanguinal and affinal ties between the powerful families and less prominent ones, and kin ties exercise a strong grip on people's imaginations and deterministically fashion their behaviour: it is very hard to act against family members.

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<sup>91</sup> The operation of authority within the Ifiran group is very closely tied in part to people's sense of precedential claims to land, and any entrée into discussion regarding the truths of claims made could readily be taken up by agents who wish either to cement their positions or destabilize those of others.

The basis and nature of the accommodation means the concentration of elite power within certain families needs to be read as operating within a customary framework of reciprocal obligation and close, extended kin ties. In this sense, it does represent a continuity with past practice. However, it also points to significant transformations that occurred in the nature and significance of kin relations in the colonial period, and which relate to the disruption of lineages and connections with place and the introduction of a new, Christian form of family. *Naflak* belonging, which pre-dated the arrival of Europeans from the mid-19<sup>th</sup> century, exemplifies the intimate and inviolable connection between people and place that characterises customary connections to land. It retains significance for Ifiran people, beyond being a historical footnote: it is still important for them to know their *naflak* ties to place, even though most of them are not living in the pre-colonial territories of their several *naflak*.

Figure 3 illustrates inter-marriage between the Sopes and the Kalsakaus, which creates *naflak* ties, and which Ifiran people have said to me are designed to concentrate power in one *naflak*. Whether intentionally or not, these marriages create and maintain *naflak* ties between the two powerful families. Having said that, the names Sope and Kalsakau, have become patterned as surnames (as are all of the family names noted earlier) and reflect the model of family introduced by the Presbyterian Church: monogamous, patriarchal and attached to a mission. This form of family was not bound to place in the same way as *naflak* belonging to place: Christian families became families of a mission, and those who took up church opportunities were expected to be mobile: like Kalsakau who was educated at Tangoa, and Sope, who was a pastor on Ambrym and Malekula. The members of the now powerful families, through close ties to the church and subsequently colonial administration, were introduced to ways of living that provided new possibilities for mobility, whilst retaining connections to particular pieces of land, and to forms of power relations that were not a product of kin/place attachments but of attachments to large scale institutions whose geographic purview is world-wide but also cartographically defined and divided. People in these families remain fiercely loyal to one another (as a general rule) and support one another, but operate from an extended and flexible set of possibilities for using land, and for exercising power.

### *The emergence of a new political elite*

This section examines how elite Ifiran people emerged from the experience of colonisation in the area that is now Port Vila, which began in the second half of the nineteenth century, and Ifirans' subsequent participation in pro-independence politics. Contemporary Ifiran' recollections of the colonial period, discussed in Chapters 1 and 2, point to a history marked by physical displacement and profound socio-cultural changes wrought by disease and warfare, colonial settlement and missionisation. These forces and effects were experienced by resident peoples throughout the Pacific islands and Melanesia and are linked to the social process that accounts of colonisation often point to: disruption of localised social relations, reconfiguration of them and engagement with large scale political and economic movements. The discussion here examines this sequence of events as they were experienced by the Ifirans and their predecessors. It is difficult to reconstruct the events of earlier times and perspectives of resident people on them in detail. Historical material relating to the disruption and reconfiguration of localised social relations is very limited. People did not talk overmuch about them either: whatever they might remember, in circumstances significantly marked by contestation over land they were reluctant to reminisce with an outsider so overtly interested in land matters. To frame the discussion I also draw on ethnographic assessments which provide insights into circumstances similar to those which once obtained in the Port Vila area.

#### *Severe social disruption*

For a very long time, perhaps for hundreds of years before the arrival of Europeans, as Ifiran people have told me and social researchers confirm, social life including relations to land on Efate were regulated through *naflak*, a system of matrilineal and matrilocal belonging. Powerful men controlled land through their kin relationships with women, and also, it seems very likely, through a hierarchically based system of chiefly power. The tension inherent in the application of bases of power that derive from these two sources is discussed in Chapters 1 and 2. Under this system, as Ballard (pers. com.) and others (Guiart 1964, Facey 1989) have suggested, people lived within matrilocal settlements that were located inland as well as along the coast of Efate. These matrilocal settlements were within territories that were held to belong to a number of matrilineal clans. The clans were named for terrestrial (inland clans) and nautical (coastal clans) life-forms. Marriages were exogamous. *Naflak* retains contemporary

relevance for people although its influence has diminished and it is even actively suppressed.<sup>92</sup> The current situation is a consequence of the experience of colonisation, beginning over 150 years ago.

Traders were first recorded as operating on Efate in the 1840s. Relations between traders and local people were, characteristically, poor. In 1842 a sandalwood trading expedition, embarked at Tonga, landed on the west side of Efate Island. The sandalwood cutters, a group of Tongans who had been recruited for the purpose, met resistance from the people there and a bloody confrontation ensued. The traders, armed with muskets, prevailed in the brutal affair which concluded when they sealed the entrance of a cave where local people were hiding, set a fire and suffocated them (Erskine 1853: 144). In 1847, people identified in the historical account as Vila (Ifira) islanders, in the company of mutinous crew members of a trading vessel, aided and abetted the killing of ship's crew and burning of their ship. The mutineers were apparently permitted to remain on the island, but several died of disease and others later found passage out of the area on other vessels (Erskine 1853: 328).

Traders continued to ply the waters around the islands, and over time their targets came to include not only commodities but people to supply labour for northern Australian sugar cane operations.<sup>93</sup> As well, a few traders and planters were beginning to settle on Efate in the 1870s. British or French, all negotiated with local people for what the foreigners would have regarded proprietary rights to land. This development was not being controlled by colonial powers. The New Hebrides/Nouvelles-Hébrides, as the territory now called Vanuatu came to be known by the British and French, was not politically controlled by either the United Kingdom or France in the 1870s. Without this control there were no arrangements for registering land claims of British and French nationals. The British High Commissioner of the Western Pacific, Sir Arthur Gordon (also Governor of Fiji and who in that colony adopted a Fijian land ownership policy), recognised the possibility, if not probability, of problems associated with unchecked land transactions and directed that land claims in the New Hebrides be registered with

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<sup>92</sup> For example, the 2007 Efate Customary Land Law, a document signed by most chiefs of the Vaterisu (the Efate Council of Chiefs) makes no mention of *naflak*.

<sup>93</sup> This form of pressed labour is discussed in Chapter 1.

the Western Pacific High Commission (WPHC). Claims were to include details of local land tenure, which he considered 'usually assumes [land's] absolute inalienability by any single individual of [or] even the whole mass of those holding an actual life interest in it' (Gordon quoted in Van Trease 1987: 23). This was a short-lived initiative, the British Government announced in January 1884 that it 'would not even register titles for land bought by British subjects in the group' (Thompson 1971: 26).

The reticence of the British to become involved in land matters in the New Hebrides group contrasted sharply with the zeal of John Higginson, an Irish-born naturalised French citizen who founded the *Compagnie Calédonienne des Nouvelles-Hébrides* (CCNH) in 1882. The CCNH promoted commercial trading interests but also had the political aim of 'continuing acquisition of territory to succeed in putting into French hands and in consequence into the hand of France, the ownership of the whole archipelago' (Higginson quoted in Van Trease 1987: 26), or, from another perspective, the objective was the complete alienation of land from local people. During the 1880s the CCNH vigorously pursued its acquisitionist objectives including by taking over English claims and trading competitors (Van Trease 1987).

From the perspective of the incumbent people of the New Hebrides Group, this land speculation and political play became disruptive when French and English subjects sponsored by the trading organisations began to arrive in increasing numbers: and the settlers' intentions to clear their land, plant it and live permanently on it became clear. The incumbent people began to violently contest settlements. Van Trease (1987) writes that between 1882 and 1886 12 CCNH agents and supported settlers were killed, and that there were others wounded and forced to flee. To put the scale of settlement and conflict in perspective, Van Trease notes that in 1891 there were 51 British and over 70 French adult, non-missionary settlers spread throughout the New Hebrides Group. So, while there were few settlers, there was a high level of contestation.

Christian missionaries arrived in the area in the mid-1840s. Sualo, a powerful warrior living at Erakor and married to the daughter of a chief there, was from Saavai'i in Samoa, and agreed to support Samoan missionaries of the London Missionary Society (LMS), together with his father in law. Sualo came with a group of Tongans to Efate about twenty years earlier, their canoe was blown off course and landed on East Efate.

They tried to sail again but were again blown back on to the Efate shore, this time in the South West. A Cook Islander, Raitai, and Sipi, a Samoan, settled as missionaries on Fila<sup>94</sup> in 1846 but both soon became very ill. Raitai died in May 1847 and Sipi soon after when Fila people entered his house and killed him by striking him on the chest with his own wooden pillow block. The other Samoan missionaries in the area attributed this act to local custom, pursuant to which people suffering from delirium were killed to prevent its spread to others (Liua'ana 1996: 65). The LMS missionaries on Ifira were not replaced: as well as the high rate of illness and mortality among missionaries on Efate, their work was rendered difficult by persistent internecine conflict, their interference with custom and refusal to participate in wars, and because they were blamed for a series of epidemics. By 1853 the Samoan missionary presence on Efate had ended, with the missionaries still alive then having been forced to flee (Liua'ana 1996: 70). Following these early missionary efforts, the Presbyterian Church became active in the south Efate area. Missionary activity substantively reconfigured social relations among the people living on Ifira and these impacts are discussed in the next section.

Very little is said in the historical record about the effects of these events and positions from the perspective of incumbent people. While the written accounts point to key forces impacting on them (labour recruiting, warfare, sickness, dispossession) they are typically presented in an essentialised and eternalised fashion: as Miller (1987: 33) exemplifies:

'The Fila people treated the missionary visits of Mackenzie and his teachers with contempt and amusement. They had no thought of leaving heathenism for Christianity. One of them taunted the teachers with the proverb: "Go and cut a natora (hardwood) canoe! It will rot before we change". But change they did.'

Contrary to this view, significant and disruptive social change was already occurring. An insight into the kind of effects being experienced by the Ifirans' predecessors is to be found in the experience of the Lihir Islanders in the New Ireland province, as

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<sup>94</sup> The name of Ifira Tenuku in South Efatese.

recounted by Bainton (2010). There are marked similarities in the present day situations of the two peoples: the existences of both are intimately tied to participation in development and their ability to secure a flow of financial benefits from the economic activity in their respective areas. The Ifirans appear to be further along this path than the Lihirians, and the relative rawness of the Lihir situation provides a window on to processes that occurred on and around Ifira. Bainton's description of significant loss of access to places and compression into confined geographic locales, in an environment characterised by land consuming development, fits well with Ifirans' recollections of their past. The social reconfiguration which begins to occur in such constrained circumstances, also noted by Bainton, is characterised in part by the re-creation of sites and practices and these too are events recalled by Ifirans and still evident in the arrangement of living spaces on the island.<sup>95</sup>

There is a brief glimpse into the kind of arrangements people were making on Ifira at the time in Mackenzie's recollection of Sunday visits to Ifira Island at this time:

On arriving there it was rather disheartening to find it almost deserted ... they knew when Sunday came around and so they were sure to be off to the mainland on that day. When, on rare occasions, we found the men at home, they were congregated in their *farias* (kava houses) ... (Miller 1987: 35).

The mention of *farias* in the plural form suggests the compression going on at this time as the forebears of contemporary Ifirans from several different *naflak* came together. War, sickness, pressed labour and colonial occupation of their land all contributed to significant displacement and mortality (Valjavec 1986: 617) among the people of the many *naflak* on Efate. Not able to stay together, *naflak* splinter groups took refuge at several coastal locations, Ifira Tenuku being one of them.<sup>96</sup> People from several *naflak* took up residence there, and in the very limited space available, they sought to establish

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<sup>95</sup> Discussed in Chapter 1.

<sup>96</sup> There are varying accounts among people I know about whether Ifira Tenuku was inhabited or not, and some disagreement about the *naflak* which controlled it. These are highly contentious issues and future customary claims to land may hinge on them, so I will not give my opinion on them lest it be taken up by some against others.



the kind of matrilocally focussed arrangements they had known before, establishing *marae* (and *farea*) for each of the *naflak*. These events marked a significant disruption to the deep emplacement of people within their landscape. Split up, and with the lives of some lost, they were deprived of access to the places of deep significance to them and undoubtedly to some extent, through separations and mortality, the knowledge that people held about lineages and places.

### *Reconfiguration*

The concentration of people into centralised, 'village' type settlements, as M.W. Scott (2007: 93) notes 'facilitated the penetration of colonial regulation into many aspects of island life'. In the case of the Arosi of Makira about whom M.W. Scott writes, this regulation was effected by British government action and by missionaries 'anticipating and aiding the government's agenda' (M.W. Scott 2007: 100) but in South Efate French and British government influence was weak at the time people began to come together on Ifira and in other villages. In this environment, the Presbyterian Church played an activist political role. The church set the agenda for 'coastal collectivisation' and became the primary European regulatory institution with which incumbent people dealt during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

In 1872 the Presbyterian missionary Joseph Annand established a mission on Iririki Island, which had been purchased from Fila islanders (on what terms it is not clear) in 1870 by a Captain Fraser for the Presbyterian Mission (Smith 1997: 31). He left in 1875 and missionary efforts were from then on directed by his colleague John William Mackenzie, at that time based on Erakor Island. Mackenzie considered Ifira Island to be a potential base of operations for the Presbyterian Church in South Efate. The reasons for his determination are not clear, but having lived in Port Vila, Ifira looked a sensible choice. It is positioned much closer to the centre of trading activity than Erakor but retains the physical separation needed to establish a sphere of spiritual influence away from the corrupting life of the town. Erakor is also a low lying, coral islet and subject to inundation in severe storms, whereas Ifira is a rocky island with some elevation and protected within a harbour: it is a more secure place for people to live and on which to build. Personal considerations may also have been a factor: in a quiet garden near the tourist resort that is now on Erakor are the graves of Mackenzie's wife and three infant children, aged 13, 18 and 19 months when they died from sicknesses which afflicted the

population of the area at this time. Conversions on the island began in the mid-1880s and Mackenzie settled there in 1897. A Church was constructed there in 1898 (Miller 1987: 36) and Ifira came to be regarded as the head station of the Presbyterian mission in South Efate. The total indigenous population of the area was declining at the time. Mackenzie estimated the south Efate population to be about 1,000 in 1884, 800 in 1895 and under 700 in 1905 (Miller 1987: 53). New practices, significantly impacting on relations to land and the exercise of power within the forming Ifiran group, were instituted. Converts were encouraged to produce arrowroot for trade, and the proceeds from this cash cropping were used to pay local teachers and to construct mission buildings. Iririki became the site of the Paton Memorial Hospital, constructed in 1910 and primarily staffed by Ifirans (Miller 1987: 41). Six young Ifiran men (among them Tarimata Kalsakau) were enrolled in the Teachers' Training Institute on Tangoa in 1897 (Miller 1987: 15), which produced teachers to support missionaries. Training inculcated in students Christian beliefs which incorporate views of people and land that conflict with *naflak* relations (I will come back to these in the conclusion to this section). Following graduation they were often sent to missions away from their home villages, experiencing the ideas and practices of other incumbent peoples, and learning to influence their behaviour as well.

From among the men of the area who became teachers, pastors were selected. Kalorisu, who trained at TTI with Kalsakau, became the first Ifiran pastor, and served on Ifira, where he was known as Pastor Saurei. The man universally known as Pastor Sope, or *olfala* Sope, is usually supposed to have been born in Pango, and with a number of Pango men was trained as a teacher by Mackenzie, subsequently being sent to Malekula to support the Presbyterian Mission there. His wife at the time, Linmas, was an Ifiran and she bore a son, Kalorongoa. Linmas died in 1900 and Sope returned with Kalorongoa to South Efate. Kalorongoa was raised on Ifira. His father was transferred to teach at Mele, married a Mele woman and was made a pastor. Kalorongoa too subsequently trained as a teacher, at TTI, and became a pastor. Pastor Sope was a highly influential figure, according to Miller (1987: 51), 'the acknowledged leader of the Church in south Efate ... his contribution to the harmony of village life, the unity of Church life and the administration of the Mission's interests in Vila was outstanding'.

The institution of chiefly authority was also modified to fit in with the mission model of social organisation. In 1908, Tarimata Kalsakau was installed as Chief of Ifira following his election to the position during a church service. There is some discussion among contemporary Ifirans regarding his standing to be made chief, but that he was very highly regarded by Mackenzie (and becoming more widely known) is clear.

Kalsakau, the chief of this village, is an intelligent native and commands the respect of all the British here. He took an extra year at the Teachers' Training Institute and has ever since been of great assistance to me in the work. (Miller 1987: 40)

Kalsakau was also able to exert control over Ifirans in what seems to have been an uncommonly strong fashion.

As a rule a chief does not exert a great deal of authority ... The Chief of Fila, Kalsakau ... has more authority than most chiefs. His people do a good deal for him. At present they are giving him a day a week.<sup>97</sup> But then he is making a new house and this may be special. (Miller 1987: 40).

If the current attitudes of Ifirans towards chiefly power are reliable guides (and I suggest they are) the arrangement described points to a developing relationship of mutual support between Ifirans and Kalsakau, rather than to the exercise of an authoritarian mode of chieftainship. In short, no one would accept that.

Mackenzie's esteem for Kalsakau was reciprocated. In a 1914 eulogy, Kalsakau wrote:

We are remembering Rev. J.W. Mackenzie D.D. for the good work that he had taught us, and that he also exemplified us. The first, he brought us into the worship, to know God, and his great love ... The second, we were poor but he thought of us, and told us to make the arrowroot ... We know that he loved us and stayed with us, until his three sons were died, and also his wife died. ... When we were infants he baptised us to be the infants of Jesus.

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<sup>97</sup> The practice of giving the chief a day of labour each week continues on Ifira.

When we were children he taught us to know the word of God. And when we become young men he made some as teachers (Miller 1987: 25).

These words demonstrate the bases on which Mackenzie was accepted included the commitment of his family, in their life and in their interment: a kind of physical investment of in place that is regarded approvingly among ni-Vanuatu. Significantly, they also reflect the substantive reconfiguration of attitudes and practices among incumbent people which had taken place over the sixty or so years (at the time Kalsakau wrote them) since traders had arrived in the area. Concentrated within a confined geographical area, and subject there to intensive missionary efforts, a village of Christianised families emerged. Within this Ifiran group a new elite had begun to emerge, a small class of teachers: educated, economically engaged, geographically mobile, able to establish good relations with foreigners and supported by them to take up positions of authority.

### *Engagement*

The lack of French and British control over trading and settlement activity during the 1860s and 1870s became less and less tenable from the perspective of settlers as it created uncertainty over land tenure and gave them no protection in what proved to be persistent conflict with incumbent people. The Presbyterian Church, too, was beginning to press for British intervention over land acquisitions: 'the Presbyterian missionaries were not now opposed to European land purchases in Vanuatu per se, but only to those made by the French, whom they viewed as a negative influence' (Van Trease 1987: 32). The Presbyterian missionaries in Vanuatu saw in the possibility of unrivalled French commercial and political power a threat to the viability of New Hebrides Presbyterian missions (and to the spiritual and material welfare of converts, secured and prospective). The missionaries were closely associated with the Victorian<sup>98</sup> Presbyterian Church, which actively lobbied the British government from 1883 on for an Australia-based company to compete with the CCNH for land acquisition in the New Hebrides with little success for several years. It seemed from this Anglophone perspective that eventual French annexation of the group was almost assured.

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<sup>98</sup> The British colony of Victoria in Australia.

France and the United Kingdom agreed to the establishment of a Joint Naval Commission in 1887, comprised of French and British naval officers and who were responsible for 'maintaining order, and ... protecting the lives and property of British subjects and French citizens in the New Hebrides' (Joint Naval Commission Convention, quoted in Van Trease 1987: 38). The Commission proved an unsuitable instrument for dealing satisfactorily with land issues, as a militaristic solution it was more suited to gunboat politics than anything else and hobbled by partisan nationalist interests. However, it was sufficiently robust for the Presbyterians to use it as a lobbying point, and a number of businessmen eventually contributed capital for the formation of the Australasian New Hebrides Company (ANHC). The ANHC commenced trading operations and land purchases in 1889 and, as with the CCNH, it had a commercial objective but also aimed to bring more English settlers into the group (Thompson 1971: 29).

The CCNH was active in the Fila area in the 1880s, and claimed to have acquired title to Iririki Island and bought out the claims of English settlers in the area. This brought the CCNH into direct conflict with the Presbyterian Church, which claimed it held ownership of Iririki. The Presbyterians opposed the CCNH claim, complaining to the British about the claim. The French in the area, dissatisfied with government arrangements, proclaimed the independence of Franceville (their name for the settlement that was to become Port Vila) in August 1889,<sup>99</sup> a short lived initiative. In a further act of protectionism, and with agreement from Ifirans, the Presbyterian Mission acquired the whole of Ifira Island (Miller 1987: 38). The opposing claims were not settled until the late 1920's but the political stance of the Presbyterians during this period established the parameters for engagement with government regarding claims to land, and critically too a model of land trusteeship. What the Presbyterian example established was basically this: that government recognition of claims was necessary if land was to be held, and that claims were most solidly based on proof of ownership as property. In addition, the Presbyterians demonstrated a form of protection that operated more effectively than war with settlers, namely persuasive representation within the

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<sup>99</sup> Source: *North Otago Times*, Volume XXXIII, Issue 6835, 5 September 1889, page 3: This article also states that at the time, the population of Franceville was 40 Europeans (no Englishmen, except for one missionary), 500 imported labourers of the CCNH, and 'other settlers', referring to Asian immigrants.

framework established by the rule of law (such as it was) and through direct petition to government.

Eventually another agreement between France and the United Kingdom was struck, to establish a joint French-British colonial structure called the Condominium of the New Hebrides (the Condominium), which was instituted in 1906. By this time Port Vila had developed into the main (albeit still small) commercial centre of the New Hebrides and it became the administrative centre of the Condominium (Scarr n.d.). Ifirans claims to land in the area were practically extinguished through this early urban development and by the establishment of plantations in the surrounding areas. Legally, the Ifirans were excluded from owning land, as only the claims of French citizens and British subjects could be legally recognised, by the French and British governments respectively.

The Ifirans needed somehow, though, to engage with this colonial form of government in order to maintain control of the two islands, Ifira and Iriki, and to establish arrangements for the use and occupation of land on the mainland. While the basic model for recognition and contestation remained the same, elite Ifirans began to make direct contacts with colonial officials and also to represent their community in legal proceedings and petitions to the administration. A critical relationship developed between the Ifirans and Edward Jacomb, an Oxford and Sorbonne-trained lawyer (Jolly 1992: 335) who had come to the New Hebrides as the Assistant to the British Resident Commissioner, but who resigned to take up private practice. A staunch critic of SFNH land acquisition practices, he became a very close confidant of the Ifirans and supported them in legal dealings with the Joint Court of the Condominium.<sup>100</sup> The Joint Court had responsibility for granting land titles and for considering caveats lodged by a Native Advocate on behalf of indigenous people, but it did not begin to consider applications for title until 1928. The very first title granted by the Joint Court was for Iriki Island, and the title for the mission land on Ifira Island was also granted. As Van Trease (1987: 182) notes, 'Fila Islanders did not contest the registration in the name of the church,

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<sup>100</sup> Jacomb did not marry, but his brother and sister-in-law were permitted to live on Ifira Tenuku, in the house previously occupied by Mackenzie. Stories Ifirans have related to me about Jacomb indicate that he was probably adopted into a *naflak* (but there are differing accounts of which one) and had a good appreciation of customary ties to place. He purportedly had signet rings made for each of the *naflak*.

since they must have seen its presence as having direct benefit to them'. They did lodge several caveats against applications for other titles,<sup>101</sup> and were unsuccessful each time. The Joint Court, however, in a form of recognition of Ifiran claims, designated an area of land as the Malapoa Reserve, thereby preventing further applications for registration of title over this particular area.

During the early twentieth century these emerging elites also began to engage with other indigenous people regarding land, becoming practiced in the settlement of disputes between Christianised villages. Pastor Sope established boundaries between the villages of Pango, Ifira and Mele, which helped to reduce confrontation and conflict regarding claims to use the land for gardening. Early interest in political self-determination and the possibility of joining with others in this cause was also beginning to emerge. Miller (1987: 41) notes that 'Kalsakau's aspirations after national independence found early expression in his association with the chiefs Taripoliu of Nguna and Ti Tongoa-mata of Tongoa ... Kalsakau's home on Fila Island was visited by such like-minded chiefs as Kaukare of White Sands, Tanna.' But following the disputes of applications for title, activism went into abeyance for some time.

In the 1960s, forms of engagement with government and with other indigenous people developed further, and the consolidation of elite networks began clearly to take shape along the lines that are still much in evidence today. With forces for political self-determination and national independence emerging, Ifirans became highly active in contesting the subdivision and sale for profit of land by European owners and concerned at the lack of employment and ground for gardens for a growing population. Ifiran elite representatives began to make demands for the recognition of their land ownership, in their own right and clearly now using the language of property and accepting the idea of property rights, exemplified in the following excerpt from a letter Chief Graham Kalsakau wrote to the two Resident Commissioners in 1964:

We are not happy to see other people getting money from our land by selling it. We accept anyone to be in our land, providing that they should rent or pay for it, and to pay to us the owners. (Van Trease 1987: 188).

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<sup>101</sup> One of these related to Marope.

A more-broadly constituted group of Ifirans, but led by elite members of the community, mounted significant opposition to developments in Port Vila, including by demonstrating alongside people from other villages in the Port Vila area in the early 1970s. The demonstrations evidenced a general shift in the area in imaginations of possibilities for the use of land, as well as sharpening senses of its loss, and how politically those possibilities might be realised. By the 1970s, with Port Vila well established as the key administrative and commercial centre of the New Hebrides, and after decades of experience in this environment, people had come to accept the inevitability and possibilities of engagement with the broader political and economic forces which gripped them. These demonstrations achieved some success, along with the passage of regulations restricting sub-division, in limiting further land development in Port Vila in the run up to Independence.

At the same time, Ifirans were engaged in state level politics. The résumés presented earlier in the chapter provide a sense of the very influential positioning of Ifirans throughout this period. They continued to have close associations with the British administration and became involved in representative assemblies. They also became involved in emergent political parties and activism associated with them. The distinguishing feature of this activism, when compared to that undertaken on behalf of the Ifiran community, was the claim made to be acting on behalf of all New Hebrideans. However, the view of relations to land is one that is firmly tied to Ifiran experience, as the following commentary from an Ifiran independence leader (later to become a Prime Minister of Vanuatu) exemplifies:

‘The unity of many New Hebrideans is possible if based on a common struggle for the regaining of alienated land ... land is also a tool that can help to bridge the educated-uneducated and the urban-rural gaps ... All land in Vanuatu would be returned to the indigenous people and eventually all land should be developed by ni-Vanuatu’ (Sope 1981: 84)

This statement encapsulates the kind of elite role which emerged from engagement with colonial and independence politics and the increasing significance of the market economy. Going beyond the localised social control role created through concentration,



the elite role came to include representation of indigenous people in dealings with the government, seeking recognition of their land claims and defining the terms of those claims. Initially the Ifiran elite people exercised representative power on behalf of the Ifiran group, but during the 1970s Ifiran elites (and others) began to exercise representative power on behalf of a far larger indigenous constituency. The kind of recognition of land claims sought also changed during this period of engagement, becoming more and more about participation in the market economy. By the 1970s the demand Ifiran elite anglophones made regarding land was not for the restoration of customary forms of relations to land as they existed prior to European settlement, but that Ifirans and others be given control over the development of their own land.

### ***On the cusp of large-scale propertisation***

Before moving on to consider elite perspectives and agency in detail, I will conclude this chapter with a few brief comments regarding conditions and ideological shifts in the 1970s which operated to propel people who support propertisation into elite positions at the national level. What is clear from the foregoing account is that in a political context dominated by international level discourses on decolonisation and indigenous recognition, elites who supported land development transitioned from exercising representative power in the local sphere to exercising it in the national. Less clear, though, is how they achieved this *nawita*-like, sinuous unfolding into positions of power in the national sphere. The analysis of the way in which propertisation occurs through government institutions in the third part of the thesis provides a discursive perspective on this issue, so here I will simply highlight the factors involved.

One is the alignment of their views with the objectives of the colonial powers at this time regarding decolonisation and independence, and relatedly some confidence that, with outside assistance, they would represent New Hebrideans equitably and adopt a bureaucratic administration style. Less obvious but no less significant were two massive ideological developments. The first is a kind of inversion, which is clearly articulated in Barak Sope's statement on the previous page. Control over land, the key issue for ni-Vanuatu, was no longer the direct object of political action, rather the widespread interest in securing land and stopping alienation was construed as a common concern, and became a binding factor for establishing a national indigenous political constituency. The second is a kind of elision: the claim to representative power,

heretofore exercised on behalf of the customary constituency to which representatives belong, had become a claim to exercise representative power on behalf of the national indigenous constituency (set within a context of about a century of inter-island placements, mobility and travel throughout the archipelago). These two changes had considerable implications, seemingly detrimental to the customary relations to land that ni-Vanuatu regard as critical, and yet they occurred almost without comment. That fact points to an important facet of the relationship between elites and other ni-Vanuatu. There was (and remains) a widespread expectation among ni-Vanuatu that a representative from their group should act for the benefit of their group, including exercising national representative power in favour of customary interests. The entry into the national scene of these representatives raised the prospect of a stream of benefits. Further, during the 1970s the anglophone view that it was better for indigenous ni-Vanuatu to exercise political power rather than foreigners gained political ascendancy. Simultaneously, vernacular discourses opposed to development and seeking a return to *kastom* ways waned.

Chapter 5: Like the rest of the country, the village of the First Trust is a typical rural village. The village is located in the mountains, and the people here are mostly engaged in agriculture. The village has a long history, and the people here have a strong sense of community. The village is surrounded by mountains, and the air is fresh. The people here are very friendly, and they are very helpful. The village is a beautiful place, and it is a great place to live. The village is a typical rural village, and it is a great place to live. The village is surrounded by mountains, and the air is fresh. The people here are very friendly, and they are very helpful. The village is a beautiful place, and it is a great place to live.

## Chapter 5: Elite perspectives and agency

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### *Insights into elite places and behaviour*

In this chapter I continue to examine the role elites play in propertisation, and also discuss the bases on which other ni-Vanuatu accept their role. The discussion is based primarily on research into the Ifira Trust, reputedly the largest ni-Vanuatu owned business in the country, and dealings with Ifiran elites. The first section examines the perspectives of elites through an account of a meeting with Chief Kalsakau and other senior men in the Ifiran group at the offices of the Ifira Trust, getting behind appearances and showing them to be people who deeply embody conflicts between customary and property forms of relations to land. The second section considers the Ifira Trust as an instantiation of elite perspectives with regard to land, going inside one of the 'black boxes' which translate customary claims to land into property rights. In conclusion, I discuss the multiple dimensions of place-people belonging which are variously incorporated into the identities of ni-Vanuatu people, showing elite perspectives and actions to be intimately linked with them.

### *An encounter with elites*

Early in my fieldwork I met with Chief Kalsakau, the paramount chief of Ifira, seeking his permission to learn about Ifiran *kastom* and attitudes to land. The meeting took place in the offices of the Ifira Trust, the largest and commercially most successful ni-Vanuatu owned business operation in Vanuatu. Chief Kalsakau is the Chair of the Trust as well as being the paramount chief of Ifira.

The Ifira Trust offices are located just near the international wharf, in a fenced off compound, amid hundreds of shipping containers. On the day I went there for the meeting, I was struck by the contrast between the dusty, treeless compound, unshielded from the harsh sun, and the village environment on Ifira Island just a few hundred yards away. While the village presents as something of a bucolic idyll, this place is very business-like, consistent with its role as the administrative centre of the commercial operations of the Ifira Trust. At the entrance to the compound there is a small gatehouse where workers record the times they start and end their shifts. Beyond the gatehouse there is a car park for vehicles belonging to the Ifira Trust. These wear a distinctive

livery, yellow on the roof and lime green on the bodies, instantly recognisable in the streets of Port Vila to long term residents. Standing in the car park, heavy equipment - huge cargo lifts, cranes and forklifts - dominate the view as one looks around. Workers in blue overalls and safety boots busily engage in stevedoring and associated tasks: massive freight containers are effortlessly moved around, and the doorways of machinery sheds flash with the white-blue light of arc-welding going on in them.

My Ifiran contact who arranged the meeting, a senior official in the Vanuatu Ministry of Lands, met me in the car park and took me to the reception area of the Ifira Trust offices. After the security guard there verified the purpose of our visit, we were ushered through an internal door and into the area reserved for Trust business executives. In it several offices opened off a long corridor, one of these belonged to Chief Kalsakau. He was not in his office when we arrived and so we went into another office, that of the general manager of Ifira Stevedoring Limited (one of the Ifira Trust businesses), to await his arrival. The general manager's office was chilled to near freezing by air-conditioning. The air-conditioning provided welcome respite from the very hot and humid day, but I also noted that it was a sign of affluence as electricity rates in Port Vila are very high. It is a luxury available only to a relative few and a sign of an elite lifestyle. Having passed through various checks and barriers, I was now in a place of elite people and their maintainers.

While we were waiting quietly and enjoying the coolness of the office, the usual business of the place continued. An employee in overalls came into the office, carrying a green form which he handed to the manager. The manager signed the form and then cursorily examined it before handing it back wordlessly. The employee left. Then a middle aged man dressed in a neat open neck shirt and business trousers came in and spoke briefly in Ifiran to both my contact and the manager. He also took a moment to introduce himself to me in Bislama. I recognised him, although he did not know me, his name was Steven Kalsakau. He was a director of the Ifira Trust, a member of the national Parliament and Minister of Agriculture and Fisheries. He is one of Chief Kalsakau's nephews.

After Steven Kalsakau left, my contact and the manager (who are first cousins, as it transpired) began talking together in Ifiran, their mother tongue. The manager picked

up a spiral bound document and spun it across the desk to his cousin: it was the Efate Island Court's recent judgement on a land claim lodged in 1995 (fourteen years prior) about the customary ownership of land extending from the international wharf to a place called Pango Point. The Efate Island Court had just decided on the *kastom* ownership of this land between what it described as the 'tribes' of Ifira, Pango and Erakor.<sup>102</sup> The Court did not award any of the land, including the land on which the Trust offices stand, to Ifira.

The Island Court decision surprised me. I had assumed the Ifiran claim to custom ownership of areas around Port Vila was beyond dispute, with some question about boundaries certainly, but with accommodations equitably made to keep everything in balance with other claimants. But then I reflected how the Court decision seemed to be consistent with a popular view among my ni-Vanuatu friends and acquaintances who say that the Ifirans have lost their *kastom*. Partly that is because people consider they have lost their particular socio-cultural practices, understandings and artefacts but also, critically, it is because they have lost the use of much of their land. The link between land and *kastom* is widely thought to be an unbreakable one: as the first Prime Minister of Vanuatu Father Walter Lini said 'custom *is* land' (quoted in Kele Kele 1977). So if there is no land there is no *kastom*. It is indeed the case that much of the land Ifirans claim as their own, the urban area of Port Vila, has been bought out and built over. But this view ignores the very strong attachments to land in and around the Port Vila area Ifiran people hold.

The two discussed the judgement, giving an insight into the elite perspective on relations to land. They spoke in Ifiran a little but for the most part talked in Bislama to include me in the conversation, recognising my interest in land issues. The manager said the decision could cause bloodshed and my contact agreed, *blad bae i ron from*, blood will run because of it. They expressed no rancour and I did not sense that they wished to foment conflict or would participate themselves in violent confrontation. Rather there was a matter-of-factness about their pronouncements: they were simply pointing out the inevitable consequences of a decision they held to be wrong. They recognised the possibility that other Ifirans would regard the decision as wrong, as a

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<sup>102</sup> Efate Island Court Land Case No.1 of 1999.

failure to recognise their customary connections to the land in question, and would physically confront people living on it and using it, notwithstanding the legal decision. They went on to discuss the elite response: Chief Kalsakau had immediately lodged an appeal application with the Supreme Court, but also said they did not expect the appeal to be heard for some time, perhaps years. I asked why the Ifirans had not been recognised as land owners in the decision. This question led to a broad ranging discussion about the way land is held and used, in the course of which my interlocutors tried to reconcile their understanding of relations to land with the court decision.

My contact explained the common Ifiran understanding that land is customarily held through both 'blood' and 'family'.<sup>103</sup> Blood is a reference to one's patriline, and it is accepted that land can be passed from father to son. Family is a reference to one's matriline, and it is considered possible for land to be passed from mother to daughter, with a male relative holding control over the land. Both reflected that the patrilineal transfer of land is more important but admitted the possibility of land transmission and claims based in matrilineal connections. They reflected on how the court had distinguished between the ideas of 'customary' ownership and 'perpetual' ownership, associating customary ownership with patrilineal claims to land and perpetual ownership with matrilineal claims. My contact said that this legal interpretation could be considered correct as an Ifiran girl who marries outside Ifira loses custom rights but retains perpetual land ownership, although he did not sound convinced. Puzzling through the decision, my contact thought that the court may have recognised perpetual ownership to be the basis of a legal claim to land, rather than customary ownership which would clearly have favoured the Ifirans. He reflected on how the constitution, in his view, said that land belongs to blood lines and so supports patrilineal rights, but that it also said ownership should follow the rules of *kastom*, suggesting to him that matrilineal rights claims had precedence.<sup>104</sup>

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<sup>103</sup> *Warkali* and *matarau*.

<sup>104</sup> The court in making its decision referred to articles 73, 74 and 75 of the Vanuatu Constitution. According to these provisions all land in Vanuatu belongs to the indigenous custom owners, the ownership of land is to be based in the rules of custom, and only indigenous citizens may have perpetual ownership of land in Vanuatu. In this case, the distinction made between customary (patrilineal) and perpetual (matrilineal) ownership reflects the difficulties faced by courts in reconciling customary land perspectives and the law relating to land. Given the dual bases of customary entitlement to land that

I became confused listening to them explore the meaning of the decision, seeking to reconcile it with their own views of what the law meant and how it related to their localised perspective on land relations. Eventually their deliberations petered out, ending somewhat fatalistically with the observation that the decision may have been a result of the application of *waetman loa*. My contact asked rhetorically *tufala i fit* (do the two fit) or *tufala i mestem tufala* (do the two miss one another) or *tufala i hitim/faetem tufala* (do the two hit/fight each other)? He made accompanying gestures, fitting indicated by interlocking the fingers of his hands, missing by passing one hand extended back and forward over the other, and hitting by making two fists and bringing them together.

Their conversation reveals that, in certain respects, the elite position on relations to land is very like that held more broadly within customary constituencies, but also that it is different in some respects. The pronouncement that bloodletting would result from the court decision is consistent with an Ifiran view of land relations in Port Vila. Ifiran people maintain that they have rights to land in *kastom* notwithstanding a long history of occupation by others, and they evince an intention to safeguard their position vigorously. References to *warkali* and *matarau* are also consistent with the kind of views held by Ifiran people more generally. So it is clear that the discussants in this case recognise this perspective and share it. But while like other Ifirans in this regard, their conversation also reveals differences. They are able to consider events circumspectly and to comprehend different ways of dealing with the situation they are readily in. In particular, they recognise the intricacies of, and means of recourse available to them through, the legal system.

The distinction between *loa* and *kastom* relating to land the two men make and the reference to the issue of 'fit' is significant. *Loa* here refers to the legal principles (legislative, precedential and processual) which the court applied to reach its decision.

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operate in the area around Port Vila, the decision reflects an attempt to recognise *kastom*, as it is currently lived and experienced. According to Professor Don Paterson (pers. com.), law lecturer at the University of the South Pacific, though, this distinction has no precedent in Vanuatu case law and is unlikely to be recognised in the Supreme Court when the case comes before it (pers.com.).



*Kastom* means a set of dictates which people follow and which can be readily distinguished from the law and even the formulation of customary rights within the law. This distinction is a common enough one; I have heard other ni-Vanuatu draw it on several occasions. It gives voice to the sense that there is a conflict between their own perspectives on how social affairs ought to be managed on the one hand and those of foreigners or of the state on the other; and to the recognition that they have somehow (and problematically) become subject to the latter. They find *kastom* and *loa* to be in tension. So in making this distinction my interlocutors were giving voice to a well rehearsed and widely held view. While like other ni-Vanuatu in so far as they did not see the situation as being resolved, they went further to exercise an elite prerogative by speculating on the nature of, and relationship between, *kastom* and the *loa*.

The reference to *waetman* is an almost reflexive expression of frustration. *Samting blong waetman* is a phrase (sometimes pejorative and at other times used more matter-of-factly) I heard many times used to characterise law, administrative processes and government institutions. Elite use of it though appears paradoxical as these are the people most closely associated with these structures and who benefit from them. They refer to it as something of *waetman*, though they also know that the construction of the constitutional provisions, land dispute precedents and court processes take into account ni-Vanuatu precepts. By deploying it, the speakers reveal the kind of conflicted position they operate from, it almost seems that to live with themselves they have to attribute blame for an undoubtedly pressing problem to others, although their rehearsals of it also cement their solidarity and position with respect to other ni-Vanuatu. They embody the conflict between customary and property forms of relations to land, like others unable to reconcile the two,<sup>105</sup> although more practiced and effective in utilising legal and administrative structures than others.

After some considerable time the chief arrived and invited us into his office. He unlocked the door (again, a barrier to access to elite settings) and we went in. My eye took in a leather upholstered, high-backed executive chair and a large desk. Atop a filing cabinet were several large sporting trophies, awarded to Ifiran sporting teams for

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<sup>105</sup> In the case of the Ifirans here, unable to define how *warkali* and *naflak* might be recognised adequately as customary within a legal property framework.

their prowess in rugby union and cricket. The chief motioned to us to take luxurious seats on his gold brocaded, red cushioned couches and chairs. The chief settled in too, looking very relaxed. He was at the time of fieldwork about sixty years of age. Bespectacled, and for the meeting dressed (much like his nephew) in an open necked shirt, neatly pressed trousers and comfortable looking sandals, he looked every inch the affluent senior local businessman. In contrast, he presented as very unassuming, almost diffident in his manner. His external demeanour is consistent with that adopted by other chiefs of my acquaintance: they affect an attitude of humility and a manner exuding wisdom and tolerance when acting in their roles. However I already knew this man to be far more powerful and influential than most other chiefs.

He and the others started speaking in Ifiran, and I caught enough of the conversation to hear my contact introduce me and the purpose of my study, and say that I had been making good progress in learning Ifiran and making useful notes of the language. My contact switched to Bislama to discuss the proposed study in more detail and then indicated to me that I should say more about it. I explained in Bislama that I wanted to research the perspective of Ifirans on land dealings, as I had only seen how outsiders perceive their actions as corrupt and wanted to understand the Ifiran position. The chief did not react visibly to the mention of corruption; he would certainly have heard it many times before. I talked about my understanding of *langwis* (language) and *graon* (ground) being the *stampa* (the core) of Ifiran *kastom*, rehearsing Ifiran views I had heard before, and all three agreed enthusiastically. I explained I needed to look into *kastom* to understand the Ifiran position and so needed to understand land as well as language.

The chief talked then for a while around his role and responsibilities relating to Ifiran life, especially about defining and preserving Ifiran identity in an environment characterised by the presence of many others. The sense of omnipresent threat to Ifiran identity was clear in the chief's statement that *mifala i stap long gateway blong Vanuatu be mifala i tok tok langwis blong mifala iet, be i gat sam we oli no save tok tok stret naioa*. That is, 'we are at the gateway to Vanuatu but we still speak our language, although some do not speak it well now'. This statement also points to the centrality, in the Chief's view, of Ifiran language to Ifiran identity. He also spoke about the importance of patrilineal family belonging. He explained that at marriages, on the day a church wedding is held, he *fasem* or *baendem tufala long kastom*, he binds the man and

woman in custom. My contact demonstrated how this is done by the couple holding each other above the elbow, with a cloth or a tie then placed over their interlocked arms by the chief. The chief explained the effects of this ritual on belonging to the Ifiran group. If an Ifiran *gel* (girl) marries 'outside' (the Ifiran *warkali*) she is bound to her husband and loses customary ownership and membership of Ifira, as do her children. Women marrying Ifiran men come 'inside', their children are considered Ifiran. In the course of the conversation it became apparent that marriages between Ifirans and people from elsewhere are commonplace, and this is accepted as an inevitability, although not preferable. To conclude the meeting, the chief indicated that he welcomed the study and was very interested in the initial Ifiran word list I had prepared. He gave instructions for me to continue study on language, deftly re-directing my line of study away from land matters, for the moment at least.

The Chief's conversation is revealing with regard to the role of elites, their perspectives and interests. He identified himself strongly with the Ifiran group and defined himself as a keeper and protector of it. He selectively defined Ifiran identity as being constituted through language and patrilineal family belonging. With regard to language, it is the actual ability to speak Ifiran to which he referred. These assertions reflect his role as a representative of the Ifirans in dealings with outsiders because they are selective: they do not reconcile fully with those of other Ifiran people, or with his own full range of understandings and practices. For example, people were far less concerned about mastery of language when conversing generally. Directly contradicting the view of Chief Kalsakau, one woman told me that the Ifiran spoken *bifo*, before, is not the *stret tok tok blong olgeta naoia*; not the way people normally speak now. Another said that speaking in Bislama is acceptable in most circumstances. I have heard children conversing in Bislama in Ifiran homes, and they were not corrected. On the matter of patrilineal family belonging, one man pointed out that the rules are not applied to all families equally, and that Chief Kalsakau's niece, who has married a *man Ambae* is still very prominent in Ifiran politics and represents herself as Ifiran. This identification is entirely consistent with *naflak* relations to land, but it is perhaps a sign of elite privilege too.

The differences in perspectives reflect an environment defined by the operation of large and small scale spheres of sociality, and in which elites have the job of finding ways to

blend ideas and practices and to keep conflict in check. The chief did not mention matrilineal belonging or the claims Ifirans could make to specific places within the Ifiran territory because he was engaged in that balancing act. From a customary perspective, a reason for not talking about this aspect of customary relations to land is the sense that there are forms of knowledge which it is not appropriate for outsiders to have: knowledge about land is perhaps the most tightly held kind. But matrilineal belonging is also a potential distraction and weakness in a statement of what is, in effect, Ifiran policy. The Chief instead made a strong framing assertion about a distinction between types of people and provides a solid foundation for action: there are Ifiran people, they have their own culture and inclusion is determined by patrilineal belonging. The specification of types of people creates insiders and outsiders, strictly limiting matters outsiders may investigate and establishing a basis for framing interactions within the Ifiran group. Significantly, the determination of who is in and out at the time of marriage also determines current and future land holdings. It is acceptable (generally speaking) to Ifirans, provides a defensible basis for claiming customary ownership and critically positions the Chief as a key mediator of relations among Ifirans and between Ifirans and outsiders.

This purposive mode of speaking (a marker of elite modality) contrasts quite strongly with the kind of *storian* which I engaged in with Ifiran people in everyday contexts. In policy mode people aim to be convincing and thus veil differences and contradictions which they and others might quite happily discuss in less rarefied contexts, and of the kind noted above. Policy statements are connected to strategies and objectives and ideologies.

From a strategy perspective, elites recognise the threats posed and possibilities offered by participation in large scale political economy, and the potential for them to control or alleviate the local impacts of it. To realise this potential they support the maintenance and development of indigenous framing of social interactions, and seek to establish and deploy authority over them. Within their own customary constituencies (which they seek to define and perpetuate), they claim and exercise the power to determine and decide on matters of *kastom*, including with regard to land. Outside of it, they occupy influential positions in state and business institutions, becoming politicians, bureaucrats, jurists, managers and professionals.

Straddling these large and small scale spheres they embody the conflicts between them and reconcile them to an extent, and they are able to structure social interactions in them and engagement between them. They are invested in each sphere sufficiently for others (and themselves) to consider they are doing so 'authentically' but not to the same degree as others because they need to engage in both spheres. Consequently they can be seen as acting 'inauthentically': like whites or corruptly. They also on occasion struggle with the contradictions of their position, but attribute problems to foreigners and disparage their own families. More objectively, this friction is attributable to the fact that a major role of people who are central to a social sphere, who control social relations and represent the people of it, is to deal with matters that are at the periphery of everyone else's lives: they are engaged in giving form and substance to the intersection between spheres. One element of this task is to shape the two spheres of control.

In the Ifiran case, the idea of an Ifiran people readily parlays into a claim to customary entitlement to land, as the Marope case showed. In the court context, and in others in which outsiders' cooperation is needed, elite people represent other Ifirans and garner their support by doing so. Established in this mediating position, elite Ifirans have been able to create the Trust and control management of it, including the distribution of benefits. Using money from the Trust they are able to launch bids for national political power. In turn, they can, and do, use this political power to further their own localised objectives.

With regard to objectives, the policy statement can be viewed as a position with respect to a threatening situation, namely the presence of a significant number of outsiders and competing claims to customary land ownership. At the same time there is a significant potential upside to this situation in terms of lifestyle, from an elite perspective: The phrase 'gateway to Vanuatu', mentioned previously, points to the second aim as well as to the first. The lifestyle possibilities elite people imagine are personified in the chief, who at once has high customary status and is the chief executive of the largest ni-Vanuatu owned and operated business operation.

Finally, I want to reflect very briefly on the perspective on attachments to land that is evident in the elite policy, objectives and strategies presented here. The deployment of

customary attachments to place in pursuit of commercial and political success points to a view of the relationship between people and land in which connection with a particular place is not directly sustaining but rather instrumental to participation in the money based economy. Land and people are not a corporeal whole on this view; rather land is construed as an object, an instrument, an asset. Nonetheless, retaining the connection with land remains critical, land itself is not considered a saleable commodity. From the perspective of elite people, their position is consistent with customary attachments to land even though it is riven with contradiction. Elites do not like to be challenged on this point.<sup>106</sup> Overall, they hold a conflicted view of land: considering it a financial asset while at the same time retaining a sense that they are inalienably bound to it. As they can construe land as an object separate from themselves, I consider them to be disembedded from place and distanced from customary relations to land to a certain degree. One implication of this disconnection is that they assert an entitlement to control all land within Ifiran boundaries. The next section explores how they have achieved this control.

### ***The Ifira Trust, deploying an elite model of relations to land***

At Independence in 1980, all land was notionally returned to customary land owners, except for urban land. The largest part of the area the Ifirans viewed as theirs in *kastom* was covered by the Port Vila urban area, and soon after independence this land was declared public land. Other areas that prior to Independence were reserved for the Ifirans through agreement with the colonial administration (especially Malapoa) or owned by the Presbyterian Church (Ifira and Iririki islands), became customary land. The area around the wharf, where the offices of the Ifira Trust are situated, is right on the urban-customary land boundary. However, because Ifirans had been subject to colonial use and definition for so long, their elite were well positioned to deal with the problems and opportunities that these new arrangements presented: politically through engagement in pro-Independence politics, especially with the Vanua'aku Pati which formed the first national government, and in the National Assembly of the New Hebrides. They were influential in shaping policies regarding land<sup>107</sup> and they also

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<sup>106</sup> An example is given in Chapter 2, in which I discuss a senior Ifiran man's irritation when I questioned the existence of a big tuna fishing plant next to his food garden.

<sup>107</sup> Including through representation on the constitution drafting committee.

were able to take steps in the lead up to Independence to ensure that their interests (and those of other Ifirans) were protected and promoted.

In respect of urban land, Ifirans were prominent in the Vila Urban Land Corporation (VULCAN), which was established in 1981 to manage leases in the Port Vila area, take rents and distribute them to customary land owners in the area (Crocombe 1987: 28). Barak Sope became the secretary of VULCAN.<sup>108</sup> In relation to land that would be returned to customary ownership, members of the Kalsakau and Sope families established a private company called Ifira Trustees Limited. This arrangement was primarily sponsored by Kalpokor Kalsakau and Barak Sope, and Chief Graham Kalsakau also agreed to the establishment of the Trust.<sup>109</sup> The purpose of the Trust, according to its constituting documentation,<sup>110</sup> was to act as legal trustee of 'property' held by it and the beneficiaries of the Trust were the 'people of Fila Island'. I was not able to determine whether the Sopes and Kalsakaus drafted the Trust agreement, or whether they used legal advisors. However, within the Ifiran community at the time there was sufficient legal firepower and understanding for these elites to have been fully aware of the implications of the trust arrangement and the benefits to themselves. It is likely that then, as now, they used legal advisors in respect of complex matters. They would also have been aware of the Land Trust Board of the New Hebrides, set up in 1974, (Corrin and Paterson 2007: 312).

Through a declaration signed by leading members of the community, land titles which up to that point were considered to be held by the 'natives of Fila Island' were invested

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<sup>108</sup> VULCAN became notorious for its failure to distribute rents to customary owners in the area and was shut down in 1987, after public demonstrations, by the Minister for Lands. After it collapsed an arrangement for compensation for the acquisition of land in the public of interest was developed between the national Government and the people of Mele, Pango and Ifira. The Ifirans rejected the compensation package (Chief Mantoï Kalsakau, pers. com.).

<sup>109</sup> I have varying reports about how many individual signatories there were on the original trust document, some sources say six, others say there were just three.

<sup>110</sup> The information in this paragraph from secondary sources, obtained through Vanuatu Government contacts, which purport to quote directly from the trust documentation. I was not able to procure copies from Ifiran sources, nor from the Vanuatu Financial Services Commission. These quotes also correspond exactly to excerpts from trust documentation quoted by Fingleton et al (2008).

in the Trust. To be recognised legally, this arrangement needed to accord with the customary land tenure framework being introduced by the Vanuatu Constitution. This issue was dealt with through the following statement in the declaration:

... we have adopted and therefore recognise the concept of a trust as being a recognised system of land tenure for the purposes of our custom in regard to section 73 of the Constitution.

The declaration points to the role of the Trust as a mediating structure between customary entitlements to place and property relations to land. Some kind of mediation is needed to mobilise land for participation in market economy, and most Ifirans would concur with the general proposition that land needs to be made available for this purpose. However, rather than put customary relations to the fore (for example in some kind of articulation of host-guest relations), the elite people concerned decided to objectify customary relations as a trust. Their act tests the limits of what might be considered customary action: the Trust structure is closely aligned with a legal property view of relations to land. There are some elements of the trust structure which align to an extent with customary forms, namely notions of stewardship, fiduciary responsibility and collectivism with regard to land holdings. In certain fundamental respects, though, the idea and practices of a trust are inconsistent with a customary perspective. Ideologically the Trust separates people from land: land becomes a trust asset, primarily construed as specific sections with cartographically defined boundaries. These ideas are fundamentally opposed to the idea of people and place as a unitary entity. From a practice perspective, processes that support customary connections are eschewed, in favour of mechanisms such as contracting and leasing that have historically undermined this connection. Customary understandings and practices are effectively eschewed. The Trust, then, creates what is effectively a new layer to Ifirans' relations to land, in which land is made a kind of corporatised property. From the perspective of an outsider dealing with the Trust, deep customary perspectives are hidden and it appears customary land ownership is settled. These are reasonable assumptions, but they are not correct.

Based on my recent experiences with Ifiran people and their views on relations to land, I regard it as very likely that relatively few Ifiran people at the time would have



understood the implications of the arrangements being made or perhaps even been aware of them. Assuming they had similar perspectives on the Trust as people do now, they would have had differentiated and partial understandings of the Trust, and the political implications of it. The people affected, the beneficiaries, would not have all understood the details of the trust arrangement: they needed to take it on trust that their chief and the Sope and Kalsakau mediators were acting on their behalf. That Chief Graham Kalsakau agreed with the establishment of the trust was probably reassuring for many, as he (following his father) had a history of dealing with land matters and a record of advocating for the people of Ifira. Also, and relevantly, generations of Ifirans had experienced trust-like arrangements under the aegis of the Presbyterian Church, which held legal title to Ifira and Iririki Islands in the condominium era.

The trust, as a mediating structure, is the creation of mediating people. It represents an enactment of an elite perspective on relations to land which embraces the possibilities of legal recognition of land as a form of property. In this case, it operates to such an extent that, without hesitation, elite people bind Ifiran senses of belonging to land into a legal system which configures land as property. The establishment of the trust was not significant because it represented a novel attempt to integrate *kastom* and *loa*, or *kastom* and *bisness*, but because the people who set it up asserted, and sought to have legally recognised, that their understandings, practices and aspirations relating to land were customary. In effect it put the finishing touches on a strategy that had been in elite people's minds for quite some time: namely to remove the legal entitlements of foreigners, secure legal control of land, develop it and derive an income from it.<sup>111</sup>

This kind of perspective and the accompanying strategies have led commentators to regard elites as instrumental users of indigenous identity and *kastom* (Babadzan 1988, 2006, Philibert 1986, 1989), or relatedly to consider them as 'masters of tradition' (Rodman 1987, 1995): projecting and participating in narratives of customary land ownership tied to capitalist action, a traditional form veiling a new reality. Generally speaking I find the actions of elites to be purposive and deliberate, and that they are comfortable to portray a variety of practices as *kastom*. Nonetheless, even

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<sup>111</sup> In the next chapter I discuss the way in which *kastom* was mainly invoked in the independence context primarily to gain back alienated land.

among the Ifirans where this attitude is so readily noticeable, the dominant impression is of a fierce determination to control land now and secure it for future generations. This determination reflects (variously and to different degrees) deep adherence to customary forms of relations to land, recognition of the continuing importance of traditional bases of authority and the need to hold on to connections to land in order to exercise control, experiences and understandings of historical and contemporary land politics and a sense that land ownership provides a means to participate in the market economy and development. There is undoubtedly a connected interest in operating powerfully in national political circles in the minds of some, too. As one man who knows the Kalsakau and Sope families well said, 'they make money to get power, to make money, to get power'. All of these factors relate to an elite sense of identity and understandings of the lifestyle options realistically on offer in contemporary Vanuatu.

Rather than discarding the customary, these elite people seem more to be exercising a view regarding which elements of it are essential (because they are self-defining for elite people or to others on whose support they rely) and those which may be traded off. This view is evidenced in people's views, expressed to me and similar to that of Father Walter Lini's mentioned earlier, that 'custom is a cover for land' and 'land is more important than culture, you can always make a culture'. They offer up much of what is most important to them - the ideas and practices that characterise them as a definable people - to the embrace of a far larger sphere of social relations, aiming to maintain what is regarded as essential and to take part in the opportunities the larger sphere offers.

Are these people taking themselves in when they make the definitive statement that the trust is a form of *kastom*, which, if taken literally, would test the semantic limits of that concept? It may be that there are elites who believe a land trust to be customary, rather than a useful legal device, but I have not met any (although I have met several who enthusiastically promote this idea). The idea of a trust is not equated in these people's minds, or at least is not held to encapsulate, customary relations to land: but it is held to provide a way of having these relations recognised, as a pre-requisite to participation in the moneyed economy. In effect the trust arrangement represents a judgement by particular elites, probably working in conjunction with legal advisors, that holding land as a form of common property is the best arrangement in the circumstances and for a

variety of reasons. One of these reasons is that it makes them powerful by ensuring that all transactions with outsiders are mediated through them.

The Trust declaration was an audacious ploy, asserting responsibility for making key decisions about the use and occupation of all land held by Ifirans: all dealings with non-Ifirans become mediated through the Trust, and no Ifiran can establish their own business without making an arrangement with the Trust, regardless of any customary claims they might be able to make in their own right. Control of the Trust has been locked up by a few families. While there is conflict over management arrangements, for a long time Ifiran people have been more or less accepting of the Trust structure and management arrangements, in a situation characterised by significant information asymmetry.

Using the legal and moral status<sup>112</sup> afforded by recognition of customary land ownership as a base, the Ifira Trustees have established a number of businesses, including property management, civil engineering and construction, wharf management and stevedoring and shipping services. These appear at first sight to be quite diverse operations; however, they are all extensions of the ownership of land surrounding the Port Vila harbour. Property management entails managing leases (residential and commercial) entered into by the Trust on behalf of the people of Ifira. As these leases are on customary land and made with customary land owners, the customary land owners have responsibility for providing facilities and services: the civil engineering and construction services offered by the Trust are consistent with this obligation. Ifira Wharf and Stevedoring exists on the basis of a long-standing Ifiran claim to customary ownership of the wharf area,<sup>113</sup> and shipping interests follow from that monopoly.

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<sup>112</sup> Some land on which Trust businesses operate is legally recognised as belonging to Ifirans through the Trust, but other land is not: it is government land. The wharf area itself is government land, for example. In respect of this land the Ifirans maintain what is probably best regarded as a morally framed claim: that it should still be recognised as rightly belonging to them. Their rejection of compensation for land alienated from them assists them to make this claim, and produces a level of acceptance in government circles for their aggressive pursuit of a continued monopoly over stevedoring operations.

<sup>113</sup> The recent Efate Island Court decision (Land Case No. 1 of 2009) puts this claim in doubt. If the Supreme Court decision goes against the Ifirans too, then there will undoubtedly be conflict over legal rights to control the wharf.

It is very difficult to interrogate the operation of the Ifira Trust businesses, reflecting the way in which those managing it hold information about these businesses very closely. They seek to place and maintain boundaries around forms of knowledge which would allow other Ifirans to interrogate and influence their actions. People in the Ifiran group who are not involved in senior Trust management (that is, most of them) do not have access to the detail of Trust financial arrangements, but are concerned about the results senior managers achieve. While favourably noting distributions such as a universal pension for those over fifty years of age and Christmas payments, Ifirans do not regard the arrangements in place as being completely fair. Matters of complaint include the way in which the Kalsakaus and Sopes seem to use Trust funds to secure national political power rather than benefits for the Ifiran community, the differential access to education and extend even to concern over shopping trolleys full of goods from supermarkets, unloaded into a taxi boat and brought back to Ifira by one of the Kalsakau family women, and not shared. These complaints are connected with a history of dispute and disagreement regarding the Trust. According to Ifiran informants, there was a change in the construction of the trust in the late 1990s to deal with complaints about mismanagement and the poor distribution of profits by the original trustees. Through this change the heads of the 31 families (*warkali*) became effectively shareholders<sup>114</sup> and may vote on some matters, and the positions of trust directors are meant to be rotated through the 31 families. However, these arrangements have, to my knowledge, not been instituted and ongoing tensions have sometimes been aired in public meetings on Ifira Island. In 2008 there was a public meeting of protest against the Ifira Trustees management, at which a teenage girl was assaulted and a 63 year old man hospitalised by one of the Ifira Trust Ltd directors. And in 2009 during my fieldwork there was another meeting called to address trust issues, by the *Atara Ifira Aritu*, the Ifiran Children of Tomorrow, to protest management arrangements.

While excluded from these meetings, I was able to confirm the kinds of concerns Ifiran people express through my own contacts and analysis of publically available financial records of the Trust. A number of close contacts in the Ministry of Lands, the National Tenders Board, the State Law Office and the Vanuatu Financial Services Commission

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<sup>114</sup> While termed a 'trust' the Trust is an incorporated entity.

were prepared to discuss their understanding of the wharf and stevedoring businesses of the Trust with me. None of them, though, was willing to be identified in the thesis. In general terms they consistently expressed the view that the people managing the trust were managing affairs to suit themselves and would act forcefully to maintain their position. Much of what they provided to me, while remarkably telling, would likely cause significant trouble within the Ifiran community and for my informants, and for that reason I here provide only general reflections on material that is legally available in the public domain. Through these contacts I was able to obtain a copy of the financial statements of Ifira Wharf and Stevedoring (IWS) for a period of several years. These are meaningless to most people, and I was able to interpret them only because of my past tertiary studies in commerce. My analysis of them supports the view Ifiran people have that their elites manage the trust in ways that benefit themselves to a greater extent than others.

As I perused the documents, most striking was the sheer scale of the operation and the amounts of money flowing through IWS in a country where the basic wage is about USD 15 a day. Annually, IWS takes in about USD 6 million. I also took particular notice of the way this money is distributed: as a general principle, in accordance with the fiduciary nature of a trust arrangement profits ought to be utilised in favour of the beneficiaries. However, there are transactions occurring which indicate arrangements are set up in ways that deliver more to some, that is the controllers of the trust, than to others. The kinds of strategies used are all legal, and can be detected by people who know how to interpret financial statements. One strategy that was used is known, in accounting parlance, as a related party or non-arms length loans. These were unsecured and non-interest bearing, in effect meaning that little could be done if a borrower defaulted. Another strategy used was directors' fees and other expenses related to management, which climbed year on year.

The issues which concern Ifirans go beyond questions of distribution to more fundamental ones concerning relationships of control and respect for *kastom*. These concerns are very like those which trouble people who are subject to alienation of their land through leasing to foreigners. In this case, though, the presence of the alien is not physically manifest to the people being affected and the absence of this factor means they seek another cause for the problems that beset them. The ongoing tensions and

concerns about the activities of elite actors among themselves (constituted as an indigenous group) show that in the Ifiran case people identify these actors as being at the heart of matters, and they can be very critical of them. As noted previously, they comment adversely on displays of excessive consumption, and other acts they take as tearing at the fabric of Ifiran life. They are, more and more, demanding representation within the management of the Trust. Their observation of elites points to a level of understanding about alienation that goes beyond the more universal attribution of blame to foreigners. They understand that even without the invidious denouement a lease to a foreigner represents, the activities of elite people (undertaken pursuant to compacts made within their own indigenous constituencies) eviscerate customary systems of relations to land and contribute to alienation.

The Trust builds upon the solidarity that has historically built up between Ifiran people, effectively reconstituting them as members of a corporate body and making their land a form of common property. Belonging to the Trust and deriving benefit from its various businesses necessarily become central concerns for Ifiran people, and the immediacy of connection between lifestyle and land, and control over land, is diminished. While the Trust is founded in these direct connections, and its continued legitimacy is dependent upon them, it is the various contractual arrangements made between the Trust and its business partners and customers which sustain it, and accordingly Ifiran people. These contracts are in some cases property leases, in other cases they provide for other forms of business to operate. In this way a change in relations to land which has impacts on all Ifirans is effected through the mediating actions of an elite few.

### ***Bases of accommodation with other ni-Vanuatu***

A key issue, given the very expansive reach and depth of elite ambition, is the bases on which other ni-Vanuatu accommodate their activities. Here I examine the relations between Ifiran and other elites and also the relations between elite Ifirans and other Ifirans.

#### *Elite relations*

Elite people from different customary constituencies join up and act in concert with one another in national level contexts. To demonstrate this, I discuss the long standing contractual arrangement between IWS and the Vanuatu Government for the provision of

wharf services, and specifically the processes for the execution and maintenance of contracts which facilitate it. In subsequent chapters I will discuss the kind of collaboration that exists in legislative and administrative spheres as well.

In May 1986 the Vanuatu Government and Ifira Trustees entered into a contractual agreement granting IWS an exclusive concession for stevedoring services in Port Vila Harbour. In effect, this arrangement puts IWS in control of most imports to, and exports from, Vanuatu as Port Vila is the country's primary international port. At that time the Government was a 49% shareholder in IWS, and so was eligible to hold seats on the Board of Directors and received a share of profits from the company's operations.

In September 2000 the concession agreement was renewed for a period of fifteen years, without being put out to tender. The national Ombudsman investigated the contract and found that it was illegally granted (2002). No action resulted from this finding.

These contracts have provided IWS with an exclusive and very long term concession for stevedoring services over an extensive geographical area: they established a monopoly for IWS. The demand for stevedoring services in Vanuatu is inelastic, and IWS is in an extremely strong position to control the level of supply of services and the price for services. An Asian Development Bank report (2008) demonstrated that the cost of the Port Vila wharf is approximately seven times higher than the next highest cost port in the Pacific region.

According to a ni-Vanuatu source (who did not wish to be identified but was concerned about the behaviour of some elite people), a further contract, was signed between the government and a firm called Ifira Ports Development and Company Services Ltd. This firm is a subsidiary of Ifira Trustees and has been established to improve the competitiveness of port services. The new company represents an attempt by Ifira Trustees to distance itself from ineffective practices and secure control over the provision of wharf services into the future. As was the case in 2000, a proposal for the contract was put to the Council of Ministers (sponsored by the first political adviser of the Ministry of Infrastructure and Public Works, an Ifiran). The proposal was approved by the Council of Ministers. Again, the contract was reportedly not subject to tender.

No issues were raised by the State Law Office regarding the legality of this arrangement: the head of the State Law Office (the Attorney-General) was an Ifiran.

From a formal bureaucratic perspective, the economic and legal issues posed by the arrangements made between the Government and IWS/IPDS mean that they probably should not exist in their current form. That they do points to some important aspects of the exercise of elite power in Government circles in Vanuatu. Elites are willing, and well positioned, to use state modalities and instruments to achieve locally focussed ends. In the state sphere, claims based on indigenous identity and customary attachments to land ownership are considered to present a moral justification for arrangements that are illicit or economically inefficient. On this point, in evidence to the Ombudsman the responsible Minister proffered the following reasons for providing the contract.

We are dealing with a fully fledged Ni-Vanuatu owned company that is managed by the very land owners of the site where the main wharf and facilities are located (Vanuatu Ombudsman [VUOM] 9; 2002.10 (26 August 2002) ).

Setting up and maintaining arrangements like this entails working in alliance with powerful third parties. Alliances can be established on the basis of ideological solidarity but it is also essential for allies to be included in the distribution of benefits from them. In the case of the Ifira Trust, directorships for government officials and profit distributions to government provide means for this distribution to occur. Little consideration is given to the impact of this kind of deal on other groups, even other ni-Vanuatu, or to the views of third parties except to the extent that it might adversely affect their situation. But in this regard they are very sensitive to developments around them and are able to make adjustments in order to maintain arrangements satisfactory to them.

#### *Elite relations*

The reactions of Ifiran people to the IPDC contract epitomises the attitude of Ifirans to their elite, in general terms: they are expected to act as patrons and in the interests of the Ifiran constituency. Talking with Ifirans about the IPDC arrangement, I asked whether the way in which the two, aforementioned, senior Ifirans acted was acceptable



to them. The response of one sums up the prevailing attitude: even if there had been any illegal behaviour, he said, it was necessary and right for them to act in the way they did because it was in the interests of the people of Ifira. They had called a meeting on Ifira with all of the *warkali* to explain the IPDC arrangement.

I have commented throughout the last two chapters on the nature of the relationship between elite people and others. Here I want to further the argument that this relationship is a key aspect of Ifiran culture: which I take to emerge from the deeply entrenched ideas which people operate from, and which are informed by, the events of daily life. From this perspective, what accounts for this acceptance of elite control over land, I suggest, is that it is broadly consistent with the view people have of how dealings with outsiders ought to be managed, operating from the multi-dimensional perspective on land/people relations that all Ifirans have in common: and which is intimately tied to continuities and changes in the structure and significance of kin ties to place over time.

The deep customary connections between kin-based groups and place that are evident throughout Vanuatu remain evident in the Ifiran context through ongoing attachments to *naflak* and *warkali* senses of belonging, and the kinship idioms which people deploy. I know from my own customary connections how significantly kin relations can structure interactions between people prescriptively and in detail, to the extent that relations to land are primarily defined through the rules relating to kinship. Kinship idioms are complex, extensive and laden with role significance. They define where you may be, with whom and for what purpose, who you need to look after and who needs to care for you. These relations are tied to very detailed conceptions of place. Paths, caves, stones, trees, water sources, gardens, mooring places: all have particular stories which define them, their purpose and their attachments to particular people or entities (sometimes they are regarded to be people or entities, manifest in another form).

Relations to land in this context are characterised by deep emplacement, and the objectification of land as something apart from people is nearly inconceivable within the frame established by these ideas. This fact is reflected in the comment of one titled man (from Paama) that there is no need for anyone to talk about land, as long as there are chiefs who remember lineages (note the invocation of secret knowledge, and its association with high status men, but this time the explicit link to genealogies). People

are fundamentally defined in this context through their relations to kin, and these kinship groups are deeply embedded within their landscape.

Having said that, complex kinship based behavioural prohibitions and responsibilities do not seem so prevalent in practice or so critical to day to day living among Ifirans, and there is a lot of negotiating in *kastom* required to maintain kin connections. That kinship groups do not seem so deeply embedded within their landscape, points to a change in the structure and significance of families in the Ifiran context. What is already clear enough from the history presented in Chapter 4 is that, over time, people's deep senses of kin and place belonging were challenged and overlaid by senses of indigenous belonging and identity (Ifiran, New Hebridean). These indigenous identity forms are intimately linked to the cultural and bureaucratic classifications and characterisations of indigenous peoples introduced by colonials, but have been appropriated, morally re-evaluated and made operational by indigenous people.

More fundamentally I suggest, and coming to act over time as the connective stuff between these autochthonous and attributed bases of self-depiction, is the introduction of a Christian model of family that supplemented (I think, rather than supplanted) pre-existing ones. Adapting to the model introduced by missionaries, of a male-headed household and monogamous marriage, would have been a major challenge, and current conceptions of *warkali* and *naflak* belonging reflect the way in which people have reconciled it with customary relations to land, in a way that privileges *warkali*. But this adaptation, relevantly, also entailed a reconfiguration of views about the connection between people and land. At one level, the Christian conception of family can be seen as tied to a cosmological view in which the place people are in is not the place they ought to be, and there is undoubtedly a very long discussion that can be developed around this point. I am more interested here, though, in the far more prosaic attachment of Christian families to a parish or mission. From this perspective, families are primarily connected to land as a territory: the richness of their connections to place, including to the invisible world throughout the territory, are of little consequence on this view and in fact were disparaged and demonised.

The 'male-headed families belonging to a mission' concept did not replace the customary perspective entirely, but introduced a new and significant mode of thinking

about land and people, one that brought within the purview of people's thinking the possibility of conceptualising connections between people in different ways and also of seeing people and land as separable entities. That possibility was also put into practice: the history of land action shows that advocacy was promoted by Presbyterians (Scarr, n.d.: Van Trease 1987), for the families of the mission, but cast as 'natives of Ifira' in the colonial administrative and court contexts. Also, propertisation<sup>115</sup> was occurring all around them: they were being engaged in property deals, and this exposure promoted an awareness of land as an object.

Although a deep sense of kin-place belonging remains, the structure and significance of families has changed and so accordingly too has the connection between families and land. Reconciling the various ways of thinking about and acting out family relations, Ifirans (as I have discussed) tend to operate out of a *warkali* 'mode', which seems to reconcile a Christian model of family and kinship relations continuous with a pre-colonial past, and that people define as customary.

These changes, which significantly also put Ifirans into a situation where they need to negotiate exchange transactions with outsiders, have also necessitated changes in forms of decision making and authority relating to land. Exercising authority within the Ifiran context that has existed over the last century or so is a difficult undertaking. Those doing so needed to draw from diverse cultural heritages and operate in a perilous space: demonstrating an ability to maintain a powerful position within a demanding localised constituency and to manage threats from without. The history shows that certain families attained positions of power through close association with the Presbyterian Church and colonial administration. Social control exercised by holders of ordained chiefly and pastoral offices has become accepted, however, these people need to draw from customary structures as well. At one level, the close kin ties within a small population, regardless of how mixed up they might be considered by other ni-Vanuatu, promotes social cohesion and acceptance of control. These are still people, who in Leenhardt's terms (1979), adhere with every fibre of their being to the group. The path of controlling relations to land through in depth knowledge of lineages and places, and being able to prove ongoing connections with customary titled positions, remains

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<sup>115</sup> Hann 2007: 287.

important. This significance is demonstrated in the concern people still have with lineages, but the challenges people face to keep it significant is reflected in the level of contestation and differences in view about lineages that is evident among Ifirans. Its day to day efficacy is constrained by the limited extent (compared with other customary settings) to which the rules of kin relationships dictate how Ifiran people interact with each other.

Another customary form of authority that appears in the Ifiran context is that of the big man.<sup>116</sup> This category is a complex one (Lederman 1990) and I do not mean to engage with the classificatory or role debates surrounding it. Appositely, though, Robbins (2004) observes this authority form operates effectively in an environment characterised by fluidity in social structures. Exercising it requires the ability to take upon oneself the responsibility to deal with moral hazards and conflicts that others will not, and to operate at the 'edge of lawlessness' (Robbins 2004: 206). Success in it requires, according to a succinct description provided by a ni-Vanuatu friend, the tripartite ability to provide for others, defend and speak powerfully. Dealing with the existence and possibilities of both property and customary forms of relations epitomises this kind of exercise of responsibility. Members of the Sope and Kalsakau families have proven to be very adept at operating in this kind of fashion: they are distinguished by their ability to hold the Ifiran compact together, to convince others to follow them, to defend and advocate for Ifiran interests and to ensure that a level of benefits from participation in the money based economy flows to all Ifirans. During colonial times they were supported strongly by the Presbyterian Church and through strong contacts with the colonial administration, but at independence they needed to transition to a new institutional framework to support the operation of their power.

### *Some conclusions about elites*

What can be said in general terms about elite people, from these two chapters considering who they are, how they emerged, their perspectives and actions, regarding the contribution they make to propertisation?

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<sup>116</sup> It is interesting to note that sometimes when people refer to the Kalsakaus as 'big men' they are referring to their imposing physical stature. Some are noticeably, as a ni-Vanuatu friend who has played rugby against them coarsely put it, 'huge mothers'.

They are people who have emerged out of the operation of colonial and post-colonial politics, differently to others because of the close connections their forbears established with Christian churches and the colonial administration, and perhaps built upon pre-colonial power relations, but which are no longer recoverable. They can be distinguished from other ni-Vanuatu people to an extent by the lifestyle they lead, but what fundamentally sets them apart is a level of detachment from customary forms of relations to land. They exhibit a level of circumspection regarding land problems and an attendant ability to reflect on the causes of them. They also utilise different forms of land/people relations flexibly and in different contexts to achieve results they want with regard to land use and holding. These results are tied intimately to the development of land as property.

How does that relationship work? While separable from other ni-Vanuatu people they also stand in close relation to them within customary constituencies. I regard this close relationship and the pre-eminence afforded to certain people to be a consequence of changes to the structure and significance of kinship relations which affected everyone subject to European influence. These changes in effect contributed a dimension to people's sense of identity, which emerges from an ongoing process of self recognition and characterisation in relation to third parties and to their surrounds. These changes occurred in a context in which people were dislocated, decimated, splintered and demonised, a congeries of misfortunes which significantly de-stabilised the close ties between kin groups and place. They perceive themselves as belonging to Christian families, an idea which allows the disembedding of people from place to occur, but still in circumstances in which they continued to use land to support and sustain their families. In a context in which the influence of liberal politics and the market economy have become progressively more significant, elite people have emerged by drawing on autochthonous authority forms and those introduced by colonials, synthesised around a form of patronage according to which others accept their power if they can speak convincingly, defend interests and most fundamentally ensure that others benefit materially from their exercise of power. Most fundamentally because this relates to the norm of direct reciprocity: elites are vested with power to organise relationships in return for supporting the wellbeing of all within the customary group.

They are in a powerful position when mediating customary forms of relations and property forms. People expect them to organise relationships and mediate on their behalf, and extend them licence to control interactions with outsiders and to act in secret. The way in which elite people exercise this power to shape social relations coincides with their own preferences with respect to lifestyle and reflects their level of disembedding from the union of people and place which defines customary forms of relations to land. They establish mediating institutions which refer to customary relations to land as the moral principle for the exercise of power, and concretise a new layer to land and people relations, in which land is viewed as a form of corporatised property. All activity relating to the use and occupation of land in the context of a market economy is directed through these institutions, with the consequence that all people subject to this mediation are affected, regardless of their level of engagement with, or investment in, the mediating structure and the objectives that it serves. In this way, the actions of a few have an impact on the many, but in ways that do not necessarily suit everyone. In the Ifiran context, the concerns people are raising in community meetings relate to the distribution of benefits from the Trust and participation in its management, rather than about the construal of Ifiran land as property.

## Chapter 6: State ideology and propertisation

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### *State control over land*

This chapter is the first of three addressing the contribution of national level ideologies and practices to propertisation,<sup>117</sup> the process by which land is made into legal property, and land alienation. In particular they examine the tension between customary relations to land and state control over the occupation, use and enjoyment of land within Vanuatu's territorial boundaries. I first encountered this tension whilst working in the Vanuatu Ministry of Lands. The work practices of officials in the Ministry head office sometimes diverged from the formal requirements established by law and administrative instructions, in part evidencing adherence to customary forms of morality and practice. It is also apparent in national land laws and the ideology underpinning state control of land (as specified in the national constitution), which reveal a state institutional framework foregrounded by the idea of indigenous self-determination but directed primarily towards supporting property rights. This framing is consistent with land control precedents established in the colonial period and Vanuatu's current position in the panoply of democratic and market economy oriented nation-states. It is an arrangement that suits some, but far from all, ni-Vanuatu and at the same time allows foreigners to take control of land.

The chapter begins with an ethnographic example which introduces the conflict between customary and formal perspectives and action. It then examines the state ideology for the control of land, centering on its formulation in the national constitution. First, the chapter briefly introduces the constitutional provisions relating to land and elucidates the key ideological elements underpinning them. It then discusses key political ideas in the 1960s and 1970s which contributed to the constitutional formulation. The concept of *kastom* was an essential mediating construct in this process, and the chapter examines anthropological perspectives on the meaning and usages of *kastom*. The chapter then discusses the process through which the Constitutional Committee of 1979 developed the core legal principles relating to land in Vanuatu, and concludes by commenting on the relationship between the constitutional provisions and land alienation.

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<sup>117</sup> Hann 2007: 287.

I argue the constitutional provisions are a compromise, emerging from the politics of de-colonisation in the 1960s and forged in the heated pre-independence environment of the 1970s. They reflect accommodation of indigenous concerns relating to land and state level imperatives of indigenous self-determination and development. The operation of these de-colonising imperatives was especially marked in the New Hebridean context by contrasting French and British perspectives on political self-determination, to which politically active indigenous people had become aligned. Francophone New Hebrideans typically did not want independence in the early 1970s. Anglophone politicians and activists had to garner support for independence and the constitutional provisions reflect the way in which they did this: by using the idea of *kastom* to promote a national indigenous constituency. While highlighting the critical importance of customary attachments to land for ni-Vanuatu, the constitutional provisions reflect a practical concern with making propertisation operate in favour of indigenous people, consistent with the priorities of the elites who crafted them.

### ***The tension between customary perspectives and property in practice and design***

During fieldwork in 2009 I met the former Director-General of the Ministry of Lands, my old boss, in a supermarket car park. Though he was a busy man, a lawyer in private practice, he took the time to *storian* and we reminisced about our work together, especially the challenges we had encountered together. I commented that I had seen parcel files (the file set up for each individual land title) with up to three leases registered on one title. This practice offends a basic principle of land registration; that there should be only one lease, or no lease, registered on a title. When a land title is first established, there is no lease. Then a lease can be registered, transferred or cancelled: but one lease or no lease, no question about it and no room to move from an official perspective. He said, chuckling, that he had seen seven. His reaction reflected the ordinary nature and a level of institutionalised acceptance of this kind of practice, but also acknowledged the gap between formal dictates and practice.

The idea of seven leases on one title seemed so clearly to contradict administrative requirements that it compelled me to raise the issue in conversations during fieldwork with two senior Ministry officials. The Director-General of Lands at the time of my fieldwork confirmed that multiple leases on titles still existed. Unprompted, he



observed that while sometimes these situations result from 'administrative error' they were sometimes connected with 'strategy' (Field notes, 16 September 2009).

I mentioned the issue again in conversation with a senior official and asked directly about the kind of strategy that the practice of multiple leases might support. He said that in many cases multiple leases are simply a consequence of a failure to register interests in land properly. This situation might occur, he said, in a number of ways. For example, parcel files are held in a central file repository, except when people in the office are using them or they are being viewed by a member of the public. Files accumulate in different places around the office, and it can be very difficult to find a particular one. An officer who is processing an application for a registration of a lease might not be able to find the parcel file to check on any existing lease interests. So, a new lease might be prepared and then subsequently inserted into the parcel file when it is located, without someone cancelling the old one.

Of course this micro-chaotic situation is at the same time fertile ground for the manipulation of parcel files, perhaps through the deliberate insertion of an additional lease to establish some kind of claim over a piece of land. Documents might be intentionally removed or falsified. The senior officer discussed reasons why people might act in this way. It was possible, he thought, for 'customary land owners' to seek to have a lease registered to strengthen their legal claim to a land parcel, even though legally they cannot have a lease on their own land. This practice, he thought, might help to ensure they are involved in any future dealings on the parcel, and receive a fair share of returns from it. He thought that it might particularly occur if customary land owners wished to contest use of their land: rather than relying on their claims as customary land owners to pursue legal remedies they might be able to protect their interests as land lessees.

The practice of having multiple concurrent leases on one title exemplifies the tension between formal dictates and customary interests in land and the way in which people engage flexibly in administrative process to promote their own customary claims: in an environment in which errors are common and government officials are under-resourced and often insufficiently trained. It also points to the reasons why they act in this way. At the level of practice, they do not trust administrative process to work for them:

registering leases for example ensures that their customary ownership claims are recognised in some form. At an ideological level, people are willing to utilise the categories and processes of the state flexibly (to the extent they are aware of them), incorporating them into their own perspectives on relations to land. The property rights obtained add an extra dimension to their relations to land rather than supplanting deeper attachments to people and place.

### ***Principles for the control of land – the national constitution***

The Constitution of the Republic of Vanuatu, which came into effect at independence on 30 July 1980, specifies the principles which underpin the state's control of land, in the nine articles reproduced overleaf.

The first two articles posit an ideology of recognition of indigenous people's claims to land, including (it seems) of the several bases on which indigenous people make those claims. They specify that customary land ownership (according to the rules of custom) is the primary and universal form of land tenure in Vanuatu. The other provisions contain second-order principles, which provide options for modifying the operation of customary land ownership.

Even with these caveats, the constitutional provisions seem to contain the promise of radical change from the colonial period: to revoke the property rights obtained by foreigners before Independence and vest control over land in indigenous people. Certainly that is the impression of people working in the Ministry of Lands and, more generally, of ni-Vanuatu I know. They do not question the articles of the Constitution (to the varying extents that they know of them), and the principle of customary land ownership (which is widely known but clearly variously interpreted) has their universal support. This common view, when analysed as a kind of explanation for propertisation, suggests alienation is a consequence of the poor implementation of sound legal principles, rather than an artefact of their design.

**Figure 5: Articles of the Vanuatu Constitution relating to land tenure**

**Article 73**

All land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants.

**Article 74**

The rules of custom shall form the basis of ownership and use of land in the Republic of Vanuatu.

**Article 75**

Only indigenous citizens of the Republic of Vanuatu who have acquired their land in accordance with a recognised system of land tenure shall have perpetual ownership of their land.

**Article 76**

Parliament, after consultation with the National Council of Chiefs, shall provide for the implementation of Articles 73, 74 and 75 in a national land law and may make different provision for different categories of land, one of which shall be urban land.

**Article 77**

Parliament shall prescribe such criteria for the assessment of compensation and the manner of its payment as it deems appropriate to persons whose interests are adversely affected by legislation under this Chapter.

**Article 78**

(1) Where, consequent on the provisions of this Chapter, there is a dispute concerning the ownership of alienated land, the Government shall hold such land until the dispute is resolved.

(2) The Government shall arrange for the appropriate customary institutions or procedures to resolve disputes concerning the ownership of custom land.

**Article 79**

(1) Notwithstanding Articles 73, 74 and 75, land transactions between an indigenous citizen and either a non-indigenous citizen or a non-citizen shall only be permitted with the consent of the Government.

(2) The consent required under Sub-article (1) shall be given unless the transaction is prejudicial to the interests of –

- a) the custom owner or owners of the land;
- b) the indigenous citizen where he is not the custom owner;
- c) the community in whose locality the land is situated; or
- d) the Republic of Vanuatu.

**Article 80**

Notwithstanding Articles 73 and 74, the Government may own land acquired by it in the public interest.

**Article 81**

(1) Notwithstanding Articles 73 and 74, the Government may buy land from custom owners for the purpose of transferring ownership of it to indigenous citizens or indigenous communities from over-populated islands.

(2) When redistributing land in accordance with Sub-article (1), the Government shall give priority to ethnic, linguistic, customary and geographical ties.

There is a widespread sense that, after a solid start, the land situation is deteriorating. This appears in national level narrative regarding land problems, as exemplified in the following statement from the Minister for Lands, in the context of the 2006 National Land Summit:

*Kasem long tedei, yumi olsem wan nesen yumi no agri iet se huia nao hemi kastom lan ona (Gavman blong Ripablik blong Vanuatu 2006: 3)*

Until today, we as a nation do not agree yet about who is a custom land owner.

The Minister characterises the inability to identify customary land owners as a threshold implementation issue but in so doing reveals another perspective, pertaining to the state sphere, on the purpose of the constitutional provisions relating to land. The impediment he perceives is not to the recognition of customary forms of relations to land (which exists regardless of legal confirmation); rather it is to the identification of indigenous owners within a national framework, as a prerequisite for the assignation of specific property rights to them rather than to foreigners. Alienation from this perspective is not wrong because property rights are being created but because they are being assigned, all too often, to the wrong kind of people. An inference that can be drawn from the Minister's statement is that the principles enshrined in the constitution are 'officially' or 'formally' intended to support an ideology of propertisation: the legal recognition of indigenous claims to land in order that indigenous people may obtain property rights, should they so wish. By implication, there is a possibility that alienation is a product (even if not a preferred one) of the particular way in which these principles are framed.

### *Emergence of the current state ideology relating to land in the 1960s and 1970s*

The ideology contained in the constitution emerged from political processes in the New Hebrides in the 1960s and 1970s. I am here concerned primarily with highlighting the key political concepts that were taken up in the constitution, but to provide some context briefly survey the relationship between indigenous New Hebrideans and colonials during this period.

An anthropologist who advised the Constitutional Committee, Jean-Michel Charpentier, recalls that the relationship between New Hebrideans and colonial land owners, as he encountered it in the early 1970s, was marked by 'underlying conflict between the planters, seeking continually to extend their land holdings, and the Melanesians, for whom their ancestral land was inalienable' (Charpentier 2002: 158). He also observed that 'special relationships existed between each planter and the Melanesian people in his neighbourhood' (Charpentier 2002: 159), although these relationships ranged from abusive through to mutually respectful. 'Knowing each white man individually, they knew what they could expect from each' (Charpentier 2002: 160). These reflections point to the possibility of accommodation by local people of foreign property interests,

and to the varied character of the social connections that had built up over time between indigenous people and colonials. This kind of accommodation was also noted by Woodward, a British New Hebrides administrator, who adjudicated in land disputes in the 1960s and 1970s, and commented that:

despite the view generally held by New Hebrideans, that much alienated land had been improperly acquired, and their manifest distrust of the Joint Court's adjudication procedures, there was no large-scale outbreak of disputes of a kind that might conceivably have been generated by the political agitation of the 1970s. That this was so was probably due to the good relations existing between many, if not most, planters and neighbouring villagers, and also to the fact that the majority of settlers wisely refrained from trying to clear undeveloped land to which they held title or an unadjudicated claim (Woodward 2002: 57).

From these recollections, and fieldwork discussions in which relations with expatriates in colonial times were mentioned, it is fair to say that well-regarded settlers were generally welcome in the New Hebrides in the 1970s and there was no particular objection to them staying. Others would not have been so welcome, but at the same time relationships of interdependence had developed between indigenous New Hebrideans and them over time, the former relying heavily on the latter's presence and investment in property for employment and economic growth. Indigenous people generally opposed the extension of European land claims, varying in their willingness to accommodate the interests of colonial land owners who had lived in the area for a long time.

Indigenous New Hebrideans expressed concern about alienation in the 1960s in the context of representative forums established by the colonial powers. The position regarding land evident in the constitution began to develop at this time, its emergence exemplified in a 1965 proposal of New Hebridean members of the Advisory Council on land reform (established by the condominium powers to address land problems). Van Trease (1987: 99-100) suggests that:

The main ni-Vanuatu spokesman on the land issue in the mid-1960s was Dr. John Kalsakau<sup>118</sup>. He and his fellow members were anxious to have a land commission which would look at disputed properties, to determine what had happened and to right whatever wrongs might have been committed ... Kalsakau made it clear that ni-Vanuatu were not trying to evict Europeans wholesale from their land ... the emphasis was on undeveloped land. Ni-Vanuatu in the mid-1960s were willing to recognise that land which Europeans had worked for a long period of time was in a different category.

Discernible in this brief account are some key elements of the ideology underpinning the constitutional formulation with respect to land. First, it recognises as legitimate the role of the state to control land use and occupation. Second, there is an insistence on recognition of indigenous claims by the State. Third, there is acceptance that land may be held as property in certain circumstances: the claims of Europeans based on a history of use and occupation of ground acquired on fair terms could be recognised in this way, for example. It is, in short, an ideology at ease with propertisation, the main questions being the extent to which it ought to occur, under whose control and for what purposes.

Another strand of thinking that is reflected in the constitution, about *kastom*, also rose to prominence in the 1960s. An indigenous movement, called Nagriamel, formed on Espiritu Santo in response to attempts by planters to develop land that they had not before occupied or used. In the 1970s, the leader of the movement Jimmy Stevens recollected the beginnings of the movement and asking of the indigenous people, 'What power have you got whereby we can hold on to the land? They replied that they had nothing but their traditional customs' (Kele Kele<sup>119</sup> 1977: 35). Stevens here suggested the potential of *kastom* as a political device: the Nagriamel invocation of it was a prototypical usage in Vanuatu, related to a specific set of land dispute circumstances and customary attachments.

In the 1970s, the ideological position regarding land developed further in a political environment dominated by international discourses of indigenous political

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<sup>118</sup> An Ifiran.

<sup>119</sup> An Ifiran political activist, later to become President of Vanuatu.

self-determination and de-colonisation, which impacted on the New Hebrides in a very particular and problematic way due to the very different attitudes of the two colonial powers towards independence. In broad terms, the British were supportive of indigenous New Hebridean claims for land reform during the 1960s and of independence; the French were considering a limited form of indigenous self-determination (Bresnihan and Woodward 2002). Politically engaged indigenous New Hebrideans were aligned with one or the other colonial power, affiliations formed through school education (conducted in English or in French), church membership (Presbyterian and Church of Melanesia of Catholic) and engagement with the British and French administrations (including working within them). This division was reflected in their politics. Anglophones were typically more in favour of restricting expatriate investment in land and Independence, and the latter were concerned with ensuring 'colons' (French colonials) retained land rights and their enfranchisement as citizens (Van Trease 1987).

The construction of a national indigenous constituency, a unified people for a new country, was a key concern for the pro-independence anglophones. The forerunner of the anglophone party that formed the first Government of Vanuatu, the Vanua'aku Pati, was the New Hebrides Cultural Association. The Association, formed in 1971, served 'as a forum for thrashing out vital contemporary issues such as that of tourism and land alienation and their impact on New Hebrideans and their customs' (Kele Kele 1977: 25). Noticeable in this statement is a clear conjunction of land issues and *kastom*. While superficially similar to the earlier Nagriamel position, there is a discernible shift away from the characterisation of *kastom* as an appropriate means for dealing with specific land occupation and use issues, and towards the invocation of *kastom* as a unifying principle. Land alienation is presented as a shared concern of indigenous New Hebrideans, rather than as a host of localised and conflicting land claims, and is presented on equal terms with 'customs' as a defining feature of New Hebridean identity. Also evident in the statement is a concern with development, in the reference to tourism, foregrounding debates during the 1970s about how indigenous New Hebrideans could benefit from broader economic engagement and foreign presence after independence.

### *The emergence of kastom as a national political construct*

Anthropologists have long noted the nexus between *kastom* and political processes at both the national and local levels. Tonkinson (1982: 302) early on noted that its 'manifestations tend to take a different form at each' level. He argued that at national level, *kastom* operated as an undifferentiated symbol of unity against European control, but at local levels it is inherently divisive. At the local level *kastom* was 'as a body of lore' and was used by competing groups to define differences and boundaries. At the national level *kastom* was used as a unifying force, rallying people around supposed, or imagined commonalities in cultural understandings and practices that are 'vaguely defined but clearly different from, and in some respects opposed to, modern Western culture' (Tonkinson 1982: 302). Larcom (1982: 334) noted a significant contrast in the attitude of the Mewun (of Southwest Malekula) to tradition between her first and second periods of fieldwork, in 1974 and 1981 respectively. Before the advent of *kastom* as part of the political discourse of independence, Mewun *kastom* was 'commodified knowledge' and very adaptable, contrasting with a later 'inscription of *kastom* as tradition' reflecting the impact of nationalist politics in the 1970s. During fieldwork in Port Vila, moving between nationally and locally focussed contexts, I regularly encountered these two distinct senses of *kastom*.

In more intimate, localised settings, *kastom* was used to refer to people's own, lived, understandings and practices - their own ways. As Rawlings (1999b: 85) has observed, *kastom* in this sense is 'transformed and continues to operate in people's day to day lives in a flexible and permeable manner'. *Kastom* at this localised level refers to the understandings and practices which people hold to be their own, and especially with reference to and distinguished from the 'ways' of others: at this level 'others' include other ni-Vanuatu groups. When people use it, they are objectifying culture, but it is important to note this is not the only way in which they reflect on culture, and not the way in which they usually would among themselves. Taylor's (2008) interlocutor, pointed out that *kastom* is *olbaot* (all about, vague), that it does not properly capture *aelenan vanua*, the ways of the place. My experience of being directed towards discussion of *supe* rather than *kastom* in the Ifiran context points to a similar perspective.



In state level contexts, *kastom* meant something more like the practices, objects and thinking which people who are held to be indigenous ni-Vanuatu share, differentiating them from foreigners, and particularly *waetman*. This utilisation of *kastom* had a more explicitly traditionalist element to it: things and practices and ideas which were recognised as being connected with a pre-European and pre-Christian past are on this view held to be part of *kastom*. *Kastom* in this sense is 'a rhetoric based on the selective recognition of some, though not all, elements of what anthropologists like to call 'culture' (Lindstrom 2008: 165).

The differentiation noted by early commentators and contemporary usages reflect development in the way *kastom* has been invoked over time, a process intimately tied to anti-colonial and pro-independence politics. This link has been recognised and represented consistently in anthropological literature on Melanesia since the seminal anthology *Reinventing traditional culture: The politics of kastom in Island Melanesia* (Keesing and Tonkinson 1982). As the title suggests, this collection of papers focussed on the emergence of *kastom* as a political force, which acted to unite people against colonial power and build both a sense of self-worth and support for political self-determination. In part this interest in the political construction of *kastom* reflected a broader concern among anthropologists at the time about the meaning and development of tradition, at a time when movements for political self-determination were flourishing and widespread, and tradition was being widely invoked as a basis for solidarity among subaltern peoples. At about the same time a collection of cases from Africa, India and Europe (Hobsbawm and Ranger 1983) drew a distinction between 'genuine' and 'invented' tradition, roughly paralleling the two senses of *kastom* noted by anthropologists in Melanesia. Hobsbawm (1983: 2) defined 'invented tradition' to be 'a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past'. He did not explicitly define 'genuine' tradition, but the inference is that, in contrast to invented tradition, it is actually continuous with past practice: continuity with the past is the key variable.

Moral concerns and political judgements permeate these assessments, more or less explicitly, with Keesing (1982a), Philibert (1986, 1989) and then in an extreme form Babadzan (1988, 2004) analysing *kastom* as being open to, or all about, political

manipulation and elite capture. The perspective of David Akin (2004, 2005) on Kwaio *kastom* adherents of Malaita reflects a less overtly political perspective on the same processes, in the context of critiquing Babadzan's notion of 'national' *kastom* as hegemonic discourse. Akin points to the way elites are embedded within their own customary groups, and that acting from a sense of what their *kastom* is, can act in pursuit of these interests in state level contexts and produce national-level impacts.

Setting the issue of elite behaviour to one side, the early analysis of *kastom* clearly identifies the work that *kastom* performs at the national level. Keesing suggested that *kastom* 'disguises and mediates contradictions' but it also 'creates them' because it is:

vaguely conceived, undefinable, and open to such diverse constructions ...  
That urban sophisticate and mountain pagan can find meaning in *kastom* attests to the potency of contentless symbols. ... The diversity of meanings Melanesians attribute to *kastom* underlines the way such symbols do not carry meanings: they evoke them (Keesing 1982a: 299)

His somewhat stark, acerbic portrayal points to the potential of *kastom* as a political concept. Larmour (1998) makes a similar and more general point (interestingly in the context of discussing the political idea of governance which is sometimes opposed to *kastom*) about words which appear to evade precise definition and yet exercise an immensely strong imaginative hold on their proponents and listeners. He notes that an idea which is 'sometimes criticised for being vague, incoherent, and based on false assumptions' merely points to the operation of politics: 'these are defining features of policy discourse, rather than errors that should be eliminated' (Larmour 1998: 3). In the case of governance, its amorphousness allows a sense of what is right and appropriate behaviour in government to circulate and develop, and to be controlled. The work of *kastom* in national contexts was to support development of a sense of political solidarity among diverse peoples. Its invocation draws attention to commonalities of interest and practice between them, at the same time taking it away from their differences.

*Kastom* has come to operate in this way through a sequence of events. Lindstrom, very usefully, points to enabling imaginative transformations. He notes (2008: 166) that, to begin with, custom was an oft-used term in British colonial terminology.

Anthropological consultants routinely described aspects of local practice and institutions (for example local court systems) using the term and recorded the codification of 'native custom'. At some point, people began to take up this kind of objectification of culture to represent themselves. The process began with an 'increasing consciousness of culture' (Lindstrom 1982: 317). Diachronic (innovative, internal) and synchronic (external, alien) contrasts with present behaviours and material styles created 'a consciousness of the existence of cultural systems in general and also an awareness of the proclivity of these systems to change'. While for a time this consciousness may remain tacit and unspoken as it becomes an object of political discourse it is labelled (in the Vanuatu case as *kastom*) as a category that people understand, and can contrast with the non-*kastom* (the foreign). The process of consciousness and labelling happens once, but the definition of *kastom* and the evaluation of *kastom* are continuing political processes (Lindstrom 1982: 317).

The increasing awareness of culture occurred over a long period. Keesing noted that *kastom* (although perhaps not consciously evaluated in this way) as political symbol has a long history in Melanesia, developing in villages and plantation based resistance movements opposed to colonial rule, emerging as an element of a Melanesian 'counter-culture of survival' (Keesing 1982: 298). More specifically in relation to Vanuatu, Lindstrom suggests that 'talk of custom, or perhaps this was already *kastom*, must have circulated ... particularly among members of Tanna Island's anti-government John Frum movement that surfaced in the late 1930s' (Lindstrom 2008: 166). Among Ifirans, Tarimata Kalsakau served as an assessor in the Condominium native court, with responsibility for making decisions with respect to matters of custom (Bresnihan and Woodward 2002).

The labelling of cultural objectification as *kastom* became evident following World War II, as the possibility of political self-determination and of using *kastom* to represent the ways of indigenous people in larger scale political actions gradually emerged. The invocation of *kastom* by the leader of the Nagriamel movement, Jimmy Stevens, in the 1960s attests to the take up of the idea as a key element in grassroots opposition to colonial occupation of land. Further definition and evaluation of *kastom* occurred as it became central to 'the ideology of decolonisation' of the 'new political elites' (Keesing 1982a: 297). While *kastom* provided a foundation for fostering the development of a

sense of national identity, its usage was complicated in that it entailed targeting 'condocolonialism' in a way that did not denounce Christianity (Miles 1998: 68). As elsewhere, tradition became a symbol of opposition against European hegemony, but in Vanuatu there was an added dimension arising from the joint administration arrangements of the Anglo-French Condominium. In addition to opposing foreign political control, the pro-independence New Hebrides Cultural Association/Vanua'aku Pati (VP) sought in the 1970s, through *kastom*, to unite those who 'by sub-conscious choice of destiny prefer to see themselves as black Frenchmen and black Englishmen ... in the face of the dual and divisive ... systems, the call for New Hebridean unity in island traditionalism is the most obvious way to combat and assess the encroachment of westernism' (Kele Kele 1977: 22). The issue was not one just of political disenfranchisement, but a 'crisis of identity'.

Through consciousness raising and moral evaluation in concert with Protestant churches, the VP was able to influence the construction of *kastom* at local level by 'reinvesting *kastom* ceremonies and practices with historical and cultural meaning ... conveniently ignoring their animistic and magical origins' (Miles 1998: 68). The kind of traditionalist resurgence which occurred is encapsulated in Jolly's (1992: 330) observation that the deployment of *kastom* entailed a sense of 'rupture and revival'.

Taking up from Miles' observation that the promoters of *kastom* had to take into account potential conflict with Christian principles and practice, they also had to deal somehow with the ways in which people would relate the promoters' use of *kastom* to their own multiple localised perspectives on relations to land. These are as self-constitutive for people as Christian belonging, perhaps even more so. As exemplified by the Ifiran experience, people could see that foreigners profited from their land and their labour. They witnessed the alienation of land to foreigners through land registration by the Joint Court of the Condominium and they bore the effects of land clearing and displacement. Local political movements and actions contesting European land claims sprang from the *grasruts* with no reference to the independence

movement.<sup>120</sup> They did not need a 'predictable and condensed lexeme' (Lindstrom 1982: 317) like *kastom* to make them aware of dispossession. Instead, people already held in their many languages rich vocabularies to describe land, with rich connotations of people belonging to place, in fact to their own different places. The idea that these many *kastoms* should be applied in the resolution of particular land disputes was not promoted by nationalist activists: to do so would have called attention to deep divisions among indigenous people.

Having said that, there was a level of acceptance regarding the utilisation of *kastom* by elites to represent relations to land, reflecting Keesing's observation that *kastom* as political symbol can be seen as distinctly Melanesian: especially in the imagination that 'the power of ways enjoined by the ancestors is greater than the power of rules created by contemporary humans; even though in Melanesia humans may edit, interpret, alter, or invent rules as *kastom*' (1982: 299). Further resonances are suggested by Jolly (1992: 341): '*kastom* was expressly the reclaiming of a place, against European occupation of the land and the reclaiming of a past which had been lost or expressly abandoned'.

Part of that acceptance, too, related to the accommodations made between localised and national elites, illustrated by the specific invocation of *kastom* in the political designation and construction of indigenised administrative precincts, closely linked to the development of arrangements for power sharing among politicians and chiefs. This creation of places and authority roles has been of continuing importance in land matters, giving chiefs prominence as group representatives in land disputes and providing a basis for the current system of island courts which make determinations with respect to customary land ownership. An analysis of land relations on Ambae (Rodman and Rodman 1985) exemplifies this process. The Rodmans examined the way in which *kastom* was invoked to have the island's name changed from Aoba (a colonial name) after independence.

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<sup>120</sup> Although certainly in the case of the Ifirans, and most likely elsewhere, missionaries encouraged activism. Jacomb, who had close associations with the Ifirans, also encouraged indigenous people to contest French settlement (Woodward 2002).

These commentators noted contestation over the name of the island was intimately linked with politics concerning the position of chiefs with respect to the new pole of political power operating out of Port Vila. The chiefs, in asserting that they knew the true name of the island and demanding that this name be administratively recognised, were putting forward their own claims to power, founded in their own in-depth knowledge of localised forms of land/people relations. The way in which contestation around land is intimately bound to the quest for power is evident in this case: at a local level, the loss of customary land and cultural forms around it threatens the privileged status of those who are responsible for, but unable to, protect it. Conversely, success in this regard enhances status. Accepting state control over land can also be beneficial. In contesting the administratively recognised name 'Aoba', the chiefs were tacitly recognising another source of power relating to land in the Vanuatu state, one with which they needed to make an accommodation. By declaiming and so revealing the name 'Ambae' to all, and thereby allowing it to become part of national administrative framework, the chiefs gave up something of their customary powers in return for recognition of their status by the state. The invocation of *kastom* references their knowledge and status in the sphere of localised relations to land, thereby calling for people to place trust in them. As people do tend to do this, it creates a cover<sup>121</sup> for their actions, legitimising them and proofing them against scrutiny.

There are key points of cultural alignment between the way in which Ambae people associate *kastom* with relations to land and the way in which Ifirans, suggesting why Ambae people were able to accept these political processes framed with reference to *kastom*. These include the way in which processes for assigning rights to land, and the idea that there are people who have the power to speak authoritatively with regard to land matters, are considered part of *kastom*. The Rodmans point to another key element of what people recognise as *kastom* relating to land when they observe that knowing the true name of a place, and holding it secret from others, is regarded as a source of power.<sup>122</sup> The concern about having knowledge and concealing it from others, and an

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<sup>121</sup> People say *kastom* is a cover for ground. That is, while people may talk about *kastom* what is essentially important is their relations to land.

<sup>122</sup> There is a link between this imagination and the way foreigners conduct themselves and are allowed to conduct themselves, see Chapters 3 and 4 for further discussion of it.

awareness that being successful in doing this confers power,<sup>123</sup> was one I met repeatedly in dealings with Ifirans and others. However, it was only on reflection that I recognised the impacts of this imagination on me, as like others I was beholden to its concomitant, an acceptance that high status individuals are legitimate holders of secrets. It was evident in the assignment of senior men to accompany and monitor me, the physical barriers to accessing certain locations, selective sharing of information and withdrawal of support or censure when I inadvertently crossed accepted boundaries of knowledge acquisition. It is reflected in the stark assessments of *waetman* people shared, even people who are well aware they benefit from the presence of *waetman* for economic reasons. It is evident in the ways people told me stories about alienation, highlighting the roles of others but staying very quiet about their own. The sense that power derives from control of *kastom*, rendered as a specific kind of knowledge, reflects how the invocation of *kastom* in localised contexts is ineluctably tied to the operation of politics.

People who have chiefly roles are among a group of elite actors who exercise substantial control over relations to land in Vanuatu, and also belonging to this group are people who chiefs in the Aoba/Ambae case identified as 'students' who by this stage had become part of the new Vanuatu government. The chiefs derided these 'students' for their lack of customary knowledge, but at the same time recognised their power with regard to land and their claims to political authority and public office. This differentiation between groups of elite actors is often encountered in Vanuatu, and it is sometimes promoted by people playing these roles. However, chiefs and politicians and administrators are not separate groups: there are very close customary connections between people in these positions and sometimes people occupy both chiefly and political or bureaucratic positions.

Regardless of the situation in which it is deployed, *kastom* supports a sense of solidarity, based at once in a claim to categories of knowledge and cultural practices and the exclusion of others from them. Its invocation creates a constituency (and thereby axiomatically a power base), and also an opposition (and thereby situations in which power may be exercised). In this way it can support localised claims to customary land ownership, or if these can be somehow joined up, the claims of an indigenous

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<sup>123</sup> Concomitantly, there was also an acceptance that high status individuals were holders of secrets.

population to political self-determination. It can also, as in the Ambae case, be used to support an island level solidarity and claim against outsiders.

### ***The development of the constitutional provisions relating to land***

The ideas of customary ownership and rules are included in the constitution in a way which suggests to people unfamiliar with the law that customary perspectives have underpinned and directed dealings with regard to land following independence. But the way in which broad constitutional categories have been converted into principles for controlling dealings relating to land suggests otherwise. The constitutional provisions relating to land can be analysed as reflecting the kind of change being sought by the people who drafted them: a mix of ni-Vanuatu political elites, people selected to represent ni-Vanuatu interest groups, foreign technical experts and representatives of the two colonial powers. While they had very different perspectives in some respects, broadly all recognised the need to vest control of land in citizens in one way or another.

In view of the situation which obtained at the time (alienated land was predominantly owned by British and French nationals and body corporates, while native New Hebrideans were effectively stateless), there were two main dimensions of change that needed to occur in order to achieve this broad public policy objective. First, the arrangements for ownership of land established by the colonial powers and which worked in favour of their nationals needed to be closed off. Second, new arrangements for the control of land which worked in favour of ni-Vanuatu needed to be established. Here I examine the circumstances in which the constitution was framed, centred around the perspectives evident in, and the outcomes of, the Constitutional Committee.

The Committee first convened on 3 April 1979 and completed its work in September 1979. The committee membership included the Council of Ministers of the New Hebrides Representative Assembly, representatives of the Mal Fatu Mauri chiefs' council and of the political parties, a representative of the New Hebrides Christian Council and an 'Assemblée Représentative', prominent people who were selected for their ability to contribute to the Committee. The Committee operated within the timeframe and principles established in the Dijoud Plan (Constitutional Committee



Minutes [CCM] 2009: 11).<sup>124</sup> Two constitutional experts<sup>125</sup> assisted in the preparation of the basic principles of the constitution (CCM 2009: 11). Representatives were, by implication, provided drafts to comment on rather than formulating the provisions from the ground up. The draft constitution was discussed at a Constitutional Conference on 18 September 1979, attended by representatives of the British and French governments (CCM 2009: 177).

Ifirans participating in these discussions were Barak Sope (later to become a Prime Minister of Vanuatu), George Kalsakau, Kalpakor Kalsakau and Kele Kele Matas (later to become President of Vanuatu). A Mele grandson of Pastor Sope's, George Kalkoa (later to become a President of Vanuatu), also participated. Another well-known name that appears is Sethy Regenvanu, who was the first Minister for Lands after Independence and who is the father of Ralph, the leader of the Law and Justice Party, MP for Port Vila and currently Minister for Lands. Their involvement highlights again the way in which certain families are prominent within national level contexts. Of the 28 Committee representatives, I have met children or other very close relatives of 10 of them in senior government and political circles in Port Vila and know of others in them too.

The minutes of the committee show a range of issues and views were canvassed in response to the drafts provided, and debate strongly influenced the final formulation of the constitutional provisions. Matters raised in discussion relating to land were wide ranging and included: whether the constitution would deal with alienated land, all land, or unalienated land; whether customary tenure and indigeneity would be recognised in addition to entitlements based on citizenship; relatedly, who should be considered

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<sup>124</sup> Dijoud was the French Minister for Overseas Departments and Territories. He visited the New Hebrides and established the requirements for French agreement on independence in 1978. At the time he also proposed a plan to deal with self-determination pressures in New Caledonia, known too as the 'Dijoud Plan'. The new Caledonia Plan 'was focused on land reform, but only with the suspension of any consideration of Independence for 10 years' (Fisher 2013: 58). The French antipathy for independence was evident in both, in the New Hebrides however the British strongly favoured independence.

<sup>125</sup> Yash Gai, a Kenyan, Oxford and Harvard trained constitutional expert and Charles Zorgbibe, a French jurist, historian and international relations expert (but who appears not have attended the Committee in person).

indigenous; and whether the constitution should specifically address alienation, through transitional or permanent provisions.

The draft formulation put to the committee on the matter of land ownership stated that land belonged to 'indigenous New Hebrideans'. A few brief excerpts from the minutes of the Constitutional Committee serve to illustrate the contours of the debate that followed.

M. Bernast (Tabwemassana) criticised the proposal: 'his party, he explained considered all land in the New Hebrides to be customary land.'

G. Kalsakau (Natatok Efate) 'felt that [the proposed article] was clear, it stated that all land belonged to the native New Hebrideans – in a New Hebridean custom this meant the custom owners.'

'A long discussion followed ... M. Bernast and T. Reuben (Conseil des Ministres) favoured a reference to "customary owners" to ensure that land would be returned to them and not the State.'

B. Narokobi (PNG Adviser) 'explained that ... changing the reference from "indigenous New Hebrideans" to "indigenous customary owners" ... the article would no longer be a philosophical statement, but have a more definite legal meanings[sic] in Vila, for example, all land would have to be returned to its customary owners.'

M. Carlot (Union of Moderate Parties) 'felt that to use terms such as "autochton" [sic] or "indigenous" was confusing; he suggested that reference be made to "customary owners" with a provision for the ownership of land by the Government for reasons of public interest etc.'

B. Sope (Vanua'aku Pati) was worried by this suggestion on the grounds that foreigners could become accepted as custom owners of a New Hebridean community and thus acquire land rights.'

(CCM 2009: 119-121)

The phrase which eventually emerged in the constitution 'indigenous customary owners and their descendants' reflects the power committee members held. However, this formulation reveals the tension between perpetuating the narrative of *kastom* that operated well in the context of independence politics and framing an operable and representative basis for a state approach to the control of land. The debate was noticeably centred around the application of propertisation, and did not attend to the specifics of localised *kastom*. The genuine concerns regarding land and disputes extant at the time throughout the New Hebrides had become grist for political debate among an enfranchised group operating within the frame of state control over land. Having said that, these people were not dupes, they were speaking from their own deeply held and felt positions, which they regarded as being different in some sense from those of colonial administrators. In the Constitutional Convention which followed the committee meetings, they openly (and successfully) rebuked French and English representatives over their lack of regard for the considerations of the committee representatives (CCM 2009: 178).

The constitution was widely regarded as an achievement but to an extent it was the ability of the political parties concerned to compromise that was celebrated. But beyond this denouement to a turbulent period of politics, and to close the book on the colonial period, what was achieved? Bernard Narokobi, who was an adviser to the Constitutional Committee, noted approvingly that the debate crossed party lines and came to agreement on key issues (Narokobi 1981: 150) and considered ni-Vanuatu to be 'in control of their canoe' Narokobi (1989: 32). This assessment, from this source, invites a comparison with the situation at the time of independence in Papua New Guinea, also a Melanesian country in which land is primarily held in customary tenure (97% according to Filer 2011). Was more, in some sense, achieved in Vanuatu than in PNG, through the constitutional declaration of universal customary tenure?

Power and Tolopa (2009) commented on the legal position and policy relating to land tenure in the period leading up to PNG independence in 1975. Four acts relating to land were passed in 1963-64, and four bills were presented to the House of Assembly in 1971. They consider these legislative initiatives demonstrated 'that the main concern in the colonial period was to free up land from customary tenure in order to pursue

‘development’. Papua New Guineans resisted this trend’ (2009: 156). Fingleton, quoted by them, recalls that the 1969 Bills were not passed, noting ‘strong local opposition to an attempt to legislate on such a sensitive subject [land registration], so close to Independence, and the authorities threw in the towel, leaving it to an incoming Papua New Guinea government to handle’ (2009: 155).

Reflecting the same differentiation in perspectives as found in Vanuatu, colonial imperatives and local responses were very similar. The legislative course pursued during this period in PNG, however, is noticeably different to the one in Vanuatu. In PNG the lands laws promulgated prior to independence remained in force, and the Constitution makes only limited reference to customary land and customary owners. The recognition of customary land owners in Vanuatu does appear on the face of it to be more radical, absolute and unequivocal, and there was both an opportunity and necessity to re-write and pass new laws.

However, the actual nature of the achievement in Vanuatu is also reflected in Narakobi’s metaphor: he points to a canoe, a single constituency. His is a reflection on state building: he is suggesting a very good first step had been made towards this goal, through the unifying and homogenising effects of recognition. While *kastom* and its entailments seem to be elevated to a high legal status in Vanuatu, Jorgensen’s (2007: 57) observation regarding PNG is also applicable to Vanuatu: ‘the articulation of the ideology of tradition with local practices turns on the twin issues of legibility and recognition’. The reference to legibility recalls James C. Scott’s (1998) perspective on the way in which states manage what might be called unruliness. The discussion in this chapter suggests there is more to the veiling of multiple interests in land in Vanuatu than universalising structural tendencies, but the implications of not dealing with these interests are apparent in the present day disaffection of people with the extent of land alienation and unfair land dealings.

### ***State ideology and alienation***

In the context of independence politics, *kastom* performed valuable service as a potent rhetorical device for pro-independence activists. They deployed it in dealings with their compatriots to promote a sense of nationalist identity (*kastom* is that which is ours, as opposed to what is theirs). Critically too, this sense of nationalised identity and

concomitant claim for national political power were closely aligned with the principle of political self-determination for colonised people circulating in the broader context of international politics<sup>126</sup> at the time. This idea still has strong imaginative attraction for ni-Vanuatu politicians and their supporters. Drawing on the idea of *kastom* and relating it to more broadly circulating narratives, activists were simultaneously able to legitimise their actions and aspirations in the eyes of many indigenous New Hebrideans; to develop a recognisable (if not fully supported) case for decolonisation to the colonial powers, and to associate their political movement with others of the same kind occurring elsewhere in the world.

The constitutional committee was confronted with a significant difficulty in attempting to incorporate *kastom* into the foundational legal principles for the new state. Up until that point usages of *kastom*, broadly speaking, operated to support the removal of colonial land ownership but did not establish or test how *kastom* might be used as an organising principle for state control in any social domain, relevantly and perhaps especially in the critical one of relations to land. While it might be an apt concept for the purpose of building unity and concealing difference, the unspecified nature of *kastom* meant too that it was not clear how it might operate as a foundational legal principle. At most, it seemed to recognise the social reality of multiple, lived, localised sets of relations to land. The effects of this lack of definition, coupled with local level expectations regarding land were predicted by Tonkinson (1982), who observed that the lack of specificity in the idea of *kastom* as enshrined in the constitution would lead to widespread land disputes. He was correct: thirty years on the government is still 'unable to determine who the customary owners of land are' (GoV 2006, p.11) without tortuous, extended legal processes that produce contestable and divisive results.

Land disputes, directly attributable to the formulation of ownership rights in the constitution, reflect the way in which state ideology has contributed to land alienation. Land disputes attest to participation in the process of propertisation, but they do not in

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<sup>126</sup> Exemplified in Article 1(2) of the Charter of the United Nations, which includes reference to the principle of 'equal rights and self-determination of peoples'. This principle is further developed in the context of the Declaration on the Granting of Independence to Colonial Countries and Peoples (UN General Assembly Resolution 1514 (XV), 14 December 1960.

themselves produce propertisation. They are, in practice, one of the preconditions for it to occur: it is realised when a Minister exercises the discretion to issue a lease, and it is taken up directly by a foreigner or it is transferred to a foreigner. Alienation is a consequence, albeit an indirect and unwanted<sup>127</sup> one, of the way in which the constitutional provisions relating to land were framed. The possibility of alienation, though, only became a reality through the application of specific land laws which facilitate alienation.

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<sup>127</sup> Confirming this view, Article 79 read in conjunction with Articles 73, 74 and 75 seems to preclude the possibility of alienation.

## Chapter 7: The law and customary perspectives

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This chapter discusses the laws relating to land in Vanuatu, focussing specifically on the contribution of these prescriptions to alienation. It begins with a case example which highlights the way in which the law, as it is applied in practice, tends to promote property rights over customary attachments to place. Next, the chapter discusses conceptual tensions within the constitutional articles relating to land, and between these articles and others relating to the constitution of persons and their obligations to the state. Lastly, it examines key provisions of the land legislation, analysing how they promote property rights.

The Vanuatu state ideology concerning the relationship between land and people is encapsulated in the constitution. The provisions of the constitution primarily construe land as territory, and people as individual citizens who are accorded rights by the state and in return who have obligations to it. People are further classified as indigenous or non-indigenous for the purposes of determining the kinds of rights they have to occupy and use portions of Vanuatu territory. These ideas do not sit easily alongside the multiple, localised senses of people/land relations that exist in Vanuatu and which can be regarded collectively as customary perspectives on the relationship between people and land. Nonetheless, customary perspectives provide moral justification for the exercise of national governmental power and so are given a kind of recognition in the constitution.

The lands laws discussed in this chapter operate as a link between deep ideology and interactions between people with respect to land. For customary perspectives to be supported in practice, these laws need to address the tension between perspectives on people/land relations deeply embedded within the state ideology: they need to do more work than in countries in which the citizen/territory view of land predominates in popular imaginations and interactions. Somehow they need to play a mediating role, bringing about effects which people will accept as reflecting their own, customary, views about land.

The first legislative action of the Vanuatu government with respect to land was to establish a process for the alienation of it, by foreigners and the state, from customary owners: in a way which simultaneously and significantly curtailed the possibilities for customary claims to land. Rather than establishing an interim arrangement (as originally intended), the *Land Reform Act* remains in force and, with some further elaboration and extension, so does the process for land alienation it established. At the time it became law this legislation enabled certain foreigners who owned land prior to Independence to stay in Vanuatu.<sup>128</sup> Further legislative instruments perpetuated and expanded the possibilities for alienation contained in it. Now the congeries of land laws means foreigners who want to live in Vanuatu and exercise what are in effect ownership rights can do so in a variety of ways. While customary perspectives were foregrounded in the constitution, in practice they are encapsulated within a property-centric framework, and require protections within governmental structures to operate at all. The law, as a structure, seems able to support the definition and enforcement of property rights, but has been demonstrably ill-suited to the task of recognising customary entitlements.

### *Forari, an case example of legal bias towards property investment*

On the east coast of Efate island, about thirty kilometres away from Port Vila, is a village called Eton. The beach there is a favourite weekend haunt of expatriates, and the villagers charge a fee for them to use it. For all the world it appeared that the area around Eton has not yet been subject to the significant alienation and land development occurring closer to Port Vila. However, to the north of the village lay the vast ruins of an industrial complex. These were almost completely covered under 'American vine', introduced by the US Army in World War II as a form of camouflage for fixed military instalments. This dereliction was all that remained of a manganese mine that had operated before Independence. There had also once been a town in the area too, called Forari, boasting the full range of urban fixtures and services. This situation intrigued me, especially so because it represented a reversal of the usual land development situations encountered on Efate. I was able to investigate it further by examining files given to me by officers in the Ministry of Lands during fieldwork.

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<sup>128</sup> Some foreigners were deported by the government. MacClancy (1984) reported that around 140 former settlers were ordered to leave Vanuatu.



Records of the Ministry of Lands show that manganese was discovered in 1953 by the Compagnie Française des Phosphates de l'Océanie in Forari on Metensa Bay on the east coast of Efate. Open cut mining commenced around 1962. Extracted ore was washed and upgraded at a processing plant at Forari and then shipped from facilities in the bay, mainly to Japan. Around one million tonnes of ore was taken from Forari over the period 1962 to 1979. A stockpile of around 15,000 tonnes of processed ore was left at the bay on cessation of operations just prior to Independence in 1980. The mine was wound up voluntarily. At Independence, the land was returned to the customary owners, seemingly without any encumbrance, although with a history of being defined and understood as property (leaving a record of land boundaries, and people with memories of this kind of land use, and their accommodation of it). Subsequent geological surveys and mineral assays estimated that there are 800,000 tonnes of ore still in situ, with another 450,000 tonnes of tailings in Metensa Bay, which might be processed. The estimated free on board value of these deposits, plus the already extracted ore, is over VT 5 billion (about USD 50 million).

In 1982, only two years after Independence, Le Manganese De Vate S.A.R.L., a company incorporated in Vanuatu under French Law reached agreement with the 'Eton community' to lease a parcel of land for 75 years covering part of the old mining site. In 1989 'Eton community' agreed to lease another parcel of land on the old mining site for 75 years to Forari Development Company Limited, a company incorporated in Vanuatu under English law. The lengthy terms of these leases blatantly contradicted the constitutional institution of customary land ownership and are also at odds with the purposes for which they were granted. Both were issued for the purpose of undertaking mining, storage, treatment and processing of minerals: it took less than twenty years to remove deposits of greater size than those left in situ, suggesting that a shorter term lease could have been granted. The two leases cover all of the old mining infrastructure (warehouses, generators, wharf, loading gantry and so on) and the 15,000 tonnes ore stockpile. The leases did not cover the area behind the old open cut operations, where the remaining 800,000 tonnes of ore is. This area was also subject to customary land ownership claims by the Pang Pang and Epau communities, also nearby. According to Eton villagers (as recorded in the Land Ministry of Land files) an Australian resident controlled both of these leases.

No mining operations had been conducted on the leased land between the time the leases were signed and the last date of the records to which I had access (late 2005), and no application for a mining licence has been submitted. The infrastructure on the site is now observably dilapidated and largely beyond repair and the whole area is overgrown. There is no doubt that covenants in the leases have been consistently breached, including covenants to conduct mining operations, to maintain all infrastructure in good repair and to prevent settlement by squatters. That the current lessees have no intention of conducting mining operations is also indicated by the fact that no application for a mining licence has ever been submitted to the Ministry of Lands. Legally, there are substantive grounds for the 'Eton community' to seek termination of the leases.

In the early 1990's an established mining company was issued a prospecting licence for the Forari area and carried out detailed geological surveys and mineral testing. An Australian start-up mining company indicated in the early 2000s that it was interested in commencing mining operations and provided some due diligence information to the Ministry of Lands. This bid stalled as the company was not able to negotiate transfer of the existing leases from the Australian lease holder.

In 2004, a group of (purportedly) American investors sought to take over the leases. These investors had, according to a local real estate agent who purported to act on their behalf, reached agreement with the Australian resident behind the leases regarding their transfer. The agent also indicated that there were Eton landowners willing to sign the consent. The American group had also, according to the agent, received Vanuatu Investment Promotion Authority (VIPA) approval for its proposed operations in the Forari area, which it defined as a mixture of extraction and tourism operations.<sup>129</sup> In response some landowners, represented by the President and members of the 'Eton community trust', lodged a 'caution' on both titles, whilst seeking to determine the existing leases, on the grounds that they did not want the Australian to make decisions about the transfer of leases on their customary land. A caution is a statutory instrument that prevents any transactions taking place on a title for a period of thirty days while the claims made in it are considered by the Ministry of Lands.

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<sup>129</sup> These do not typically go well together

A senior officer from the Ministry visited Eton to assess the situation, and found there was support among some in Eton village for the transfer of the lease, as the agent had suggested, although they could not provide any details about the investors. However, the Ministry was not given any information by the Eton supporters or agent of the American group (company structure, financial statements, detailed proposal for mining the Forari site, statements of previous experience etc) to assess the merits of the proposal. In the circumstances, Ministry officers were not able to make any headway in examining the competing and conflicting claims. The cautions lapsed after thirty days and there were no longer legal protections in place for those opposed to development. Subsequently, I understand from Ministry official, but could not confirm, a lease transfer eventually took place, to a Chinese company which has now removed the 15,000 tonnes of stockpiled ore. As yet further mining operations have not commenced.

This example illustrates the typically unsatisfactory situation of ni-Vanuatu land owners, as a consequence of the application of national land laws and of their administration. In this case a customary group, which in broad terms seemed willing to entertain the development of their land, were unable to control their situation. Instead, all the cards were held by an absentee lease holder, who clearly was not interested in developing the land in conjunction with the community, but rather was speculating on the leases. Other questionable interests were circulating and there were divisions within the customary group about the best way to proceed. Recourse to the government had failed, as Ministry of Lands officers were ill-equipped to deal with the situation and reticent to do so in the face of competing customary interests. These officers in my experience were also often closely connected with land speculation and sharp operators themselves: the agent of the 'Americans' mentioned was known to me and had virtually open access within the Ministry of Lands.

This case presents an insight into the inter-operation of the law, administrative practice and customary interests since independence, and indicates how the latter can be readily marginalised. In part the example points to problems of government praxis, which I will consider in the next chapter, but it also points the way in which customary practice is marginalised within the legal framework. In Vanuatu, there are several sources of law, creating issues of definition and precedence and which seemingly operate to

constrain the possibilities for recognising customary perspectives. Corrin Care and Paterson (2007) observe that 'customary law' is but one of the sources of law in Vanuatu, which they summarise as follows:

- Constitution of Vanuatu;
- Acts of Parliament of Vanuatu ;
- Joint Regulations in existence on 30 July 1980 - which continue in force until repealed by the Vanuatu Parliament ( s.95(1) Constitution);
- British and French laws in existence on 30 July 1980 - including Acts of Parliament, subsidiary legislation and English common law and equity, which continue in force until repealed by the Vanuatu Parliament (s.95(2) Constitution);
- Customary laws of Vanuatu (s. 95(3) Constitution).

Among these, the constitution has precedence. As the constitutional provisions are based upon the institution of universal customary tenure, a question arises as to how land laws have developed in a way that seemingly contradicts this central tenet.

### ***Tensions within the constitution***

The constitution contains provisions which are manifestly antithetical to the recognition of customary attachments to land. There is in particular a tension between the liberalist view which construes ni-Vanuatu as individual citizens whose primary allegiance is to the state and the *man ples* construct which informs their senses of identity. While the land articles (part 12 of the constitution) recognise customary attachments to land, the essence of the compact between people and state in Vanuatu is articulated in Parts 1 and 2 of the Constitution, which respectively provide formulations of the fundamental rights and freedoms of the individual and of the fundamental responsibilities of persons. Within these, the following seem particularly pertinent to land matters:

Article (5)(j) – the fundamental right of the individual to 'protection for the privacy of the home and other property and from unjust deprivation of property'

Article (7)(b) the fundamental duty of a person 'to recognise that he can fully develop his abilities and advance his true interests only by active participation in the development of the national community'

These articles also evince the emphasis that was placed on ni-Vanuatu participation in national development.

There are also tensions within the articles relating to land, notably in relation to the use of the terms 'indigenous' and *kastom*. Central to the framing of articles 73, 74 and 75 of the constitution, they do not 'cuddle up', to borrow an idea from Webb Keane,<sup>130</sup> as readily as might popularly be thought. The two terms do not quite come together in Article 75, which signals the possibility of perpetual land ownership by indigenous citizens who may not be *kastom* owners. More fundamentally, the combination of the two terms does not result in a productive pairing in terms of establishing a path for further legislative prescription in support of customary attachments. They are closely related terms which eddy around together in national political narrative: broadly speaking, indigenous people are considered to have *kastom*. This view, transposed into a legal context, affirms the importance of attending to localised ideas and practices regarding land rather than specifying how this aim might be achieved.

'Indigenous', used adjectively in Articles 73 and 75, is an imprecise category in Vanuatu for the purposes of determining who is in it and who is not, legally speaking.<sup>131</sup> It is a contestable category, like *kastom*, which reflects significant social issues and concerns, and the ways in which people seek to deal with them. According to the common usages I heard, it is broadly congruent with the category of *blakman*, although it excludes people of other nationalities who are considered *blakman*, and can also include people of so-called mixed blood (*haf haf* in Bislama) born in Vanuatu. It also overlaps to a large extent with the category 'ni-Vanuatu': I have heard well regarded and long-term resident *waetman* very occasionally called ni-Vanuatu but never indigenous. 'Indigenous' as a category of persons, in my experience, reflects concerns with observable physical traits, lines of descent, cultural practices and a verifiable nationality. These are all related to developing senses of identity, and of relations to land.

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<sup>130</sup> Masterclass, Australian National University, 4 August 2010.

<sup>131</sup> As discussed in Chapter 6, the use of this term was the subject of debate in the Constitutional Committee, and whilst resolved in favour of using it, no agreement on its legal import was reached.

*Kastom*, to re-cap briefly from the discussion in the previous chapter, is a multivalent concept. It is a kind of objectification of culture, defining an 'us' in terms of ideals and objects and practices. In Vanuatu, where there are multiple localised senses of 'us' and a developing nationalised sense of 'us' too, it has many referent 'ways' which are always developing and from which people may select elements to represent as *kastom*. The use of *kastom* in the constitution then, can be seen as a denouement to the narrative of *kastom* as a representation of the ways of indigenous people in opposition to those of colonial occupiers, and the beginning of a process to use *kastom* as a basis for supporting the land claims of ni-Vanuatu. In this regard, though, it is notable that high level constructs which could have supported the implementation of laws regarding customary land ownership were not specified in the constitution. Examples include the notion of a community or group to whom land could be assigned, the manner of setting boundaries, and the form of ownership (for example, whether it would be vested in a group or in a representative of the group).

As ideas, indigeneity and *kastom* both reflect a concern with identifying a kind of people and their ways, but from different perspectives: the former focussing more on people, the latter more on ways. While both angles are reflected in the constitution, it is *kastom* which has been more taken up and developed in legal and administrative contexts (as subsequent discussion will show). Indigeneity is introduced, and then passed over in the law. The recognition of the construct in the constitution is consistent with citizens' views regarding their identity in the broad. However, without further explication in the law, a veil is drawn over the differences which exist among people who are classified in this way, with respect to their relations to land. These differences extend beyond the perspectives regarding land developed in their places of origin, and relate to their living circumstances (rural or urban): and with regard to the broader political and economic circumstances that enfold them, their knowledge, awareness and inclination to participate in them.

The inclusion of indigeneity and *kastom* in the constitution attests to a political determination to incorporate the principle of self-determination into the state system of control over land. These ideas are highly significant in the sense that they signify the moral re-evaluation of people and ways (and land claims) previously recognised and disregarded as native: they define citizens (Rawlings 2012) and address the gross

inequity of colonial era power relations relating to land. While the recognition of indigenous people as citizens was a radical reversal, differences in *kastom* and between people with respect to relations to land more broadly which could be elided in an activist political modality still existed and somehow had to be addressed. The constitution did not do this: the formulation 'indigenous customary land ownership' characterises ni-Vanuatu relations to land as being of a kind rather than as multiple, extant sets of people/land relationships. The combination of these terms staked a strong claim, but it was not specific in terms of defining the bases of those claims, and hence provided little guidance for law makers.

While not 'successful' in specifying how indigeneity and *kastom* could be deployed together as organising principles for a system of land laws, the constitutional provisions addressed some key policy issues of the time: specificity regarding *kastom* and indigeneity would have made progress in these directions very difficult. First, the issue of building a unified indigenous constituency (including by drawing attention from local land issues) was a highly significant one, in a context in which politically active New Hebrideans were aligned with French or British interests, threatening the achievement of national political self-determination. Second, the general formulation left open the possibility of assigning property rights to indigenous people so that they could develop their land, and to expatriates who could support development. In this regard, the articles contained just enough substance for elite ni-Vanuatu to progress their own groups' claims and their own interests, the Ifira Trust exemplifying this possibility. While the articles referenced indigenous forms of relations to land in a way that elite people could use them, they did not attend directly to the rich, largely unwritten and unheard perspectives of other ni-Vanuatu regarding their relations to land, which relevantly these other ni-Vanuatu would reasonably have expected to be taken into account. The rhetorical force of *kastom* and indigeneity, even in combination, was not enough to establish a firm legal footing for recognising the variety of interests and perspectives existing among ni-Vanuatu with respect to land.

#### ***A framework of land laws that supports alienation***

The first piece of land legislation to follow the Constitution, the *Land Reform Act* (Cap 123), commenced on the day of Independence, 30 July 1980. Reform is a word that carries connotations of significant changes being made for the better, and so it might be

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expected that the concepts relating to customary perspectives introduced in the Constitution would have been further extruded in it: that it may for example have addressed issues such as the meaning of indigenous customary land ownership, the entitlements of customary owners and how the rules of *kastom* would form the basis of land ownership in Vanuatu. Instead the act primarily focused on accommodating the entitlements of people and entities that legally owned land prior to Independence. It modified rather than radically changed extant legal settings (although those existing before Independence were formally extinguished by the Constitution, effectively there was continuity in laws allowing for land alienation), immediately legitimising the alienation of land from those with customary claims to it, by those who held it prior to Independence and also potentially by others. In this regard the effect of the legislation is much like the *Native Title Amendment Act 1998* (Cth) of Australia, which as the Prime Minister at the time noted was brought in as much to give 'certainty' to non-indigenous property owners as to recognise native title.<sup>132</sup>

This Act, according to its long title, was intended 'to make *interim* provision for the implementation of Chapter 12 of the Constitution', that is, for the implementation of the Constitutional prescriptions relating to land. I highlight the word *interim* here, which suggests that this law was intended to support a transition from colonial control of land to indigenous self-determination, and that it would be repealed or meaningfully modified before long. Neither of these possibilities has been realised. As a consequence, while foregrounding self-determination in the Constitution, Vanuatu's system of control over land has, at its centre, a perpetuation of colonial era practices.

The Act addresses two practical issues: how to deal with the cases of colonial settlers (now non-citizens) who had obtained land legally<sup>133</sup> prior to Independence, and how to provide land for government and public purposes. Undoubtedly both were pressing policy concerns at the time. The French and British were both concerned in the lead up

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<sup>132</sup>. John Howard's ten point plan to deal with the 'the fairest, best, most practicable way of delivering certainty and security to farmers and justice to the Aboriginal community.' Quote taken from Frank Brennan, 'Grading John Howard's Ten Point Plan.', accessed on 29 October 2013, <http://esvc000200.wic061u.server-web.com/niwg/news/grading.html>

<sup>133</sup> In Chapter 2 it was shown that while land may have been acquired legally, acquisition generally occurred without the informed consent of people who had claims to it in *kastom*.

to Independence to ensure that property rights established for their citizens and subjects were upheld (Van Trease 1987). In the circumstances, retaining foreigners who provided jobs for ni-Vanuatu and injected money into the economy was an important objective. They would have required reassurance that they would be treated fairly and that their situation would be a stable one. The concern that the government should hold land for its own purposes was a predictable one, and there was the practical problem of existing urban development to take into account. Van Trease (1995: 75) comments on the issue relating to government controlled (primarily urban) land:

The question of how to deal with the urban areas had presented a difficult problem for the Lini Government when it was considering its land reform legislation. Port Vila, in particular, was complicated by the fact that its location had originally been part of the traditional lands of three populous villages (Erakor, Ifira and Pango) ... At the same time, as the home to thousands of ni-Vanuatu from throughout the country, the Government did not feel justified in simply handing over the nation's capital to a relatively small group of people whose only claim of ownership was the fact that they happened to live in the area at this particular time in history.

The understanding that these issues needed attention did not simply dawn on members of the new government at the time of Independence, rather the ideas given legal effect in the Land Reform Act were circulating among key actors at the time the Constitution was being formulated, as discussed in Chapter 6.

The Act established a legal framework for transactions relating to land in three key sections, as follows:

Section 3(1) Every alienator shall be entitled to remain on land occupied by him on the Day of Independence until such time as either he enters into a lease of the land or a part thereof with the custom owners of the land or receives payment for improvements to or on that land: Provided that where such land is undeveloped land, an alienator, without prejudice to his right to enter into a lease of that land, shall not be entitled to remain on such land.

Section 6(1) No alienator or other person may enter into negotiations with any custom owners concerning land unless he applies to the Minister and receives a certificate from the Minister that he is a registered negotiator.

Section 9(1) On the Day of Independence all state land shall vest in the Government and be public land and be held by it for the benefit of the Republic of Vanuatu ...

I will comment on the specific implications of these conditions below, but in plain terms they permitted foreigners to maintain full control over land they were living on and using, subject to their being granted resident status. On one level this immediate re-institution of property rights seems extraordinary, but it is fully consistent with the concerns of colonial powers and elite people about promoting broad based economic development and government control, and with protecting patterns of legitimate land use and occupation at the time of independence.

Section 3 operates to define relations between people who were granted pre-eminent legal entitlement to land in the Constitution and people who held legal entitlements to ground prior to Independence. It characterises the former as custom owners and the latter as alienators, by virtue of this formulation confirming the kind of moral re-evaluation of people discussed in previous chapters: and ostensibly strengthening it by the use of the term alienators to describe people who, just the day before the Act passed, were indisputably legal land owners. But within it there is an orientation away from customary perspectives and towards another view of rights over land and state control over land, which becomes clear when the definitions of alienator and custom owners are analysed. In the Act (section 1):

"alienator" means a legal or natural person or persons who immediately prior to the Day of Independence and whether or not their rights were registered in the Registry of Land Titles provided for in the Anglo/French Protocol of 1914 -

(a) had freehold or perpetual ownership of land whether alone or jointly with another person or persons; or

- (b) had a right to a share in land by inheritance through will or operation of law where no formal transfer of that land had taken place; or
- (c) had a life interest in land; or
- (d) had a right to land or a share in land at the end of a life interest; or
- (e) had a beneficial interest in land:

"custom owners" means the person or persons who, in the absence of a dispute, the Minister is satisfied are the custom owners of land.

The definition of alienator is noticeably couched in far more self-contained and legally precise terms than the definition of custom owners. It is immediately apparent who (if one is used to interpreting legal formulations, but who that might be is an issue in Vanuatu) may lay claim to being an alienator and on what grounds. In contrast, it is a third party (in the person of the Minister) that determines who is a custom owner and the way in which this determination ought to be made is not specified. The clear definition of 'alienator' helps to protect the legal rights of people who claim this status and at the same time the lack of clarity regarding who is a 'custom owner',<sup>134</sup> creates an exposure for people who may have a claim on that basis, as they are subject to the discretion of someone else to declare them to be so.

A fundamental problem with granting this discretion, from a customary perspective, relates to the personal interests in land any Minister of Lands in Vanuatu might have. A decision a Minister makes will be either about land to which the Minister is customarily connected in some fashion, or to which the Minister is not. From a customary point of view Ministers, while having a general understanding and appreciation of customary perspectives from their own experience,<sup>135</sup> have questionable authority to decide on the matter of customary ownership if they are not *man ples*, or indeed if they are *man ples*. The vesting of discretion in the Minister legally overrides the customary kind of authority that decides this kind of matter, replacing it with a legal-bureaucratic one.

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<sup>134</sup> Here the Constitutional formulation of 'indigenous custom ownership' is set aside, leaving indigeneity as a potentially significant concept, but one that is not made operational.

<sup>135</sup> Without having detailed knowledge of the many, multiple perspectives that exist in Vanuatu.

Another issue created by Section 3 is that it allowed people to remain on land, effectively at their own discretion, as they were not obliged to enter into dealings with customary owners.

Section 6 of the Act establishes a process an alienator must follow to enter into negotiations with customary owners, which interposes state authority in the form of ministerial approval. Also very significantly, this section creates the possibility that other people, who are not alienators, can legally enter into negotiations with customary land owners.<sup>136</sup> It is not clear who these others might be and on what grounds they might make application for a negotiator certificate, effectively granting the Minister discretion to make decisions on these matters in relation to particular applications.

Section 9 had the highly significant impact of depriving customary owners of land that was formerly state land (that is, primarily the urban areas of Port Vila and Luganville) of their basic Constitutional entitlement to it, without making arrangements for compensation as also required by the Constitution. As described in subsequent chapters, this matter has not yet been satisfactorily attended to from the point of view of the Ifirans, and provides a form of moral justification for their actions relating to land. It also introduces a division of land into two classes (government land and customary land), which creates the possibility for the development of separate rules pertaining to each one (which has occurred) and a precedent for tenure conversion.

The Alienated Land Act (Cap 145) of 1982 established further arrangements for dealings in relation to land. Forcing the hand of land holders, the Act required that (if they had not already applied for status as a registered negotiator) they needed to apply to be registered as alienators within three months of the coming into force of the Act (section 3). If they did not, they would lose their rights as alienators (section 8). The Minister of Lands was made responsible for deciding on applications for registration as an alienator (section 4). Once registered as an alienator, a person could apply for a certificate as a registered negotiator, but only if the custom owner had indicated to the

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<sup>136</sup> That this section permits other people to apply for negotiator certificates is confirmed by section 16(1) of the Alienated Land Act (Cap 145) of 1982, in which it stipulates that an application from an alienator has priority over the application of any other applicant.

Minister a willingness to enter into voluntary negotiations for a lease or had notified the Minister that they refused to negotiate (section 16). In cases where custom owners refused to negotiate, a Land Referee would be brought in to decide on the value of improvements to land, which the custom owners would then be responsible for paying out to the land holder.

While appearing to shift the balance of dealings in favour of customary owners, these provisions of the Act effectively push customary owners towards leases, or created liabilities that they somehow had to meet. The kind of protection offered is not support for self-determination with regard to their land, but a kind of warranty for fair dealing on commercial terms.

In cases in which customary ownership is under dispute, the Act requires that the disputed land be managed by the Minister. This provision creates another class of land which, like public land, is under the effective control of someone other than the customary owners of it.

The piecemeal way in which land law developed is exemplified in the way in which the Land Reform Act and the Alienated Land Act make mention of leases, but do not define them. That is the function of the Land Leases Act (Cap 163) of 1983.

The specification of leases as the legally executable form of agreement between an alienator and a custom owner raises the fundamental issue of the meaning of land ownership in the national governmental sphere. The problem being raised here is not one about the basic idea of land proprietorship: the concepts that particular pieces of land belong to particular people in some sense and that these people may exercise control over the use and occupation of it are familiar to people in Vanuatu and recognisable in customary perspectives relating to land. Further, the general idea of an interest in land pursuant to which a person may use it or occupy it on terms agreed with the person to whom it belongs is familiar to people in Vanuatu. Rather it is about the way leases are constructed in Vanuatu law.

The term 'lease' points to a very specific framing of proprietary rights, which represents a modification of the European derived conceptualisation of them that legally operated

before Independence. The more specific ideological framing of this kind of interest as a lease within a legal context ordinarily incorporates entitlements and covenants which are not congruent with customary perspectives as I have seen them applied. Once executed the arrangement is no longer negotiable, but a lease is transferable, and provides exclusive use and occupation rights. Also problematic is the framing of the base right, which in law is a form of freehold granted under the eminent domain of the state, which derives from a deep ideology of how people belong to place. Although the law reflects a stance on ownership that is favour of indigenous people, it imports a frame of proprietary rights that do not purport to be customary, but rather to support customary interests. Leases are not notionally ownership entitlements because they are not freehold, and yet the kinds of rights to usage and occupancy they entail look very much like rights that might be held or given by someone describing themselves as a customary owner. Further, it is the state through this law that has decided to assign these rights, not the customary land owners.

Perplexingly, given that leases are enshrined in law as the form of property rights which *non-owners* may hold, the Land Leases Act provides for leases of land of up to 75 years. For the most part, leases on customary land (including disputed land) are for terms of seventy-five years, and leases on State-owned land for fifty years (S. Scott et al 2012). Land valuers in the Ministry of Lands have explained to me that they value (determine the monetary worth of) land leased for these terms as if it were freehold land: there is no discounting of value for leases of this length when compared to freehold. During the term of a lease the lessee has effectively all of the rights and obligations of a freehold owner of land and is referred to in the Act as a proprietor. While the proprietor must seek the authorisation of the lessor in relation to transfers of lease and encumbrances, such as mortgages, such authorisation is not to be unreasonably withheld. Sub-leasing is permitted under the Act. Various kinds of leases are provided for under the Rules to the Act including agricultural, residential, commercial, industrial and special leases.

By 1983, the key legislative provisions which enable alienation to occur were mostly in place and they have not been modified since.<sup>137</sup> Assessment of their impacts is made

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<sup>137</sup> As at the date of submission, there are a number of legislative amendments to land laws being proposed by the current Minister of Lands, which have not been brought before the Parliament. On the



difficult by the lack of reliable statistics on land leases in Vanuatu (Farran 2011; S. Scott et al 2012). However, the commentary that exists indicates that the possibilities for alienation contained in these prescriptions has been actualised. The pace of alienation has quickened over time, due to a combination of demand for land and governmental responses which have facilitated it. Haccius (2011), drawing on earlier analysis by Farran (2002) points to a marked increase in the number of land leases signed by successive Ministers of Lands in the decade 1990-2000 compared to the previous decade, which followed independence. Of 223 leases granted on Efate by ministerial consent over the twenty years since independence, about 80 percent were signed in the second decade. Haccius suggests two reasons for this increase:

firstly, many of the disputes between customary owners over land alienated before Independence were never resolved. As this land became more valuable in the course of the tourism boom of the 1990s the determination of the disputants became more entrenched ...

a second explanation for the ongoing activity of the minister in issuing leases is that the power to sign leases where customary owners are in dispute is being used more broadly than the legislation intends (Haccius 2011: 4)

Over the next decade, the number of leases granted by ministerial consent ballooned, with S. Scott et al estimating the number of leases on Efate established by ministerial consent to be 3,792 in 2009 (2012: 7)

Fingleton, who was a technical advisor on land law matters at the time these early laws were being drafted, suggested (pers.com.) that the present operation of the ministerial power is contrary to the intention of the provision made for it. He also pointed out that the 75 year term of land leases was intended to be a maximum, and not the norm. In 2007, he wrote:

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information I have, these amendments seek to address some of the issues raised in this chapter, but I do not have sufficient understanding of them to comment on their implications.

The Minister's power to enter into agreements on behalf of custom owners under s.8 of the Land Reform Regulation (now Land Reform Act) was only intended to be exercised over alienated land, not land which had never been alienated.

The clear intention that the general maximum for lease periods in rural areas would be 30 years, and would only be for up to 75 years for major development projects, and only if the investor was prepared to enter into a joint venture with the custom owners. (Lunnay et al 2007: 20)

Farran (2011: 264) observed that, contrary to this original intention, that 'most leases granted in recent years have been for the maximum period of seventy-five years'.

Another piece of legislation which facilitates land alienation is the Strata Titles Act (Cap 266). It was passed in the year 2000. Strata title, in very general terms, is a form of property interest in an allotment, which provides for individual proprietorship in respect of parts of the lot, and common proprietorship over shared areas. It provides a useful means for people to share in a development, and permits stratification in three dimensions (for example, enabling someone to own an apartment). The Strata Titles Act in Vanuatu goes well beyond this kind of regime, providing:

Section 2. Rights to subdivide under this Act.

(1) Land including the whole or a part of a building may be subdivided by registering a strata plan in the manner provided by or under this Act.

(2) When a plan has been so registered:

(a) the lots comprised therein, or any one or more thereof, may devolve or be transferred, leased, mortgaged or otherwise dealt with in the same manner and form as any land registered under the provisions of the Land Leases Act [Cap. 163] ...

This provision enabled property developers to circumvent the process for sub-division of titles which had applied up to that time, and which required people who held a lease on a block to seek approval from the Ministry of Lands prior to sub-division. Consultation with customary land owners regarding sub-division was variable, and

dependent upon the incumbent Director-General and Minister. Nonetheless the old process provided a measure of protection, and occasionally sub-divisions were blocked. The new process allowed developers to acquire a large allotment and then subdivide it without the knowledge, consent or involvement of customary land owners, or any administrative approval. It contributed to what Jowitt (2004) referred to as a 'land grab on Efate'. Stefanova has evaluated the impacts of the Strata Titles Act as follows:

The abuse of the Strata Titles Act in its application to rural subdivision of undeveloped land has further liberalized the market, essentially paving the way to a permanent alienation of land in Vanuatu. In these cases, entrepreneurs quickly sell off land to third-party buyers for large profits, often frustrating disputes over the original sale of the land. As a result, about 90% of coastal Efate Island is reported to have been alienated, with foreign investment properties enclosing the foreshore and blocking coastal access for communities (Stefanova 2008: 2)

At the time this thesis was being finalised, an amendment bill to remove the right to sub-divide under the Strata Titles Act was before the Parliament.

### *The marginalisation of customary perspectives*

The chapter has focussed on the contribution of land laws to alienation. As elsewhere, land laws mediate between state ideology and action but in Vanuatu they need to do far more work than in countries where citizens are generally familiar and engaged with the concept of land as property. In Vanuatu they need to address the deep ideological divide between the objectives of development and recognition of customary attachments to land. They do not, and this structural failure to mediate these two competing imperatives leaves land open to alienation. On the one hand the national land laws do not sufficiently recognise customary perspectives on land, and hence cannot support their operation, and on the other they institute a regime of property rights which are at odds with those perspectives in key respects. The moral recognition of customary perspectives in pro-independence politics has not been translated into legal prescriptions oriented towards implementing customary perspectives on land, instead they appear to have been marginalised.

The chapter has given some insights into how this situation has occurred and why. First, it has pointed out the conflict in the constitutional provisions regarding land. While customary perspectives appear to be at the centre of the state regime for the control of land, other constitutional provisions seem to contradict this position. These other provisions, more in tune with a liberal political perspective, also inform the content of land laws and subordinate customary perspectives. Second, and relatedly, the laws are linked to a policy of broad based economic development, revealing a pre-eminent and persistent political concern with ensuring that land is made available to support ni-Vanuatu participation in the market economy. The law is focussed on making land mobile (Filer 2011) whilst ensuring fair dealing for indigenous people. However, fair dealing is defined with reference to a view of land as property. Third, the land laws are a product of a flawed legislative program. Notably, legal provisions which were meant to aid the transition from colonial to independent state control remain in place (the process of decolonisation), remain in place over thirty years later. Fourth, the laws have been utilised in ways inconsistent with their original intention and, as in the case of the ministerial discretion, potentially unconstitutionally. Lastly (and this is an issue taken up in the conclusion to the thesis) the discussion points to a strong kind of affinity between law and property rights: the two appear to be so well aligned that recognition of the customary seems unnatural.

Widespread alienation is an unintended impact of the way in which land laws have developed, but reflecting on the key elements of the 'strategy' behind them reveal it to be almost inevitable, in combination with foreign demand for land. The rule of law has been used to control customary perspectives on land within a state system by re-affirming the moral centrality of customary perspectives but vesting control of land in the government, and in particular the person of the Minister of Lands. Further, the laws passed oriented land dealings towards a particular, already well established system of land holding, based in property rights. Concurrently they orient action away from customary perspectives by not articulating customary concepts and usages, and by establishing administrative processes which cut clear across customary ones. This approach effectively does away with the specific recognition of customary perspectives, making the system of land laws in Vanuatu appear much like those of other liberal-democratic countries (Lunney et al 2007).

Nonetheless, there are protections built into the land laws for customary land owners, which could be implemented far more effectively than at present. Ralph Regenvanu summarises the problems in this respect:

By the early 2000's, it had become obvious that the government was failing in discharging this constitutional duty [to customary land owners]. Leases were being approved that were opposed by members of the communities living adjacent to – and in some cases, on top of – the land being leased. Premium payments were being approved that were a fraction of the known value of the leased land. Many leases contained illegal lease conditions and there was effectively no enforcement of lease conditions anyway. Statutory requirements for physical planning, foreshore development, and preliminary environmental impact assessments<sup>3</sup> were being routinely ignored.

(Regenvanu 2008: 63)

These observations point to the manner in which land laws are administered, the subject of the next chapter.

## Chapter 8: Administration and alienation, an indigenous mode of propertisation

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### *Ni-Vanuatu officials – customising government*

While the laws of Vanuatu provide avenues for customary owners to be readily divested of their Constitutional entitlements, they are administered by government officials who are willing to take the law into their own hands and who influence the manner in which the laws operate. This chapter discusses the link between administrative action within the Ministry of Lands and alienation, focussing on the contrast between bureaucratic dictates and *kastom*. Consequently, much of the discussion in this chapter is pitched at a general level. To begin, it briefly introduces the formal structure and functions of the Ministry of Lands. It then presents an example of how government structures can be activated in support of customary interests. Then it discusses adherence to customary morality and forms of action in the daily routine of government ministries, and next how officials manage the dilemma of competing moralities and forms of actions. The chapter then turns to an examination of the kinds of activities that Ministry of Lands officials engage in, focussing on the way in which they contribute to propertisation and alienation.<sup>138</sup> In conclusion, the chapter draws together findings from the three chapters on the state and alienation, to argue that the state's approach to the management and control of land is questionably grounded in a liberal property rights model and to foreground the potential for investigating and developing a state-level approach to the control of land which is more in keeping with customary relations to land.

Interplay between 'formal' and 'informal' dictates and forms of action in government institutions is not unusual. In Vanuatu, though, the 'informal' shapes the way in which government processes are conducted to a very significant degree. In administrative, management or political positions, people operate in ways that reflect customary connections, moralities and forms of action. In the Ministry of Lands, officials' exercise of customary prerogatives within a bureaucratic structural frame produces

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<sup>138</sup> Some of these activities are illegal, and so for research ethical reasons I frame the discussion in this chapter circumspectly.

modes of propertisation in which indigenous interests are evident, and occasionally satisfied. There is an opportunistic rather than structured kind of activity, exercised within an institution that is not sufficiently staffed or physically resourced to undertake its formal functions. Officials can exacerbate or alleviate the impacts of the law, stymieing or promoting the primary provisions of the law or secondary protections for customary land owners. Overall, though, the arrangements they make operate in the favour of people who are adept in dealing with land as property: primarily foreigners and elite ni-Vanuatu.

### ***Formal institutional arrangements- no place for custom***

The main office of the Ministry of Lands occupies a three story building in the centre of Port Vila, and it is here that the majority of legally required and supported land-related transactions in Vanuatu are executed.

On the ground floor there is a reception area. Typically, one or two Ministry officials stand behind a counter here, keeping watch over comings and goings and answering questions from members of the public. Signs and copies of official letters on display give information on Ministry opening times and services. Also situated on the ground floor is a public office, divided in two by another counter. On the public side of this counter, people join a queue and are called forward in turn to do things like register leases, pay land rent and obtain copies of land title records. The officials who stand behind the counter are authorised to act only in strictly defined and delimited ways. A complex set of laws and administrative instructions frames their interactions with members of the public, fixing the matters that may be considered and the manner of their execution. Usually there is little flexibility exhibited in over the counter dealings between officials and members of the public. Impersonal in their relentless uniformity, perfunctory on the part of the officials and transaction focussed, they present a marked contrast to the kinds of social processes relating to land, customary ones, introduced earlier in this thesis. Even so, the way in which members of the public prefer to deal with matters of land, and the extensive webs of family and customary group connections

which exist in Port Vila, are occasionally evident in lively (often good spirited) *storian* over the counter.<sup>139</sup>

Occupying the second and third floors of the Ministry building are the offices of Ministry political advisers and administrative officials (of whom there are around 100 altogether). Members of the public may on occasion be admitted to these floors, for example to finalise lease documentation. However, they are formally required to register their visits in writing at reception before they are admitted, and to be in the company of an official at all times. The kind of routine, almost mechanistic, bureaucratic activity that takes place in the public office is also evident in this more restricted area, as it is here that the paper artefacts of over the counter exchanges are processed and stored. Another dimension of government activity, a more creative one, operates here. It is a place in which powerful actors make detailed land policy, develop and interpret laws and make decisions on complex administrative matters. This is the place of *nawita*-like people in government, and more junior level officials are also able to operate more flexibly here. Their agency is far from unfettered, though, and is exercised within the framework of a strict, hierarchical organisational structure.

At the apex of the Ministry hierarchy is a dyad constituted by the Minister of Lands and the Director-General of Lands. Both have offices in the restricted area of the Ministry. The Minister is a Member of Parliament (MP), one of 52 members elected every four years by popular vote to the unicameral National Parliament. The Prime Minister selects an MP to be the Minister of Lands. The Director-General of Lands is a permanent official appointed by the Public Service Commission. Formally, according to Westminster convention (Vanuatu is considered a Westminster-style democracy), the Minister is responsible for land policy and is accountable to citizens through the National Parliament. The Director-General is responsible for advising the Minister on policy issues and for managing the activities of officials. The relationship between the two people occupying the positions of Minister and the Director-General significantly influences the direction of policy, legislation and administration and also affects the outcomes of particular land issues. They each have staff to assist them to carry out their

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<sup>139</sup> The significance of *storian* as an indicator of orientation towards the customary is discussed in Chapter 6.



responsibilities, who are also accommodated in the Ministry building. The Minister's staff comprises political advisers and other personal staff (mostly appointed from within the Minister's political party but sometimes people with whom the Minister is closely, personally, acquainted). The Director-General's staff is made up of public servants and contractors appointed by the Public Service Commission.

Strikingly, but perhaps not unexpectedly in view of the ideological and legal underpinnings of the state's approach to managing land, the various structures introduced in this brief account<sup>140</sup> appear more inclined towards supporting the reproduction and enforcement of a citizen/territory construction of the relationship between people and land, rather than customary perspectives on this relationship. The tensions between the 'nationalised' and the 'localised', between liberal property rights and customary relations to land, extant at the ideological level are rehearsed at the level of praxis.

#### ***Participating in customary forms of action in state contexts***

Notwithstanding the official framing of social interactions within the Ministry, informal practices are widespread, and officials seek to influence the operation of government processes in support of their own customary interests. This tendency is illustrated by the process I went through to obtain legal approval for this research.<sup>141</sup> There are two paths by which foreigners may receive approval to undertake cultural research in Vanuatu: one is to obtain approval from a government department, the other is to receive approval from the Vanuatu National Cultural Council (VNCC). I originally sought approval from the VNCC, which is the usual and preferred course for

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<sup>140</sup> While not concerned here with taxonomically describing them, they include hierarchical control; policies and procedures; arrangement of spaces and control of access to them; formalised roles; and transactions characterised by the exchange of services for money.

<sup>141</sup> I acknowledge the current moratorium on cultural research imposed by the Vanuatu National Cultural Council. I confirm that my research pre-dated this moratorium and was conducted lawfully, in accordance with the permission granted by the authorising government body, the Department of Lands. While not a legal condition for the research, I received the blessing and permission of Paunimanu Mantoï Kalsakau to conduct research on the language and *kastom* of Ifira, and of Jif Jimmy Meameadola to write about the *kastom* of Efate. I also agreed with Paunimanu Mantoï Kalsakau to produce notes on the Ifiran language, and these are included as an appendix to this thesis. I have already provided a copy of them to the Ifira community..

anthropologists to take. Instead, through the agency of Ifirans and in accordance with their preferences, I gained research approval through the Ministry of Lands.

Working in the Ministry of Lands from 2003 to 2005 I came to know four government officials from Ifira, and it was partly through these contacts that the idea for this research developed. I became associated with two of them in particular, one as an ally, the other as something of an adversary, although these categories are not polar opposites and certainly are not absolute. While living in Port Vila in 2008 I took soundings from the two of them about whether research on customary land ownership in Port Vila would be viable. Both thought it would be accepted, on the basis of confidence that it would help advance Ifiran land interests, although immediately evidencing the heterogeneity of interests within this community each advised me against speaking further with the other about the research. One offered to support my research, including by helping me to secure the blessing of Chief Mantoï Kalsakau III of Ifira to undertake fieldwork in the community.

Prior to the commencement of my PhD I spent time with Ifiran men learning the language of Ifira. In *storian* with them I broached the subject of obtaining research approval from the VNCC, initially confidently but increasingly hesitantly and desperately. In different conversations and without exception they dismissed the need for this approval. They reasoned that if I was examining *kastom* issues in Port Vila it should be enough to have *kastom* approval from the paramount chief of the people with whom I would be dealing. One asked if I knew why Ifira did not have a Vanuatu Cultural Centre (VKS) fieldworker.<sup>142</sup> I said I did not. ‘Because they think we have lost our *kastom*’ he said. I insisted that I needed approval for research ethics reasons. All accepted this rationale but did not view it as being for a reason related to *kastom*. ‘So it is for your university’, concluded one accurately. Very reluctantly, one of them agreed for me to put his name forward as a VKS fieldworker, as required by VNCC rules.<sup>143</sup>

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<sup>142</sup> Fieldworkers are people from customary groups who undertake culturally related projects and training with the VKS, and who provide research support and assistance for research approved by the VNCC (Tryon 1999).

<sup>143</sup> He has not been recognised by the KKS as a fieldworker.

As I was living in Port Vila at the time, I went in person with a research approval application to the VKS. After some years in Vanuatu I was aware of officials' disinclination to comply meekly with formal procedural requirements. Consequently, when dealing with anything more complicated than, say, renewal of a driver's licence, it is to one's advantage to invoke customary interests and practices. A foreigner asking to conduct research in the cultural space is about as far removed from licence renewal as it is possible to be. So I had asked the man who agreed to come forward as a VKS fieldworker to accompany me. He said he would meet me at the VKS, rather than meeting at one of our homes and then travelling together to deliver the application. I knew that by making this arrangement he was indicating that he might not attend. At the appointed time I arrived at the VKS office and waited for him. After two hours (in which I pondered the difficulties of fitting in with two sets of ethical requirements) I decided to go ahead alone.

I did not know the VKS staff member at the desk. I tried to make our interaction less perfunctory and bureaucratic by speaking in Bislama and introducing myself to her as someone who had been working in Vanuatu for some years. This led to some *storian*, in which I established we had no mutual acquaintances, but also from which I learned that she was doubtful about research into what she characterised as *kastom blong Ifira*. She observed drily that there was no VKS fieldworker for Ifira. She took the application and said the VNCC would consider it. I left feeling that the application had little chance of succeeding because the Ifirans were not supportive of it.

I did not receive any response before I left for Canberra in January 2009 to commence my candidature at ANU. I returned to Vila in February 2009 and went back in person to the VKS. I asked to speak with the Director of the VKS, Marcellin Abong, about my application. I could not obtain a meeting with him. Instead the same staff member suggested that it would help my application if I were to contact Ralph Regenvanu, a Member of Parliament, who had been the Director of the VKS before taking up political office. I sent an e-mail to Mr. Regenvanu and he responded very promptly, asking me to do a number of things. These were: obtain a letter of introduction from my ANU Head of Department; submit to a vetting of my research proposal by a research associate of the VKS (an Australian and ANU academic); identify a possible VKS fieldworker in my chosen 'community' (I had already done this); and obtain funds to remunerate the

fieldworker and pay the fees charged by the VKS. I complied with all of these requirements. The research associate of the VKS supported the application for research approval. I never received a formal response from the VKS or VNCC.

The need for mediation and for support in bureaucratic dealings in Vanuatu was something Jack Taylor described, also in the context of seeking approval for anthropological research (Taylor 2008: 19). He was successful in his application to the VNCC to conduct research on Pentecost Island in Vanuatu. He described the crucial mediating role another researcher played to help him obtain research approval from the National Cultural Council. This other researcher, with pre-existing contacts and a good understanding of research politics in Vanuatu, assisted him to formulate a research proposal that would tie in with an existing project focussing on youth, already approved and recognised as beneficial. Posing the question of why he had been able to undertake research in an area to which another anthropologist had been denied access, he nominated 'local political considerations' (Taylor 2008: 23) concerning the value of research in the cultural domain as a determining factor.

The treatment of my application related not only to local political considerations but also national ones. The problem in this case was perhaps not so much in *kastom*, as about *kastom* and the control and use of *kastom* as a national political construct. Both the Ifirans and people connected with the VKS/VNCC rely heavily on the concept of *kastom* to exercise power in the national political sphere. The Ifirans utilise *kastom* to claim customary land ownership of the Port Vila area, and on this basis assert privilege within the institutions of the state which operate on their land. The political objectification of 'culture' provides another avenue for the exercise of national political power, a contemporary expression of the pro-independence ideology which objectified the understandings, imaginations and practices of indigenous people as *kastom*. It is institutionally rendered in the Vanuatu Cultural Centre (VKS – *Vanuatu Kuljural Senta*) and the Vanuatu National Cultural Council (VNCC). Whilst notionally apolitical, these organisations are powerful vehicles for driving political agendas and for political advancement, precisely because of the potency of moral claims inhering in them.<sup>144</sup>

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<sup>144</sup> People who utilise this power can do so in a manner consistent with the moral imperative underpinning the national cultural enterprise, or contrary to it.

There is ongoing tension between the Ifirans and politicians and activists who operate from this 'nationalised' perspective of *kastom*. This clash explained both Ifiran reticence to support my application and its treatment once it had been submitted to the VKS. Through elite connections I subsequently heard that the research proposal received some consideration, but that the implications of investigating and representing an Ifiran perspective were not clear to the people viewing it. Rather than being accepted or rejected, the application languished.

After I returned to Port Vila in February 2009, the uncertainty concerning research approval from the VNCC left me in a quandary. A lawyer friend in the State Law Office (not an Ifiran) advised me informally that one possibility was to seek government approval instead of VNCC approval (the VKS and VNCC are formally non-government and apolitical institutions), permissible under paragraph 3.1.2 of the Vanuatu Cultural Research Policy. It is difficult to take this approach if research is not directly related to a paid development task (for example a policy research consultancy), unless there is a relationship which literally gets one through the door of a government agency. In this respect the process is like that for obtaining VNCC approval: local sponsorship and support are important. In contrast to my lack of contacts within the VKS and VNCC, I had Ifiran contacts in the Ministry of Lands. While they still struggled with my insistence on a legal solution (as I had by then met the Chief and he had agreed for me to undertake the research), they came to recognise that I could not go forward without it. The telling argument was a very practical one. Without approval, I would have to leave Vanuatu when my visa expired. My closest Ifiran associate agreed to pursue the possibility of government approval through the Ministry of Lands. Within a week he called to confirm that it was possible to obtain it, and asked me to come into the Ministry office to obtain the necessary letter of approval.

So it was that I came to pass through the familiar doors of the Ministry of Lands again. A young official behind the reception desk brusquely indicated a visitors' book, which I signed. I called the Ifiran officer I was meeting and he came down to the lobby. The young man pointed to the visitor's book, indicating the officer ought to countersign it. He dismissed the young man and introduced me as *gud fren*. He instructed that in future that I was to be let through without signing the book. *Sori tumas, unkel* (very sorry, uncle), the young man apologised to me. The Ifiran's identification of me as a

'good friend', the young man's reference to me as an uncle<sup>145</sup> and the waiving of an official requirement were all indicators of the customary forms of action which infuse work practices in the back office of the Ministry. I accompanied the Ifiran to his office and he produced an approval letter signed by the Director of the Department of Lands: obtained through official means, but on the basis of the potential value of my research to a customary group.

Further demonstrating the value of these 'informal' relationships, after I left his office I stopped to *storian* with some old acquaintances. I learned that there was an AusAID land project going on and about people's views on it, which were not complimentary. Concerns ranged from the prosaic (how unfair it was that officers and ni-Vanuatu contractors selected to assist with the project were benefiting materially by obtaining cell phones, office equipment and supplies and the like), to the profound (a sense that the AusAID project was being controlled and dominated by Pentecost Island people, a 'Pentecost conspiracy' they said). People pointedly commented on their new Director-General (and relevantly a *man Pentecost*), derisively calling him *Mista Mi-Mi* (Mister Me Me, for his tendency to claim credit for everything good and try to centralise power to himself) and ruminating together on when he was going to get caught out and sacked or disciplined. This kind of *storian* imparts the daily ephemera, the stuff that people need to make their way in government departments. In the context of my fieldwork, my ability to *storian* with Ministry officials allowed me to learn about (or re-acquaint myself with) the informal practices discussed further in this chapter.

### ***Forms of customary relationships in Port Vila and government***

People who work in the Ministry of Lands head office live in Port Vila with their families, but come from many different places in Vanuatu. While those who do not come from the villages around Port Vila do not live in their places of origin their lives remain noticeably centred around customary relationships. In Port Vila they tend to socialise with people from their own areas and when in their homes speak in their own languages. They also seek to develop relations after a customary fashion in Port Vila with other ni-Vanuatu they meet there. At the same time Port Vila is the kind of place

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<sup>145</sup> The Ifiran's term equates to *ta'sopo* and the young man (not an Ifiran) immediately deployed a kinship term, one of respect.

where people are able to survive and prosper by relying on publically available services, the protection of the law and by purchasing what they need and want. That is, of course, the way in which the people ni-Vanuatu recognise as *waetman* are able to settle in Port Vila without customary connections. Even when ni-Vanuatu are able to access these services and pay their way, though, they noticeably adhere to customary forms of relationships. One former work colleague captured the sense of how essential these relationships are when he said that ni-Vanuatu away from family and friends can seem as if they have lost a part of themselves. Another touched on the same idea through a comparison between ni-Vanuatu and *waetman*: he said that *waetman* seem to be lost people, focussing on money and able to spend long periods away from their family without being concerned. This view recalls Jolly's (1999: 284) observation that Sa speakers distinguish outsiders, especially Europeans, from themselves as *ai salsalire*, 'the floating ones'.

For people who are not local customary owners, opportunities to build and sustain customary relationships are in some ways limited when compared with those available to Ifirans and other local customary land owners. Spending time with the Ifirans, for example, there were always activities connected with *warkali* and *matarau* and Ifiran belonging going on: a wedding to prepare for, gardening together, travelling to and from the island together each day, caring for each other's children, and so on. A key form of interaction which all ni-Vanuatu participate in is *storian*, the kind of everyday news and opinion sharing which people engage in frequently with family and friends. *Storian* can be very wide-ranging in terms of the topics it covers and often seem inconsequential, but the significance of any instance becomes apparent only when viewed within the context of the relationships it supports. *Storian* is a ubiquitous practice, and relevantly for present purposes takes place in government settings and between people who know each other only through working in government. It enables these people to develop alliances and compacts. There are other opportunities to connect up with family and friends, for example, taking kava together, engaging in church activities, attending community and school fund raising, and playing organised sport.

The forms of relations that people can refer to as *kastom* are, overall, marked by an intense sense of mutual obligation and engagement in mutually supportive activity, but there are discernibly different kinds of them in Port Vila. The kin relations which exist

among Ifirans, as members of *warkali* and *matarau*, are one kind of these. People also establish other relationships which establish similar kinds of obligations to those existing among consanguines and affines. These are sometimes referred to as *famili* relations and people use kinship terms when referring to each other: *brata*<sup>146</sup>, *unkel*, *anti*, *sista*, *kasen*, *kasen-brata*, *kasen-sista* and *tawe* (in-law). They develop and are sustained through mutual recognition and mutually beneficial and supportive actions. Their significance (in terms of the inter-personal obligations they create) is related to the kinds of experiences people share and the length of time they know each other.

People distinguish between the kind of relationships which they participate in around town and those deriving from their own places of origin, for example the *warkali* and *matarau* connections of the Ifirans. There is a kind of mused-up quality to the town based relationships, when compared with these other kinds of connections, and from which people's orientation towards customary ways emerges. People sometimes indicate this by prefacing uses of *famili* to characterise town relationships with the adjective *giaman* (false or fake). Barriers to entry are less strict, kin definitions and relationships are not so specific, behavioural prohibitions are less clearly defined and dealings seem to be related to matters of a more immediate and material kind. Most fundamentally they carry no entitlement to land. Nonetheless these relationships have social validity, depth and significance for people in town. There is an emerging layer of urban-based people's identity and relations to land connected with them, although people do not yet say they *blong Port Vila*, attesting to their continuing attachments to their own places of origin.

The existence of attachments to other places accounts in part for people's orientation towards customary practice, especially in dealings with close kin. Acting in this way perpetuates their connections with their own places of origin: it demonstrates an ongoing affinity and connection with place, even if it is not possible to be physically present there. This behaviour is also related to people's senses of being ni-Vanuatu. Belonging to these categories is predicated on citizenship, in part, but also a mutual recognition that people of these kinds operate from localised perspectives, which while different in some respects are an order apart from putatively foreign ways.

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<sup>146</sup> The phrase 'brother from another mother' is sometimes used.



There is a level of recognition among consanguines and affines of these relationships, and people in them are supported and have obligations within this broader kinship group. But as they have not been formally recognised through the appropriate *kastom* rituals<sup>147</sup> there is still a sense that these relationships may fade away, and poor behaviour is more readily forgiven. Nonetheless people reach a point beyond which acting in a way contrary to the mutual interest established between them would be virtually unthinkable, and would constitute a gross breach of trust if it were to occur.

### ***Customary practice in government***

#### *Storian never stops*

Government workers leave their homes and make their way to town by various means: Ifirans by taxi boat, others in minibuses, those lucky enough to have access to a government vehicle, in them. The town centre of Port Vila, where most government offices are located, is usually a very busy place on weekdays. Retail, commercial and professional businesses, tourism operators and government offices are all to be found in this urban centre and on weekday mornings it is as if a human tide flows in to it, to ebb away in the evening. Motor vehicles often jam the roads and the sidewalks are filled with people going to and from work or on personal business. Others are there simply to take in the sights and sounds of town, for example some people who do not have money enjoy 'eye-shopping' (looking at consumer goods). On days when cruise ships are visiting Port Vila many tourists can be found in this area too.

While the streets are places of movement, as people pass to and fro they also take the chance to catch up and *storian* with one another when the opportunity arises. They chat amicably with their companions as they walk through the streets. Sometimes they pause to speak briefly with familiars or call out to people passing by in mini-buses, trucks and taxis caught in the snarl of traffic. Kinship and island ties are occasionally evident in the way people use their vernacular languages as well as Bislama to converse. Stairways, walls and building entrances are spots for people to pause, rest briefly, talk and take in events around them. Supporting the point that *storian* is a central social

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<sup>147</sup> Which requires 'spending time on the island'.

practice, during the time of my fieldwork a big billboard in the town centre, advertising mobile phones, carried the slogan *storian hem i laef blong yumi: storian is our life*.<sup>148</sup>



*Photograph 7: Storian is our life*

The entrance to the Ministry of Lands, like the entrance to all government offices, is a threshold beyond which workers are formally required to assume the role of government officers and others become members of the public. Beyond it, *storian* is not meant to have a place and neither are customary forms of relations, except in a peripheral way. Written communications (in English, primarily), official speaking registers and rigid interaction formats like meetings and over the counter transactions are all directed towards ensuring workers serve the Vanuatu public, impartially and in accordance with legal and administrative dictates. Workers, though, go into and come out of the Ministry, they do not dwell in it. What goes on within the confines of the Ministry is heavily influenced by the connections workers have outside of it, and by the kinds of practices they engage in outside too.

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<sup>148</sup> It also served to demonstrate that people are adaptable to the use of different technologies: customary practice does not entail a fixation with tradition.

In government settings, like the Ministry, *storian* points to these connections and provides people with an avenue to pursue and develop their network of relationships and to act collaboratively in ways other than those designated as 'formal' or 'good governance practices'. While kinds of 'informal' talk goes on and greases the machinery of government elsewhere too, in the Vanuatu context it reflects adherence to customary practice, and noticeably operates efficaciously at all hierarchical levels (not just at the very high ones where people wield considerable personal power through the authority vested in them). *Storian* signifies it and *storian* allows it to operate. The ubiquitous water cooler, washroom and corridor conversations sometimes have an extra significance in Vanuatu government contexts. Those of more import, though, are likely to take place behind closed doors away from prying ears and eyes. While it is possible to work within the constraints of institutionally mandated practices in government, there is another approach to working too and people operate in accordance with it. Thus while the entrance to the Ministry signifies that people must demonstrate some level of acceptance of governmental precepts and ways, it is also a point at which they gain entrée to a social sphere in which people from many different places come together (and importantly recognise each other as coming from different places) and interact in ways that are to varying degrees directed towards meeting their own customary obligations.

#### *Attitudes to time-keeping and separation of work and family obligations*

People's engagement with the practice of 'official working hours' also attests to their customary orientation. The Government work day officially begins at 7.30 am and ends at 4.30 pm, with an hour long break during the day. The Ministry front office opens to the public at 8.30 am and closes at 4.00 pm. Officers rarely begin work at 7.30 am. Generally they start to arrive by about 8.00 am and co-workers will begin to wonder if they will be at work on any given day if they do not appear by about 8.30 or 9.00am. There are, often enough, specific reasons why people do not start work at the official time. Sometimes they need to see their children off at school, which also begins at 7.30 am. Sometimes it is difficult to get transport to work on time. In particular people taking mini-buses often take circuitous and long routes to work as the buses do not have fixed runs, or timetables, and operate on a first on, first off basis. Also, though, some people are simply in the habit of coming to work late (and they are not usually censured for it). Among the few regular early starters are people who begin the working day with Christian prayers and scripture readings.

Official working hours do structure working days, but there is considerable variation in the ways in which people engage with them. While people are very accepting of flexibility in working hours and recognise that non-attendance is often connected with obligations elsewhere, on occasion elites (even those who do not keep to the official hours themselves) opine that it is proper to comply with them and that people are falling short of the required mark when they do not. For example, President Iolu Abil, on assuming office in 2009, for spoke about his expectation that his staff would 'keep to normal office hours, as expected in a modern economy' (Field notes, 5 September 2009). The statement is revealing about the connection elites make between office routine and development: the two are taken to go together. The same kind of connection underpins the oft-used phrases 'Pacific time' or 'black man time'. Depending on who is rehearsing them and in what context, uses can be pejorative or reflect a view that there is more to life than fulfilling office demands, being busy and chasing money and material goods.

A concern about working hours is certainly evident in, and to some extent instigated through, public sector activities funded by aid donors. Some foreign advisers (paid by donors) repeatedly insist on enforcing official working hours and scheduling tasks in government offices including the Ministry of Lands. Working with (or sometimes without their Vanuatu Government counterparts, I know advisers who press on with meetings even if their work colleagues are not at work) they try to schedule and routinise work. They insist on adherence to official working hours as a minimum level of labour input and proclaim the virtue of going beyond these hours. This insistence is particularly noticeable at the beginning of advisory inputs: one new adviser explained to me that 'sticking to official hours' is an 'obvious and easy fix', that would 'improve productivity and instil pride' (Field notes, 7 July 2009). Advisers sometimes evaluate people as lazy if they do not arrive at appointed times for work or for meetings, or if they do not on occasion 'go the extra mile' or 'put in the big ones' to 'meet a deadline' (Field notes, 7 July 2009). While these are essentially uninformed assumptions, the advisers who promote the habit of keeping to official working hours and seek to instil it in others are not automatons, and the office routine they adhere to is not mechanistic. It is a pattern of work which has developed to support complex tasks requiring cooperation and interlocution and to provide predictable access to government services.

The actual working practices of government officials are based in their perspectives on whether, how and to what extent working hours are useful to them and to others. Officials who see benefit in them, who consider them to be more than just an external imposition, comply with them. One benefit they can perceive is the contribution that their work makes to providing government services. Officials do not generally respond so well to this idea in the abstract, but those who deal directly with the public do generally have a sense of obligation to be at their appointed stations at the times required to provide services. Personal benefit is also a consideration. They understand that compliance with official hours requirements can help them achieve promotions and higher remuneration. However, overall there is not the emphasis on working hours that proponents of good governance would prefer. At the core of this seeming nonconformity is a certain perspective on the divide between working life and private life which underpins the working hours concept.

Ni-Vanuatu officials tend not to make this work/private life distinction: they are mindful of their obligations wherever they are, they do not leave them outside the office door. The difference in view was first brought to my attention by an Australian senior official who counselled me to 'keep a distinction between work and private life', commenting on what he perceived as a weakness in my personal style in dealing with ni-Vanuatu government officials. It is a distinction that I heard applied only once by a ni-Vanuatu. A woman working for a diplomatic mission told me about a meeting she and other staff had called, to complain about attempts by mission management to achieve 'work-life balance'.<sup>149</sup> She and others were concerned that the attempt to confine work to particular hours (and so make it the only permissible activity within those hours) was making it difficult for them to meet their obligations to family.

It could well be that people are more flexible about or less concerned with working hours because of cultural attitudes towards temporality (Hess 2009). But in any case the

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<sup>149</sup> Caproni suggests the concept of work-life balance emerged in the late 1980s. Her view that attempts to promote this concept by organisational scholars and practitioners may 'undermine men's and women's ability to live fulfilling and productive lives' (Caproni 1997: 47) resonates with the sentiment of my ni-Vanuatu interlocutor.

flexibility in their working patterns is an indicator that imaginative constructs like work-life divide and more broadly defined spheres of bureaucracy and polity are being managed by people working in the government, including in the Ministry of Lands, on their own terms. Relationships with close associates, notably family members, need to be taken into account. These relationships impact on people's attendance at the office, and also on the way they carry out their appointed duties.

### ***The moral dilemma of working in government***

#### *The competing demands of kastom and the loa*

The separation of 'work' and 'private' domains which underpins the doctrine of official working hours is part of the narrative of 'governance'. This is a noticeably multivalent concept, and much like *kastom* refers to ideals and practices, although to those which ought to apply in government institutional settings. Government officials in Vanuatu, who are simultaneously beholden to customary dictates, frequently face the dilemma of choosing between courses of action that are correct in *kastom* or correct from a good governance perspective. The issue from their perspective is not enforcing a separation between work and personal spheres, but managing the competing sources of obligation which grip them.

It is perhaps difficult to appreciate the bind officials find themselves without having shared their experiences. I have. The general orientation of people towards the customary in government, and their willingness to enfold like-minded others within their customary spheres, led me to develop customary connections of my own in Port Vila. Through them, and reflections my friends in government have shared with me, I can attest to the intensity of these customary relationships: to the unstinting support provided, the time and self-giving demanded in return, and the fierce loyalty engendered by them. It is not always a pleasant feeling, being embraced in this way: sometimes the strictures and demands of these relationships are suffocating and one feels sucked dry by them. *Kastom*, as we sometimes reflect among ourselves, is unyielding and unrelenting: meeting customary responsibilities can be demanding. On several occasions I have faced the prospect of having to act illegally in order to meet a request made by my connections. In those situations I tried, like others, to balance both sets of requirements. It can be very difficult to do so.

Those who seek and have high-ranking positions in government face persistent demands and high risks. As one senior official put it, a man who had been reduced to near physical collapse by continual demands from family and made extremely anxious about the prospect of being forced into illegal action: 'there are always two things to consider, the law and family, *kastom*'. He presented attendance to family demands as deriving from *kastom* and distinguished them from demands imposed by *loa*. His situation exemplifies the reality officials in Vanuatu and more broadly contend with: they are bound to act in accordance with their customary obligations. As Schoeffel observes power is still granted to those who can demonstrate the ability to amass wealth and give gifts, and this is recognised even by 'highly-educated Melanesians who are well-versed in the theory of the modern democratic state' (Schoeffel 1997: 8). Narokobi (1980: 15) points to the tension between meeting legal obligations and family ones: 'the State does not seem to realise that the relatives and wantoks that I ... support are the same people the State has been established to serve'.

A relevant implication of the distinction between obligations deriving from the *loa* and *famili*, and between *loa* and *kastom* more generally, is that people carefully consider how they ought act when the dictates of the law and customary obligations seem to be at odds. *Kastom* potentially underwrites, or at least ameliorates the moral consequences, of departures from *loa*. To illustrate the kind of activities which officials undertake to balance *kastom* and the *loa* as well as they can, and with an eye on the ethical implications of describing illegal behaviour, I here present a compilation of practices from several government ministries, in general terms.

Good governance relating to public sector purchasing in Vanuatu is based on the principles of value for money and fair and effective competition. These principles are specified in the law, regulations and procedural documentation relating to purchasing. Officials who have responsibility for purchasing supplies or services are obliged to apply these dictates. They also need to take into account the perspectives of family members who expect their relatives in government to share the benefits and opportunities of office. This attitude exists in an environment in which the government does not have a good track record of delivering services (health, education and infrastructure). In part the expectation that officials will deliver benefits is attributable

to this lack of government services: people seek to obtain their due from government in other ways. Purchasing provides very good opportunities to obtain benefits more directly, and practices range from legally ambiguous to clearly illegal.

Operating subtly, officials set up contracts with relatives as suppliers (a strategy which can be legally effected, particularly in a small place like Port Vila where family members may be among the few genuine contenders for providing services). Mid-range strategies include short supply of building materials: withheld materials are retained for resale or make their way onto relatives' building sites. Illicit practices such as bribery, falsification of quotations and buying goods for relatives also exist, although the extent of them is limited.

#### *Mediating loa and kastom*

The kinds of practices mentioned above are, from a good governance perspective, corrupt. However, people's actions reveal that they are often uncomfortable with the situation they are in. They are, generally speaking, concerned about the distinction between legal and illegal action, and carefully weigh up the relative advantages and disadvantages of acting illegally. They prefer to obtain benefits legally. Further, sometimes their unlawful actions are not intended to be unlawful: people sometimes lack of clarity about what is legal. Elites demonstrate considerable skill in utilising the full flexibility available to them under the law to achieve desired results without transgression.

Having said that, there are situations, generally involving elites who in practical terms are immune from legal prosecution because of their connections, in which people will take greater risks. For these elites the limit on the extent and kind of illegal action is reflected in a saying sometimes used by my senior colleagues: 'take the egg but do not kill the chicken'. The egg here metaphorically refers to a range of benefits from the public sector, such as money or resources (like land) or position. Illustrating this principle is the brief story told to me by a local motor vehicle dealer about a very senior official who approached him to elicit a bribe. The dealer related how the senior official walked into his office 'as if he owned the place' (Field notes, 9 August 2009). After some small talk, the official came to his point. He asked whether, if he could arrange a



contract for the purchase of several pick-up trucks from the dealer and for his ministry, an electric generator and refrigerator would be found in the back of each one.

If the dealer had followed through on the suggestion put by the official to him it would have been an excellent example of 'taking the egg without killing the chicken'. The refrigerators and generators would have been taken quietly away, with no paperwork to indicate they were part of a deal. There would have been virtually no chance of discovery. Accordingly, there would have been no impact on the potential future flow of benefits from government to the official. First, the official's position would not have been threatened. Positions in Government are a benefit conduit, reliably channelling money in the form of a fortnightly pay cheque. It would have been shortsighted indeed for the official to have behaved in a way which would have lead to termination of employment (unless there was an alternative way of tapping into government in the event of termination – in one case the director of a government department was sacked for misappropriating funds and was reincarnated as a political adviser within three months). Second, there would also have been very little threat to the flow of funds from the international development project financing the purchase of the vehicles. Officials are especially careful when attempting to use these funds for personal benefit: when donors become aware of these kinds of situations, they apply sanctions that cut down on opportunities to benefit from them, at least for a while.

Regardless of the attitude people adopt in relation to complying with the law, they rely heavily on alliances in order to further their interests. These alliances tend to follow the contours of customary relationships. People from villages who are close to Port Vila, and Efate people, are heavily represented within government departments and they operate closely together. People from other islands cooperate on the basis of shared island and provincial origins. These bases of alliances are openly known and operate predictably. Their existence gives government practice in Vanuatu a very particular character. Political attunement to the attitudes and interests of others in government circles is evident at all levels of the bureaucracy and points to officials' active engagement in government processes. People are very aware of kinship ties and other close associations, and utilise their knowledge to predict how others might behave and how best to engage with them. At the elite level alliances operate along customary lines, but they also cross them and exist not only to support mutual action but to promote

secrecy. Through them, elites are able to promote schemes that operate to the benefit of all the participants, and by extension their own customary connections.

### *Links between administrative practice in the Ministry of Lands and alienation*

The tension between the law and customary dictates affects the officials in the Ministry of Lands to a greater extent and at a more systemic level than in any other government agency, because they are required to implement laws which affect people's customary attachments to land: they are the agents of propertisation. They act both in accordance with law and in contravention of it: both sets of practices contribute to propertisation and alienation, although in different ways.

Formally, officials are required to administer a national land lease system in accordance with the laws discussed in the last chapter. The key steps in the process they follow, in sequence, are as follows. First, they issue negotiator certificates. Any person who wishes to develop a parcel of land which has not been leased before must first obtain a negotiator certificate. The certificate does not provide any rights over the land concerned, but rather provides the bearer with the right to commence the process of applying for a lease of land. The application for a negotiator certificate needs to show<sup>150</sup> there is agreement with the customary land owner or owners to the leasing process going ahead. Second, they issue leases. For the issue of a lease, the holder of a negotiator certificate must produce a survey of the land to be leased for approval by the Lands Survey unit in the Ministry of Lands. The parcel of land created through this process is called a 'title'. The Valuation Section provides an assessment of the up-front 'premium' to be paid for lease of the title and of annual land rent payments. The Lease Execution Section prepares the lease documents. The Minister for Lands signs the lease as the lessor for State-owned land or as trustee for customary land which is in dispute. Third, they review and process applications for major changes to the proprietorship of leases and encumbrances on them. These include mortgages, transfers, long term sub-leases (greater than three years duration), lease sub-divisions and lease surrenders.

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<sup>150</sup> The evidence standards are notoriously weak and variably applied. And if there is no agreement, successive Ministers of Lands have exercised their discretion to act on behalf of customary land owners in cases of dispute.

During the term of leases they also have responsibilities to register cautions, ensure that lease conditions are being complied with and to conduct land rent reviews.

While it is the law which enables the alienation of customary land, every time a negotiator certificate is issued to a foreigner, a 75 year lease is issued or further lease transactions take place without the knowledge or consent of land owners, administration enacts it. Complicating an assessment of the way in which administration, formally speaking, facilitates alienation are the varying standards of compliance with administrative dictates among officials. The standard of administration is, from a good governance perspective, weak. Problems with land titles records, affecting a significant proportion of records I looked at during fieldwork included the following: duplication of leases on a title; missing survey plans for a title, meaning that the land area and boundaries are unknown; missing title deeds, where people have built but do not have a registered title; invalid title numbers, which appear in some case to be fraudulent; and incorrect lessee details. It was also very difficult to find records in the land records office, I needed active assistance from former colleagues to find some I was interested in examining during fieldwork.<sup>151</sup> Other poor administrative practices include a failure to levy fees and to review land rents and valuations of properties every five years. A World Bank report into land administration found a similar set of problems (Scott et al 2012). This kind of lack of compliance with formal requirements creates an environment in which sharp practices proliferate and ethical investors are frustrated or unaware that they are being brought into arrangements that are wrong from a customary perspective: an environment inimical to the operation of protections, limited as they are, for customary land owners within the legislative framework.

In conjunction with local developers and real estate agents, and among themselves, some officials participate in illegal practices fairly regularly. Much of this practice occurs at lower levels of the hierarchy and is opportunistic rather than systematic. During fieldwork I was able to find out about a number of these practices. Minor theft and embezzlement were evident, especially the pocketing of land rents collected by land department officers. Officers were offered bribes, for example for the issue of low

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<sup>151</sup> It is legal to examine land records for a fee. Predictably, it was suggested that fees for me could be waived.

unimproved capital valuations (which reduces land rents and premium). Some private interests of officers conflicted with their official positions, for example one officer ran a private real estate practice during office hours and from his desk.

The most significant effect of such low level illegal practices with regard to propertisation and alienation is that they allow elites to engage lower level officials in a tacit behavioural compact that supports execution of more impactful strategies. Senior officials are, overall, tolerant of low level illegal practices (and do not look hard for them) and accordingly lower level officials involved in them support senior officials when they act illegally. At the more senior level, some officials (and some Ministers too) cooperate to perpetrate some bold illegal schemes. The most blatant I discovered perusing land records was an arrangement made between three very senior managers of the Ministry of Lands and the Minister of Lands at the time, to divide up land subject to a customary land ownership dispute among themselves. The Minister signed the negotiator certificate, and leases were assigned to the conspirators without a public tender process, and without them paying any land premium (the up-front payment that land owners are entitled to receive on the initial execution of a lease). This self-serving arrangement was established almost unbeknownst to people outside the Ministry circle, including customary claimants, but is very well known within it.

Elite people are also able to access legal mechanisms and even to influence the provisions of the law in ways which junior officials cannot: because of the positions they hold, their knowledge of and engagement in policy and law making processes and the strength of their senior level relationships across government. In 2008, the Director-General of Lands at the time facilitated the conversion of customary land on Pentecost Island (over which he and his family made customary claims)<sup>152</sup> into public land, and the payment of some 80 million vatu as compensation for the conversion. Leaving aside the merits of the actual transaction (which were hotly debated at the time, as the public benefits from conversion of the land in question were not explained), this amount represented such a significant proportion of the Ministry of Lands budget for the 2008 year that the Ministry office was closed for business in the last two months of the year.

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<sup>152</sup> These were, and remain, subject to contestation by other claimants.

Another example of elite action to promote customary interests, and which promoted alienation, relates to the activation of the Strata Titles Act provisions that permit strata title to be registered on undeveloped land. These provisions provide a way to create a sub-division without ministerial consent. On the basis of a discussion with a very senior Ministry official at the time (who would not consent to be identified but agreed that I could tell this story) and corroborating discussions with Ifiran contacts, a failed application for sub-division made by the Iririki Island resort provided the catalyst for the first successful application for sub-division utilising the Strata Titles Act. Expatriate lawyers for the Ifirans drafted the application (I was shown documents which demonstrated this fact) and Ifiran officers were involved in approving and processing it. After the success of this application (which opened the way for development on Iririki Island mentioned in Chapter 1), applications and advertisements for strata title developments quickly proliferated. In terms of promoting alienation, these provisions may prove to be the most significant legal development to have occurred since the years immediately following independence. The two examples of elite actions presented here demonstrate how the actions of elite people, pursued in their own interests, can have far reaching impacts, affecting people nationally and not just the members of their own customary groups.

It is rare for administration to be directed in favour of customary land ownership interests that are not aligned with those of elite actors. But two examples suggest there are circumstances in which this may occur. In 2009 Joshua Kalsakau sought to have a lease on the property known as the 'Marina Motel' determined and re-issued in his name, working in consultation with the then Minister for Lands, the now deceased Harry Iauko. These are matters of public record, as is the fact that the lease was not assigned to Kalsakau. Not known, though, is that a successful campaign was waged by other Ifirans through their contacts in the Ministry to prevent the determination and re-issue of the lease, on the grounds that Kalsakau was not the customary owner and was de-stabilising the Ifira Trust. In this situation, the Ifirans' direct access to the Ministry and relationships within it were key to their success, but relatively few people aside from the Ifirans are in this position. In 2004, a Land Leases (Amendment) Act was passed which allowed for holders of leases on urban land to extend their 50 years lease by 25 years, and then to purchase an extension of the lease by 75 years. This initiative

was strongly supported at senior administrative and political levels, but foundered at the point of implementation. Ministry officers who were instructed to receive and process applications, but who were opposed to the changes because they thought them contrary to the principle of customary land ownership, avoided attending the office during the initial rush to sign up for the new arrangements, effectively crippling the initiative in the short term.

### ***Conclusions regarding the contribution of state settings and practice to alienation***

The three chapters on state level understandings and practices, taken together, demonstrate that alienation is a consequence of the yawning gap between the state's ideology and practice regarding land and the aspirations of the primarily indigenous population it is meant to serve. The morally valorising, generic recognition of indigenous claims in state ideology does not give effect to the senses of relations to land that are evident among the many customary groups in Vanuatu. The land laws of Vanuatu promote land alienation and fail to recognise customary relations to land adequately. Land administration is dysfunctional, encouraging sharp real estate practices and leaving customary land owners to deal with their situations as best they can. Among those who are confronted by demand for their land, construed as property, few are able to negotiate their circumstances in a manner satisfactory to them.

The ideological gap is at the heart of the problem of alienation. In the 1970s, *kastom* was used by indigenous politicians as a powerful political symbol to unite the many different peoples of the then New Hebrides in the cause of independence. *Kastom* worked as a symbol for these peoples because it represented something distinctly their own and non-European. But there was seemingly little done in the transition to independent statehood to flesh out how the many and varying manifestations of *kastom* at local level would be embraced in the new country of Vanuatu. *Kastom* ownership of land was enshrined in the national Constitution along with some guiding rules about how this basic principle should be implemented through State institutions and processes. Since then, the state has failed to implement a controlled system of *kastom* ownership and customary owner groups have filled the vacuum by working in their own interests and promoting their own versions of *kastom*.

*Kastom*, as a sub-set or characteristic of culture, derives from the emplaced experiences of many different groups. In these multiple contexts it operates, in part, as a serviceable approach for managing land issues at the local scale. I suggest that the national objectification of *kastom* in Vanuatu land laws represents a process of de-contextualisation and then re-contextualisation of *kastom* in an environment significantly different from, but informed by and intended to manage, its many originating social contexts.

Through national objectification *kastom* has become applicable on a much broader scale and its power derives from state-systematic authority rather than, as in its original contexts, from the strength of an individual or small group agency. One impact of this change is a 'dumbing down' of the ability to construct tradition, when compared with local level processes. *Kastom* at local level is a highly flexible and responsive instrument for meeting the requirements of specific situations. In contrast at national level changes to *kastom* require codification or court proceedings, necessitating long lead-in times and the accommodation of multiple situations and interests. The thesis has highlighted that legislation originally intended to be transitional has been in effect for over thirty years.

As the state's approach has atrophied, customary groups have been appropriating the legal rendering of *kastom* into their own understandings and practices and seek to use political and legal processes to promote their own perspectives on relations to land. Differential access to the legal system means that the interests of those who use it shape the definition of *kastom* at national level. In this way elites empowered through political access and business, while acting in their own interests, create far reaching impacts. The research has shown in particular how Ifiran elites have used the concept of *kastom* in legal, administrative and commercial dealings to assert rights over land in Port Vila and surrounds and to realise economic benefits from exercising these rights. As *kastom* is neither simply an objective continuity of present with past practice, nor an external imposition, but an eternally contestable, ambiguous and flexible concept, it permits powerful Ifirans to develop understandings and pursue practices that allow them to mediate between their present circumstances and those they see unfolding. Their perspective on relations to land, while it has a customary element, also embraces the possibilities of land as property. Their practices contribute, in the absence of land laws

which fail to address the multiplicity of localised *kastoms*, and in the face of demand for land from expatriates, to alienation.

The idea of indigenous identity included in the constitution contains the possibility of recognising different *kastom* groups and bases of engagement with the national sphere but it has not been developed since independence. The state has failed to build on the morally constructed recognition of indigenous people which independence entailed: to go on and identify and promote their differentiated sensibilities regarding what is right and appropriate regarding land. Instead *aelenan vanua*, *supe* and all the other localised senses of ways appropriate to place, including those which incorporate Christian principles and whether formed in urban and rural environments, are all gathered up and roughly rendered as a common *kastom* in the interests of promoting the ideal of a unified citizenry.

It is not so much that perspectives of the many customary groups in Vanuatu are worlds apart from each other in every respect, and there are significant commonalities that could provide a base of legitimacy for state actions. The elision of differences, though, masks the variety of concerns and interests, and allows some to do rather better than others out of the state construct. Further, there are sufficiently different perspectives and interests to make the promotion of the postulates of good governance, liberal-democratic style and undifferentiated, problematic. These clearly suit certain elite people, and especially are promoted in ways which impinge significantly on customary forms of social control and ordering. In this way what might properly be considered good is derided and cast aside in favour of ideology that is demonstrably not appropriate in all situations; especially in matters of land.

### *Addressing the problem of land alienation in Vanuatu*

I began the research with the intention of making a contribution to 'principled social science' (Comaroff and Comaroff 2003: 157), by providing ethnographic insights into the nature and causes of land alienation in Vanuatu. To conclude this chapter, and the thesis, I comment on the potential for utilising the insights from this research to address alienation in Vanuatu, in the context of research directed towards informing public policy and government practice. The discussion is not intended to be exhaustive, but rather one that draws on the analysis presented in the thesis, and some insights from



legal anthropology, to suggest possibilities for addressing the central lands policy question that government processes have, to date, failed to address adequately. That is, how can customary relations to land be appropriately recognised and respected within the context of a national legal framework for controlling land dealings?

The national Land Summit of 2006 was centred on answering this question and came up with twenty resolutions relating to recognition of customary land owners, managing land disputes and making land dealings fairer. Several years on, some movement towards implementing these resolutions has been made. In November 2013 a series of amendments to existing land laws were passed by the Parliament, and a new customary land management regime was introduced through the Custom Land Management Act. These changes unquestionably represent an attempt to establish *kastom* as the central organising principle for land dealings in Vanuatu. Significantly, the changes include removal of the Ministerial discretion to grant leases over disputed land. This change, along with the recent amendment to the Strata Titles Act (discussed in Chapter 7), curtails the opportunities for alienation to occur without the knowledge and consent of customary land owners. Having said this, there is a more fundamental level of evaluation that still needs to take place, and which relates to ensuring that land laws and administrative processes are aligned with the multi-layered perspectives on land which are very much evident among ni-Vanuatu people.

The value of developing an anthropological perspective on this issue relates to the disciplinary imperative to view state ideologies and practices as a kind of socially constructed, cultural formation. They do not have to be afforded some kind of conceptual or evaluative privilege. As Franz von Benda-Beckmann (1997: 2) observed, distinguishing the 'political (in)equality of empirical normative orders from analytical equality or equivalence of a concept that can accommodate variation in political significance of empirical normative orders', and pursuing the latter approach, offers potent and practically oriented analytical possibilities. In relation to the idea property specifically, Franz and Keebet von Benda-Beckmann and Wiber (2009: 3) point to the 'plurality of property ideologies and legal institutions, often rooted in different sources of legitimacy' and the possibilities of examining 'several distinct analytical layers at

which property manifests itself, in ideologies, in legal systems, in actual social relationships, in social practices'. This observation points to the possibility of developing a detailed and comprehensive comparison of relations to land. The levels of consideration they suggest tie in closely with the analysis of the constitution (ideology), law (norms) and administration (practice) presented in this research. The discussion in part 1 of the thesis points to these various dimensions in customary relations to land, and critically points to the deep epistemological and ontological dimensions of customary relations, from which the fundamental tension between them and the legal property system derives.

At the same time, I regard it as essential to begin any consideration of an 'appropriate' mode of propertisation from the perspective of, and utilising the categories of ni-Vanuatu people themselves. The third part of the thesis has presented the constitution, the law and administration as creations of social process in which people grapple with the continuing implications of the cartographic rendering of land and the assignment of rights in relations to the parcels so created: including through the representation of administrative practice and engagement with the state which operates outside its formal dictates.

While people in the Ministry of Lands do not attend directly to issues of ideology and norms, their experiences and perspectives may be viewed as being very relevant to addressing them. These are people who think the way they do things in the Ministry is broadly speaking alright, but who also live with a sense that their preferred mode of operating is in tension with official expectations, and that there might be opportunities to improve their situations. Their actions at times go well beyond applying the legal framework for control of land at times. Critically, they are subject to their families and customary modes of operating: they translate and create traction for customary forms of relations to land within the legal and administrative strictures of government. Their efforts are not always successful, and indeed subvert the aims to which they work more than occasionally. Regardless, the attempt at translation inherent in them challenges the appropriateness of the current state framework and suggests the possibility of a compact between state and citizens regarding the use and occupation of land that is more responsive to the objectives and aspirations of indigenous people.

The issue of changing state structures relating to land for the better arises from time to time in *storian* among people engaged with government and legal processes in Port Vila. Sometimes talk goes to the level of the kind of state that Vanuatu should be, but more often interrogates the role of government: what ought the government, in practice, do for people constituted as customary groups as well as individuals. Expressed sometimes as being a question of 'fit'<sup>153</sup> or a question of how people can *swim long midel* (swim in the middle), between governmental and customary dictates, their interests provide an orientation for investigating the question of improving the state's engagements with land matters in Vanuatu. But discussions along these lines are pitched more at the level of expressing concern rather than suggesting solutions, I think reflecting the bind people in government find themselves in.<sup>154</sup>

There are strong resonances between these concerns and consideration of the inter-relationship of law and *kastom* in legal anthropological literature, which elucidates the dilemma people face and offers potential in terms of helping them address it. The deep ideological division between the political system underpinning the rule of law and *kastom* is a persistent theme. Forsyth conceives of the legal system in Vanuatu as a plural one, a 'bird that flies with two wings': the state justice system and *kastom*. In the context of a discussion regarding the inter-operation of what she analyses as state and non-state justice systems, Forsyth (2007: 15) observes that a Melanesian jurisprudence might:

blend the best elements of both the indigenous (customary) and common law legal systems, creating a culturally relevant, fair and just system. In Vanuatu, the subject of this paper, this ideal has singularly failed to materialise in the twenty years since Independence.<sup>155</sup>

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<sup>153</sup> Chapter 4 provides an example of this kind of representation.

<sup>154</sup> There are also high-level political processes, notably the National Lands Summit of 2006, which provide forms of insights into the directions in which national land control may change, but I do not engage with them here.

<sup>155</sup> Forsyth has since revised and published her thesis (2010). The book has a more extended discussion on this point.

Rouland (2001: 2), from a French intellectual tradition, points to a long standing antipathy between custom and Civil law, 'the assault on custom instigated by the republican tradition' exemplified for him in the view of Montesquieu that custom (*coutume*) was the 'reasoning of fools'.

Moving forward requires engaging with customary forms of action and morality rather than seeking merely to define *kastom* within the context of a legal system. Rousseau questions the pluralist presupposition of a 'gulf between the logic applied to everyday life and that which orients people's behaviour and motivations in state institutions' (Rousseau 2008: 27) pointing out that 'taking into account custom does not necessarily equate to interpreting it from a *kastom*-oriented perspective' (Rousseau 2008: 24). She observes that *kastom* is more than just practice, it 'becomes a measure of the correct or appropriate way of being' (2008: 16). Relating this perspective to matters of land, it is necessary to consider the realities of indigenous people's engagement with the idea of land as property. To do this will entail moving past the political rhetoric of independence, which posited an ideal, pre-European, state of indigenous relations to land and promised some kind of restoration: 'rupture and revival' in Jolly's (1992: 330) terms. As Rumsey (2003) points out in the context of a critique of the notion of restorative justice where there is injustice an attempt to restore things to the way they were may do no more than reinforce existing inequalities.

Limitations on the purview of the state also need to be considered. Strathern cautions against universal application of the notion of social control 'behaviour which "controls" other behaviour' (Strathern 1985: 114), invoked in considerations of a legalist kind. She observes, with reference to dispute processes in Hagen society but appositely to relations to land in Vanuatu, that 'dispute resolution procedures ... do not mark themselves off as regulating or overriding behaviour considered in some sense anti-social or non-social in nature' (Strathern 1985: 118). Disputes on this view are part of the fabric of social life. 'Disputes' ought not to be considered aberrant, as needing fixing somehow, but as reflecting an ongoing process of accommodation which sustains the *man ples* connection.

These insights suggest that addressing the problem of 'fit' requires dealing with deep ideological differences as well addressing issues of praxis, a conclusion similar to that

of the von Benda-Beckmanns and Wiber (2009). It requires a more profound and practical recognition of customary perspectives on relations to land instead of the approach that has been applied since independence: which has been to interpret them within the context of an existing frame of property rights, one that has roots deep in the colonial enterprise. This research points to the form such recognition would take. It would be founded, as now, in a recognition of *kastom*, but instead of *kastom* representing the factor which differentiates all ni-Vanuatu from putative others, it would be defined in the way that people usually regard it, as signifying the ideologies and norms and practices of *man ples*. By implication, the state ideology and law would take cognisance of the fundamentally diverse and manifold nature of *kastom*, specific to locales and shaped by the processes going on in them. The character and extent of state engagement in land matters would be changed and limited. Processes and decisions regarding the use and occupation of land would be within the purview of *man ples*. Disagreements would signal the operation of these processes rather than indicating an entry point for the state.

Land laws would not provide a comprehensive and pervasive framework for land dealings, but would only apply in certain situations where some specification of ownership, or use and occupation arrangements is needed to support the operation of *kastom*. They would not begin from the premise that land is bare earth, but rather from recognition that people are deeply invested in locales, to the extent of regarding themselves as inseparably bound to them. The implications for framing laws would include severe restrictions on cartographic definition, and a formulation of use and occupation entitlements as a compact between people, rather than being with respect to land parcels. Laws would be framed differentially to meet the specific requirements of *man ples* and outsiders. *Man ples* may require legal recognition, for example, to secure financing for commercial ventures on their land. However, using land as security for financing would be inconsistent with *kastom*, and the law would need to pay attention to establishing forms of unsecured credit for customary land owners. The legal recognition of dealings between *man ples* and outsiders would reflect the fundamental host/guest nature of the relationship between them. It might be granted, for example, to provide some kind of recourse for either party in the event of dispute. While this recognition might entail the recognition of a form of rights to use and occupation, as it does now, these would be very differently-constructed. Lease terms and rights that are

tantamount to ownership, or which objectify land as separate from persons would not exist. There would be no survey of boundaries, although it would be possible to cartographically specify the position and size of fixtures. Rights granted would not be transferable between outsiders. Nonetheless, it would be possible to have specificity regarding matters such as time period, financial consideration, allowable uses, and conditions for termination of an agreement.

Changes of the kind (if not exactly in the form) suggested above would produce a mode of dealing in land markedly different from the current liberal approach, in two respects. The first relates to the breadth of the state's purview with respect to land matters in Vanuatu: ni-Vanuatu regard themselves as the human beings who correctly regulate relations to land, and accordingly the state's remit with respect to land transactions would be significantly more limited than it currently is. The second goes to the ideology underpinning the state's approach, which presently defines land as a thing to be regulated: instead the state's approach would be founded more firmly upon the recognition of *man ples*.

This concluding discussion suggests there is a possibility of developing a national level approach to the control of land that would address alienation and realise the possibilities of propertisation in ways ni-Vanuatu consider to be fair, to be *stret*. However, it also points to the importance of supporting ni-Vanuatu participation in the public policy process and utilising their categories and approaches, especially as they are the people who would bear the consequences of them. That is why, to the greatest extent possible, I have presented the perspectives and positions of people themselves throughout this thesis. I have often referred to the importance of *storian*, and much of what I have presented in the thesis comes from the many, many hours I spent with people in this activity. So, to end, I share a *storian* perspective on the implications of this research.

Towards the end of my fieldwork, I spent an evening sharing kava with Chief Jimmy Meameadola, one of the two Efate chiefs who approved my study. He asked me what I had learned about *kastom* and land. I said to him that I felt strongly a difference between the law, in which ground belongs to people, and *kastom* in which people belong to land. He said, that, yes, he too could think of land and people in both ways,

but in his heart he knew that he was *man ples*. I thought about that remark for a moment, and the possible inference that foreigners think the other way. The idea that land belongs to people is the hallmark of foreigners in Vanuatu, it reflects an important element of their sensibilities regarding land and informs their actions. But equally, being a foreigner who had by then a good acquaintance with the *man ples* sensibility I did not see the different perspectives as being mutually unintelligible, although fundamentally in tension. I said to Chief Jimmy that in my heart that, yes, while my property in Australia belongs legally to my wife and me that we do not think about it every day in that way. More usually, I said, we see it as home and from this perspective as belonging to our children every bit as much as it does to us, and to be a place where friends and family are welcome, and where we share what we have with them. We as adults decide who may go where and do what, and there are rooms for friends and family. To me, I said, home *hemi olsem smol kastom*, home is like small *kastom*. And he nodded in recognition, and said, 'I want you to go and tell them, *kastom blong mifala hemi bigfala hoem*', our *kastom* is big home.

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ATARA IFIRA

A SUPPLEMENT TO A DICTIONARY OF THE MELE  
LANGUAGE (ATARA IMERE), VANUATU

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## Appendix A: Atara Ifira

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### ATARA IFIRA

#### A SUPPLEMENT TO A DICTIONARY OF THE MELE LANGUAGE (ATARA IMERE), VANUATU

This supplement to Ross Clark's 1998 *A dictionary of the Mele language (Atara Imere), Vanuatu*<sup>156</sup> describes the Ifira dialect of the language shared by the *tamatai*, the people of Ifira and Mele. As Clark notes (p. vii) there are many small differences between the speech of the two communities, so many that a separate treatment of the Ifira dialect is required.

Atara Ifira, the language of Ifira, is spoken every day in the Ifiran community. It is changing over time and the speech of young people now would not be very clear to people of past generations according to older members of the community. Some words have disappeared from general usage, pronunciations are changing, and there is a habit of using Bislama, English or French words when there are Ifiran words that could be used. The chief, Teriki Mantoï Kalsakau III, wants to make sure that future generations are able to speak in the language that is their own. This supplement is one part of a larger effort in the Ifiran community to promote knowledge and use of the Ifiran language.

Clark's work records the grammar and words of the Mele dialect. Rather than starting over again, it makes sense to build on this work in this supplement. The supplement records differences between Mele dictionary entries and Atara Ifira and provides additional entries for words that are not included in the Mele dictionary.

The *Atusi Tapu Fou*, which many Ifirans know well, and Clark's Mele language dictionary use different spelling systems. While the New Testament spelling is more familiar to Ifirans the dictionary spelling is more useful because it identifies long and short sounds which are very important in speech. This supplement follows the spelling conventions used in the dictionary.

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<sup>156</sup> Clark, R. 1998. *A dictionary of the Mele Language (Atara Imere), Vanuatu*. Pacific Linguistics Series C-149. Research School of Pacific and Asia Studies, Australian National University. Canberra.

## A

<i>Atara Imere</i>	<i>Atara Ifira</i>	<i>Notes</i>
<b>aafea</b> (av)	<b>aafia</b>	
<b>agiagi</b> (n)	<b>t'agiagi</b>	The dictionary entry is correct, but this must always be spoken with 't'.
<b>agkiji</b>		Also <b>muusua</b> .
<b>aia</b> (pn)	<b>eia</b>	
<b>ake<sup>2</sup></b> (pn)	-	Not used, always <b>akoe</b> .
<b>ala</b> (n)	<b>alaji</b>	
<b>alo<sup>1</sup></b> (vi)	<b>halo</b>	'h' is vocalised.
<b>ama<sup>2</sup></b> (nc)	-	Not used.
<b>aamia</b> (vt)	<b>moorua</b>	
<b>aaoa<sup>1</sup></b> (n)	<b>t'aaoa</b>	The dictionary entry is correct, but this must always be spoken with 't'.
	<b>apu</b> (n)	Grandfather. [Er. Also, although less commonly <b>aapua tane</b> .]
<b>aapua</b> (n)	<b>aapua fine</b>	<b>aapua</b> is grandparent in Atara Ifira.
	<b>apu saata</b> (n)	Great grandfather [ <i>apu + saata</i> ].
<b>aaraa</b> (vt)	<b>jaaraa</b>	
<b>araika</b> (vi)	<b>saraika</b>	
<b>aretuu</b> (n)	<b>arituu</b>	
<b>arieere</b> (vi)	-	Not used.
<b>avau</b> (pn)	<b>awau</b>	<b>avau</b> is the original word, it has changed in Ifira.

## E

<b>eelei</b> (ij)	<b>leelei</b>	
<b>eemama</b> (n)(ij)	<b>mamau</b>	
<b>eemutu</b> (ij)	<b>iramutuu</b>	
<b>eepua</b> (n)	<b>aapua fine</b>	Generally <b>ati</b> (Er) is used.
<b>eetata</b> (n)(ij)	<b>leita</b>	

## F

<b>fafa</b> (vi)	<b>papa</b>	
<b>fafie</b> (n)	<b>afie</b>	
<b>fakanaa</b> (n)		Also term of endearment for a daughter.
<b>fakaraaina</b> (vt)	<b>fakairaina</b>	
<b>fakareworewo</b> (vi)	-	Not used.
<b>fakatoroa</b> (vt)	<b>tuage</b>	
<b>fanal</b> (n)	-	Not used.
<b>fanau saa</b> (vi)		Also to give birth to a dead or deformed baby.
<b>faani</b> (v)	-	Not used.
<b>faariki</b> <sup>1</sup> (n)	<b>firiki</b>	
<b>fartapu</b> (n)	<b>faretap(u)</b>	
<b>fatu</b> <sup>2</sup> (n)	-	Not used.
<b>fei-</b> (p)	<b>fi-</b>	
<b>fei-aavaga</b> (n)	<b>fi-aawaga</b>	



<b>fei-lake</b> (vi)	<b>finlake</b>	
<b>feiova</b> (n)	<b>feiava</b>	
<b>fei-taina</b> (n)	<b>fiteina</b>	
<b>fei-tnana</b> (n)	<b>fijinana</b>	
<b>fei-tuetnana</b> (n)	-	Not used.
<b>fee-surakina</b> (vt)	<b>saragani</b>	
<b>fia</b> (vn)	<b>eefia</b>	
<b>fia-</b> (f)	<b>fe-</b>	
<b>fiafi</b> (n)		After midday, through until <b>tepo</b> .
<b>figo-</b> (n)	-	Not used.
<b>filaeki</b> (n)	<b>falaiki</b>	
<b>filaoa</b> (n)	<b>flaoa</b>	
<b>fiiru</b> (n)	<b>furu</b>	
<b>fitlakina</b> (vt)	<b>fitlekina</b>	To get.
	<b>fokorraina</b> (vt)	Put out in the sun to dry.
<b>forau</b> (vi)	<b>farau</b>	
	<b>fuata</b> <sup>2</sup> (vi)	Go on a journey as a group.
<b>fua</b> (n)	-	Not used.
<b>fuke</b> (vi)	-	Also to take food out of an oven.

## G

<b>gaia</b> (pp)	<b>geia</b>	
<b>gasoro</b> (vi)		Also <b>masopo</b> .
<b>güigikina</b> (vt)		Also to cry.

	<b>giigikina<sup>2</sup></b> (n)	Time for singing.
<b>giji</b> (vt)	<b>jiji</b>	
	<b>gisipa</b> (n)	Half.
<b>guuruta</b> (n)	<b>firiki</b>	

## I

	<b>Ifira tan'vaasako</b> (n)	Ifiran living on the mainland (Efate) [cf. <b>tanovaasoko</b> (n) Dry land]
<b>ikatooa</b> (n)	-	Not used.

## J

<b>jikkorona</b> (n)	-	Not used.
<b>jikotuuaa</b> (vt)		Also to sit on a toilet, or to pour a bucket of water on something.
<b>jila-paltakina</b> (vt)	<b>jila-palatakina</b>	Steer using a tiller.
	<b>Jilikita</b> (proper noun)	Klem's Hill.
	<b>jinawata</b> (n)	Member of the chief's council > <b>maramaraga</b> .
<b>jiioi</b> (n)	-	Not used.
<b>jioka</b> (n)		Also <b>fatu mitiri</b> .
<b>jipoto</b> (n)	<b>tipot</b>	
	<b>jipagora<sup>2</sup></b> (vi)	Snore.

	<b>jipaakoro<sup>2</sup></b> (n)	A very wilful person.
<b>jipua</b> (n)		Also an old man.
<b>jiroojiro<sup>1</sup></b> (n)		Also reef shallows

## K

<b>kai<sup>2</sup></b> (n)	-	Not used.
<b>kailewa</b> (n)	-	Not used.
	<b>kaitae<sup>2</sup></b> (n)	Joke.
	<b>kajinimuu</b> (vi)	Act decisively.
	<b>kal-</b> (f)	Signifies a male name
<b>kaleka</b> (aj)	<b>keleka</b>	
<b>kaalia</b> (vt)	<b>keria</b>	
<b>kalooko</b> (n)	<b>klok</b>	
<b>kamara</b> (n)	<b>kamera</b>	
<b>kaamira</b> (n)	<b>kaamiro</b>	
<b>kamo-sikea</b> (vt)	<b>kamo-sikia</b>	
<b>kanilapa</b> (n)	<b>nagilapa</b>	
<b>kanu-sookia</b> (vt)		A recent word.
<b>kapa</b> (n)	<b>teepu</b>	
<b>kape</b> (n)	-	Not used.
<b>kaap-</b> (p)	<b>kap-</b>	Except for <b>kape-tapasia</b> .
<b>kapeti</b> (n)	<b>kaput</b>	
<b>kapiji</b> (n)	<b>kapij</b>	
<b>karaji</b> (n)	<b>karaj</b>	

<b>karia</b> (n)	-	Not used.
	<b>kaaroa</b> (aj)	Semi-naked, shirtless. Also <b>kaaraji</b> .
<b>kaaroko</b> (n)	-	Not used.
<b>karakaru</b> <sup>3</sup> (n)		A kind of jellyfish.
	<b>karokaroaatua</b> (n)	Dried salt on skin after swimming.
<b>kaaroko</b> (n)	-	Not used.
	<b>kaaruna</b> (n)	A kind of large sugar cane.
<b>kasupisi</b> (n)	<b>kaopusi</b>	
<b>katau</b> (ps)	-	Not used.
<b>kauna</b> (vt)	<b>kaona</b>	
<b>kava</b> (n)		Also <b>torootoro</b> .
<b>keeji</b> (n)	<b>kalava</b>	
<b>kekeesu</b> (aj)	-	Not used.
<b>kena</b> (aj)	-	Not used.
<b>kevai</b> (n)		Also <b>gaipu</b> .
<b>kia</b> (n)	<b>nomea</b>	
<b>kiinaa</b> (av)	<b>kenaa</b>	
<b>kiinei</b> (av)	<b>kenei</b>	
<b>kiiraa</b> (av)	<b>keraa</b>	
<b>kitaakita</b> (vt)	-	Not used.
<b>kof</b> (pn)	-	Not used.
<b>kouafa</b> (pn)	<b>kouofa</b>	
<b>koia</b> (cj)	<b>koie</b>	
<b>kooji</b> <sup>1</sup> (av)	<b>kouji</b>	
<b>konaaia</b> (vt)	-	Not used.
<b>konaiani</b> (n)		Also <b>konkon</b> .

<b>koriitala</b> (vi)	-	Not used.
<b>koronanae</b> (n)	<b>paakomu</b>	
<b>kooteu</b> (pn)	<b>kootua</b>	
<b>kouafa</b> (pn)	<b>kuofa</b>	
<b>kova</b> (n)	<b>kovakova</b>	
<b>kuuku</b> (vi)	<b>kuuka</b>	

## L

	<b>lagalaga</b> (vi)	Search for small things.
<b>laki</b> (n)		<i>telaki merie</i> , time of good weather, <i>telaki saa</i> , time of bad weather.
<b>lantuu</b> (n)	-	Not used.
	<b>laufala</b> (n)	Pineapple.
<b>legalega</b> (vi)		Spread all about (for example in a messy room)
<b>leepisi</b> (vi)	-	Not used.
	<b>lei-</b> (f)	Signifies a female name
<b>ligaliga</b> (vi)	<b>ligelige</b>	
	<b>lispesep</b> (n)	A kind of spirit like a <b>lipo</b> , but benign.
	<b>livaasere</b> (n)	Dry coconut leaves.
<b>lookoro</b> (vi)	-	Not used.
<b>lluia</b> (vt)		Also to argue about.
<b>luku</b> (n)		Also a well that is dug.
<b>luuluu</b> (aj)	<b>leiliu</b>	

## M

<b>ma<sup>1</sup></b> (pn)	-	Not used.
<b>maa<sup>3</sup></b> (pn)	-	Not used.
<b>mafetue</b> (vi)	<b>matafue</b>	
<b>mafu</b> (pn)	-	Not used.
<b>mageleegele</b> (n)	<b>taripuusia</b>	
<b>makkaaka</b> (vi)	-	Not used.
<b>maakita</b> (n)	<b>maakete</b>	
<b>malaji</b> (vi)	-	Not used.
<b>malaamala</b> (aj)	-	Not used.
	<b>malaamala<sup>2</sup></b> (vi)	To keep falling down.
	<b>malearva<sup>1</sup></b> (n)	Charcoal used for writing.
	<b>malearva<sup>2</sup></b> (n)	Flour used as body decoration.
<b>maalepu</b> (n)		Also people in mourning.
<b>maloga</b> (n)	<b>maamalo</b>	
<b>maloomalo</b> (n)	-	Not used.
<b>malopeelepe</b> (aj)	<b>malopoulopou</b>	
<b>maamaa</b> (?)		Also <b>manfinifi</b> . CHECK
<b>maamalo</b> (vi)	<b>nomouna</b>	
<b>manaturekina</b> (vt)	<b>manurekina</b>	
<b>mantuusia</b> (vt)	<b>mansuusia</b>	
	<b>manu<sup>3</sup></b> (n)	Many.
<b>manumanu<sup>1</sup></b> (n)		Also a prisoner.
	<b>manupuasu</b> (n)	A kind of bird. Traditionally thought that

		its call at night presages the death of a person.
<b>maaori</b> <sup>1</sup> (n)	-	Not used.
<b>maapepe</b> (aj)		Also to describe a flat place > <b>maarope</b>
<b>maaraa</b> (n)		Also a generic term for a worm or snake.
<b>marama</b> (n)		Also lunar cycle, moonlight.
<b>maraara</b> (aj)	-	Not used.
<b>marie</b> (aj)	<b>merie</b>	
<b>masak-ga</b> (n)	<b>masakiga</b>	
<b>maateu</b> (pn)	<b>matou</b>	
<b>matak-ga</b> (n)	<b>matakuga</b>	
<b>matalaatala</b> <sup>2</sup> (vi)		Unable to walk properly.
<b>mataeelo</b> (n)		Pre-dawn.
	<b>matepijia</b> (vi)	The dead preventing an action [CHECK]
<b>mau</b> <sup>3 4</sup> (pn)	-	Not used.
<b>mmau</b> (vi)	<b>maua</b>	
<b>mmau</b> (ps)		Mele expression, used infrequently.
<b>maweluwelu</b>		
<b>meafa</b> (pn)	<b>miefa</b>	
<b>mef</b> (pn)	<b>maf</b>	
<b>merisokisoki</b> (vi)	<b>kanuusoki</b>	
<b>merisokisokia</b> (vt)	<b>kanuusokia</b>	
	<b>miala</b> (aj)	Red.
<b>miau</b> (ij)	-	Not used.
<b>minu</b> (ij)	<b>mimimimi</b>	
<b>mono</b> (n)		Also caulk for a canoe.

<b>moremore</b> (aj)	Smooth.
<b>moorua</b> <sup>3</sup> (vt)	Bring, attract. [appears to be like <b>mooria</b> in Atara Imere]
<b>muana</b> (n)	Also <b>talovama</b> .
<b>munuwei</b> (n)	In <i>supe tuuai</i> a sorcerer, now a practitioner of black magic.
<b>muusua</b> (n)	Printed cloth.
<b>musuutaki</b> (vi)	Also means to refrain from talking about something.

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## M

This sound is not made by Ifiran speakers, it is spoken as 'm'. Words which differ only in this way are not shown in this list.

<b>maakae</b> (n)	<b>maakave</b>	
<b>malakesaakesa</b> (aj)	<b>kesakesa</b>	
<b>malala</b> (n)	-	Not used.
<b>malaamala</b> (aj)	<b>maluwei</b>	
<b>malevera</b> (n)	<b>malerava</b>	
<b>malta</b> (vi)	<b>malita</b>	
<b>maaniu</b> <sup>2</sup> (vi)	-	Not used.
<b>maau</b> (n)	-	Not used.
<b>misaasake</b> (n)	-	Not used.
<b>mitaatalo</b> (n)	<b>matataalo</b>	
<b>moomo</b> (vi)	<b>moomosi</b>	



<b>mooniu</b> (n)	<b>meniu</b>
<b>monoomono</b> (aj)	<b>mololoa</b>

## N

<b>nafeiga</b> (n)	<b>nefaganei</b>	
<b>nafilake</b> (n)	<b>na'flak</b>	
<b>nagausia</b> (cj)	<b>gousia</b>	
<b>naisulu</b> (n)	<b>amasi</b>	
<b>nakon</b> (n)		Also part more generally > <b>nefaru</b>
<b>naamai</b> (vt)	<b>kamai</b>	
<b>namnaia</b> (vt)	<b>nuumneia</b>	
<b>namuna</b> (vi)	<b>nomuna</b>	
<b>namusuugoa</b> (vt)		Rarely used, <b>sunoooga</b> .
<b>napoofia</b> (n)		Also (av) what time?
	<b>naririki</b> (n)	Fingers.
<b>nasereaa</b> (av)	<b>nanserereea</b>	
<b>naatu</b>	-	Not used.
<b>navia</b> (n)	<b>nevia</b>	
<b>nawa<sup>2</sup></b> (n)	<b>nawo</b>	
<b>nawaanaawa</b>		Also to have varicose veins showing.
<b>nea-</b>	<b>nia-</b>	
<b>neaku</b> (ps)	<b>niaku</b>	
<b>nea-maarokina</b> (vt)	<b>nia-maarokina</b>	Also to breathe deeply to smell.
<b>neana</b> (ps)	<b>niana</b>	
<b>nea-surakina</b> (vt)	<b>nea-saragani</b>	

<b>nina</b> (n)		Also hornet.
<b>niipete</b> (n)	<b>nupete</b>	
<b>niirake</b> (n)	<b>niiraka</b>	
<b>niisao</b> (n)	-	Not used.
	<b>niisola</b> <sup>2</sup> (n)	Pattern.
<b>niu</b> (n)		<i>tenapu</i> a dry coconut.
<b>niuta</b> (aj)	-	Not used.
<b>nofo-rakina</b> (vt)	<b>nofo-rekina</b>	
	<b>nominoomia</b> <sup>2</sup> (n)	Annual gift to the chief.

## O

<b>o</b> <sup>1</sup> (ps)	-	Not used.
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## P

	<b>palekemasi</b> (vi)	Fasten around one's waist.
	<b>paltaakoto</b> (vi)	Cross a road or path.
<b>panoi</b> (n)	<b>volkaeno</b>	
	<b>paapera</b> (n)	Man who breaks up fights.
<b>paaromu</b> (n)		Not used for pineapple, which is <b>laufala</b> .
<b>paapetu</b> (vi)	<b>paajika</b>	
<b>paatamu</b>	<b>tekuru</b>	
	<b>Istoa</b> (proper noun)	Port Vila [literally <i>at the store</i> ]

<b>pera</b> (vi)		Plural form usually used, <b>taperapera</b> .
<b>peteegona</b> (vt)	<b>tapoigona</b>	
	<b>piirere<sup>2</sup></b> (n)	A man who strongly disciplines children.
<b>ppiri</b> (vi)	-	Not used.
	<b>piiria</b> (vi)	Leave in place.
<b>pogipogie</b> (n)		More generally something that partially blocks light.
	<b>polo-fakamatea<sup>2</sup></b> (vt)	Also to stone something to death.
<b>polookasu</b> (v)		Also to despoil, to take something before it is ripe or ready.
<b>poloosia</b> (vt)	<b>polooria</b>	
<b>popooto</b> (aj)	-	Not used.
	<b>poorima</b> (n)	Five day mourning period.
<b>possui</b> (n)		This dance accompanies the killing of pigs.
<b>puavvera</b> (vi)	<b>puawera</b>	
<b>puakkoolea</b> (vt)	<b>pakkoolea</b>	
<b>puarekina</b> (vt)	<b>paarekina</b>	
<b>purumakau</b> (n)	<b>puloku</b>	

~

## P

This sound is not always distinguished from 'p' by Ifiran speakers. If it is it is spoken as 'b'. Words which differ only in this way are not shown in this list.

**panuupanu** (n)

Also a roll of mats.

## R

**raa**<sup>4</sup> (g)

**keeraa**

**rakina** (pp)

**rekina**

**rama** (n)

Also a light more generally.

**raateu** (ps)

**raatou**

**reafa** (ps)

**riefa**

**ref** (ps)

**raf**

**reeke** (n)

**rake**

**retu** (n)

**salusalu**

**rii** (g)

**rou**

**ririgi** (vi)

Also to groan in pain.

**roaa**<sup>1</sup> (n)

**saaroa**

**roomaarookina**  
(vt)

Also to inhale like a pig.

**rosa** (aj)

**narosa**

**ruua** (vt)

**riua**

<b>ruufai</b> (vi)	<b>ruupai</b>	Also a dog barking loudly.
<b>rufaaia</b> (vt)	<b>rupaaia</b>	Also a dog barking loudly.
<b>ruku</b> <sup>1</sup>	<b>kuru</b>	

## S

<b>sa</b> (cj)	<b>se, go</b>	<b>se</b> for but, <b>go</b> for and.
<b>salavaataku</b> (n)	-	Not used.
<b>sapea</b> (vt)	-	Not used.
<b>sara</b> <sup>2</sup> (vi)	<b>saraavia</b>	Also to go the wrong way.
	<b>sara</b> <sup>5</sup> (ij)	True.
<b>saaro</b> (n)		More generally a tide.
	<b>saata</b> (aj)	Of a yam, rotted and springing up again.
<b>sauma</b> (n)	<b>seuga</b>	
<b>sautakina</b> (vt)	<b>sautekina</b>	
<b>sei</b> (n)		Also a flower behind one's ear. In <i>supe tuuai</i> used by a newly wed man to make his wife attracted to him.
	<b>sifa</b> (n)	A kind of snare trap.
<b>siko</b> (vi)	-	Not used.
<b>sikoaē</b> (vi)	-	Not used.
	<b>sokomanu</b> (n)	Beater of thousands.
<b>staaje</b> <sup>1</sup> (vi)	<b>tuulake</b>	
<b>sukisuki</b> (vi)		Cut or pierce.
<b>suku</b> (n)		Also a stingray's tail.

<b>suusuunogo</b> (vi)		Also to hold close up to one's nose to smell.
<b>supakiinavi</b> (n)	<b>tekimuri</b>	<b>kimuri</b> means to come behind.

## T

<b>tafaga</b> (vi)		Also to not have something.
	<b>tagiroa</b> (n)	A kind of song sung during funerary rites.
	<b>taguruguru</b> (vi)	Thunder sounding.
<b>tafu</b> (ps)	-	Not used.
<b>tafuu</b> (n)	<b>tepo</b>	
	<b>tafuraa</b> <sup>2</sup> (n)	Small conversation.
<b>tagele</b> (n)		Derived from <b>gele</b> , to hang.
<b>tagofia</b> (vt)		Also to feel or search about blindly.
<b>tagolu</b> (vi)	<b>taluga</b>	
<b>tai-</b> (n)	<b>tei-</b>	
<b>taiao</b> (n)	<b>teiao</b>	
	<b>Taiipiiri</b> (proper noun)	A place on Ifira Tenuku.
<b>takaraakara</b> <sup>3</sup> (aj)		Boney.
<b>takua</b> (vt)	<b>tokua</b>	
<b>taku-</b> (vt)	<b>toku-</b>	
<b>taku-matuu</b> (vt)	<b>toku-maaori</b>	
<b>taku-piijia</b> (vt)	<b>toku-pujia</b>	
<b>taku-paltakina</b> (vt)	<b>toku-paltakina</b>	Also to tell straight, to clarify.

<b>tale</b> (vi)		Especially at low tide, turning over stones.
<b>talivona</b> (n)	<b>talovana</b>	
<b>taltapoo</b> (vi)	<b>lig'tapo</b>	
<b>talluga</b> (n)		A group of pigs, a school of fish is <b>fuataika</b> .
<b>tama kaleka</b> (n)	<b>tama kekela</b>	Any small child.
<b>tamaafate</b> (n)		Can be used derisively as the opposite of <b>tamaatai</b> , a man or woman of Ifira-Mele.
<b>taamaraamara</b> (vi)		Also the sound made by an animal calling for its young.
<b>tamatamaaniku</b> (vi)	<b>tamaanuku</b>	
	<b>tamavakare</b> (n)	Adopted child.
<b>tamu</b> (aj)	<b>teumu</b>	Only for an oven covered and cooking.
<b>tamufuu</b> (vi)	<b>tofunaa</b>	
<b>tanu</b> (vi)		Also <b>taatanu</b> .
<b>taoga</b> (n)		More often used to mean the same amount.
	<b>taapaunimanu</b> (n)	[ <i>taapau</i> + <i>n</i> + <i>manu</i> ] Protector of thousands. Custom name of Mantoï Kalsakau III.
	<b>tapesu</b> (n)	A kind of bird.
<b>tappeegana</b> (n)	<b>poulapa</b>	
<b>tapuke</b> (n)	<b>tapuka</b>	
	<b>taatanu</b> <sup>2</sup> (n)	Sea turtle nest.
	<b>tekai</b> (n)	A song sung to declare a place <b>tabu</b> .
	<b>teko</b> (n)	Digging stick.

<b>taaraa</b> (vt)	-	Not used.
<b>tarajipa</b> (vi)	<b>tarajipaki</b>	
<b>taraunana</b> (vt)		Instead <i>karoa auni teika</i>
<b>tarie</b> (n)	<b>terie</b>	
<b>taro</b> (n)		<i>taro Fijii</i> is called <i>taro Tanna</i> in Fiji.
	<b>tarosaravia</b> (vt)	Throw and miss.
<b>taarupa</b> (n)		Also <i>nakaimas</i> to put people to sleep.
<b>taataa</b> <sup>1</sup> (n)	-	Not used.
<b>taateu</b> (pn)	<b>taatou</b>	
<b>tau</b> <sup>1</sup> (pn)	<b>tauaa</b>	
<b>tau</b> <sup>8</sup> (pn)	-	Not used.
<b>taumaake</b> (vi)	<b>taugaake</b>	
<b>tautau</b> <sup>1</sup> (vi)	<b>toutou</b>	
<b>teafa</b> (pn)	<b>tiafa</b>	
<b>teaku</b> (ps)	<b>tiaku</b>	
	<b>teemala</b> (n)	Nighthawk.
<b>tookaa</b> (vt)	<b>ookaa</b>	
<b>toki</b> (n)		Used for shaping the inside of a canoe > <b>taapesu.</b>
<b>toroa</b> (vt)	<b>tokowage</b>	
	<b>tpasi</b> (vi)	Fall down and break.
<b>tuakina</b> <sup>1</sup> (vt)	<b>paatuakina</b>	
<b>tuaakina</b> (vt)		Also to replace an axe head.
<b>tuumena</b> (n)	<b>tuumana</b>	
<b>tuoolia</b> (vt)		Also to make reparation.
<b>tupu</b> <sup>-1</sup> (n)	-	Not used.



**tuputaona** (vi) (n) Put ashes on oneself in mourning, a person in mourning.

**tureki** (vi)

**turaki**

**turumakina** (vt)

**turukina**

## U

**uta** (nl)

**iuta**

**ure** (n)

Island [smaller than fenua, larger than puuruu].

**Ureriki** (proper noun)

Iririki island.

## V

**vai-pusi** (n)

Also water spouting up or out.

**vakare** (vi)

Adopt.

**vuluara**<sup>2</sup> (n)

Also goosepimples.

**vunta** (vi)

**vunuta**

## W

**Waanagire** (proper noun) A place south of the wharf.

**waawa** (n)

**aoa**

<b>weji</b> (vi)	<b>kuuji</b>
<b>wiliirua</b> (aj)	<b>wuluara</b>
<b>wira</b> (n)	
<b>woroika</b> (vi)	<b>woraika</b>
<b>wota</b> <sup>1</sup> (nm)	<b>aota</b>

Also lightning.