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

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**The school girl**

In August 2017, on a research trip to Tanna (an island in the south of Vanuatu), I was told a story that opened my eyes. Of a local high-school girl who had recently been punished for posting a nude photograph of herself online, via social media. Her male high-school peers had promised her money for the nude photographs. Her biggest mistake was posting the photographs online without the proper privacy settings in place. For the apparent shame that this girl brought to her family and tribe, she was reportedly badly kilim (Bislama for hit) by a chosen Tanna man, and then taken to the Nakamal (Bislama for the village meeting/dancing place¹) (Figure 1) for her tribe's Chief and other men of the village to determine her punishment under Tanna kastom law. Her family’s penalty was a payment of pigs, yams and handicrafts - prized and precious kastom and livelihood items for families of Tanna. The school girl fled the island – her home – in shame.

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¹ The Nakamal is a clearing within or near the village houses, of bare soil, located near or shaded by a large banyan tree (*Napuk* in the local central-west coast Natwaar language; Chinese banyan, *Ficus macrocarpa*), where sacred, ritual and convivial events are held (Bonnemaison and Pénot-Demetry 1994: 106).
All the details of this story may not be entirely true – elements of it may have morphed over time by rumour and whisperings – but the essence of the story embodies much of what I have seen on Tanna: a society in transition, maneuvering its *kastom* (which includes the *kastom* law) as new/different issues, stresses, rights, technologies, conversations and networks emerge and unsettle it – all characteristics of a modernizing space.

**Tanna and kastom**

Tanna is a kidney-shaped island in the southern part of Vanuatu’s 83-island archipelago (Figure 2).

Source: VNSO (2016)

**Figure 2.** Vanuatu is an archipelago of 83 island, located in the sub-region of Melanesia. Tanna is located in the south of Vanuatu, and is the most populated island of the TAFEA province.
For a long time, kastom has been strong on Tanna.2

“Chants, dances, myths – recent and ancient - are anchored in a network of sacred sites that make up the great “book” of Tanna’s kastom” (Bonnemaison and Pénot-Demetry 1994: 113).

Tanna kastom has always been an oral knowledge, passed down from father to son. Entwined within Tanna’s kastom are sets of rules (kastom law). Even today, kastom business must be done in the proper way along the correct kastom road3 and by the correct person meeting with their equivalent person in the other clan, using the correct kastom words, bringing the correct kastom offerings for the occasion, and digressions dealt with via the correct kastom punishments. This is Tanna’s kastom law.

So you can see how momentous the event in 1981 was, when twenty-five High Chiefs of Tanna island came together to write down for the first time the Tanna kastom law (Tanna Island Council Blong Kastom Jif Long - Republic of Vanuatu 1985). It took 22 months of solid work and much discussion to complete. The document remains largely unchanged today4 (Figure 3).

Figure 3. Tom Numake, Chief of White Grass and President of the Tanna Island Council of Chiefs when Tanna kastom law was documented in writing (14 December 1981-17 October 1983).

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2 Tannese mythology tells of the spirit Wuhngin (meaning God or most holy) who first created the land and then a set of kopwiél (meaning magic) stones. As the stones boisterously roamed around the island, they created and named places (including the kastom or suatu roads), eventually sinking into the earth and reef in a weary state. The stones and other special places that they created are still on Tanna today with magic imbued.

3 The kastom roads (or suatu) are pathways that loop the island (on land and in the sea) connecting each tribe and clan, initially created by the kopwiél stones, and are used in the conduct of kastom business.

4 Some minor additions were made to the second and third editions.
In 1981, Tanna must have been a very different place to what it is today. The French anthropologist Joël Bonnemaison reported during his stay on Tanna in 1978-1980 that:

“The Tannese are aware of their remoteness from today’s consumer world, a world to which they barely have access. [...] Devoid of cash, the Islanders are rich in pigs, kava, and giant tubers, which they trade off with pomp and ostentation from one ceremony to the next. Poor in relation to the outside world, they endeavor to remain rich in their own context, in order to be generous among themselves.” (Bonnemaison and Pénot-Demetry 1994: 108).

Today, the Tannese are no longer remote from the ‘consumer world’, and the Chiefs speak of what they call ‘cultural erosion’. Cash is involved in most kastom activities and used for day-to-day living. Most people have a smart phone. Internet is widely available. Tourism is planned to increase across the island, with the road network around and across the island is being widened and hardened to enable faster and bigger transportation, the White Grass airport being extended to accommodate larger international aircraft, and talk of a new cruise ship terminal on the east coast giving easy access to Mount Yasur. Money has infiltrated every part of Tanna society and it is a desired commodity.

The Sustainable Development Goals (SDGs)

With the signing of the United Nations’ 2030 Agenda for Sustainable Development (United Nations General Assembly 2015), the Vanuatu Government has committed to sustainable development. The 2030 Agenda\(^5\) is underpinned by 17 inter-twined Sustainable Development Goals (SDGs), which broadly relate to issues of social justice, health and well-being, environmental protection and economic growth.

If the Tanna high-school girl’s story was placed squarely within the 2030 Agenda’s framework of SDGs (Figure 4) – particularly Goal 5 (Gender equality) – what would it tell us?

How will Vanuatu meet its commitment to achieve Goal 5 by 2030\(^6\) on Tanna and still respect kastom law?

\(^5\) The 2030 Agenda also includes a global plan for financing the SDGs, the ‘Addis Ababa Action Agenda on Financing for Development’ (United Nations 2015), which is the outcome report of the 3\(^{rd}\) International Conference on Financing for Development, held in Addis Ababa on 13-16 July 2015.

\(^6\) Vanuatu has committed to implementing the Sustainable Development Goals (SDGs) in a way that respects and values kastom – as is documented in Vanuatu 2030: The People’s Plan (Republic of Vanuatu 2016).
Goal 5 (Gender equality) includes nine targets that seek to end all forms of violence and discrimination against women and girls. When aligned with Tanna *kastom* law, there are unsurprising inconsistencies (Table 1).

Table 1. A selection of SDG 5 targets aligned with relevant Tanna kastom laws.

*Note. There are many laws relating to men and boys which have not been presented here. Also, for brevity, Targets 5.4, 5.a, 5.b and 5.c are not listed below.*

*Sources: United Nations General Assembly (2015); Tanna Island Council Blong Kastom Jif Long - Republic of Vanuatu (1985)*

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<thead>
<tr>
<th>Targets of Goal 5: Achieve gender equality and empower all women and girls</th>
<th>A selection of Tanna kastom laws relevant to women and girls</th>
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<tr>
<td><strong>Target 5.1 End all forms of discrimination against all women and girls everywhere.</strong></td>
<td>A Tanna girl is a form of ‘payment/fine’ for certain offences. For example:</td>
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<td>• Article 2(c) If a chief disobeys the voice of a chief with more authority, on the fourth offence the fine is payment of ‘one girl’.</td>
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<td>• Article 5(c) and 12(x) If your actions result in the death of a person, the murder must be made good by giving a girl to the family of the dead man/woman.</td>
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<td>• Article 6(T) If a man wants to marry a Tanna woman, he must pay the bride price of a pig, kava, mat, basket, grass skirt and one girl/woman (his sister, cousin or future daughter).</td>
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<th>Target 5.2 Eliminate all forms of violence against all women and girls in the public and</th>
<th>A Chief may nominate one woman in the village as the <em>lauahnan</em> (a woman who provides sexual relief for men under various circumstances) to protect mothers</th>
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<td>private spheres, including trafficking and sexual and other types of exploitation.</td>
<td>in the village while or after they are pregnant, so that men do not feel pressure. [Article 6(p)].</td>
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<td>It is appropriate for a husband to beat his wife “for not feeding the pigs, gardening, fetching water, and preparing food for kava or [if] she breaks some rule given by the Chief...” and no fine will be given [Article 6(d)].</td>
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<td>Target 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.</td>
<td>The fine for a man having sex with a girl child (child = not yet reached puberty) is one big pig and one big head of kava. If the child dies, the man has to give a girl to the family of deceased child [Article 7(l)].</td>
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<td>Two Chiefs are permitted to exchange girls under a kastom marriage arrangement. If one of the girls is unhappy with the marriage, she cannot come back [Article 6(a)].</td>
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<td>Target 5.5 Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.</td>
<td>Women and girls are not permitted to drink kava (Piper methysticum) or be near the Nakamal (in a visible or audible way) at kava time, where important decision-making discussions are being conducted by men [Article 13(a)].</td>
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<td>A woman or girl is not allowed to leave Tanna to live in Port Vila without first getting permission from her parents or husband [Article 6(V)(iii)].</td>
<td>A Chief may permit a married couple to divorce if the women has not gotten pregnant, although once divorced “…the woman remains under the authority of the chief and the parents of the husband.” [Article 6(e)(ii)(G)].</td>
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<td>Target 5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.</td>
<td>Tanna women and girls are forbidden from using western methods of contraception [Article 12(g)].</td>
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<td>Menstruating women and girls must not sleep with their husband, children or families, sell their vegetables at the market, or touch any food that is to be given to a man or child, and must wear her grass skirt until the period is over [Article 7(r)].</td>
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The school-girl’s desire for money must have been great, as she would have known what the penalty could be, if caught. But I have also seen and heard of the many ways these Tanna kastom laws are bent, stretched or broken by ingenious men and women, without punishment or penalty. For example, many women take western contraception; many women live and work in Port Vila; some women drink kava at Lenakel kava bars. Clearly, a ‘blind eye’ is a pragmatic approach for some departures from kastom law.
I have also been told of some *kastom* laws that Tanna women do not want changed – for example, the law forbidding women and girls from touching a man or his food during her menstruation period. This law gives them a week of reprieve from some of the usual duties that are assigned to them as daughters, wives and sisters of Tanna.

Returning to my initial question: How will Vanuatu meet its commitment to achieve Goal 5 by 2030 on Tanna and still respect *kastom*?

Frankly, I do not know. It will be a challenge. But importantly, it must be one that is defined, met and overcome by the people of Tanna – particularly Tanna’s women and girls – not by externals who seek to meet an arbitrary Goal 5.

*References*


