

**AusAID**

**Vanuatu Kastom Governance Partnership**

**Review Report**

**Final**

**November 2007**

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### **Disclaimer**

The findings and analysis contained in this report are those of the Reviewer and based on consultations during the Reviewer's visit to Vanuatu in August 2007. The findings and analysis do not necessarily reflect the views of the Government of Australia.

# 1. Introduction

The Vanuatu Kastom Governance Partnership is a 15-month activity undertaken by Malvatumauri Vanuatu National Council of Chiefs (Malvatumauri), the Australian Centre for Peace and Conflict Studies (ACPACS) at the University of Queensland and AusAID. The Partnership is intended to contribute to strengthening governance in Vanuatu at national and community levels, recognising the significance of governance to the achievement of social and economic development outcomes. In particular, the Partnership is intended to focus on *strengthening knowledge of and skills in community governance*, recognising the role of kastom governance in community and national development and the interaction between kastom governance, other community governance systems and introduced systems.

To achieve its higher level objectives, the Partnership facilitates:

- joint research on kastom governance and related topics
- opportunities for discussion among chiefs and community leaders about kastom governance systems and approaches as well as the interaction between kastom governance and introduced systems in relation to management of change at national and community levels
- follow-up support for chiefs and community leaders on governance, conflict resolution and community development issues
- support for Malvatumauri to achieve its own objectives on the promotion and preservation of kastom governance.

The Partnership is intended to assist leaders involved in or connected with kastom governance systems and structures to be able to consider and manage contemporary development processes more confidently. This means providing them with opportunities to consider governance issues relevant to their roles in dynamic and diverse contexts.

This review, undertaken 11 months after the commencement of Phase 2 of the Partnership, will contribute to a process for designing a further phase of Australian funding and Partnership. Australia's participation in the area of kastom governance is consistent with Australian interests in governance in the Pacific. These interests are reflected in all levels of Australian aid policy, including "Australian Aid: Promoting Growth and Stability" (the White Paper), which sets the frameworks for the next decade of Australian aid; the Pacific 2020 report; and the Drivers of Change report on Vanuatu (2007).

The Drivers of Change report notes that "...traditional and informal institutions have greater legitimacy and authority, representing what ni-Vanuatu perceive as most valuable in their society...."(page 48). The report advocates "joint strategies for governance and service delivery, with the state, chiefs, churches and NGOs agreeing on their comparative advantages in different areas and agreeing on strategies and structures for working together". While the achievement of comprehensive, negotiated and agreed national strategies may be some time away, this analysis is consistent with the purpose of the

Partnership: “to extend the contribution of kastom leadership to change and development processes, particularly through conflict resolution”.

## **1.1 Review**

The review covers the work of the Partnership from October 2006 to September 2007. The review is intended to:

- provide a preliminary assessment of outcomes to date
- generate lessons for design of the next phase
- consider how this partnership can work closely with churches in Vanuatu
- consider how risks have been managed and identify any new risks affecting the Partnership

The Partnership design (2006) includes a framework for monitoring at four levels:

Level 1 – Quality of delivery of outputs and activities

Level 2 – Quality of partnership interaction and relationship with other stakeholders

Level 3 – Lessons learned about content, approach and follow up processes

Level 4 – Contribution of partnership to overall purpose.

Levels 1 and 3 have been assessed by ACPACS and the Malvatumauri during implementation. An approach to assessing Level 2 was developed by the Partners in June 2007. Level 4 involves an independent facilitator developing an evaluation method, drawing on most significant change and contribution analysis, to generate information on the contribution of the partnership to the purpose and other outcomes to date.

## **2. History of Partnership**

An initial meeting between ACPACS and the Malvatumauri in 2004 resulted in the delivery of a series of three 4 to 5-day workshops in 2005 on conflict, community governance, development and Vanuatu’s legal frameworks and the Constitution. These workshops were funded by AusAID under the label “The Chiefs Pilot Project.” Law staff at Emalus Campus of the University of South Pacific also assisted in the delivery of these workshops. The intention was to assist Chiefs and their institutions to more effectively prevent and deal with conflict through providing a structured context within which participants could discuss the pressures facing them and through extending and refining existing conflict resolution techniques and skills. Workshop methodologies consisted of formal classes, role plays, sharing of experiences/stories, and workbooks for recording observations and notes as well as providing a resource for participants.

A review of this phase was undertaken in April 2006 by Dr Donovan Storey. The review process identified a range of benefits resulting from the Pilot Phase and resulted in a set of recommendations for future activities. A participatory design process with Partnership members (AusAID, Malvatumauri and ACPACS) was held in July 2006. This resulted in an Activity Design Document covering a second period of 15 months (1 October 2006 to

31 December 2007). The relatively short period of this Phase reflected AusAID's interest in integrating aspects of its major Drivers of Change report into future activities. This second phase of the activity was entitled "Vanuatu Kastom Governance Partnership".

The Partnership Design Document confirmed that the three partners wished to work together to:

- undertake research on kastom governance and related issues
- deliver a series of storians (Bislama word referring to meetings for dialogue purposes) at Island level
- support follow-up activities for participants in the storians
- contribute to supporting the Malvatumauri's organisational capacity.

Funding of approximately A\$500,000 has been allocated for the work of the Partnership in this phase, split between ACPACS and the Malvatumauri. Funding arrangements are covered by two funding agreements with AusAID.

### **3. Research methodology**

Terms of Reference for the Review are attached as Annex 1. While the review officially covers 11 months, it is important to acknowledge that previous relationship-building and activities have significantly influenced the way this current Phase has proceeded and contributed to outcomes generated. Given the official time-frame involved and the use of internal Partnership monitoring systems which have assured partners that the activity is generally proceeding well, the review process is appropriately brief.

A phone conversation was held with ACPACS personnel involved in implementing Partnership activities on 24 August, and a visit to Port Vila undertaken between 27 and 31 August. During the field visit, meetings were held with representatives from the Malvatumauri, AusAID, other NGOs involved in Governance activities, University of South Pacific, as well as three Storian Facilitators and nine participants from two of three completed storians.

The reviewer used elements of Contribution Analysis<sup>1</sup> and Most Significant Change<sup>2</sup> methods for the review, seeking to identify:

- any changes which had occurred recently in the area of kastom governance and in relationships between kastom governance and other governance systems
- any association between the work of the Partnership and these changes
- the most significant perceived changes for participants in the Partnership.

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<sup>1</sup> Mayne, J. 1999, Addressing Attribution Through Contribution Analysis: Using Performance Measures Sensibly, Office of the Auditor General of Canada

<sup>2</sup> Davies, R and Dart, J 2006, The 'Most Significant Change' (MSC) Technique A Guide to Its Use (available at <http://www.mande.co.uk/docs/MSCGuide.pdf>)

A list of people who participated in review discussions is attached at Annex 2. Questions were asked either to individuals or small groups to stimulate discussion and generate qualitative information in each of the respective meetings. Questions were varied to suit the particular roles or experiences of the interviewees. Generally questions matched the objectives of the Review, as noted in Section 1 above. If issues of interest arose, these were followed up with additional questions, using a focus group meeting methodology.

ACPACS and MNCC provided a number of comments on the first draft Report. These comments have been included in this Final Report (some are noted as “Post Review Comments” to illustrate changes since the draft report was prepared).

## **1. Summary of Partnership progress**

Overall, the Partnership arrangement appears to be working smoothly, with all partners indicating a sense of satisfaction with strengthening relationships and collaboration; increasing shared understanding of each other’s interests, agendas and approaches; capacity development among all partners in relation to the work of the Partnership; and a sense of valuable cooperation in an area of high priority to Australia’s aid program and Vanuatu’s development.

Two meetings of the Partners Leadership Group have been held, one in January in Port Vila and one in June in Brisbane. Regular personal interaction and logistics-focused communications between ACPACS and the Malvatumauri is proving to be relevant to successful activity management and increased confidence. Geographic distance between the two implementing partners (ACPACS in Brisbane and Malvatumauri in Port Vila) means that attention to maintaining opening lines of communication is a priority. Weekly phone meetings (sometimes more frequent) between Project Managers (usually with an agreed agenda) and weekly ongoing email dialogue have proven to be highly effective. Partnership roles and responsibilities are apparently clearly understood, except for some issues relating to supervision for the Researcher position (see Section 4.2 below).

Three meetings of the Kastom Reference Group have taken place and these appear to have provided a valuable link between the Partnership and the Vanuatu Cultural Council and Vanuatu Cultural Centre, with whom Malvatumauri is already closely linked.

This phase of the Partnership has continued to provide well-organised, valuable and much-appreciated opportunities (storians) for people involved in kastom and community governance to discuss, learn and begin to develop new skills related to governance systems and critical governance issues facing Vanuatu in the 21<sup>st</sup> century, particularly in relation to conflict management and resolution. This is the flagship element of the Partnership and it continues to be an appropriate approach to raising understanding of critical issues among chiefs and other community leaders.

Three joint quarterly reports have been prepared by ACPACS and the Malvatumauri and submitted to AusAID in this phase. These reports summarise progress in each area of work and demonstrate good levels of cooperative planning and communications. The reports describe: administrative and planning arrangements; personnel movements;

progress on the delivery of activities and outputs and brief plans for subsequent periods. For the size of the Partnership activity and the period of time involved, this level of reporting is adequate.

Future reports could provide a little more information about the quality and content of research and storians and gradually increase emphasis on analysis of issues arising and any “results” arising from or associated with the Partnership. This kind of information could be generated using the action research approach to monitoring of all activities, through specific research activities and through discussion of follow-up activities and capacity development activities during the Partnership Leaders Group. For example, in addition to reporting that a storian has been held in a particular place, it would be useful to provide a list of topics covered (e.g. as an annex), a selection of issues arising and summary assessments by participants of the storian or lessons learned (based on the existing course reflection/evaluation exercises). The separate Pentecost Storian Report provided this information effectively.

## **4.2 Progress in relation to Output 1**

**Output 1: Research produced on the value of kastom governance systems, their contribution to national and community governance and their interaction with introduced systems and values, and on associated models of community governance.**

Five topics were negotiated among partners as the focus for activities to the end of December 2007:

1. How do customary mechanisms contribute to conflict resolution and peacebuilding on a national or regional (sub-national) scale?
  - This research investigates a number of notable case studies, including the National Provident Fund riots in 1998, the stand-off between the VMF and the police in 2002, the 2006 prison escape, the Ulas family case and the 2007 disturbances. (Volker Boege with Miranda Forsythe and Don Paterson).
2. What are the models of community development prevalent amongst the NGO community and relevant organizations within Vanuatu? What approaches do communities see as most consistent with their values and hopes?
  - As well as producing a short research paper, the practical goal of this research is to lay the platform for a symposium of NGO/INGOs and *kastom* agents (organizations and practitioners) to explore community development practice within Vanuatu. (Peter Westoby.)
3. What does it mean to be young and female in urban areas within Vanuatu today? How are young women’s expectations and aspirations changing compared

with those of their mothers' generation and how are they holding to their mothers' traditions and values?

- This paper explores the complex relationship young Ni-Vanuatu women, particularly in urban areas, have with kastom, and their feelings of being 'caught' between kastom and elements of the globalised world, to which they are also giving their own localised meanings. (Harriot Beazley)
4. An initial exploration of how women feel that they come to be valued and respected within their communities and society more generally, with a focus on safety or security, and leadership (within local communities). (Anne Brown with Roselyn Tor.)
  5. What is the potential of mediation and dialogue processes for land disputes which may otherwise go to court, or to avert future disputes? (Jo Mackey)

Three other topics were also agreed by the partners for work beyond the end of December 2007.

ACPACS informed the review that planned research activities are proceeding steadily and appropriately. The research appears likely to make a useful contribution to knowledge about the role of kastom governance in Vanuatu, alongside locally produced materials. ACPACS anticipates that all research activities will be completed before the end of December 2007. Publication of some will not occur until 2008, given various journal requirements. ACPACS noted that Partnership links with other AusAID activities has helped support research activities. For example the Legal Sector Strengthening Program has provided support in setting up interviews for some Partnership research studies; has invited ACPACS and Malvatumauri to attend Loa Week 2006; and has made connections with people involved with related programs, such as the NZAID-funded Restorative Justice Program.

AusAID indicated that they are keen to ensure that research findings generated under this Output would not all be presented in academic format, so that they could be more accessible to wider audiences. ACPACS endorses this goal and will work with partners and associates to establish communication and dialogue channels. Symposia with non-academic participants is one channel, where research is used as a platform to encourage exchange between different social groups that may not otherwise interact regularly on issues of social relevance.

Malvatumauri reported their support for the research activities. Some concerns about the position of Research Officer, Ms Roselyn Tor were raised during the review. The intention was that this position would be located within the Vanuatu Cultural Centre (VKS), funded by the Partnership, and would focus on links between Partnership members in relation to research activities. Lack of clarity and detail in the design document as well as misunderstandings and mis-communications seem to have occurred in relation to the following issues:



- location – after some lack of clarity about where she could work, Roselyn now uses an office at the Malvatumauri
- salary package – this was reduced after it was initially advertised, which appears to be poor human resources practice and a potential dis-incentive
- funding to enable the Research Officer to undertake her work
  - an oversight in the design process meant that no funds were allocated
  - during the review, AusAID agreed that the allocation made in the budget for Malvatumauri’s participation in research activities (Vt90,000 - see note 5 on budget) can be made available for use by Ms Tor to support research activities (e.g. travel, communications, obligatory gifts associated with meetings with Chiefs during research planning/studies)
- reporting responsibility and work-related support
  - this issue needs to be addressed soon, through further discussions between AusAID, MNCC and VKS, so Ms Tor’s contribution is maximised

Although she was “out of contract” at the time of the Review and considers her salary is not competitive, Ms Tor is satisfied with her location at the Malvatumauri office and keen to contribute her extensive expertise to this Partnership, at least until the end of this Phase. A joint meeting between AusAID, VKS and Malvatumauri prior to this review could have resolved some of these issues, instead of waiting for the review. Any issues arising until December 2007 should be resolved in such a joint meeting. For the next phase, human resource management issues should be more extensively negotiated, resolved and clearly documented.

## **4.2 Progress in relation to Output 2**

**Output 2: Workshops/dialogue (*storians*) which provide the opportunity for discussions among community leaders on the contribution of kastom leadership to change and development processes and to conflict prevention, for information sharing, skills development and problem solving in a variety of leadership and governance issues, including the role of women**

To date, three out of a planned five storians have been developed and facilitated for a total of around 100 participants (14 women and the balance men) as follows:

- March 2007, Port Vila, on Conflict Resolution
- May 2007, Santo, on Conflict Resolution
- July 2007, Pentecost, on Governance

The remaining two storians are planned as follows:

- September 2007, Tanna, on Governance
- October/Nov 2007, Malakula, on Conflict Resolution

The storians all seem to have been well-planned, well-organised, responsive to participants’ interests and experiences and well-received. A number of participants noted

that they felt some of the language was difficult to understand, given the low levels of formal education among many chiefs, but it seems that facilitators went to great lengths to maximize understanding wherever possible. A great deal of language about governance is complex, so this issue is probably unavoidable.

Topics included in each storian and methodologies used to provide opportunities for discussion on each topic have been carefully considered through collaboration between the Partners. The report on the Pentecost Governance storian identified that activities were facilitated within the following topics:

- What does governance mean in Vanuatu? What is good governance and bad governance?
- What are kastom values?
- What is kastom law and who makes and enforces it?
- What is kastom practice and who develops and enforces it?
- Vanuatu state and structure – Constitution, Bill of Rights, legislature, executive, judiciary, head of state, role and powers of provincial government, courts
- Set up of the state system and role and powers of chiefs in state system
- Issues about the relationship between the state and chiefs
  - Customary Land Tribunal Act
  - Islands Courts Act
  - Penal Code Amendment Act
- Conflict analysis
- Moving from conflict management to conflict resolution to conflict transformation
- Issues requiring good governance
- Elections
- Role of partnerships in governance
- Action Plans
- Evaluations

This report suggests that feedback from participants was positive, and that they self-identified an increase in their knowledge and understanding of governance issues. Feedback from this storian also suggested that participants were keen to apply their new knowledge and skills in their respective roles and responsibilities (see also 4.3 below).

Around 15% of participants in storians have been women and case studies and discussions in storians have included those relating to women's issues. Women's participation has been welcomed by the women themselves and by women facilitators. Inclusion of women community leaders and discussion of gender and development issues sets an example about the importance of increasing women's participation in decision-making processes in Vanuatu governance systems. During the next phase of the Partnership, increasingly more effort can be made in this regard.

[Post Review Comment: the MNCC have requested that in future, at least three days be allocated within storians to discussion of issues associated with Custom

Governance, in order to provide a stronger basis for effective interaction with the formal system – see Recommendation 3]

The training of 10 ni-Vanuatu facilitators (8 men and 2 women) in February 2007 and their inclusion in facilitation teams since then appears to have been a particularly successful approach. The facilitators interviewed during this review expressed their appreciation for the quality of their training, high levels of interest in the materials covered, and satisfaction with their experiences in storians. They indicated confidence in their new knowledge, which builds on their prior experience as facilitators or community development workers. The three facilitators who participated in this review considered that with the experience of one or two more storians, they would feel confident to manage a storian themselves. Participants in the storians valued local facilitators' language, local knowledge and facilitation skills.

The 12 ni-Vanuatu facilitators are all volunteers, although they receive a living allowance when attending storians and all accommodation and travel expenses. The future role of local facilitators is an issue to be resolved in the next design process. The Malvatumauri has included the costs of employing them as part of the Secretariat, in their budget to the Government of Vanuatu from 2008. The result of this bid will not be known until closer to the end of 2007.

[Post Review Comment: The MNCC were not successful with their effort to secure Government funding for the co-facilitators. They intend to re-apply next year and seem reasonably optimistic. There is, however, a danger that the co-facilitators will be lost in the interim. Efforts should be made to retain them, if possible.]

### **4.3 Progress in relation to Output 3**

**Output 3: Provision of support for community leaders and Councils of Chiefs to enable them to build linkages with other organisations and obtain assistance to implement their respective action plans.**

The intention of this Output was that funds could be provided when storian participants sought additional information about issues or other support related to implementation of action plans. This was a recommendation of the review of the Pilot Project.

Malvatumauri has made decisions about grants in response to requests received (the reviewer did not seek information about the selection criteria), and has provided relatively small amounts of funds directly to Chiefs to support them to implement various activities included in their Action Plans. Generally funds have been provided for the costs of transport to ceremonies (e.g. reconciliation ceremonies) and meetings. Participants have been advised at the end of storians that they are able to seek additional funds for these purposes. A number of participants in the Port Vila storian noted that no funds had been forthcoming and that this had affected their ability to implement their

Action Plans. Their requests were apparently deemed inappropriate by Malvatumauri (whose explanation was endorsed by the reviewer), but without transparent or documented criteria, this is a difficult issue. A significant dispute between Malvatumauri and the Port Vila Council of Chiefs (PVCoC) has probably affected these requests. In mid-2007, the Malvatumauri dissolved the PVCoC on various grounds (including an assessment the Council was not following kastom values): the PVCoC has rejected the decision. This breakdown in relationships does not reflect well on conflict resolution skills and processes. The situation showed no sign of resolution at the time of the review. However, there may be some deeper issues here regarding what constitutes custom and leadership, and what, if any, forms of accountability exist in regard to people claiming 'chieftainship'. These issues certainly do involve conflict prevention and resolution, and are directly relevant to the storians, but they may not be easily resolved.

No funds have been sought or provided in relation to activities which could be undertaken by other organisations in Vanuatu, such as follow-up workshops on specific topics (e.g. land disputes, violence against women, legal issues) as was initially envisaged by at least some people involved in the design process. The fact that no requests have been received may suggest there is no demand for such follow-up support to date, although it may be an issue of communications. As the next round of storians is focused on Community Development, a different type of follow-up should be encouraged, given the significant opportunities for tapping into existing community development organisations in Vanuatu.

The funds allocation system should be checked as part of an audit process prior to the next phase of funding so lessons learned can be incorporated for the longer term.

It is recommended that this element be further developed in the future Partnership, clarifying the purpose of follow-up assistance and the criteria to be used for selecting activities to be supported, and more tightly defining systems for decision-making and financial accounting. One option is to limit the funding for the costs of follow up visits by Malvatumauri. The follow up visits should direct the chiefs to other funding sources and development organizations and also facilitate the development of project proposals to support the implementation of APs. (A project assistant role may be considered in the next phase, who could assist with the development of project proposals to be submitted to others). This is a demanding role to play but very important in realizing the APs. Such an option would mean that the Partnership, through MNCC, would not disburse funds directly to communities. This reflects the reality that such procedures add unnecessary additional financial management responsibilities and risks.

As also noted in the 2006 Review, greater involvement by other organisations in follow-up work should also be encouraged.

#### **4.4 Progress in relation to Output 4**

##### **Output 4: Provision of facilities for the Malvatumauri VNCC and support for building stronger management and office administration skills in the Secretariats for the National and Island Councils of Chiefs capacity development element.**

This output was intended to support Malvatumauri's capacity development in relation to its roles and tasks as a Secretariat. The funds allocated have been used to purchase a lap-top computer and enhance Malvatumauri's internet connection. The lap-top computer is used by the Project Coordinator for all Partnership financial management and communications. Partnership financial information is only kept on the lap-top computer, which is not always kept in the Secretariat office: this appears to be a risk in relation to financial management. The issue should be considered by an auditor: if required, more robust financial management systems should be put in place.

Planning meetings between ACPACS and Malvatumauri personnel have provided opportunities for discussion on various project planning issues, including issues such as criteria for participant selection, strategies for storian follow-up etc., so valuable indirect capacity development processes are underway.

The Partnership provides the full-time salary for the Partnership Coordinator. The work of the Partnership Coordinator includes a wide range of tasks, beyond Partnership coordination. There is a risk of poor sustainability when donor funding is provided for a core position over an extended period of time so the issue of Government of Vanuatu funding for this position should be considered (in relation to GoV budget allocation) during the next design process.

The current small size of the Secretariat (program staff of two, support staff of three – a driver, a gardener and a typist) and its increased workload in the past 12 months suggests that a limit has already been reached in terms of responsibilities, although of course, capacity development is a natural and ongoing process. The Malvatumauri has requested a tripling of its previous year's annual budget from the Government of Vanuatu in order for it to implement its responsibilities under the Chief's Act. This increased budget, if provided, will cover substantially increased staff numbers, including a Secretariat official for each Island and Urban Council of Chiefs and additional staff in the Malvatumauri office. If funds are forthcoming, this will have significant impact on the operations and responsibilities of the office, introducing new leadership and organisational issues. Future assistance, if sought, in managing a new structure, more complex systems, new staff etc. may be appropriate.

As the managerial tasks of the Secretariat become more complex, financial management systems need to be particularly clear. There is a perception in some quarters that the Malvatumauri has 'plenty' of money – an idea that can easily generate suspicion and gossip which could potentially be destructive. The Secretariat not only needs to be scrupulous (which they are), but to have clear processes in place, that are working reliably, so that they can answer any potential rumor.

During the Review, the current Secretariat officials advised that they considered it essential that they select their own personnel to work in the Secretariat and personnel should come from the same island as the current CEO and Project Coordinator (Pentecost) in order to be trusted colleagues. While this perspective contradicts Vanuatu public sector recruitment procedures and differs from Australian cultural and organisational values, it clearly reflects Vanuatu cultural values. Issues associated with “islandism” and management of personnel recruited using the Government of Vanuatu’s public sector procedures are relevant to the Malvatumauri being seen as a national organisation, rather than a “Pentecost club”. The cultural aspects of this issue are complex, and they need to be understood by all partners, as far as they affect the future capacity of the Secretariat.

[Post Review comment: The MNCC have advised that a new position of Private Secretary to the President will be filled by someone from the same island as the President, but that all other recruitments would be undertaken in accordance with Government of Vanuatu laws. The Reviewer certainly recognizes the complexity of these issues and encourages ongoing discussions among Partnership members.]

## **5. Outcomes and the Partnership’s contribution**

### **5.1 Increased interest in kastom governance**

*“Kastom governance is now seen as a legitimate system of governance, not just a bunch of ceremonies<sup>3</sup>”*

The commencement of this Partnership coincides with *increasing interest* in the role of kastom governance in Vanuatu, Melanesia and the Pacific. The Partnership and its predecessors appears to have contributed moderately to this increasing interest. AusAID’s decision to support this work reflects its own interest in the role of kastom governance in broader governance and development contexts. Raised interest among other donors (e.g. NZAID and EU) and academics is also evident.

The current Government of Vanuatu appears keen to work with aspects of kastom governance in a number of areas, including foreign relations (see below), land management and conflict resolution. The Prime Minister of Vanuatu visits the Malvatumauri regularly and maintains good relations with Chiefs. A number of Government processes have more directly engaged with chiefs than would have been envisaged previously, including for example on the development of the Mines and Minerals Act. Discussions in Vanuatu about the role of kastom governance occur in relation to a wide range of development issues, including land ownership, legal issues, the role of women, the handling of conflicts, natural resource management and young people’s perceptions and experiences of governance. The holistic nature of kastom governance contrasts with the separation of formal government issues, but increasingly the value of each contribution appears to be recognized.

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<sup>3</sup> Quote from participant in this review

There is continuing diversity of views about the nature and extent of kastom governance authority, with some commentators and many young people remaining highly critical of the poor quality of decision-making by chiefs and a lack of relevant skills for understanding and dealing with contemporary community and development issues, particularly women's and youth issues and land development issues. A number of people describe the Malvatumauri as a "Pentecost men's club" rather than a national representative organisation and this has implications for broader perceptions of the value of Malvatumauri's work at national levels.

Interest from New Caledonia and Fiji in Vanuatu's experience also suggests that Vanuatu is seen as an example of how kastom governance issues can be organized and understood in the Pacific region.

There is also continuing sensitivity about the role of "outsiders" in kastom governance. Nearly all participants and facilitators interviewed during this review indicated their initial skepticism and suspicion about the role of outsiders, and their subsequent realization of the value of the role of external facilitators. During the review, one person profoundly noted:

*"Participants have warmed to the idea that people from Western countries can actually be helpful in community life, rather than just be causing poverty in Vanuatu through their practice of "development."*

This reflects particularly well on this Partnership, including the professional and personal skills of ACPACS facilitators, especially their sensitivity to and understanding of Vanuatu cultural values; the leadership shown by Malvatumauri officials; and the commitment by AusAID to support these fundamentally ni-Vanuatu issues.

Increased awareness about kastom governance issues within Vanuatu has clearly resulted in increased interaction between the Malvatumauri and donors and other visitors, as well as increased requests for Malvatumauri to participate in Government and other processes.

A number of factors contribute to this increased interest in kastom governance, including the work of the Partnership. For example, research and workshops facilitated by USP's Law Faculty have highlighted kastom governance systems in Vanuatu and Melanesia, raising the profile of interaction between kastom governance and state systems. Other work by ACPACS on "hybridity" and related topics and a paper on leadership and cultural issues by the State Society and Governance in Melanesia Project at Australian National University (available on AusAID's website) also highlights issues of kastom leadership. Current recognition by political leaders and senior officials in the Government of Vanuatu of the importance of chiefs in community governance is also a factor. Malvatumauri indicated that AusAID's support for their work had given them a significant boost and helped promote the importance of kastom governance in Vanuatu.

## 5.2 *Increased confidence*

The key outcome for participants in storians has been *increased confidence*. This confidence, within the Malvatumauri and among facilitators and participants of Partnership activities, reflects:

- confirmation of existing knowledge and roles, within a trusting environment
- non-didactic introduction of new understanding about kastom governance systems
- opportunistic introduction of new skills, especially in conflict resolution, which enable people to assert kastom governance systems in a positive way as a contributor to Vanuatu's development
- improved understanding of the role of kastom governance
- increased knowledge of and capacity to interact with Government systems.

The Pentecost Governance storian in particular seems to have had a significant impact on confidence of participants. One person noted that *“participants in the Pentecost storian did not see kastom as a governance system before: they thought governance happens in Port Vila. Now they realize that what they do is governance and they have clear responsibilities.”*

Overall, it appears that this confidence is based on the experience of deep reflection which has led to greater clarity about the place of kastom governance in the community (i.e. its scope and limitations). This clarity appears to provide a basis for understanding that while the spirit of kastom can continue, its form may change over time, and that it is possible to consider kastom governance perspectives in a non-defensive manner and for chiefs to be seen in a progressive rather than reactionary light.

The review was unable to verify comments by participants that they had applied their new knowledge and skills, but they consistently identified positive outcomes for their own work and communities. Examples of this increased confidence and its practical application in relation to kastom governance and its interaction with introduced Government systems include:

- in August 2007, chiefs were asked to conduct a significant peace ceremony between two political parties in Port Vila, demonstrating the value of kastom practice for “modern democratic structures”
- in August 2007, the CEO of the Malvatumauri, Chief Selwyn, was asked by the Government of Vanuatu to liaise with the Government of Solomon Islands in relation to the death of a Solomon Islands student in Vanuatu, demonstrating the significance of maintaining good relationships, respect and harmony in foreign relations as well as domestic issues
- following the governance storian in Luganville, Santo, participants decided to establish 11 new geographical areas (in place of existing 4 wards) as Chiefs’



- constituencies and 10 new island-based groupings (for the purpose of engagement with urban-based settlers from respective island backgrounds)
- at the Land Summit in 2006, a resolution was passed that the Area Council of Chiefs had to consent to land leases, in addition to the Minister for Land's consent, thereby recognizing the role of kastom in land ownership
  - recognition by storian participants that kastom governance is in itself a system, rather than a relegated set of individuals, and that the role of the Malvatumauri and the other Councils of Chiefs is to provide a bridge between this system and the introduced systems which are largely located in Port Vila
  - one participant in the Port Vila storian noted that since his attendance at the storian, his facilitation of reconciliation processes in the Black Sands area had been enhanced by his understanding that a one-off reconciliation ceremony is not sufficient, and that longer-term processes are required.

Overall, increased confidence reflects recognition and confirmation of participants' existing knowledge and increased understanding about the extent of their authority as specified in the Constitution as well as ways in which they can improve their handling of conflicts. This increased confidence is directly attributable to the work of the Partnership.

It can be assumed that increased confidence may lead to better governance decisions and better relationships between kastom governance systems and introduced systems, but a range of other factors will also need to come into play to sustain such outcomes. Repeated interaction with community leaders and chiefs, to extend current knowledge and skills, as well as increased understanding among Government and external advisers on governance issues in Vanuatu may assist in this regard.

### **5.3 Organisational benefits**

Implementation of the Partnership has given experience and confidence to the Malvatumauri in two areas: project management skills and interaction with other organisations. These have been accumulating over three years, not just in the last 11 months.

With fewer program staff than originally envisaged (two rather than three) dedicated to undertake project management, the workload has been high. However the experiences of managing relationships within the Partnership: participating in research planning; developing, organizing and implementing the storians; and participating in Partnership meetings and monitoring processes, have all contributed to stronger capacity within the Malvatumauri secretariat. If the staff complement and responsibilities of the Malvatumauri increase substantially in 2008, there will be many additional Council and Island Council issues to manage, which could affect the time available for implementing Partnership activities. This is a risk that requires ongoing consideration.

The Partnership has extended Malvatumauri's relations with other Vanuatu organisations involved in governance conflict resolution in a small way, including the media.

Malvatumauri has begun to appreciate the importance of working with others to promote awareness. One Secretariat official noted *“we have always known that some other groups contradict the idea that kastom is useful, but now realize that we need to be in dialogue with others to get them to understand. We cannot just ignore them or keep them separate from us”*. This shift in approach can at least be partly attributable to the Partnership.

There is also growing recognition of the reason why other organisations have different perspectives of kastom governance. One Malvatumauri official noted *“other organisations such as Vanuatu Women’s Centre and Wan Smolbag are dealing with people for whom the chiefs have failed [women who have experienced violence, and young disenfranchised men and women.]”* Such profound acknowledgement and recognition of these perspectives reflects well on Malvatumauri’s leadership. It is expected that interaction with other groups will be further enhanced as the Community Development round of storians are developed, given the great deal of existing experience and understanding within Vanuatu organisations on this topic.

The Partnership has also provided opportunities for Malvatumauri to visit other Islands and build relationships with Chiefs, other community leaders and Government of Vanuatu officials. This in itself contributes to increased understanding of governance issues and strengthens the interaction between the two systems, as well as provides Malvatumauri with a basis for implementing aspects of the Chief’s Act.

## **6. Relationships with churches**

The TORs for this review sought an analysis of “how this Partnership could work with churches in improving community level governance and/or service delivery.” The matter was raised with the Malvatumauri officials and they indicated that inclusion of church representatives at national level was regarded as a way of recognizing the important role that churches play in governance in Vanuatu. At village levels, church representatives are significantly involved in leadership and decision-making in many aspects of community life, governance and interaction with external organisations. Churches have extensive coverage and structures from national to village levels, greater than any other system in Vanuatu. Some churches demonstrate and promote respect for kastom governance systems and are cooperative with chiefs, while others preach that kastom governance systems should be ignored. Selection of representatives for the Partnership Leaders Group needs to take this into account.

While inclusion of national church representatives in the Partnership Leaders Group is seen as a way of recognizing the role of churches nationally, issues about the selection of Church leaders or the implications of including additional partners in this group for the Partnership’s work, do not appear to have been thought through at this stage. It is recommended that the next design phase as well as the proposed Vanuatu Churches Partnership process should identify the most appropriate means for collaboration. Collaboration may better start through a period of liaising and discussion at a less formal level.

It seems appropriate for each activity to acknowledge the role of the other (e.g. the Churches Partnership to acknowledge the role of kastom governance and vice-versa) and to increase cooperation between kastom governance systems and the churches where appropriate. However, churches and chiefs have considerably different roles and perspectives, so it is important that external funding agendas do not force an agenda based on donor expediency.

## **7. Changes in risks to Partnership**

In 2007, a number of changes relating to the Malvatumauri have implications for this Partnership. As expected, an election of the National Council of Chiefs is due in September 2007 (now early 2008). If the current President of the Malvatumauri, Chief Paul Tahi (supportive of the Partnership) is re-elected, then no change is expected. If a new Chief is elected, then it is possible there will be some changes to the Partnership and at minimum, some time needed to explain and build commitment to the Partnership.

In 2007, the Malvatumauri has sought a tripling of its budget to enable it to begin implementing some of its responsibilities under the Chief's Act of 2006. If this funding is allocated, then the range of tasks required of the Secretariat will be significantly increased. While on the one hand, the increased staff complement could assist with the organisation of Partnership activities and give greater prominence to the value of the Partnership, it is possible that the additional and highly complex responsibilities associated with this change could distract the Secretariat from Partnership activities for some time.

Just prior to this review, a media article appeared which was highly critical of Malvatumauri's financial management (though no mention was made of this Partnership). The matter was discussed during the review and the reviewer was assured that the allegations were false and were likely linked to political matters associated with the upcoming election for the President of the Malvatumauri. Apparently similar allegations and responses have occurred around election time since the Malvatumauri commenced. Perhaps enhanced organisational management systems within Malvatumauri, such as public annual reporting or transparency of budget processes, may reduce such cycles of allegations in future. The risk of any financial mis-management linked to the Partnership should be addressed using the regular audit procedures which apply to all AusAID-funded activities (see recommendation 13).

Contested views of the role of kastom governance in Vanuatu are likely to continue to be debated for many years and while such views are in part the focus of this Partnership, any significant clashes may affect the credibility of Partnership activities. During this short review, several articles in the Vanuatu Daily Post newspaper highlighted issues associated with chiefs' contested role in governance. In one article, the author compared the Fijian context with the Vanuatu context, and found "a hybrid of traditional practice carefully implanted to act as a catalyst for rapid modernization and extinction of customary power" which he saw taking place through a rapid four stage process: "removal of chiefly autonomy; anchors western model of governance; opens door for

development; obsolescence [of chiefly system]<sup>4</sup>”. In another article, a Chief is quoted as seeking a legalization of kastom law<sup>5</sup>. The respective roles of the Partnership Leaders Group and the Kastom Reference Group are critical in managing the effects of ongoing debates on Partnership activities.

Finally, this Partnership has been the first occasion for donor funds to be managed directly by the Malvatumauri Secretariat under a grant/acquittal system. AusAID is satisfied with current reporting arrangements, and a review of the first set of financial reports indicated detailed and thorough reporting. Future collaboration based on trust and shared understanding of terms and procedures will be supported by occasional confirmation by professional auditors. It is therefore recommended that a standard audit be undertaken of current Partnership financial systems, processes and reports prior to confirmation of the next stage of funding.

## **8. Draft Recommendations**

After this relatively short review, and consistent with Paris Declaration principles, it is recommended that:

1. The next phase of the Partnership should be longer-term but not faster in pace, unless circumstances change.
2. A more flexible approach to activity definition should be used in the next phase, to allow for Partners to respond appropriately to emerging priorities over time.
3. Storians continue to be developed and facilitated, as the key means for achieving the Partnership’s purpose
  - storians are a culturally appropriate and well-regarded means to provide a “space” for discussion and knowledge and skill development in relation to kastom and community governance issues
  - the facilitation of storians are seen as a culturally appropriate means for external engagement with kastom governance systems and an appropriate means of external donor support
  - consideration should be given in the next phase to increasing the time spent within storians on custom governance systems, as a basis for improved interaction with formal systems
4. Storians should increasingly depend on local facilitators and use existing specialists available in Vanuatu, gradually reducing dependence on external facilitators over time
  - and cooperative research, facilitator support, monitoring and technical work with ACPACS should continue as negotiated within the Partnership

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<sup>4</sup> Tarere, Winston 2007 “Chiefs – an endangered species?” in Vanuatu Daily Post 30 August 2007

<sup>5</sup> Garae, Len 2007 “Tanna Chief wants Custom Law legalized.”

5. The current number of storians per year is “about right” for the next few years
  - given the logistics and complexity involved, an increased pace of activities or the setting of more ambitious objectives are not likely to be appropriate
  - the current staff complement would be stretched beyond reasonable levels if more activities were to be implemented
    - consideration could be given to the funding of a volunteer to provide organisational development support for the Malvatumauri, if requested
  
6. Potentially significant increases in Malvatumauri’s staff complement (currently the decision is within the Government of Vanuatu’s control) could have an impact on Partnership activities and should be carefully monitored by the Partnership Leaders Group
  - while potentially more staff could be available to share the workload associated with this Partnership, a new focus on establishment of Island Councils of Chiefs may reduce the Secretariat’s capacity to implement Partnership activities
  - issues associated with appointment and management of increased staff numbers and “islandism” may affect the ability of MNCC to operate as a national institution and potentially its ability to successfully achieve objectives in relation the Chiefs’ Act 2006
  
7. Future Partnership activities should operate within limited (i.e. not over-ambitious) objectives
  - an appropriate role for a foreign donor-supported project of this nature is to provide “space” for discussions on contemporary governance issues
  - any attempt to bring about substantial and externally-determined **changes** in Vanuatu’s governance context and systems raises too high a risk of perceptions of interference in governance issues and sovereignty
  
8. Storians have just begun to contribute to increased skills, knowledge and confidence in the value of kastom governance systems and their interaction with other systems, so repeat visits to islands and groups of participants, which build on previous storians (e.g. on more advanced, different but related topics), should be included in future, rather than efforts to cover all of Vanuatu. Local facilitators could gradually take on the task of extending coverage.
  - recognition of the strengths of existing communities and systems is critical to future work, alongside recognition of the current literacy levels of participants
  - village-based/indigenous/kastom natural resource management case studies should be included in future storians, in the context of holistic approaches to governance and the significance of this area for Vanuatu’s sustainable future. ACPACs has begun to work on this, including a natural resource management case study in the Tanna storian
  - increasing focus on gender equality issues is appropriate over time.

9. Efforts by Malvatumauri and the Partnership to build linkages with related organisations in Vanuatu should continue at a gentle and realistic pace, recognizing the value and challenges associated with diverse perspectives on governance issues, complementarity with other organisations' community governance activities and the capacity of the Malvatumauri to relate with other organisations
  - this includes Government of Vanuatu and other organisations with expertise and experience in governance issues, such as USP, WSB and FSP, as well as others with related expertise in kastom and/or development issues including VKS, NCW and VWC
10. Continued low-level "follow-up" interaction and support for participants of storians should be more clearly defined and communicated in the next phase
  - o approaches need to balance sensitivity to the issue that chiefs "voluntarily" perform their duties within an increasingly cash-driven context with the concept of self-reliance (i.e. need to avoid creating dependence on outside sources of funds for internal community matters)
  - o consideration should be given to the appointment of a project assistant in the next phase to assist MNCC officials in the development of project proposals. The position may be later absorbed into the MNCC recurrent budget.
11. Funds for local costs associated with research-related activities should be included in the next phase (i.e. to allow the Partnership-funded Researcher to be able to visit, communicate, contribute to research activities etc.)
12. The risk of changes in commitment to this Partnership which may occur through possible changes in the leadership of the Malvatumauri, needs to be carefully monitored
13. An audit of financial systems and accounts related to the Partnership should be undertaken, as included in the Agreement between AusAID and Malvatumauri, prior to the commencement of new funding arrangements.
14. Scope for the Partnership to facilitate interaction with traditional leaders from other countries who are dealing with similar governance issues, should be considered
  - o for example interaction with Maori leaders in New Zealand, Inuit leaders from Canada and indigenous leaders from South Africa may contribute to learning about the interaction of kastom governance and introduced governance systems (e.g. through funded visits, conferences/seminars in conjunction with other groups/countries).

## **Annex 1**

### **Terms of Reference**

#### **Vanuatu Kastom Governance Partnership Review 2007**

##### **Background**

Since 2005 the Malvatumauri, ACPACS and AusAID have engaged in a partnership to strengthen national and community governance in Vanuatu. This partnership commenced with funding for a pilot phase, which was reviewed (April 2006) and significantly expanded in the Kastom Governance Partnership design for the period September 2006 – December 2007 (\$0.5m). Concurrently AusAID commissioned a study of the “Drivers of Change”(DOC) in Vanuatu, an analysis of the political economy which identified the key role of kastom, chiefs and churches in community governance and service delivery . AusAID also sought and received funding (under the Australian Government White Paper on Aid, 2006) for additional partnerships between Vanuatu and Australian churches and AusAID, focusing on building demand for better governance. This partnership is currently being designed.

The DOC report identified 2 key unfinished dimensions to state building in Vanuatu: extending the state’s capacity at regional level to enable it play a more active role in rural development; and building up the capacities of local communities to interact with the state and become active agents in their own development. The report notes that local communities need to “be empowered to deal with the state and operate within the formal economy, while at the same time keeping intact structures and traditions that they value.....traditional and informal institutions have greater legitimacy and authority, representing what ni-Vanuatu perceive as most valuable in their society...however their strength is not in promoting modern service delivery or economic development.”(DOC p48). The report goes on to advocate for joint strategies for governance and service delivery, with the state, chiefs, churches and NGOs agreeing on their comparative advantages in different areas and agreeing on strategies and structures for working together. This analysis concurs with the purpose of the Partnership “ to extend the contribution of kastom leadership to change and development processes, particularly through conflict resolution”.

With the DOC analysis in hand, additional funding for a church partnership and reporting for the last 12 months on the Kastom Governance Partnership, partners are now looking to a new phase for 2008 – 2011. In preparation for this new phase it is timely to undertake a review of the activities from Sept 2006 to the present to assess outcomes, generate lessons for design of the next phase and consider how this partnership can work closely with the churches.

The Kastom Governance Partnership design (2006) includes a framework for monitoring at 4 levels of the activity:

Level 1 – Quality of delivery of outputs and activities

Level 2 – Quality of partnership interaction and relationship with other stakeholders  
Level 3 – Lessons learned about content, approach and follow up processes  
Level 4 – Contribution of partnership to overall purpose.

Levels 1 and 3 have been assessed by ACPACS and the Malvatumauri as the program has been rolled out. An approach to assessing Level 2 was developed by the Partners in June 2007. As set out in the design Level 4 an independent facilitator will develop an evaluation method, drawing on most significant change and contribution analysis, to generate information on the contribution of the partnership to the purpose and other outcomes to date.

## **Objectives**

The objectives of the review are to:

- identify contribution of the Partnership to the overall purpose (ie outcomes)
- generate lessons (from all levels of monitoring) and make recommendations for design of the next phase of the partnership.
- analyse how this partnership could work with churches in improving community level governance and/or service delivery.

Particular note should be taken of risks identified in the design (and other risks that have emerged) and how these have been managed.

## **Scope**

*Pre mission (2 days)*

- Identify key evaluation questions
- Design the evaluation methodology and tools. Data collection tools should be sex disaggregated, and ensure that different perspectives of women and men are adequately represented. The methodology should provide each partner with opportunities for input.
- Review reporting on: the delivery of outputs and activities; the quality of partnership interaction and relationship with other stakeholders; and the lessons learned about content, approach and follow up processes.

*Mission (5 days)*

- Using evaluation tools conduct the review  
(we could include a provincial visit, and visit or telco/email with ACPACS here)
- Provide a preliminary oral and written report on findings to all partners at the end of the mission

*Post mission (2 days)*

- Draft the review report and circulate to all partners for comment
- Prepare a final review report

## **Outputs**

Qualitative and quantitative review data



Oral and brief written presentation on initial review findings  
Draft review report  
Final review report

### **Duration**

Pre mission – 2 days  
Mission – 5 days in country (including a provincial visit)  
Post mission – 2 days

### **Reporting**

Oral and brief written presentation on initial review findings by 26 August  
Draft review report circulated to all partners by early September  
Final review report within 2 days of receiving comments from partners.

### **Review team**

The review will be conducted by an independent consultant, contracted by AusAID.

NOTE : In addition to these TORs Deborah will also be asked to provide a one pager on ideas for management and monitoring arrangements for the BDBG portfolio – an additional half day.

## **Annex 2**

## **List of people involved in review discussions**

### **AusAID**

Mr Robert Tranter  
Ms Arthi Patel  
Mr Charles Vatu

### **ACPACS**

Professor Kevin Clements  
Dr Anne Brown  
Dr Peter Westoby  
Ms Jo Mackey

### **Malvatumauri**

Chief Selwyn Garu  
Chief Dickinson Tevi  
Ms Roselyn Tor

### **Vanuatu Cultural Centre (VKS)**

Mr Francis Hickey

### **USP**

Ms Miranda Forsyth

### **FSP**

Ms Alice Kalontano

### **WSB**

Mr Michael Taurakoto

### **Storian Facilitators**

Mr Gideon Rongoleo  
Ms Merriam Bule  
Mr John Gilu

### **Storian Participants**

Chief Wycliffe Tagar, President, Luganville Town Council of Chiefs  
Chief Siro Vagaha, Secretary, Luganville Town Council of Chiefs  
Ms Lucy Sandy, Port Vila  
Ms Lisaine Malsungai, Port Vila  
Chief John Santo, Port Vila Council of Chiefs  
Chief Harold Thompson, Port Vila Council of Chiefs  
Chief Maurice Timataso, Port Vila Council of Chiefs  
Alan Sau, youth representative  
Lai Sakita, youth representative