



South Pacific
LAWYERS ASSOCIATION

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Issue 8

SOUTH PACIFIC | LAWYERS' CONFERENCE

14-15 NOVEMBER 2013. PORT VILA, VANUATU

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Coming up

SOUTH PACIFIC LAWYERS' CONFERENCE

When: 14-15 November 2013

SPLA EXECUTIVE MEETING

When: Thursday 14 November

Attending: SPLA executive members

SPLA 2ND ANNUAL GENERAL MEETING

When: Friday 15 November

Attending: All Attendees Welcome

Location: Warwick Le Lagon, Port Vila, Vanuatu

A word from...

Conference Hosts: Welcome to the inaugural South Pacific Lawyers' Conference

On behalf of the South Pacific Lawyers' Association, and the Vanuatu Law Society, we wish to welcome you to the inaugural South Pacific Lawyers' Conference.

The Conference Organising Committee has put together an excellent program and we are very excited to welcome all of our speakers and panellists from across the region to share their knowledge and experiences. We wish to acknowledge in particular the support of the Hon. Vincent Lunabek, Chief Justice of Vanuatu, and the Hon. Jonas James, Vanuatu Minister for Justice and Community Services, for their support for the Conference and their commitment to legal education in Vanuatu and across the South Pacific region.

The theme of the Conference is "*Legal challenges in paradise: equipping modern South Pacific lawyers to build a just, fair and stable society.*" This theme embodies two key areas: legal education and legal professional standards. Education and integrity are two pillars upon which the legal profession stands in carrying out its duty to promote and defend the rule of law. It is the duty of every lawyer to strive to equip society with the laws, knowledge and institutions to promote and defend the principles of the Rule of Law – principles upon which a just and equitable society are based.

The two streams of the Conference seek to reinforce these pillars. *The Regulation and Ethics* stream will explore regulatory and ethical issues for lawyers in the region and the development of effective peak legal professional associations to support the legal profession. The *Legal Practice* stream will

create opportunities for stimulating discussion on topical legal issues in key areas of civil, criminal and commercial law practice. We are deeply honoured to have such eminent and experienced speakers and panellists participating in this Conference. We acknowledge with gratitude their support and commitment.

The Conference is, of course, also about collegiality and we hope that you take every opportunity during the Conference to speak with your colleagues from across the region and enjoy the exciting social program.

We wish to thank the Conference Organising Committee for all their hard work. Finally, we are most grateful for the support received from the Conference sponsors, without whom the Conference would not have been possible.



Ross Ray QC

Chair, South Pacific Lawyers' Association



Bill Bani

President, Vanuatu Law Society

Vanuatu Company Law Restructured

John Farrell, law student at ANU College of Law



In the past, there has been strong encouragement of foreign investment in Vanuatu through corporate legal and taxation systems designed to attract foreign investment and to secure and promote Vanuatu's status as a financial hub in the Pacific region.

However, over the past two years, the Vanuatu Government with assistance from the Asian Development Bank (ADB), has significantly restructured the company law framework in Vanuatu through the passing of the *Companies Act*, the *Companies (Insolvency and Receivership) Act* and the *Insolvency (Cross Border) Act*.

The new framework is designed to better suit the small island economy of Vanuatu and focused on aiding the growth and development of the local private sector. The new laws provide greater access for the local sector to gain the benefits of incorporation, by lowering the costs and disincentives associated with forming, operating and winding up of companies.

Important changes in the company law framework include the introduction of new types of companies such as single shareholder companies and community companies, which enable local community groups to form a company and use their assets to operate businesses. The new laws also introduce an electronic company registry, which will reduce transaction costs for businesses and help those living outside of Port Vila to incorporate and operate companies.

The company law reforms in Vanuatu are ground-breaking in the region with ADB through the Private Sector Development Initiative (PSDI) co-financed by AusAID, the New Zealand Aid Programme and ADB now working to introduce modern company law. These laws are more suitable for small island economies and will foster the growth and development of local private sectors in countries such as the Solomon Islands, Tonga, Samoa, Cook Islands, Palau and Kiribati.

In Brief...

ABA's Essential Trial Advocacy Course Experience



Evelyne Robert

*Evelyne Robert, Solicitor,
Ridgway Blake Lawyers,
Vanuatu*

The Prestigious ABA's Readers Course was held in Perth, Australia from the 24th of June to the 28th of June 2013.

The Course was held at the District Court of Western Australia and so it had a Court room atmosphere. It was just opposite the hotel that I

stayed at and so that was very convenient. The Course involved a combination of lectures, demonstrations, performances by participants, group reviews and individual coaching sessions, with a mock trial held on Friday.

The Course started with intensity. It was like a pistol shot fired into the air setting off the runners in a race – everyone started running and I was required to keep up. We were expected to deliver. It was one of the most intensive weeks of my life. This was no 'walk in the park', the Course demanded preparation, engagement and delivery from the participants. Even though it was hard work, it was very rewarding. It is one of those things where the more you put in, the more you take out, and I took a lot out!

I found the Course very relevant as a lawyer working in private practice. I was exposed to high standards of advocacy and now have the opportunity for real self-assessment and deliberate development and enhancement of my own advocacy skills. Two weeks after the ABA Course I was given my very first Court of Appeal case to run at our 2nd Court of Appeal session of 2013. What I learned at the ABA Course became very handy when going through the materials, preparing the

submissions and making those submissions to the seven Judges on the bench. The Court of Appeal ruled in our favor and granted the orders we sought in our appeal. The ABA Course really is an excellent catalyst for developing the high quality of service the people in our region desperately need.

I would like to thank the Australian Bar Association and the South Pacific Lawyers' Association for the scholarship award and placement in the ABA Course. I would also like to thank Ridgway Blake Lawyers for funding my traveling and accommodation prior and post the ABA Course in Australia. To all my fellow advocates, I would recommend the ABA Course in a heartbeat if you are seeking to develop your advocacy skills and want some exposure to high standards of advocacy in our region in order for self-assessment and deliberate development of those skills.

*Abuera Uruaaba, Assistant People's
Lawyer, Office of the People's Lawyer,
Kiribati*

Mauri from Kiribati!

I would like to start by thanking the Kiribati Law Society (KLS) and in particular our late KLS President, Mr Michael Takabwebwe for his support and encouragement for continuing legal education.

When I received an email from the South Pacific Lawyers' Association (SPLA) stating that I won the ABA's scholarship for the ETAC, I was overwhelmed, curious and nervous knowing that I would be working and trained by well-qualified and eminent Australian lawyers and Judges.



Abuera Uruaaba

And I was right! It was during the first introductory lecture that I learned that all the coaches were experienced counsels most being Senior Counsels (SC) and one being a Judge. I think it's worth sharing my first and last day of the ETAC.

The first round of submissions was conducted on 25 June where we were divided into three groups. There were six of us in our group. As the Respondent, my first presentation was to object to the Applicant's interlocutory application to adduce evidence of one of its witnesses via video link.

This was very new to me given the fact that in my jurisdiction, there is no video conferencing as such. The application was very interesting. I was confident about objecting to the application as I already did my research on some Australian laws and cases in respect of this application. However, when I entered the courtroom, I have to admit that I was astonished to see a courtroom with many screens, many seats (even seats for the media) and the whole setting just made me nervous. It was very different from the courtrooms I am used to appearing in.

I managed to finish objecting to the Applicant's application knowing that my nervousness was obvious. Straight after my submissions, the judge asked if I was nervous, to which I admitted 'yes'.

On the other hand, the final day which was a full trial of the civil case (misrepresentation) we had all been working on was a great experience. Entering the same courtroom half an hour before the case was called, I felt confident and happy! I looked back and recollected all those quality lectures and demonstrations, great advices and techniques shared and given to me by the coaches and Judges, I was overwhelmed with satisfaction.

At the end of our trial, the Judge ruled that the Applicants did not prove misrepresentation but succeeded on their argument for a breach of contract. I was pleased with our Judge's positive feedback.

The course as a whole was a wonderful experience! I would like to commend the great advices I received from the coaches who even though outspoken, their words really helped me progress in my legal practice especially as a young lawyer.

I am grateful for the drinks and dinners every night after classes which allowed me an opportunity to converse and get to know the coaches and fellow legal practitioners. I have made good friends and now have a real understanding about the similarities and differences in our legal system and practice.

As I mentioned in my application, I believe the Course will not only be beneficial to me but to my colleagues at the Office of the People's Lawyer and the people of Kiribati. Having successfully completed the ETAC, I would be conducting a workshop for the paralegals and lawyers of my office.

In a nutshell, I would like to thank the SPLA, Australian Bar Association and Western Australia Bar Association for such a wonderful opportunity.

My country's blessings of *Te Mauri* (Good Health), *Te Raoi* (Peace) ao *Te Tabomoa* (Prosperity) be upon you always.

In Brief...

CAPPB Update



Ni-Vanuatu lawyers skill up on advocacy issues

The Vanuatu Law Society hosted an advocacy skills workshop for 77 of its lawyers from 29-31 May 2013 in a project coordinated by the Centre for Asia-Pacific Pro Bono (CAPPB). The program was jointly developed by the Australia Bar Association (ABA) and Vanuatu Law Society. The ABA put forward four speakers from the State Bar Associations to provide the training: Mr Daniel O'Gorman SC, retired Justice Professor Murray Kellam AO, Ms Jacoba Brasch and Ms Fiona McLeod SC.

The CAPPB has also coordinated similar training programs in PNG with the Victorian Bar Association (VicBar), and in Bangladesh again with the ABA and the Bangladesh Bar Council.

South Pacific Legal Training Workshops kick off

The first of the South Pacific Legal Training workshops was held in the Solomon Islands on 18-21 June received overwhelming positive feedback from participants.

Following training requests from the region, the Centre for Asia-Pacific Pro Bono (CAPPB), which is housed within the Law Council Secretariat, partnered with DLA Piper and the Victorian Bar Association to develop a training opportunity for lawyers from the South Pacific.

Two trainers from the Victorian Bar and three from DLA Piper led Workshop 1 in the Solomon Islands, covering practice/case management, ethics and conflicts, evidence, trial and appeal preparation and advocacy



(including examination in chief, cross-examination and re-examination).

Workshop 1 was attended by 38 government and private lawyers from the Solomon Islands and Papua New Guinea. Evaluation reports showed that 75 per cent of participants rated the workshop five out of five.

The program materials developed for and from this workshop will be replicable for future workshops.

DLA Piper and the Victorian Bar are providing specialised, interactive and tailored skills workshops in two further locations in 2013: Cook Islands and Samoa. The workshops seek to give lawyers assistance in understanding ethics and conflicts, legal process, legal drafting and analysis, evidence, trial preparation and advocacy. The workshops are aimed at a broad cross-section of lawyers – public defenders, government/public and commercial lawyers.

Workshop 2 in Cook Islands took place on 16-19 October 2013, while Workshop 3 in Samoa will take place on 2-5 December.

DLA Piper and the Victorian Bar are liaising with government departments and SPLA constituent bodies to determine a suitable program.

Advocacy training for PNG lawyers

Papua New Guinea lawyers were recently trained in advocacy skills and techniques by Victorian Bar experts in a project facilitated through the Centre for Asia-Pacific Pro Bono (CAPPB).

On 26-30 August 2013, legal professionals from the PNG Office of the Solicitor-General, the Public Solicitor's Office and private practitioners undertook training to improve their persuasive techniques. The five-day workshop was based on a similar course delivered to lawyers from the Office of the Solicitor-General, Office of Public Prosecutions and private practice on 26-30 November 2012.

The recent course consisted of a combination of interactive general sessions, performance sessions in breakout groups and video reviews. Participants gained knowledge on analysis and development of case theory, instruction in specific techniques in advocacy and drills, demonstrations, communication skills in the court room and viewed advocacy videos. Performance sessions included giving a short performance, individual reviews in a group forum, video reviews of performances and repeat performance sessions.

The CAPPB matched the request from PNG with four trainers from the Victorian Bar: Ms Caroline Kirton SC, Mr Gary Hevey RFD and Ms Kim Knights.

The project was also facilitated by the Australian Government's Strongim Gavman Program, which is working with the PNG Office of the Solicitor-General to mentor and develop the individual skills of its lawyers in their litigation practice.

Secretary of the Office of the Solicitor-General Dr Lawrence Kalinoe officially thanked the CAPPB, the Victorian Bar and the Strongim Gavman Program in a letter and said the course had received excellent feedback from participants. Dr Kalinoe added that *"lawyers have come away from the course enthused to try litigation techniques and strategies that they were not confident in employing."*

The Centre for Asia-Pacific Pro Bono matches requests for assistance from the Asia-Pacific region with pro bono providers from Australia. For more information on these and other CAPPB-facilitated projects, or if you would like to request assistance for international pro bono support, please contact cappb@lawcouncil.asn.au.

In Depth...

Establishing a Bar Association in Afghanistan: Re-Establishing the Rule of Law?

By Phillip Tahmindjis



Phillip
Tahmindjis

Dr Phillip Tahmindjis is the Director of the International Bar Association's Human Rights Institute, which works to promote and protect human rights under the just rule of law. In the lead up to his session "Building a law society – the value and role

of peak professional bodies in supporting the legal profession" at the South Pacific Lawyer's Conference, Phillip relates his experience establishing a bar association in Afghanistan.

In Afghanistan on July 22 this year the Taliban kidnapped the 8-year-old son of a local police commander in Helmand Province, ordering the father to surrender himself to them. When this demand was refused, the Taliban hanged the boy. However, the problem in Afghanistan is not only the Taliban: corruption and organised crime are endemic. Abductions for ransom are not uncommon and a UNODC study found that in 2009 Afghan citizens paid approximately \$2.5 billion in bribes, the equivalent of 23% of the country's GDP. (Corruption in Afghanistan (January 2010) www.unodc.org/documents/data-and-analysis/Afghanistan/Afghanistan-corruption-survey2010-Eng.pdf). One in five Afghans in any given year pays a bribe to a judge, prosecutor or government official. The rule of law has a long way to go in Afghanistan, and there are many forces militating against it.

Under the justice pillar of the Bonn Accords in 2001, the establishment of a bar association in Afghanistan was agreed to be one aspect of re-establishing the rule of law. However, the challenge that this immediately posed was: rule of which law? Afghanistan's justice system works under several different

types of law: Shari'a law, state-generated law (including not only those of current and former Afghan rulers but also of foreign invaders), and customary law within particular communities. Formal justice has never fully reached into all rural areas in Afghanistan and it is frequently regarded there as elitist, corrupt and ridden with delay – or simply as being irrelevant to the rural majority. Where formal and informal justice systems compete, the Taliban often fills the void, seeming to give justice which is speedy and based on Shari'a. In addition, "western" legal systems tend to privilege individual rights over communal rights. This is problematic in a country which traditionally subordinates the individual to the family and the community.

The International Bar Association's Human Rights Institute (IBAHRI) became involved with the project to establish a bar association in Afghanistan in 2004 when the Swedish Foreign Ministry gave it a grant of two million kronor (approximately US\$300,000) to commence the project. The aim was to establish an independent bar association and provide it with the necessary expertise to enable it to develop relevant rules and regulations, act as an effective association of and for lawyers, and to provide a counterbalance to the Afghan state and its institutions.

The project has been operated through the appointment of "Legal Specialists", sequentially engaged for terms of up to one year to work in Kabul directly with the stakeholders. To date, seven young lawyers (three women and four men) have taken on this challenging role. They and the project overall have been managed by the author, who travels to Kabul approximately three times per year to meet directly with



stakeholders, oversee the project, and give face to face support to the Specialist as well as checking the security situation. In the beginning this job also included carrying into Kabul the cash to fund run the program, as there was no banking system in Afghanistan. The grant money for several years came from the Swedish Foreign Ministry and has been added to by generous grants from the Open Society Institute, the Foreign and Commonwealth Office and the United Nations Office on Drugs and Crime, with valuable assistance from USAID, Justice Sector Support Program, GTZ, Checchi, Medica Mondiale, UNAMA, UNDP and others. It is not only the security issues which directly affect a project such as this: extensive and consistent commitment by funders is also essential.

Afghanistan had never had a proper bar association. There was a Lawyers Union, which acted more like a trade union dealing with employees' rights for lawyers working in the public service. There was no self-governing professional association to represent the interests of lawyers and, more importantly, to regulate entry into the profession, establish and uphold professional standards and ethics, promote continuing education and training, protect the interests of the public, and advocate for law reform, the rule of law and the independence of

judges and lawyers. Most people, including lawyers, did not know what a bar association was.

The first challenge, therefore, was to convince stakeholders of the advantages of a bar association for Afghanistan, as well as to educate them in what a bar association normally does. This was achieved through liaison with the relevant Afghan government departments (in particular, the Ministry of Justice), meeting with members of the legal profession, and networking with other NGOs. The IBA produced a paper outlining the advantages of having a bar association, which was translated into Dari and Pashto and distributed widely.

However, the rule of law is not like technology to be installed and then simply turned on: a bar association, as part of the rule of law apparatus, will not be effective unless the interactional context of the place of installation is also taken into account. Institutions which work in one place will not necessarily work everywhere. Early versions of draft by-laws for the bar association were therefore based on those from Islamic jurisdictions and documents explaining what bar associations do were based on experiences from Islamic countries such as Malaysia. A major step forward in our program occurred when the IBAHRI ran a

seminar in Kabul in 2005 on the need for a bar association, inviting all the members of the legal profession in Kabul, government representatives and NGOs. The seminar was addressed by the Minister of Justice and the IBAHRI, and the participants were then divided into working groups to determine their views on such things as who should be entitled to membership of the Association and what functions the Association should perform. The views of the working groups were then reported to a plenary session for discussion and the IBAHRI produced a Position Paper as a result. This Paper contained 12 basic principles for bar associations. There was overwhelming consensus to establish a bar association and that it should be independent, both protecting the members of the profession as well as protecting members of society by establishing rules of conduct for attorneys and disciplining cases of breach. The position of women in the bar association was also discussed in some detail. The seminar was a great success because of its inclusive nature, achieving “ownership” of the concept of a bar association from the principal stakeholders, and convincing those present that the values the bar association would reflect were their values. This was in contrast to some of the more notable failures in the Afghan justice sector, where there was an apprehension that “foreign” concepts were being introduced.

The next step was the need for enabling legislation to establish the bar association as

a legal entity, together with By-Laws and a Code of Conduct for the legal profession. The IBAHRI assisted the Ministry of Justice in drafting these. This was a protracted process because the Ministry was busy with other legislation at the same time and also because of the generally slow progress of matters in Afghan government departments. In addition, there were many meetings to discuss the precise wording of the instruments and to ensure that the bar association would be independent of the government. Translation became a major challenge, as there is no phrase in Dari or Pashto for “bar association”, and a precise translation would be crucial to the meaning and perception of the new organisation.

Once the Ministry was satisfied with the drafts, they had to be passed by both Houses of the Afghan Parliament and receive Presidential assent. Parliament was considering over 30 major pieces of legislation at this time, some of them significant new bills (eg, with respect to banking) and major amendments to existing laws (eg, the Criminal Code). It was therefore essential to lobby parliamentarians to explain the bar law and to convince them that it was worthwhile and could be passed without introducing something either irrelevant or radical, so that it would receive timely debate. This was achieved through one-to-one meetings between the IBAHRI and selected influential members. It was also necessary to convince the President’s Office of the need for expedition. In fact, President Karzai mentioned the bar association as a major step towards the rule of law in Afghanistan at the Afghan Donors’ conference in Rome in 2007.

The Bills were passed by both Houses, being the second law to be passed by the Karzai government. Presidential assent was then secured through a Presidential Decree. This stipulated that a Jirga (General Assembly) needed to be convened of all Afghan lawyers to formally adopt the By-Laws and elect the first Executive Committee of the Bar Association.





It fell to the IBAHRI to organise this General Assembly. Working under a grant of US\$90,000 from the UNODC, over 350 of Afghanistan's 400 registered lawyers were transported from all over Afghanistan to Kabul (some of them through Taleban-controlled territory), and accommodated, fed, and organised for the 4-day Jirga at the InterContinental Hotel. Presided over by the Minister of Justice, the By-Laws were approved and the Bar President and Leadership Council were elected in a transparent process in front of all participants with the assistance of the Afghan Electoral Commission. For some, it was the first time they had voted in a secret ballot. Transparency in the process was essential in a country where electoral fraud is endemic. All votes were counted aloud in front of everyone attending the Assembly. Thus, in July 2008 the new entity came into being, taking the name "Afghan Independent Bar Association" (AIBA), with the strong sense of independence reflected in its very name.

The By-Laws, as approved, reflect a commitment to women attorneys, containing a provision requiring a minimum number of women to be represented in leadership positions in the bar association (the current Executive Director of the Association is a woman), as well as requiring all legal

practitioners to undertake three criminal cases on a pro bono basis each year as a prerequisite for annual registration. The AIBA is one of few bar associations in the world not only to promote but to demand such requirements.

Once the AIBA was formally established the project then moved into a practical stage: physically setting up the premises for the AIBA, hiring staff, establishing office procedures, accounting protocols, etc. The AIBA now has satisfactory (rented) premises in Kabul, adequate staff, office procedures, audited accounting procedures, a lawyers' registration process (for which it has taken over responsibility from the Ministry of Justice), runs a rudimentary admissions examination, undertakes some continuing legal education and is starting to make public comments on matters pertaining to the rule of law. It has established Committees dealing with Legal Education, Women and Children's Rights, and Corporate Law. It has a Monitoring Board which investigates compliance with the Lawyers' Code of Conduct. Training in office management is being given to the Executive Director. A website has been established (www.aiba.af). Outreach is undertaken through a fortnightly newsletter and a quarterly journal. The AIBA is working with the Afghanistan



National Legal Training Centre to establish a formal bar exam and CLE programs.

The membership of the AIBA has grown from 400 in 2008 to over 1100 today. All of these lawyers must meet accreditation requirements and are bound by a Code of Conduct. This is a vast improvement on the former situation, but there is room for further expansion as not all attorneys are yet members of the AIBA. The AIBA must be a truly national organisation. It has an office in Kabul, but offices in the provinces are needed to enable access to the AIBA for both attorneys and the public all over Afghanistan. Security issues loom large in the process of this expansion.

Sustainability of the AIBA is crucial. The fact that the second General Assembly is overdue is because of the lack of funding to run it. The AIBA must eventually be able to fund itself, and strategies are being put in place to enable it to reach this goal. The road ahead will not necessarily be smooth, but the AIBA is building on firm foundations to be a significant player in the delivery of the rule of law and fundamental rights in a post-conflict context.

Afghanistan has a Constitution which since 2004 requires observance of international treaty obligations including human rights obligations (Article 7), an independent judiciary (Articles 117-33) and stipulates that there is no crime without law (Article 28). Properly trained lawyers help to make these aspirations a reality. But endemic corruption contaminates perceptions. Some Afghans

consider that merely asking for a defence lawyer must be a sign of guilt, as does refusing to answer questions, notwithstanding the right to silence. Lawyers themselves are not immune from social mores and pressures: it is difficult to obtain legal representation in apostasy cases and when this is obtained the lawyer's own family usually try to persuade him/her not to take the case. The Counter Narcotics Court is attempting to tackle the immense problem of the drug trade (Afghanistan is the world's leading producer of both opium and hashish) but until 2010 that court refused to recognise a right of appearance by lawyers until the AIBA intervened to obtain this recognition. The judges of the Supreme Court still refuse to recognise a right of appearance, clinging to the old view that lawyers are little more than agents for their clients (and conduits for their bribes), preferring to decide most cases on the papers.

The false dichotomy between peace and the rule of law, that stability is more important than rights in Afghanistan, is still frequently championed by many, both inside and outside the country. The day when the rule of law, rather than power, wealth and connections, is the most important determinant of satisfactory outcomes will one day dawn in Afghanistan. But it will be reached by trial and error – and hard work. There are no guarantees.

Phillip's session 'Building a Law Society: The value and role of peak professional bodies in supporting the legal profession' is on at 3.45pm on Day 1 of the Conference.

South Pacific Lawyers' Conference Program

THURSDAY 10:00AM-11:00AM

OPENING PLENARY SESSION

Keynote speaker:

Chief Justice of Vanuatu Vincent Lunabek

Opening addresses:

Ross Ray QC, Chair,
South Pacific Lawyers'
Association

Bill Bani, Partner, Bani Law
and President, Vanuatu
Law Society



Ross Ray QC

Location: Farea Pacifik Convention Centre,
Warwick Le Lagon

STREAM 2, SESSION 1 – Commercial Trade – What Happens When You Litigate?

Lead speaker:

**Justice John Mansfield
AM**, Judge of the Vanuatu
Court of Appeal

Panellist:

Mark Hurley, Partner,
George Vasaris &
Associates

Edward Nalyal, Managing Partner, Edward
Nalyal & Partners

Location: Farea Pacifik 2,
Warwick Le Lagon



Justice John Mansfield

THURSDAY 11:15AM – 12:45AM

STREAM 1, SESSION 1 – Legal Professional Ethics

Lead speaker:

Sir Bruce Robertson
KNZM, Vanuatu Court of
Appeal

Panellists:

Garry Blake, Partner,
Ridgway Blake Lawyers

Dr Walsh of Brannagh, President, Norfolk
Island Bar Association



Sir Bruce Robertson

Location: Farea Pacifik 1,
Warwick Le Lagon

THURSDAY 1:00PM – 2:00PM LUNCH MEETING

South Pacific Lawyers' Association Executive Meeting

For SPLA Executive members only.

Location: TBC

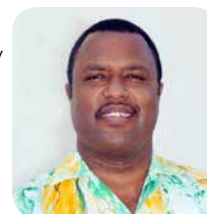
THURSDAY 2:00PM – 3:30PM

STREAM 1, SESSION 2: Regulation and Discipline of the Legal Profession

Lead speakers:

Bill Bani, Partner, Bani Law
and President, Vanuatu
Law Society

Nilesh Bilimoria, Assistant
Lecturer, University of the
South Pacific



Bill Bani

Panellists:

Ross Ray QC, Chair, South Pacific Lawyers'
Association

Kina Bona, President, Papua New Guinea
Law Society

Katalaini Zirui, Secretary, Solomon Islands
Bar Association

Location: Farea Pacifik 1,
Warwick Le Lagon

STREAM 2, SESSION 2: Anti-Money-Laundering

Lead speaker:

Floyd Ray Mera, Financial
Intelligence Unit Manager,
Vanuatu State Law Office



Floyd Ray Mera

Panellists:

Maissa Alatoa, Money-laundering Reporting
Officer, ANZ

Angelyne Dovo, Parliamentary Counsel,
Vanuatu State Law Office

Catherine Evans, President, Cook Islands
Law Society

Location: Farea Pacifik 2,
Warwick Le Lagon

THURSDAY 3:45PM – 5:15PM

STREAM 1, SESSION 3: Building A Law Society

Lead speaker:

Phillip Tahmindjis,
Director, International Bar
Association, Human Rights
Institute



Dr Phillip Tahmindjis

Panellists:

John Marshall QC,
Former President, New Zealand Law Society

Leanne Topfer, Treasurer, Law Council of
Australia

Raymond Schuster, Past-President, Samoa
Law Society

Moderator:

Margery Nicoll, Director, International, and
Deputy Secretary-General, Law Council of
Australia

Location: Farea Pacifik 1,
Warwick Le Lagon

SOCIAL PROGRAM

| | | | |
|-----------------------|--------|--|---------------------------------------|
| Wednesday 13 November | 6:00pm | BBQ dinner | Poolside, Warwick Le Lagon |
| Thursday 14 November | 5:30pm | Opening ceremony and cocktail reception | Lagoon View Deck, Warwick Le Lagon |
| Friday 15 November | 6:30pm | Closing night dinner | Iririki Resort |

STREAM 2, SESSION 3: Environmental Governance For Ocean-Related Commercial Activities in the Pacific: Strengths and Challenges

Lead speakers:

Kerry Tetzlaff, Lecturer
and Environmental Lawyer,
USP



Kerry Tetzlaff

Panellist:

Patricia Parkinson, Senior
Environmental Legal
Officer, International Union for Conservation
of Nature (IUCN)

Colin Leo, Leo Lawyers, Vanuatu

Location: Farea Pacifik 2,
Warwick Le Lagon

FRIDAY 9:30AM – 11:00AM

STREAM 1, SESSION 4: Rights and Procedures of Admission in South Pacific Countries

Lead speaker:

David Lambu, Deputy
Director, PNG Legal
Training Institute
Mr Lambu will be
presenting a paper written
by **Pauline Mogish**,
Director, PNG Legal
Training Institute.



David Lambu

Panellists:

Nigel Morrison, Partner,
Ridgway Blake Lawyers,
Vanuatu

Donald Marahare,
President, Solomon Islands
Bar Association, President
and Registrar, Solomon
Islands High Court



Pauline Mogish

Location: Farea Pacifik 1,
Warwick Le Lagon

STREAM 2, SESSION 4: Commercial Arbitration – Litigation Options

Lead speaker:

Dr Gordon Hughes, Past President LAWASIA and Law Council of Australia and Partner, Ashurst



Dr Gordon Hughes

Panellists:

Mark Hurly, Partner, George Vasaris & Associates
Richard Naidu, Partner, Munro Leys, Fiji
John Marshall QC, Past President, New Zealand Law Society and SPLA member representative

Location: Farea Pacifik 2, Warwick Le Lagon

FRIDAY 11:15AM – 12:45PM

STREAM 2, SESSION 5: Family Law Practice – Domestic Violence and Protection Orders

Lead speaker:

Chief Magistrate Stephen Felix, Vanuatu Magistrates Court



Stephen Felix

Panellists:

Robert Cartledge, Peregrin Springs Family Law
Anuleshni Neelta, Senior Lecturer, USP, Fiji
Samm Vaniqi, Vaniqi Lawyers, Fiji

Location: Farea Pacifik 1, Warwick Le Lagon

STREAM 2, SESSION 6: Conduct of Criminal Trials

Lead speaker:

Tony Burns, Barrister, Victorian Bar



Tony Burns

Panellists:

John Pike QC, Crown Law Office, New Zealand
Raymond Schuster, Past-President, Samoa Law Society

Location: Farea Pacifik 2, Warwick Le Lagon

FRIDAY 12:50PM – 1:50PM LUNCH MEETING

South Pacific Lawyers' Association 2nd Annual General Meeting

All attendees welcome.

Location: TBC

FRIDAY 2:00PM – 3:30PM

STREAM 2, SESSION 7: Law Reform – Land Issues and Hierarchy of Courts

Lead speakers:

The Hon. Ralph Regenvanu, Minister, Lands and Natural Resources
Emeritus Professor Don Paterson, University of South Pacific



The Hon. Ralph Regenvanu

Panellists:

Laki Niu, President, Tonga Law Society
Donald Marahare, President, Solomon Islands Bar Association

Location: Pacific Ballroom 1, Warwick Le Lagon

STREAM 2, SESSION 8: Sentencing – Criminal Law

Lead speaker:

Sir Bruce Robertson KNZM, Vanuatu Court of Appeal

Panellists:

Justice Stephen Pallaras, High Court of Solomon Islands
Sir Kina Bona, President, PNG Law Society
Dr John Walsh of Brannagh, President, Norfolk Island Bar Association

Location: Farea Pacifik 2, Warwick Le Lagon

FRIDAY 3:45PM – 5:00PM

CLOSING PLENARY SESSION

Closing speeches:

Ross Ray QC, Chair, South Pacific Lawyers' Association
Bill Bani, Partner, Bani Law and President, Vanuatu Law Society

Location: Farea Pacifik 2, Warwick Le Lagon

In Profile...

South Pacific Lawyers' Conference Supporters and Sponsors

The South Pacific Lawyers' Conference was made possible by its valued supporters and sponsors. As the SPLA is a non-profit organisation, it is relying almost entirely on registrations, sponsorships and aid funding to make the Conference possible. The SPLA thanks each of its sponsors and supporters for their much-needed contributions.

SUPPORTERS

Law Council of Australia



Established in 1933, the Law Council of Australia is the peak national representative body of the Australian legal profession, and represents about 60,000 legal practitioners nationwide. In addition to this role, the Law Council also advises on national issues and promotes the administration of justice, access to justice and general improvement of the law. Through its International Strategy, the Law Council represents the Australian legal profession overseas, while maintaining close relationships with legal professional bodies throughout the world.

One of the major objectives of its International Strategy is to support developing bars and law associations, which it achieves in part through the administration of the South Pacific Lawyers' Association.

University of the South Pacific School of Law



USP's School of Law was established in 1994 offering programs specifically focused on the legal systems of the South Pacific region, particularly those of USP's 12 Member Countries: Cook Islands, Fiji Islands, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tonga, Tokelau, Tuvalu and Vanuatu. Also included in the program is an

understanding of the laws of the region's former imperial powers such as Australia, New Zealand, the United Kingdom and France.

The main branch of the School is located at USP's Emalus campus in Port Vila, Vanuatu. The School hosts LLB, LLM, MEL and PhD students from all around the region, visiting staff and a regular flow of overseas academics and other visitors. The degrees are also available online. USP's Laucala campus in Fiji hosts the post-degree Professional Diplomas in Legal Practice and Legislative Drafting, as well as offering the first-year of the LLB program. The School has a strong research profile in a number of areas including environmental law and policy, customary law and land law.

New Zealand Law Society



The New Zealand Law Society was established in 1869. The Society regulates all lawyers in New Zealand, but membership is voluntary. The regulatory functions of the Law Society include controlling and regulating the practice of the profession of law in New Zealand, and assisting and promoting the reform of the law (for the purpose of upholding the rule of law and the administration of justice).

The role of the Law Society is to:

- Maintain the integrity and reputation of the legal profession
- Provide services supporting the effective development and operation of the profession
- Be an authoritative professional voice on matters of law and issues affecting lawyers and the community
- Facilitate a strong community of legal professionals

SPONSORS

Vanuatu Ministry of Justice and Community Services



The Ministry of Justice and Community Services was only formed in 2006, with a key objective of managing and administering institutions and bodies within the justice system of Vanuatu. The Ministry also has the objectives of setting policy directions for Government to adopt in the areas of justice, Social welfare, court systems, rule of law and the legal profession. The development of national policies is becoming a significant feature of the role of the Ministry as Vanuatu crosses over the first 30 years of becoming an independent nation. The national policies are in the general areas of women, children, disability, civil society, custom institutions and religious institutions. While the Ministry of Justice and Community Services is not regarded as a “senior ministry” it carries an important role in ensuring that justice prevails in Vanuatu at all times and especially in the running of Government.

The Ministry of Justice and Community Services is also tasked with the work of administering several constitutional bodies such as the Judicial Services Commission, Malvatumauri National Council of Chiefs, and Electoral Commission. These linkages are crucial in ensuring that justice prevails in the executive arms of government.

DLA Piper



As a global business law firm, one of the most important ways that we contribute to our communities is through the provision of free legal services. Pro bono work is an important part of our history and our future. DLA Piper's commitment is unparalleled and every lawyer is encouraged to make a serious and sustained effort to do pro bono work. In 2012, the firm donated 191,800 hours of pro bono legal work globally, which makes us one of the largest providers of pro bono legal services in the world.

As a thought leader in the creation and delivery of pro bono services our goal is to engage in innovative pro bono projects, develop a leading pro bono practice and help build a pro bono culture in the legal profession around the world. As a global law firm, our responsibility goes beyond the cities and countries where we work to include pro bono projects in developing and post-conflict countries.

Our approach to pro bono is consistent with our vision to be ‘truly local, truly global’. In every DLA Piper office we aim to have a strong pro bono practice that is appropriate to the local circumstances and culture. We act for hundreds of charities, community groups, social entrepreneurs and low income individuals who would not otherwise have access to legal services to improve education, economic empowerment and equality. Our global pro bono practice acts for and with some of the world's leading global charities, aid agencies, NGOs, UN agencies, governments and academic institutions around the world.

Thomson Reuters New Zealand



For more than a century – as both Brookers and Thomson Reuters – a reputation has been built on combining expertise with innovative technology to deliver critical information to leading decision makers in the legal, tax and accounting markets, in over 90 countries. Thomson Reuters NZ is the representative for the Pacific Island Region.

South Pacific Administration & Fund Services



South Pacific Administration & Fund Services is a boutique advisory and administrative services providing expertise to financial, institutional and business clients around the world on the corporate laws of the Republic of Vanuatu. Our expertise covers corporate services, finance and banking, foreign direct investment and investment funds. South Pacific Administration is a leading provider of

incorporation, first agent and registered office services to companies and partnerships in the Republic of Vanuatu, with a goal to deliver the highest quality product at the best possible value. Our dedicated foreign direct investment experts provide the full range of corporate, tax, work permit, residency and other legal advisory services to international businesses establishing or carrying on business in or through the Republic of Vanuatu. Moreover, we provide our clients a wide range of traditional and innovative services to investment funds including corporate secretarial services, directorship services, fund administration, share registrar, transfer agent and NAV calculation.

Transparency Vanuatu – Advocacy and Legal Advice Centre



Transparency Vanuatu was founded in 2001 on the virtues of good governance, honesty, integrity, and an end to corruption in Vanuatu.

The Advocacy and Legal Advice Centre (ALAC) is a project of Transparency Vanuatu which commenced in 2009. ALAC Vanuatu provides free legal advice and assistance to victims and witnesses of corruption. It helps citizens and residents, from the unemployed to entrepreneurs, from public servants to private business people, to pursue corruption-related complaints, encouraging them to come forward.

Law Institute of Victoria



The Law Institute Victoria is acknowledged by business, government and the general public as the leader of the Victorian legal profession. Having celebrated 150 years, the LIV continues to maintain its' dedication to representing the needs of our members and making invaluable contributions to the law and the broader community. With more than 17,000 members, reflecting all sectors of the legal profession, the LIV represents a compelling force of opinion and expertise.

Australian Department of Foreign Affairs and Trade – International Seminar Support Scheme



Australian Government

The International Seminar Support Scheme (ISSS) is an Australian Government small grants scheme administered by the Department of Foreign Affairs and Trade. The scheme supports developing country participant attendance at international development-oriented seminars held both in Australia and overseas. The ISSS assists the Australian government's objective of helping developing countries to reduce poverty and achieve the Millennium Development Goals (MDGs) through developing knowledge and technical expertise in these countries and building linkages between the government, academic and community sectors in Australia and our partner developing countries.

The New Zealand Aid Programme – Pacific Island Countries Participation Fund



NEW ZEALAND
MINISTRY OF FOREIGN AFFAIRS & TRADE
Aid Programme

The New Zealand Aid Programme is the New Zealand Government's international aid and development programme. Its mission is to support sustainable development in developing countries in order to reduce poverty and contribute to a more secure, equitable and prosperous world.

The Pacific Island Countries Participation Fund (PIC Fund) is a contestable fund managed by the New Zealand Aid Programme. The PIC Fund aims to increase attendance by Pacific Island citizens at regional and international conferences, where their attendance will strengthen ownership of regional and international development processes.

In the spotlight...

Scholarship Opportunities for Pacific Lawyers

Scholarships offer lawyers in developing countries the opportunity to attend conferences and training courses that may not otherwise have been viable. Although not a comprehensive list, the following opportunities are available to Pacific applicants to further their legal education and build on their career prospects.

Applications open

IPBA Scholarship

Applications are now being accepted for scholarships for lawyers from Vietnam, Laos, Cambodia, Myanmar, Mongolia, Bangladesh, and the Pacific Islands to attend the Inter-Pacific Bar Association's 24th Annual Meeting and Conference to be held in Vancouver, Canada, May 8-11, 2014.

The IPBA Scholarship Program was established to honor the memory of M.S. Lin, one of the founders of the IPBA. The scholarships are available to lawyers in Vietnam, Laos, Cambodia, Myanmar, Mongolia, Bangladesh, and the Pacific Islands who would not otherwise be able to attend the conference and who would benefit from attendance at the conference. Preference will be given to those applicants who have not previously attended an IPBA Annual Conference.

The IPBA event brings together senior lawyers from leading law firms throughout the Asia-Pacific region and elsewhere around the world, as well as judges, law professors and lawyers working for international governmental and non-governmental organizations, and the corporate sector. The Conference offers a forum for experts from many different jurisdictions to exchange opinions on international legal topics and to build professional and social networks.

In 2014, the Conference theme is "Sustainability in a Finite World" and the speaking programs (keynote, plenary and for individual practice areas) will be built around these elements:

- Sustainability of Global Trade
- Economic Sustainability
- Sustainability of Legal Services
- Aboriginal Groups and Sustainability
- Environmental Sustainability

For the 2014 Conference, the IPBA offers 8-10 young lawyers from developing countries such as Cambodia, Laos, Vietnam, Myanmar and elsewhere, who would otherwise be unable to attend an international conference, the opportunity to attend the Conference to gain exposure to cross-border legal practice and other legal systems. These "IPBA Scholars" have the opportunity to attend all events at the Conference and are required to give a short presentation. In recognition of the valuable service this program serves, the Canadian Steering Committee has ear-marked 5% of all sponsorship proceeds raised at the Conference to help fund this program going forward.

Visit **SPLA Resources page** for more information on this program.

Application deadline: 31 October 2013

Ongoing scholarships

Advocacy Scholarship for South Pacific Lawyers

Each year, the Australian Bar Association offers scholarships for young barristers from the South Pacific to attend their prestigious Bar Readers' Course.

The ABA Essential Trial Advocacy course is suited to junior barristers who wish to improve or refine their advocacy skills. It is designed to encourage participants to further develop their own individual style through an examination of the way they practice and the provision of constructive feedback from senior practitioners and their peers.

The course involves a combination of lectures, demonstrations, performances by participants, group reviews and individual coaching sessions. Most of the time participants, in groups of six, are performing in court and receiving feedback.

Prior to the commencement of the course, each participant is provided with a federal court brief that has three witnesses on either side. Participants will prepare a Federal Court brief and perform opening addresses, examination and cross-examination of witnesses and give a closing address.

The Advocacy Scholarships are usually valued at approximately AU\$5,000, inclusive of course fees, accommodation and meals. While the scholarship does not include travel/airfare costs, the SPLA Secretariat can assist in seeking funding for travel costs on behalf of successful candidates.

Mr Abuera Uruaaba of Kiribati and Vanuatu's Ms Evelyn Robert were the successful candidates for this year's Bar Readers Course, which was held on 24-28 June in Perth, Australia.

The SPLA Secretariat will be promoting the ABA scholarships for 2014 among its members and on its **website**. To join the SPLA mailing list, please email **info@southpacificlawyers.org**.

Next scholarship: 2014

IBA Annual Conference Scholarships

Although scholarship applications have closed for the IBA Conference in Boston on 6-11 October, each year several of the sections and committees of the IBA's Legal Practice Division offer scholarships to young lawyers who wish to participate in the IBA Annual Conference. This year, the following awards and scholarships were offered for the Boston Conference:

- ▶ Aviation Law Committee scholarship
- ▶ Criminal Law Section scholarship
- ▶ Corporate Law Section scholarship
- ▶ Dispute Resolution Section scholarship
- ▶ Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) scholarship
- ▶ Financial Services Section scholarship
- ▶ Human Resources Section scholarship
- ▶ Individual Tax and Private Client Committee scholarship
- ▶ Insolvency Section scholarship
- ▶ International Sales, Franchising and Product Law Section scholarship
- ▶ Law and Individual Rights Section scholarship
- ▶ Leisure Industries Section scholarship
- ▶ Pro Bono Award
- ▶ Real Estate Committee scholarship
- ▶ Taxes Committee scholarship

The applications usually open in February each year, with the closing date to falling in late April/early May.

The IBA Annual Conference Scholarship Awards include the following:

- ▶ free registration for the IBA Annual Conference, 6 - 11 October 2013, Boston, USA;
- ▶ accommodation costs while attending the conference;

- a contribution towards travel costs to the conference;
- two years' free membership of the IBA, including membership of one committee within the awarding section of the Legal Practice Division, and one committee within the Public and Professional Interest Division;
- a waiver of either the next IBA Annual Conference registration fee or the registration fee for an annual conference sponsored by a committee within the awarding LPD section; and
- free membership of the Scholarship Alumni Group.

If interested in applying for the 2014 Annual Conference in Tokyo, please visit the **IBA website** for further details after January 2014.

Taiwan/Roc Pacific Islands Forum Scholarships Scheme

Citizens of Forum Island Countries (FICs) are invited to apply for scholarships under the Taiwan/ROC-Pacific Islands Forum Scholarship Scheme. Scholarships will be

awarded for FULL or PART TIME studies at certificate, diploma undergraduate or postgraduate levels within the specified priority fields.

Scholarship applications for 2013 closed in April. The SPLA Secretariat will monitor for 2014.

Moana Schwalger Memorial Pasifika Student Scholarship

Law firm Meredith Connell together with the Pacific Lawyers' Association have established The Moana Schwalger Memorial Pasifika Student Scholarship in memory of Auckland Law School alumna, the late Moana Schwalger, a highly regarded Pasifika lawyer, member of the Executive of the Pacific Lawyers' Association and colleague and friend of the partners and staff at Meredith Connell.

The \$10,000 Scholarship is intended to encourage postgraduate study by Pasifika students at the Auckland Law School. Recipients of the Moana Schwalger Memorial Pasifika Student Scholarship may be offered work experience with Meredith Connell.

Closing date: 01/12/2013

Upcoming Events...

23rd PILON Annual Meeting
5-6 November, Nuku'alofa, Tonga

Inaugural South Pacific Lawyers' Conference 2013
14-15 November, Port Vila, Vanuatu

SPLA Annual General Meeting
15 November, Port Vila, Vanuatu

IDLO Course: The Dos and Don'ts of Technology Licensing for Developing Countries
11-22 November, Rome, Italy

Changing times – legal trends in the Asia-Pacific region
22 November, Seoul Korea

Pacific Islands Nation Development Signature Project – Legal Skills Workshop Samoa Chapter
2-5 December, Apia, Samoa

9th Pacific Islands Conference on Nature Conservation and Protected Areas
2-6 December, Suva, Fiji

Key issues in International Arbitration in the Asia-Pacific region
5 December, Sydney, Australia

IBA Asia Pacific Arbitration Group Inaugural Meeting
6 December, Sydney Australia

In the Spotlight...

Pacific judges and magistrates consult on regional human rights issues

By Romulo B M Nayacalevu, Senior Human Rights Trainer, SPC RRRT

A three-day regional consultation for judges and senior magistrates from across the Pacific, organised by the Secretariat of the Pacific Community Regional Rights Resources Team (SPC RRRT), took place in Brisbane, Australia earlier this year.

The consultation focused on judicial independence, rule of law, and human rights issues in the contemporary Pacific context. They included sexual- and gender-based violence, disability inclusiveness and impacts of the Convention of the Rights of the Child on adoption.

The consultation serves as a forum for judges and magistrates from the Pacific region to share their professional experiences, with the aim of expanding their knowledge of human rights issues and best practices in the region.

The keynote address at the opening ceremony on Monday was delivered by Mr Justice Logan of the Federal Court of Australia. The Pacific judges and magistrates

were later hosted to a reception by the Chief Justice of Queensland, the Honourable Paul de Jersey, and judges of the Supreme Court of Queensland.

The consultation was attended by judges and magistrates from Australia, Cook Islands, Kiribati, Nauru, New Zealand, Palau, Papua New Guinea, Republic of Marshall Islands, Solomon Islands, Tonga and Tuvalu.

SPC RRRT has supported the work of regional judges and magistrates for over a decade, mainly focusing on the promotion and application of international human rights treaties and universal standards in Pacific courts. This work supports state obligations derived through the ratification of international human rights treaties and the application and domestication of international human rights standards in Pacific courts.

The regional consultation this week is generously supported by AusAID.



In the Spotlight...

Vanuatu - The Happy Country



Officially recognised as the “happiest place on earth” and one of Lonely Planet’s top ten countries to visit in 2011, Vanuatu is not only a dream holiday destination, but also a place of diverse cultures.

Lay of the land

Of all the 83 islands in Vanuatu, just 14 have surface areas of more than 100 square kilometres. Most of the islands are mountainous and of volcanic origin, and have a tropical or sub-tropical climate. Vanuatu is actually recognised as a distinct terrestrial ecoregion, being part of the Australasia ecozone. The country’s highest point Mount Tabwemasana, at 1879 m (6158 ft), is located on the island of Espiritu Santo.

The nation’s largest towns are the capital Port Vila, which is situated on Efate, and Luganville, on Espiritu Santo. Port Vila, Espiritu Santo and Tanna are a must-see to any visitor to the country.

Espiritu Santo, north of Efate, is also home to mount Tabwemasana, the country’s highest point at 1879 meters. On Tanna visitors will be awe-struck by Mount Yasur – the world’s most accessible volcano.

In the cosmopolitan capital Port Vila, visitors can spend time relaxing and pampering themselves at a range of resorts, eating some of the finest food and fresh organic produce in the South-Pacific and shopping in the town’s local markets or stores.

Although it may be tempting to sit by resort pools sipping cocktails, Port Vila is also about getting out and about, exploring all the islands have to offer and discovering the captivating Melanesian Culture. There are a range of adventures from cultural village experiences and sightseeing tours to the more adventurous activities like abseiling down waterfalls, off-road buggy hire, horse riding and cycling, and that’s not even including the diving, sailing, fishing, surfing and other water-based pursuits.



A sense of adventure

From treks, waterfall abseils, ash-boarding down a volcano, and mud-splashed buggy rides, to deserted beach picnics, river outrigger canoeing, wreck dive explorations, and visits to custom villages, Vanuatu offers fun and fascinating experiences, at only a short flight from Australia, Auckland, Fiji or New Caledonia.

Vanuatu's 83 islands are home to some of the best diving in the world, with the world's largest, most accessible WWII dive wreck, exotic colorful reefs, and a rich sea life including more than 4,000 species of marine mollusks. Vanuatu's diving experience is now more accessible than ever, with a direct flight to the President Coolidge with Air Vanuatu's weekly Brisbane-Santo flight.

But it's not only diverse authentic cultural and nature-based experiences that propelled this country into Lonely Planet's top 10 list. With Vanuatu's strong living traditions, festivals, active volcanoes, "thunderous waterfalls" and remote villages all highlighted as part of the appeal. To top it off, the beaming smiles of the local Ni-Vanuatu

people remind everyone how wonderful life can be, in all its simplicity.

When looking for adventure, Vanuatu offers hundreds of unique sightseeing and soft adventure tours. Tanna Island is actually one of the few places on Earth where it is possible to stand at the rim of an active volcano, an awe-inspiring site many travel to witness. Vanuatu's adventure tours are suitable for all ages and levels of fitness, and operators can tailor a trip to suit everyone. Visit a backstreet store where the best homemade jam in the South Pacific is made, charter a flight to a deserted island or abseil down a waterfall – the choice is all yours!

Come to Vanuatu and discover what really matters!

For more information, visit
www.vanuatu.travel

*Article and photos
provided by the Vanuatu
Tourism Board*



In the Spotlight...

Ni-Vanuatu Diversity and Customs

With a population of approximately 221,000¹, Vanuatu boasts 113 distinct languages and innumerable dialects. This makes it one of the most culturally diverse countries on earth. This amazing diversity is a result of 3,000 years of sporadic immigration from many Pacific countries. Although most settlers arrived from Melanesia, the larger built, lighter skinned Polynesians also settled in the islands. As with all nations and peoples, over millennia these different groups came into both peaceful and violent contact, sometimes intermarrying and sometimes losing their cultural identity to a more dominant group. Each successive wave of immigrants carried with them all the tools needed to live. Food crops, tree seedlings and their most important animal - the pig. This animal may well be the most significant aspect of life in Vanuatu, for it symbolises not simply a source of protein, it is the cornerstone of ritual life, a token of wealth and power upon which entire societies are founded.

Over the millennia, natural boundaries, such as large open stretches of water, dense jungle and mountainous terrain, isolated many groups, even those from the same ethnic origins. And isolation bred not just warfare, but quite varied, sophisticated societies and political systems. Unfortunately, when Europeans began trading in Vanuatu, they often used such warfare to their own advantage. Today, there are four main cultural areas. In the northern areas, there are two variations of a social and political society where men and women can 'purchase' positions of status. Wealth, in the form of mats and pigs - particularly pigs with rounded tusks - is not defined so much by how much an individual owns, but by demonstrating how much he can give away.

¹ From the Vanuatu Statistics Bureau 2006



Grade-taking ceremonies, where large numbers of pigs are ritually killed and gifts given to members of an extended family, are elaborate affairs. Although the status of a person may be publicly displayed with, for example, certain body decorations, and a respect for their status, there is no real authority attached. In the central areas, Polynesian-type systems have predominated. Here, a hereditary chief is a powerful authority figure reigning over an entire class system, complete with nobles and commoners.

In the southern islands, particularly Tanna, titles or names are bestowed on certain men, which designate them as chiefs. This

status can give them rights over land and even possessions of entire social groups. Women hold a very low status whereas in places like Ambae and the Shepherds, women can achieve the rank of Chief. The situation is complicated even further by the introduction of more recent 'religions' such as the John Frumm's (cargo cult) and the Half Halfs and various men's secret societies, both on Tanna and, to a lesser extent, on Santo and other islands. However, throughout all the islands one thing remains constant, life is characterised by a constant cycle of ritual events. Every aspect of a person's life is celebrated by extended families that number in the hundreds, filial relationships being remembered back in time through countless generations. Birth, circumcision and initiation, the achievement of status, marriage and death are a paramount feature of a community's social life. With so many relatives, there seems always to be a significant ritual of some sort happening, or about to happen, somewhere.

With no written language, storytelling, songs and dances are of great significance. Art, in its many forms, from body decorations and tattoos, to elaborate masks, hats and carvings are also a vital part of ritual celebrations and the social life of the village. Similar to indigenous Australian stories of the dreamtime and Maori legends of the past, ni-Vanuatu culture is also abundant in mythic legends. Natural formations, the presence and causes of volcanic eruptions and other natural disasters, are all imbibed with legends of significant cultural importance.

Even today, natural events are considered not to be the result of, say, plate tectonics or a chance passing of a cyclone, but events brought about by the actions of individuals who may have offended certain spirits. In the past, such beliefs caused animosity between villages and islands, to the extent that warfare often resulted (a classic example is the eruption of Ambrym volcano in 1913).

Naturally, traditional societies' economies are based on produce from the land. Staple foods are mostly root crops; yam, taro and manioc. Seasonal fruits like breadfruit are



important mainstays. In most areas a portion of the jungle is simply cleared to plant crops. However in places where there is plenty of water, taro is grown in complex terraces hand built from earth and rocks. As mentioned above, pigs are a mainstay of the economy not just as food but as a form of money and prestige.

A village's economy plays a significant role not just in simple survival, but as part of the complex rituals. One of the simplest examples are circumcision ceremonies. On some islands, mothers 'pay' the uncles of boys to be circumcised. The boys are taken into the bush for weeks, sometimes months, where they are introduced to the ways of manhood - as well as having their foreskins removed. From that point on they no longer run naked, but wear a penis sheath. The price paid to the uncles is in pigs, mats, dances and food crops, which cannot be paid unless the mother has accumulated sufficient wealth.

In years following natural disasters such as volcanic eruptions (acidic ash rain can damage crops significantly) or cyclones, young boys can reach almost adult age



without being circumcised. They are still treated as babies as a result, until the mothers can once again accumulate sufficient food crops and pigs to pay the circumcision price.

Although kava is not a food crop, it is a significant part of Vanuatu cultural society. kava is a derivative of the pepper tree family. Traditionally it is cut and chewed into a pulp, then spat into a bowl. The mushy pulp is squeezed and the resultant liquid drunk in. On some islands, both men and women may drink kava as an evening soporific after a hard day's work. On Tanna, it has become more ritualised as a 'men only' pastime, so much so that women dare not pass near nakamals (men's houses) at the time kava is being drunk, lest they accidentally see the ritual and be punished with a beating. Because of a long history of inter-island and inter-village trading, many ni-Vanutau speak numerous languages.

Since the arrival of Europeans, a lingua franca evolved. Its name, Bislama, derived from the Bech-der-mer (sea cucumber) traders. Essentially a phonetic form of English, with a much more simplified grammar, if it is



listened to closely and spoken slowly, it can be understood by most English-speaking people.

Despite the introduction of European ideas, the disastrous effects of missionaries and blackbirders and the development of Bislama as a universal language (loss of language being a prime destroyer of primitive cultures worldwide), Vanuatu's richness and diversity of culture is one of its primary attractions to visitors. Rituals, the obligations of kinship and traditional ceremonies is an integral part of modern life and one that can be appreciated more fully by a visit to one of Vanuatu's many islands. While in Vanuatu a trip to the National Museum & Cultural Centre is a must. Although you will find many masks and carvings for sale in shops, the more magnificent ancient pieces, historical photos and rare artifacts are on permanent display. You can also purchase audio recordings and video footage of cultural events.

*Article and photos
provided by the Vanuatu
Tourism Board*

Vanuatu
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SOUTH PACIFIC | LAWYERS' CONFERENCE

14–15 NOVEMBER 2013 PORT VILA VANUATU

Under the theme *Legal challenges in paradise: equipping modern South Pacific lawyers to build a just, fair and stable society*, the Conference will gather legal professionals, judges, academics and law students from across the South Pacific region to discuss key issues and challenges facing the legal profession in the region.

The Conference will be the first major legal education conference for South Pacific lawyers since the Fiji Law Society hosted the South Pacific Law Conference in 2008. The Conference will be jointly hosted by the South Pacific Lawyers' Association and the Vanuatu Law Society. It is also supported by the Law Council of Australia, the University of the South Pacific and the New Zealand Law Society.

Sponsorship opportunities are still available to support this important regional event for the legal sector.

Please see the **Conference Sponsorship Prospectus** and email conference@southpacificlawyers.org for more information.

This Conference has been made possible through the continued support of the Law Council of Australia, the Vanuatu Law Society, the University of the South Pacific, New Zealand Law Society, AusAID and the New Zealand Aid Programme as well as our valued sponsors: the Vanuatu Ministry of Justice, DLA Piper, South Pacific Administration & Funds Services, Transparency Vanuatu's Advocacy and Legal Advice Centre, Thomson Reuters and the Victorian Bar.

More information is available at
www.southpacificlawyers.org or
email conference@southpacificlawyers.org



South Pacific
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