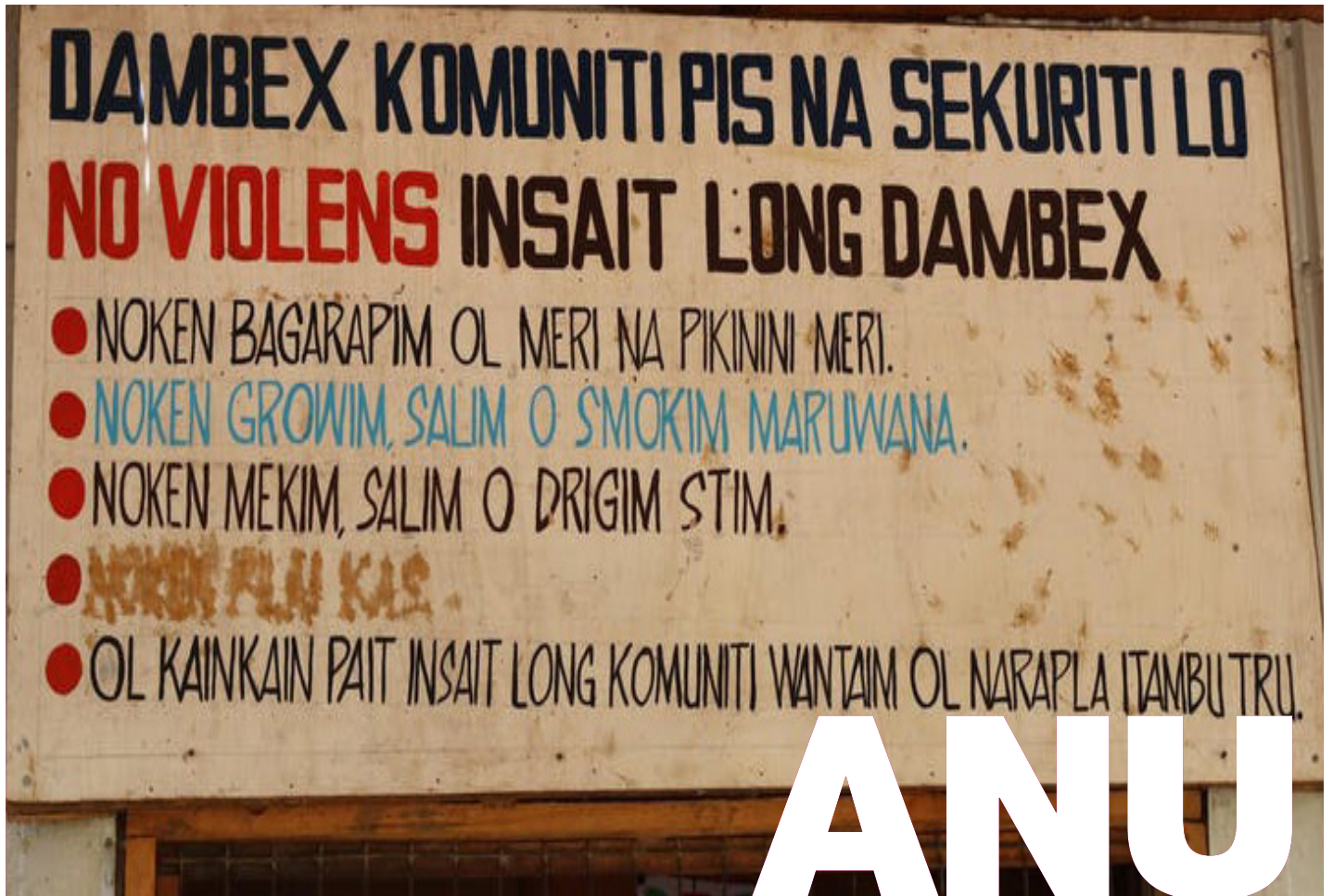




Australian
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CODIFICATION AND CREATION OF
COMMUNITY & CUSTOMARY LAWS IN THE
SOUTH PACIFIC AND BEYOND

26 - 27 JULY 2018

CONFERENCE ROOM 1.2, SIR ROLAND WILSON BUILDING

DAY 1: THURSDAY 26 JULY

8.30 – 9am	Coffee & registration
9 - 9.30am	Welcome and introductory remarks Michael Wilson, DFAT and Drs Sinclair Dinnen and Miranda Forsyth, ANU
9.30 - 10.15am	Session 1: <i>Historical perspectives on the codification of custom</i> The origin and effects of the ‘patrilineal’ rule among the Motu Koita of Papua New Guinea Dr Michael Goddard, Macquarie University Codifying ‘Witchcraft’ in the British Western Pacific 1877-1960 Dr Daniel Midena, University of Queensland
10.15 - 11am	Session 2: <i>Community law making initiatives in the Pacific</i> Developing Community Laws(Lo) by three communities in Jiwaka Province (PNG) Lilly Kolts Be'Soer, Voice For Change and Joe Kolts Wusik Community Bylaws in Squatter Settlements in Mt Hagen Ruth Kissam
11 - 11.30am	Morning tea
11.30am - 1pm	Session 3: <i>Community law making initiatives in the Pacific continued</i> From tribal rules to local law: codifying traditional rules of fighting in Papua New Guinea Ahmad Hallak, International Committee of the Red Cross (ICRC) Kastom Law and the Sustainable Development Goals in Tanna island (Vanuatu) Rachel England, ANU Codifying Customary Law on Ambrym island (Vanuatu) Lee-Anne Sackett, University of the South Pacific Collection of Customs of islands of Vanuatu Professor Don Paterson, University of the South Pacific
1 - 2pm	Lunch
2 - 3.30pm	Session 3: <i>By-laws and customary codification in environmental management</i> The development of community-based fisheries management in Vanuatu: Reflecting on processes of instituting locally formulated rules and regulations around fishing practices Dirk Steenbergen, Australian National Centre for Ocean Resources and Security, University of Wollongong & Pita Neihapi, Secretariat of the Pacific Community (SPC) and Vanuatu Fisheries Department (VFD) Beyond Legal Pluralism, the hybridization of the norm: The case of the Loyalty islands province (New Caledonia) Environmental Code Dr Victor David & Dr Carine David, University of New Caledonia Customary laws and community protocols in the Pacific: Next steps under the Nagoya Protocol Associate Professor Daniel Robinson, University of New South Wales) & Dr Margaret Raven, Macquarie University
3.30 - 4pm	Afternoon tea

4 - 5pm **Session 4: *Creating by-laws and codification of custom: implications for development***
Facilitated discussion chaired by Professor Veronica Taylor

DAY 2: FRIDAY 27 JULY

9 - 10.30am **Session 1: *Codification of custom led by the state***
Codification of custom led by the state
Derek Futaiasi, ANU
Codification of the Customs of Kote People of Finschafen
Watson Simiong, PNG Constitutional Law Reform Commission
Codifying Customary Law in New-Caledonia: Custom's pen and paper
Oona Le Meur, Sciences Po Law School
Codification of Customary Law in PNG – What is the impact of time on the Codification process until completion?
Nathan Onom, PNG Constitutional Law Reform Commission

10.30 - 11am **Morning tea**

11am - 12.30pm **Session 2: *Gendered dimensions, the codification of custom***
Navigating CEDAW obligations and 'custom' in Samoa
Dr Safua Akeli Amaama, National University of Samoa
Codifying custom and the situation of women in a Fijian village setting
Jojiana Cokanasiga
Village By-Laws in Samoa and the inclusion of women and persons with disability
Mema Motusaga
2016 Draft Fiji Village By-Laws Compatibility with National Gender Equality Policies
Roshika Deo

12.30 - 2pm **Lunch**

2 - 3.30pm **Session 3: *Gendered dimensions, the codification of custom***
Beyond the romanticisation of chiefs: considering the gendered implications of the codification of customary land laws in Vanuatu
Dr Siobhan McDonnell
Gender Equality in Samoan laws: progress vs Contradictions
Bridget Crichton, National University of Samoa
Codification of customary regulation by village councils in Samoa: Some social and gender issues
Dr Ramona Boodoosingh & Dr Penelope Schoeffel, National University of Samoa

3.30 - 4pm **Afternoon tea**

4 - 5pm **Session 4: *Bringing it all together: Planning a Future Research Agenda***

ABSTRACTS

The origin and effects of the ‘patrilineal’ rule among the Motu-Koita of Papua New Guinea

Michael Goddard, Macquarie University

The equivocal relationship between indigenous discourses of customary law and both past and present practice is now a familiar theme in critical literature about the colonial generation of the field known as ‘customary law’ and the so-called ‘invention of tradition’. In this paper I add another dimension to this critical discussion: the representation of customary law by State legal agencies, and the dialectical process by which this *institutional* codification, generated by late colonial attempts to acknowledge custom, affects the *indigenous* discourse of customary law and particularly indigenous practice.

I bring these themes to a discussion concentrating on the Motu-Koita people who are the traditional inhabitants of the area on which Papua New Guinea’s capital city, Port Moresby, has grown. After the establishment of a colonial Administration in the late 19th century, their ‘customs’ were recorded by officials, missionaries and anthropologists. Administration attempts to settle land disputes, land purchases in the plantation era and the expansion of Port Moresby contributed to a preoccupation with the nature of Motu-Koita kinship, land ownership, and inheritance rules. A categorisation of the Motu-Koita as composed of patrilineal descent groups became, and has remained, central in legal courts addressing land claims and disputes.

The Motu-Koita have long accepted the designation of themselves as ‘patrilineal’, and it has evolved in their own discourse from a ‘principle’ to a ‘rule’, and latterly a part of their ‘customary law’. Until recently, however, their own practice, and their negotiation of land issues, was evidence that land inheritance and proprietorship was more flexible than implied by the patrilineal ‘rule’. The Motu-Koita have become increasingly litigious with the accelerating spread of PNG’s migrant-dominated capital city across their territory since the late colonial period. A corollary of this has been that new generations, influenced by courtroom representations of their ‘patrilineal’ descent, are embracing and applying this rigid legal interpretation to ‘customary’ land ownership, to the detriment of the flexibility that has sustained them in the past.

Codifying ‘Witchcraft’ in the British Western Pacific, 1877 – 1960

Daniel Midena, University of Queensland

This paper will provide a historical overview of the codification of fears about ‘witchcraft’ within British colonies in the South Pacific during the late-nineteenth and twentieth centuries. The codification of witchcraft (understood here as a contested historical category) provides us with an interesting window into the processes by which local traditions—particularly local beliefs and practices of a distinctly ‘religious’ nature—came to be labelled and shaped by emerging colonial justice systems. It highlights the fact that, in some places, it was primarily Islanders who agitated to have witchcraft added to the list of criminal matters that ‘native courts’ had the jurisdiction to consider.

There is a growing concern among scholars today to better understand witchcraft-related violence in Melanesia and elsewhere. What remains, perhaps, less well studied is the longer colonial history and origins of anti-witchcraft regulations in local village-level courts. Based on original archival research, this paper will attempt to sketch out a trans-colonial history of how certain local beliefs and practices in the Colony of Fiji, the British Solomon Islands Protectorate and the New Hebrides Condominium became designated and regulated as witchcraft. Which individuals and groups were involved in this process? What political dynamics were driving it? And to what extent was the inclusion of anti-witchcraft laws in so-called native courts supported (or resisted) by British administrators? One interesting preliminary finding from this research is the historical connection between the making of anti-witchcraft legislation in village-level courts, on the one hand, and British laws against political-religious movements (e.g. Marching Rule, John Frum, etc.), on the other.

Community Laws(Lo) by 3 communities in Jiwaka Province

Lilly Kolts Be'Soer, Voice for Change and Joe Kolts Wusik

Komuniti Lo (Laws) is a collection of rules for the community. These collections of rules were put together by the members of three communities through a consultation process by Voice For Change over more than two years. Community members and leaders have identified a number of practices in the community, which are harmful to the community.

For example: the rise in the practice of marrying very young girls to a man that already has another wife; the practice of resolving disputes through fighting that causes a lot of destruction; the practice of calling someone "Sanguma" and attacking a person causes destruction and loss of life in communities; the practice of bringing guns into the community and the practice of domestic violence.

All these practices are happening in the community because they are not seen as wrong and are accepted. Komuniti Lo also has rules against conducts that are clearly wrong but the community does not do anything against these conducts. Rapist are walking free after paying compensation. Persons who abuse children are not taken to court. Husbands who go beyond and cause serious injuries to their wives are let alone. Members of the community are cultivating marijuana without opposition, and they are producing home-made alcohol through fermentation "homebru" or distillation "stim" without "tok cros" admonishment. And other conducts in the community that are clearly wrong but are tolerated by the community are covered.

Komuniti Lo also has rules that the community see as beneficial and encourages certain conduct: Plant more trees after cutting them, send all children to schools, participate in community work, be productive and others.

Why these bad conducts and practices are taking place without much resistance and the good conducts are not practiced by the community is because there is no one to take responsibility for them. The three things responsible to stop bad practices and conducts and encourage good conducts are not working: The police, the victim claiming compensation and current social practices and norms. Komuniti Lo is an initiative by the community themselves to address these problems. The members of the community feel that the community will be more responsive to rules if they are autochthonous "all yet mekim" using words that they can relate to, addressing problems that they have been seeing for a long time in the community.

The rules in the Komuniti Lo are made known to the community through a public gathering according to practice to give validity to the rules. A group of persons made up of members of the community to be known as "Lo Komiti" will take up the responsibility to make sure that rules in the Komuniti Lo are followed by members of the community. Where a person fails to follow a rule in the Komuniti Lo, he will be reprimanded by members of the Lo Komiti or other community leader. He is no longer free as there will now be resistance "tok cros". Lo Komiti will continually do awareness on the rules contained in the Komuniti Lo so that people will follow it. And the Lo komiti will use existing laws to enforce the rules in the Komuniti Lo. Lo Komiti takes up the responsibility to stop bad conducts and practices in the community and encourage good conducts.

This paper will involve the reflection on the progress of this project several years after it was started by the Director of Voice for Change and one of the leaders of one of the local communities involved.

From tribal rules to local law: codifying traditional rules of fighting in Papua New Guinea

Ahmad Hallak, Deputy Head of Mission PNG, International Committee of the Red Cross (ICRC)

Councillors from Western Highlands Province in PNG recently redrafted and "rebirthed" traditional rules of tribal fighting as local law to ensure greater respect for traditions that are no longer respected. In violation of traditional rules, contemporary tribal conflict has witnessed the targetting of women, children and health-care providers and destruction of public property. The International Committee of the Red Cross (ICRC) has facilitated the discussions among and between tribal leaders and provincial authorities and will also assist the authorities in raising awareness of the new law. At the same time, the ICRC is working with local authorities to replicate this success in other provinces.

Kastom law and the Sustainable Development Goals on Tanna island (Vanuatu)

Rachel England, Australian National University

This article is a critical review of a Pacific Island customary law (Tanna Kastom Law) and the international community's latest agenda for sustainable development - the 2015-2030 Sustainable Development Goals (SDGs). In 1981, shortly after Vanuatu achieved Independence from the French/Britain condominium, twenty-five High Chiefs of Tanna island came together to write down for the first time their Kastom Law. It took 22 months of solid work to complete - a momentous feat - before this, Tanna Kastom Law was oral, passed down verbally from father to son along Chiefly bloodlines since the first ancestors. Kastom Law is still strong on Tanna island today; but modernity has arrived, with its easy access to smart phones, money-based economies, and predicted climate change impacts. Some Tanna Chiefs are concerned that 'the modern' threatens the rules, roles and norms of their kastom which for so long has kept 'peace' on the island and guided its development.

This article is based on quantitative and qualitative research undertaken in 2016-18 with the White Grass community, central-west Tanna. It highlights the relationship between Tanna Kastom Law (that which is written and/or practised) and the SDGs - the alignments, synergies and opportunities, as well as the stark differences. The findings give insight into

how the SDGs might best be implemented on Tanna from now until 2030 under the existing customary law paradigm. A discussion is also provided on the complexity of 'the modern' and a customary law based on patriarchal rules and social structures (with simultaneous winners, losers and witnesses, depending on where each subject is situated). The main limitation is that the findings are based on Tanna Kastom Law, which differs to the customary rules, practices and norms of other islands in Vanuatu and across Oceania. Also, not all social norms and community practices known to occur on Tanna will be considered 'kastom law' and therefore may not be part of this review, although an effort is made to include those most relevant. Even so, the value of this research is that it's the first known critical review of Tanna Kastom Law against the SDGs, and this approach of reviewing an island's customary law against the SDGs may be applicable to other groups, islands or nations in the Pacific who have written down their 'customary' or 'local' rules.

Codifying Customary Law on Ambrym Island, Vanuatu

Lee-Anne Sackett, University of the South Pacific

Between 2014 and 2016, the Malmemeli Ambrym Island Council of Chiefs piloted the Vanuatu Chiefs' Legal Education Programme, funded by the World Justice Project. A series of workshops were facilitated in different locations around Ambrym Island, attended by the Chiefs and community members, which covered topics identified and requested by the Chiefs. One of these topics focused on the codification of customary laws. During the workshops, the various chiefs' area councils passed resolutions deciding to draft the customary laws for their 'custom area'.

This first part of the paper reflects on the piloted programme, focusing on the 'drafting customary laws' workshop in particular, and discusses the workshop content, discourse, issues raised, and challenges from the author's experiences being involved in the facilitation of the workshops and perspectives shared by the participants themselves. The second part of the paper analyses the content of the various customary laws drafted by the councils, as well as the participation, consultation and drafting processes used by the councils.

Collection of Customs of Islands of Vanuatu

Don Paterson, University of the South Pacific

For some years I have been harbouring the idea of making a collection of customs of islands of Vanuatu in simple form so that the non-specialist could understand. But the opportunity never presented itself, until suddenly, last December, a summer school that I had been planning to teach, fell away, and an opportunity was suddenly opened.

Aim: (i) A simple description of main customs of the various custom areas in Vanuatu. Not an elaborate complicated anthropological description, nor an ethnographic disquisition- just something simple that could be understood by the ordinary lay person
(ii) Only a description, not a critique, from the point of view of social theory, or gender equality, or other aspects of human rights.
(iii) About 50 inhabited islands in Vanuatu, and some have more than one custom area, so not sure how comprehensive collection can be, especially since this kind of collection has never been done before.

Methodology: Interview people I knew from different custom areas, starting with present or past staff or students from Emalus Campus. No large conferences or collective interrogations.

Unexpected Occurrence: Golden Jubilee of USP, 1968-2018. Jubilee activities on Emalus Campus – presentation of collection of customs to Government and People of Vanuatu accepted as a Golden Jubilee activity- funding for printing.

Obstacles and disappointments: Christmas/New Year holidays; town dwellers; ill health; broken appointments; lack of English maps and atlas; weariness; interfering relatives; conservative experts.

Helping hands: staff and students of Emalus campus; French atlas; tasiu of the Paterson Household. Interesting observations; moieties or social groupings that regulate marriage; moieties or social groupings that do not regulate marriage; custom wives; chiefs- hereditary; chiefs-elected; relationship between custom and religion; relationship between custom and modern health care; relationship between custom and police services.

Ongoing operation: Hopefully interviews completed by end of Semester 1, 2018.

The development of community-based fisheries management in Vanuatu: Reflecting on processes of instituting locally formulated rules and regulations around fishing practices

Dirk Steenberg, University of Wollongong & Pita Neihapi, Vanuatu Fisheries Department- Port Vila

This paper interrogates the tensions that emerge in the intersection of customary law systems on one hand and formally

instituted rules and regulations on the other, in the context of coastal fisheries management. We draw on empirical findings from a three-year participatory process of developing local fisheries governance capacity in coastal communities of Vanuatu. Ultimately, such inquiry provides insights into what conditions can progress and/or undermine processes of governance capacity development for a particular cause (where customary law systems need to operate in combination with centralized governing tools). The study draws on a large body of literature in environmental anthropology, rural development and livelihood studies around codification of customary law and traditional knowledge in resource co-management arrangements.

Coastal communities of Vanuatu are extensively spread over the more than 80 islands that make up the Melanesian archipelago. Living in remote environments, households in such communities draw heavily from natural resource stocks to sustain their vulnerable livelihoods. Coastal inshore fisheries are particularly important in meeting local subsistence or cash income needs, and typically involve multi-gear and multi species capture. Projected population growth and increase external (human and physical) pressures on fisheries are expected to intensify burdens on environmental quality (and productivity) and people's food security.

In this context, the government of Vanuatu has put forward a common vision calling for coordination between coastal fisheries stakeholders to *'secure sustainable coastal fisheries by 2030, underpinned by community-based approaches, so as to ensure the resilience and well-being of our people'*. Aligning with the regional coastal fisheries policy strategy, *'The New Song for coastal fisheries: the Noumea Strategy'*, community-based fisheries management (CBFM) has come to feature as a central approach to achieve good fisheries governance. As part of a large regional project, CBFM plans were developed and formally instituted in six communities across Vanuatu between 2013 and 2017. A participatory diagnosis, design and implementation process guided this formulation, and involved community groups from each community working with staff from Vanuatu Fisheries Department and an external technical facilitating agency. The process had a strong mandate to recognize customary governance institutions (i.e. traditional knowledge, existing rules and regulations, and *'ways-of-doing-things'*), and integrate that with fisheries science to develop local regulatory frameworks that can guide (/control) access and use of fisheries resources.

Our analysis centres the CBFM plans as a material negotiated outcome and, in that, critically examines three main aspects of its development; namely (i) the process of formulation, (ii) its intended function as a governance tool (both from a local and a central government perspective) and (iii) impacts of initial implementation. The ways in which customary laws were adopted and/or adapted (/codified), or in some cases guided formation of hybrid rule systems, is of central interest to the analysis.

Beyond Legal Pluralism, the hybridization of the norm: The case of the Loyalty Islands Province (New Caledonia) Environmental Code

Victor David, Institut de Recherche pour le Développement-Nouméa & Carine David, University of New Caledonia

With colonization, the endogenous legal order (rules and rule makers) in vigour in what is now called the New Caledonia archipelago went underground when not stamped out. For more than 150 years a new legal order deriving from French Law was in place. The Kanak entered the democratic political arena in the 1950s and large normative autonomy was granted in 1957 to the overseas territory but it did hardly foster the rebirth of endogenous law. From the 1980s only did the Kanak legal order come to be officially recognized within the French hierarchy of norms with the institutionalization of customary areas and customary authorities and the presence of Kanak assistants in court cases involving customary rules. Later, focusing on the roadmap to a common destiny of the communities living in New Caledonia, the 1998 Nouméa Agreement paved the way to further recognition of the Kanak legal order within the Caledonian legal order. Overcoming a weak legal pluralism, the Loyalty Islands Province (LIP), using its normative competence in the field of environmental protection initiated five years ago the adoption of a legal framework that combines endogenous authorities and rules with state law and French Constitutional Law. In our presentation we shall highlight how this process contributes to take into account a number of Kanak values, materialized for example in the principle of recognition of rights to nature or the principle of non-regression in environmental matters, as a formal and legal translation of the *"given word"*. A delicate link between respect for customary practices and formal provincial law has been provided for in order to ratify existing collaborations, or even to transform them into partnerships in the form of co-management of natural resources under a principle of subsidiarity, which will provide an even stronger expression of endogenous law. If such legal innovations, made possible by the characteristics of the LIP, are not without difficulties of various nature, they testify for an emergent movement of co-construction of the law that appears quite original, from a perspective of legal pluralism, in New Caledonia as it goes beyond the mere tolerance of codification of existing endogenous rules within a State domi-

nated legal order and could prove to be an example in other contexts of legal pluralism in the Pacific.

Customary laws and community protocols in the Pacific: Next steps under the Nagoya Protocol

Daniel Robinson, University of New South Wales & Margaret Raven, Macquarie University

This paper considers the new impetus under the Nagoya Protocol to the Convention on Biological Diversity, to encourage recognition of customary laws and community protocols relating to genetic resources and associated traditional knowledge. In the Pacific there are several countries that have signed and/or ratified the Nagoya Protocol. Given the prevalence and relative strength of customary systems there is considerably opportunity for the documentation and recognition of customary law, compared to some other regions/countries. This paper considers efforts being made under the Custom Land Management Act 2014 for codification of custom in Vanuatu, which has led to codification of custom in some provinces. It also considers new laws such as the Traditional Knowledge Act in the Cook Islands and its relevance for recognising custom owners of TK. Given that we are in the early stages of two research projects in the Pacific, we provide a basic framework for analysis and potential next steps for relevant work and research in these countries.

Codification of custom led by the state

Derek Futaiasi, Australian National University

Custom is an important source of law in Solomon Islands. Given its constitutional recognition, among other factors, to date there are efforts by the state in particular the national government and provincial government that are geared towards codification and creation of 'customary' institutions. On the national and provincial fronts, the state is trying to ensure that custom is reflected and taken into account to fill in certain important 'spaces' that are central to the lives of Solomon Islanders. Nationally, in relation to customary land disputes, the Local Court Act recognises 'traditional' leaders to deal with customary land disputes. In terms of custom recognition, a legislative attempt was made by way of Custom Recognition Act 2010 which to date has not been gazetted. Other attempts which are still in draft bills are the Tribal Land Dispute Resolution Panels Bill, the Anti-Corruption Bill 2018 and the latest undertaking by the national government is the Traditional Governance and Customs Facilitation Bill 2018. On the provincial front, provincial governments of various provinces have passed ordinances to give powers to what is called 'great council of chiefs' and 'ward chiefs' to deal with custom related matters. In Makira Province, the Makira Ulawa Province Councils of Chiefs Ordinance 2006 give powers to 'chiefs' to advise the provincial assembly on matters of custom and to ensure that 'chiefs' coordinate the documentation of genealogy and custom. In Guadalcanal Province, the Moli Wards Chiefs Council Ordinance 2010 give powers to 'ward chiefs' to deal with matters of custom, among other mandates. The above shows from the national and provincial levels there are efforts to institutionalise custom. This paper will therefore highlight some of these efforts to situate and locate custom within the provincial and national levels. In the main, it will briefly present the motivations for all these initiatives and the main debates around them.

Codification of the Customs of Kote People of Finschhafen

Watson Simiong, PNG Constitutional Law Reform Commission

Papua New Guinea (PNG) has many rich customs that are fast dying out with the elderly people because they are not captured in written forms. PNG customs have served as laws governing conduct of people in their respective communities. In Kote area of Finschhafen in the Morobe Province, people have many good customs that continue to remain unwritten/ un-codified. They are fast disappearing due to increased invasion by outside influences such as western lifestyle, lures of diverse technologies and the local people's ignorance. If these customs are not preserved through codifications or other means of writing, they will totally disappear by next 50 years or earlier.

Codification of PNG customs, a project initiated by National Judicial Services (NJS) and Constitutional and Law Reform Commission (CLRC) aims to reach the entire country to codify all customs. This project has been started in Manus Province and Siassi sub- district of Morobe Province.

Kote customs will be one of the first to be codified. Customs governing practices which will be codified includes: 1. Succession, 2. Marriage, 3. Gardening and Harvest, 4. Hunting and Fishing, 5. Festivals and celebrations, 6. Sorcery practices, and 7. Tribal wars and payback killings. Customs governing the first five practices provides guidelines for people on daily basis while the last two provide protection as well as penalties for breaches.

The reasons behind this codification exercises are twofold. First people of Kote in Finschafen District of Morobe Province have raised concern on many occasions in relation to the fast disappearance of their customs but no government institution in the past have responded to their call. Codification exercise initiated by NJS and CLRC is a breakthrough for them. Second, PNG courts have used customs to determine outcome of some cases that involve abstract customs. Codification of PNG customs including Kote is conversion of abstract customs into written law. Thus courts will use written and gazetted community laws in determining outcome of cases that have custom elements.

The codification exercise will involve all categories of people within Kote community. This is to ensure that gender equality and human rights issued are properly addressed, thus any custom that violates or contradicts gender equality and human rights will be reviewed.

Codifying Customary Law in New-Caledonia: Custom's pen and paper

Oona Le Meur, Sciences Po Law School

This contribution wishes to explore the codification of customs related to the current institutionalization of a customary law in New-Caledonia. Indeed a "customary" or "particular" status has been maintained throughout the negotiated decolonization process, which means two things – on one hand for all civil litigations, a civil law judge and at least two customary assessors work together to take a decision; one the other, the recognition politics of the decolonization process lead to the institutionalization of specialized institutions such as the Customary Senate, to defend and promote the Kanak identity. The latter initiated the elaboration of a "common foundation of customary values" and the deriving Charter of the Kanak People ratified in 2014.

Throughout the processes of codification of customary law, the boundary between institutional legality and fluid social practices are negotiated through the selection and writing of customs, which are situated at the interface of two distinct worlds. The codified customs are the living proof of the rooting of norms in (social) facts. In New-Caledonia as everywhere, the codification processes try to revitalize a precolonial indigeneity, through the hammering of the continuity of these customs from precolonial times until today. Here, we will draw on some comparative elements from Papua New Guinea, where customary law was integrated through the protection of a "deeper underlying law" that should prevail over the common law¹. In PNG as in New-Caledonia, custom as a generic concept has become a way for indigenous people to signify their specificity, their difference.

However, the purpose of our presentation will be to show, that this institutionalized customary law is an artefact of colonial and state administration of the 'indigenous'. As a consequence, the boundary that is usually drawn between this 'customary law' and 'the law' (be it common law or civil law) is based on the assumption that the difference between "indigenous" and "non-indigenous" worlds is a given. This vision subscribes to a hypostatized, or bounded version of culture. The idea of the 'indigenous' emerges only within the culture and practice of a state formation; as the idea of a "customary law" emerges only within the culture and the practice of law as conceived in Western culture (Schiavone 2009). So, the relation between the indigenous and the non-indigenous, the customary and the legal, is not a relation between two external entities.

Indeed, concepts such as "the law", "culture" or "indigenous people" are perceived as totalizing, methodologically and analytically, while they emerge from a successive series of more particularistic precedents and events, which occur themselves in social fields that are "always and already" intercultural, and this since the very beginning of the colonial encounter (Sahlins 1981). This will help us to un-conceal the total imbrication of customary law and (common/ civil) law, where difference is a creative perception rather than linked to existing qualities of things considered discrete before they come into relation (Wiener 2006).

These dispositions will hopefully help us to look at the political projects behind the different codification processes in New-Caledonia avoiding classical dichotomies such as domination versus subversion; emancipation versus recognition.

Codification of Customary Law in PNG – What is the impact of time on the Codification process until completion?

Nathan Onom, PNG Constitutional Law Reform Commission

Apart from State laws in PNG, customs, practices, norms and rules applied in everyday life in our societies are widely unwritten except for the fortunate ones developed by our Courts that form part of our underlying law. Since time immemorial, our customs are passed on from generations through practice and that we find comfort in its application.

The idea of promoting our own laws began prior to independence hence the Constitution Sch 2. However, introduced laws developed aggressively over the past 40 years until sometime after 2012. Since the first Underlying Law Conference

in 2012 in Alotau where academics, scholars and the judiciary were thinking towards designing ways to have our wealth of customary laws, rules, practices, norms etc. Written down.

Reflecting on the 2012 Conference the Chief Justice of PNG, Sir Salamo Injia in his wisdom in seeing the need for development of our Underlying Law, decided in June 2015 to issue terms of reference (TOR) under Section 169 (3) of the Constitution and the Underlying Law Act, 2000 for the Codification of Customary Law. The CJ determined Manus Province as the first to be covered as a Pilot Project which is now nearing completion.

His honour's TOR basically called for Research into Manus Custom, that is; consultation, recording, collation, compilation, reporting and subsequently codifying Manus Customary Law. Whilst the judiciary is engaged in Manus, the Constitutional and Law Reform Commission through our Secretary, Dr. Eric Kwa having the same view determined a mini pilot in Siassi Island, Morobe Province which we are currently in the 2nd phase of collating information relating to Siassi custom.

From this backdrop and as one of the legal researchers' part taking in both projects (Manus and Siassi), I in this paper, I wish to discuss my experience on the research methodology employed.

The aim of this paper is to create discussion on the effectiveness of the research agenda (collating custom & codifying same) using the current approach as against time taken since the inception of the project after 2012. I also aim to critique our current research methodology employed in those respective projects. It aims further to provide reasons as to why the Government is recording to Codify custom and the dangers, if any codification may pose.

The purpose of this paper is not to analyse the data, nor is it to pre-empt the outcome of what is currently undergoing but, to look at the research methodology employed in those respective researches.

This paper seeks to discuss firstly our definition of custom and its general application in terms of clans, tribes, provinces and the Country in light of the Codification project under the Constitution. In so doing, I intend to touch on the aggressive development of Common Law principles through our Courts since Independence.

The role of CLRC and the Judiciary in the development of our underlying laws in light of the current Custom Codification projects run by each institution. This paper will then go on to discuss the challenges faced in those projects whilst also pointing out achievements and of course the pros and cons.

In the quest, this paper intends to discuss also "time taken" to cover both projects and will use that experience to measure how long the Judiciary and CLRC will take to finally successfully cover the entire country collating custom if we are to go in the current trend. Also in doing so will provoke thinking and discussions so as to invite suggestions for adjustments in the current research methodologies.

At the conclusion this paper wishes to point out practical challenges and research implications pertinent in administering Custom Codification project so that we are mindfully guided in our quest to codifying customary laws of PNG.

Navigating CEDAW obligations and 'custom' in Samoa

Safua Akeli Amaama, National University of Samoa

In 2017 the Samoa Law Reform Commission (SLRC) report on Samoa's compliance to the Convention for the Elimination and Discrimination Against Women (CEDAW) was tabled with the Parliamentary Committee. Although Samoa had ratified the Convention in 1992, the CEDAW Committee in 2012 articulated concerns about women's political participation and violence against women. A key recommendation from the SLRC was the amendment of the Village Fono Act (1990) to 'exclude consideration of customary practices' such as ifoga (cultural apology by an offender or his/her family) in cases of violence against women. This paper explores the broader implications for codifying customary practices, upholding Samoa's constitution, and compliance to CEDAW.

Codifying custom and the situation of women in a Fijian village setting

Jojiana Cokanasiga

In October 2016, a Village By-Law drafted under Section 6 of the iTaukei Affairs (Provincial Council) Regulations titled the iTaukei Village (General) By-Law 2016 was circulated in Fiji by the Ministry responsible for I-Taukei affairs (Indigenous affairs). The objective of the draft By-Law, amongst others, is to maintain law and order and peaceful living in the village, the upholding and protection of traditional leadership and the safeguarding of culture, tradition and the vanua (land).

The draft By-Law for the first time since colonial rule in Fiji attempts to codify customs and traditional values. Without clearly giving consideration to the role of indigenous women in a village setting in Fiji, the Village By-Law does not elaborate on which specific custom or tradition it is focused on preserving. The preservation of customs and traditional way of living was first legislated during the colonial period and following independence in Fiji. It was one of the main focuses of

British policy aimed at the “protection of the delicate organism of Fijian society”. (Sohmer, S.H, 2011: pg 146).

The objective of this paper is to provide an analysis on the objective of the 2016 Village By-Laws as compared to previous provisions of colonial legislation relating to the codification of customs and traditions within village boundaries in Fiji, as it relates to the welfare and rights of Fijian women in villages (both indigenous and non-indigenous). Whilst little research exists on the codification of customary law in Fiji, colonial laws and policy which were imposed in Fiji not only codified traditional way of living but also lacked a consideration of the vulnerable status of Fijian women and their role in the village. Colonial legislation and policy only preserved the indigenous patriarchal Fijian way of life.

Compared to previous By-Laws, where focus was specifically on one area, e.g. Ba Province (Public Health) Villages By-Laws, the iTaukei Village (General) By Law 2016 is a general By-Law aligned to other existing laws in Fiji and is intended to regulate over 1000 iTaukei villages in the 14 provinces of Fiji. Whilst there is provision on the reporting of domestic violence assault cases, the By-Law gives room for this not happening at all. Traditional reconciliation continues to be encouraged under the By-Law.

The By-Laws regulates and covers everything from the role of chiefs, traditional obligations of villages and the establishment of various sub-committees e.g. the Education Committee, the Women’s Committee, to name a few, tasked with overseeing issues relevant to each committee. It also makes mandatory the establishment of a Village Council to assist the village head or Chief in the administration of the village, giving power to the Village Council to conduct investigation into any breaches of the By-Law and institute penalties as it thinks fit. The By-Law however, is silent on the participation of women in these Village Councils and allows the meting out of penalties for breaches of the By-Law by a Village Council without direction on what type of penalties is to be meted out.

This essay will contribute to a growing body of research on legal pluralism, the codification of customs and the rights of women in indigenous Fijian villages. The paper focuses on the history of codification of customs in Fiji and the unique challenges faced by women amidst recent development in this area.

Village by-laws in Samoa and the inclusion of women and persons with disability

Mema Motusaga, Centre for Samoan Studies

Governance is the exercise of authority (political, economic, administrative) necessary to manage a group or organisation’s affairs. It encompasses the decisions made about resources, the processes through which decisions are made, the principles which guide these, the implementation of decisions, the decision makers as well as accountability of later for former. It is relevant to all levels of organisations from families to villages, churches and countries.

Good governance requires that those who are affected by decisions have a chance to be part of or contribute to the decision making processes. The composition of the government group should ideally reflect the makeup of those they govern. It is the principle that if decisions are participatory or if all affected by decisions are included in their making, the decisions will reflect their concerns, values or respond to their needs and will thus more credible and effective. Similarly, the inclusion of the needs of all groups in policies, plans or program is critical to the latter’s relevance and legitimacy. Traditionally, decision makers and decision making are dominated by those who hold authority, are powerful, well resourced and influential. In the case of Samoa, the decision makers are predominantly men; women and persons with disability are excluded or have very little say.

This paper will discuss the process of creating village bylaws in Samoa on the issue of Inclusion of women and persons with disability in the very important decision making platform, the village council with a specific focus and discussion on creating bylaws to ban women not to hold matais within the 21 villages.

2016 Draft Fiji Village By-Laws Compatibility with National Gender Equality Policies

Roshika Deo

Village By-Laws was first introduced in Fiji during the colonial era in 1875. In 2010 the military regime re-introduced a draft Village By-Law with the aim to protect and promote the indigenous culture, leadership and values however it was subsequently shelved. In October 2016, the Ministry of iTaukei Affairs once again introduced a similar version of the draft Village By-Laws and started carrying out consultations in villages. In January 2018, this draft Village By-Laws consultation and implementation process was suspended.

Both times efforts by the Bainimarama government to implement the Village By-Laws was met with mixed reactions, however there appeared to be general acceptance by many of the traditional leaders and provinces. Infact, in 2010 the

Fiji Republic of Military spoke out against criticism of the Village By-Laws and in 2016 the Methodist Church of Fiji was identified as one of the key stakeholders assisting the Ministry of iTaukei Affairs in the development and consultations. Much of the opposition to the Village By-Laws has been from women's rights organisations, younger indigenous women and academics. However it has not been visible or clear whether indigenous women and youths living in the villages substantively participated in the development and consultation on the village by laws.

This paper will investigate the development of the 2016 draft Village By-Laws to understand how patriarchal values have been an integral part of the process. Through this investigation I hope to explore what the motivations behind the Village By-Laws have been. I argue that women and young people have not been substantively and constructively engaged in the process. The provisions of the Village By-Laws perpetuate discrimination and inequality against women, and are inconsistent with Fiji's commitments on achieving gender equality and protecting women's rights.

Beyond the romanticisation of chiefs: considering the gendered implications of the codification of customary land laws in Vanuatu

Siobhan McDonnell, Australian National University

Customary land claims are discursive, contested, processual claims to use, access and increasingly 'ownership' rights over areas of land. The flexibility associated with customary legal systems may represent what anthropologist Margaret Rodman (1995) describes as a 'breathing space' in which a range of competing claims can be recognised. In this way customary tenure offers potential for nuanced articulations of customary rights far beyond those historically created by land dispute judgements in the formal state legal system.

Sweeping land law reforms introduced into Vanuatu in 2014 strengthen legal pluralism by devolving the legal power for identifying customary landowner groups to local customary institutions, termed nakamals. In Vanuatu in the wake of the introduction of these laws, Chiefs and other members of nakamals have mobilised to codify customary laws with respect to use, access and 'ownership' rights to land. These acts of codification raise another question: who is able to manipulate the 'breathing space' offered to customary institutions?

Drawing on the development of customary land laws by the Efate Island Council of Chiefs (termed the Vaturisu) in 2012 this paper will argue that the codification of customary laws may further entrench the powers of individual male chiefs as 'custom landowners' over areas of land. This, in turn, has gendered implications both in how the laws are written, and who is franchised in the identification of 'custom landowners'. Enacting the Vaturisu land laws has the potential to transform customary relationships to land once viewed as matrilineal into patrilineal decent arrangements, with land held under the dominion of individual male chiefs.

The Vaturisu experience suggests that the process of codification can have the effect of truncating the negotiability of customary systems, thereby further consolidating the power of chiefs as the authors and arbiters of custom. Moving beyond the romanticisation of chiefs and customary institutions, this paper suggests that the codification of customary law may create a rigidity in which the rights of powerful men are recognised, to the exclusion of others.

Gender Equity in Samoan Laws: Progress vs Contradictions

Bridget Crichton, Crichton Pointon Consultancy

National laws in Samoa have potentially supported abused women in seeking legal redress. Concerted efforts to remove direct gender discrimination from Samoan domestic laws has led to the development of laws including the Family Safety Act (2013) to protect women, children and our vulnerable communities from gender based violence and sexual crimes. The subsequent development of legal frameworks to protect women against violence is a progressive step but the enforcement of new laws and law reform has been slow and warrants further attention.

Alongside this is the growing recognition of gender diversity in Samoa. This takes into account all genders represented including our fa'afafine and LGBTQI community. This often creates tensions between rights entrenched in the formal legal system and customary law which are arguably safeguarded by the Constitution of Samoa. However, the affirmative impact of gender equity laws are often constrained by the lack of technical capacity, data limitations and cultural norms. While the underrepresentation of our fa'afafine and LGBTQI communities in this dialogue is vital to progress and gender equity in Samoa, this research briefly captures and reviews the background to gender equity codification in Samoan laws. It explores the equitable provisions in law, application to cases and questions whether subsequent law reforms have led to progress or prevailing contradictions.

Codification of customary regulations by village councils in Samoa: Some social and gender issues

Ramona Boodoosingh & Penelope Schoeffel, National University of Samoa

Samoa possesses two parallel systems through which social order and justice are maintained; these are the formal western judicial and legal system and the traditional justice mechanism provided by the village councils. Village councils play an integral role in maintaining social order and passing judgement on offences in the traditional villages in Samoa, with the majority of villages being classified as traditional. Due to variation in the definitions of acceptable norms, the penalties for different offences across villages, and the potential conflict with the state laws, there was a thrust towards a review of the Village Fono Act 1990, the key piece of legislation which governed the functioning of the village council. The amended Village Fono Act 2017 has expanded the authority of and has encouraged the codification of the customary regulations by village councils. This paper will discuss several social and gender issues which may emerge due the codification.

SPEAKER BIOS

Safua Akeli Amaama is Director of the Centre for Samoan Studies at the National University of Samoa. She studied history and graduated with a PhD from the University of Queensland in 2017.

Lilly Kolts Be'Soer is from Tombil Village, Minj, Jiwaka Province in the highlands of Papua New Guinea. She is a women's rights defender and advocate for the political, economic and social empowerment of women. She is the Director and Founder of Voice for Change (VFC), a provincial NGO based and working in the new Jiwaka Province of Papua New Guinea to End Violence Against Women/Girls.

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Jojiana Cokanasiga is married with two kids. She holds a Masters in Applied Anthropology and Participatory Development from ANU in 2015. She worked for almost eight years as a prosecutor before joining the ministry of foreign affairs in 2016. Her interest is in researching gender based violence in the Pacific.

Bridget Crichton holds a BHSc/LLB and MProfStuds in International relations and Human rights (hons) from the University of Auckland. Bridget is a Principal Lead Consultant, Law academic and practising lawyer. Bridget's interests include development concerns impacting vulnerable communities, gender equity, telecommunications reform and competition, public health systems and fa'asamoa bioethics. This complements over 10 years of multidisciplinary research and consulting in New Zealand and the region. Bridget is the Asian Development Bank TA Consultant in Samoa for the "Promoting Evidence-Based Policy Making in the Pacific: Advancing Gender Equity" and "Strengthening for Effective Coverage of New Vaccines in the Pacific Region" projects; a part-time law lecturer for the Faculty of Business and Entrepreneurship, National University of Samoa (NUS) in Commercial Law, Company Law and Partnership and Employment Law and Leads the "Telecommunications Reform in Samoa: the Introduction of Competition Law" project.

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Roshika Deo has a Law Degree from USP and a MSc in Public Policy from University College London, UK. She is a feminist activist with over ten years of professional experience in the development sector in Fiji and the region. She is currently doing research and advocacy work, some of which are on fostering stronger social cohesion among the ethnic groups in Fiji, conceptualising the 'marble ceiling' for women in politics and developing feminist praxis based on Girmitya herstories.

Sinclair Dinnen joined DPA (formerly SSGM) in 1996 as a postdoctoral fellow. He has a background in socio-legal studies and completed his PhD at the Australian National University in 1996. He has longstanding research interests in the areas of regulatory pluralism, comparative criminology, justice reform, policing, conflict, peacebuilding, and post-colonial state formation and nationbuilding. These include the contested and syncretic character of authority, regulation and peacebuilding in Melanesia and its implications for institutional development and state formation. He has an ongoing interest in the changing discourse, practice of international development and, in particular, the security-development nexus.

Rachel England is an environmental scientist and current PhD scholar within the Fenner School of Environment and Society at the Australian National University. Her research interests span the intersection of social-ecological systems, sustainability, gender, Indigenous knowledges, and climate change resilience. Her PhD research is with and for two Indigenous communities - the Nyikina and Mangala peoples of Western Australia, and the White Grass people of Tanna, Vanuatu - exploring their Indigenous ways of being, knowing and doing sustainable living, with a particular focus on documenting women's experiences.

Miranda Forsyth is an Associate Professor at RegNet and also a Fellow at the Department of Pacific Affairs in the College of Asia and Pacific at ANU. In July 2015 she completed a three year ARC Discovery funded project to investigate the impact of intellectual property laws on development in Pacific Island countries. At present her focus is on examining these issues in the context of both the protection of traditional knowledge and introduction of western intellectual property regimes, and also the regulation of sorcery and witchcraft related violence in Melanesia. Her research has had a strong focus on Vanuatu to date, but in the last few years she has also researched other countries in the Pacific islands region, particularly PNG, Fiji and Samoa.

Derek Gwali Futaiasi has a LLB, PDLP and LLM from USP. His LLM research encompasses customary land disputes and challenges facing custom dispute mechanism ('traditional' leaders dealing with customary land disputes) in Malaita, Solomon Islands. Prior to joining The Australian National University, Derek worked as the Deputy Secretary to Prime Minister at the Office of the Prime Minister and Cabinet in Solomon Islands. Currently, he is a PhD scholar with the School of Regulation and Global Governance (RegNet), ANU College of Asia and the Pacific.

Michael Goddard is an honorary senior research fellow in the anthropology department at Macquarie University. He has conducted anthropological research in Papua New Guinea since 1985, first in the Upper Kaugel Valley of the Western Highlands Province and later in and around PNG's capital city Port Moresby. In the past decade his research has increasingly concentrated on the history of the Motu-Koita, on whose territory Port Moresby has grown. He is the author of *The Unseen City: Anthropological perspectives on Port Moresby, Papua New Guinea* (2005), *Substantial Justice: An Anthropology of Village Courts in Papua New Guinea* (2009) and *Out of Place: Madness in the Highlands of Papua New Guinea* (2011).

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Oona Le Meur started her PhD in Law in September 2015, under the direction of Prof. Louis Assier-Andrieu. She focuses on customary law in New-Caledonia which is going through a vast transitional phase until a referendum in 2018 which will finally decide on the endnote of a long decolonisation process.

Daniel Midena is a cultural historian and current Postdoctoral Research Fellow within the Institute for Advanced Studies in the Humanities at the University of Queensland. His research interests span the history of science and the history of religion (and especially their overlap) in the South Pacific. He is currently preparing a monograph on Lutheran missionary ethnography in German New Guinea. In addition to this, he is also undertaking a comparative and transnational examination of how successive colonial and post-colonial legislators and court systems regulated 'witchcraft' in selected South Pacific Islands between the 1870s and 1980.

Mema Motusaga is a PhD candidate at Victoria University (Melb), having previously done a Masters in Community Development: Victoria University (Melb), Postgrad Diploma Asian & Pacific Studies (Community Development Stream): Victoria University (Melb), Bachelor of Arts (Double Majoring: English Literature and Linguistics & Samoan Language and Culture). Before her current position, she has worked for the Government of Samoa for many years in the area of Gender and Development, Community Development, Project Management, Women and Youth Training Officer to mention a few.

Pita Neihapi is employed by the Secretariat of the Pacific Community (SPC) and is a fisheries officer in the Vanuatu Fisheries Department in Port Vila. Pita leads the implementation of the 'Pathways' research and development field activities in partnership with staff from ANCORS. Trained in fisheries management at University of South Pacific, Pita has years of experience working with community stakeholder groups in coastal resources and fisheries management.

Nathan Onom is a lawyer with 5 years experience in the legal industry. He has worked on law reforms especially drafting laws, legal instruments, working papers, research papers, lease agreements, legal documents and other areas involving legal and social science research. He has a proven track record of developing new legislations and amendments to existing legislations whilst knowing the intentions behind these documents. Nathan has also litigated at the National Courts of Papua New Guinea.

Don Paterson is Emeritus Professor of Law at the School of Law of the University of the South Pacific on Emalus Campus, Port Vila, Vanuatu. Originally his fields of interest were in the realm of public law, ie administrative law, constitutional law and customary governance, but in more recent years he has developed an interest in property law and customary law, particularly in relation to land. It is this interest in customary law that has led to the most recent endeavour of a collection of custom practices of Vanuatu.

Margaret Raven is a Postdoctoral Fellow through the Macquarie University Fellowship for Indigenous Researchers at Macquarie University. She previously worked as a Research Fellow at the Social Policy Research Centre (SPRC), University of New South Wales, Australia. Dr Raven is a geographer with experience working for a Native Title Representative Body, the Australian Human Rights Commission, and the WA Department of Aboriginal Affairs. Her research interests include Indigenous protocols in research and policy development; the spatial analysis of policies; Indigenous food security; and the role of Indigenous knowledge(s) in biodiversity conservation. Her current research takes the study of protocols further to explore them in the context of Indigenous food security at the household level, and the implementation of biodiversity conservation. She is undertaking this research through her postdoctoral position at Macquarie University, and as a co-Chief Investigator, along with A/Prof Daniel Robinson (UNSW Australia), on the ARC Discovery Project (DP180100507) Indigenous knowledge futures: protecting and promoting Indigenous knowledge.

Daniel Robinson is Program Director in Environmental Management in the Faculty of Arts and Social Sciences at UNSW and Academic Co-Lead of the Pacific Region for the UNSW Institute for Global Development (IGD). He has worked on traditional knowledge, genetic resources and intellectual property issues for 15 years. He has authored or edited a number of books on these topics, including most recently: Robinson D. F.; Abdel-Latif A; Roffe P, (2017) Protecting Traditional Knowledge: The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Routledge, Oxon. He is a Research Fellow, at the International Centre for Trade and Sustainable Development – ICTSD in Geneva.

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Dirk Steenbergen is a social scientist with a PhD in community development and natural resource management. He is a research fellow at ANCORS, UoW, where he is the country leader for Vanuatu under a DAFT and ACIAR funded research project entitled "Pathways to change: Scaling community-based fisheries management in the Pacific". Dirk's

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Veronica Taylor joined the ANU School of Regulation and Global Governance (RegNet) in 2010 as Professor and was Director until July 2014. She then served as Dean of the ANU College of Asia and the Pacific. Prior to joining the ANU she was Director of the Asian Law Center at the University of Washington, Seattle (2001-10) and remains a Senior Advisor to that Centre. In 2010 she was the inaugural Hague Visiting Professor in Rule of Law (HiiL/Leiden University). She has over twenty five years' experience designing and leading rule of law and governance projects for the U.S. Department of State, the U.S. Agency for International Development, the World Bank, the Asian Development Bank and AUSAID. Her projects have focused on Afghanistan, Armenia, Australia, Azerbaijan, Bulgaria, Burma/Myanmar, China, Egypt, Indonesia, Japan, Mongolia, the Philippines, Vietnam and the United States. Her previous academic appointments include periods as Visiting Associate Professor at the University of Tokyo, research affiliation with the Australia-Japan Research Center at ANU and as Associate Director of the Asian Law Centre, University of Melbourne.

Michael Wilson is Assistant Secretary, Governance, Fragility and Water Branch in the Australian Department of Foreign Affairs and Trade. Michael joined the former Australian Agency for International Development (AusAID) in 2005 and managed branches responsible for multilateral engagement, humanitarian and disaster response, communications and public affairs, ministerial and parliamentary services and bilateral programs across south-east Asia and the middle east. From 2011 to 2014, he was responsible for the Australian Government's bilateral and regional aid programs in mainland south-east Asia, based in Hanoi, Vietnam. Prior to joining AusAID, Michael was Principal Policy Adviser on national security and international law enforcement policy with the Australian Federal Police (2003-2005) and Director of the Multilateral Section of the Australian Department of the Environment and Heritage (1999-2002). He began his public policy career as an adviser to senior Australian Government ministers in the arts, heritage, trade and environment portfolios and has also worked in the private sector as a Principal Consultant for multinational executive recruitment and talent management company Hudson Global. He holds degrees in political science and international relations from the Australian National University and the London School of Economics and Political Science.

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