

## **Pentecost Island Awareness Tour.**

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## Introduction

It's been my pleasure to be part of the court team to the island of Pentecost with the opportunity to be considerate on the legal awareness part of the tour. This is with regards to the intentions of the office of the Public Solicitor in Port Vila. Travelling over this mountainous island in the northern part of the Republic of Vanuatu is an adventure to be remembered.



Our main forms of transport as the roads are terribly spoilt by continuous heavy rainfalls.

These are the areas of criminal law which we have covered in the legal clinic programme:

1. Sexual intercourse without consent
2. Cannabis
3. Kidnapping
4. intentional homicide
5. intentional assault
6. Arson
7. Criminal trespass
8. Abortion
9. Criminal defamation
10. Malicious damage to property
11. Unlawfully entering dwelling house
12. Insighting and soliciting

## Areas of visitation

### ***Ranwas Village***

Our trip to Ranwas village was an exciting of all as it was the first time for all of us to see the native people wearing 'nambas' at an ordinary time. I mention ordinary time because all of the members of the group had seen people wearing 'nambas' only during our cultural festivities. This was on our way to the village. It was a surprise to notice that the native of this village do not where 'nambas.' I've had the expectation that all of the people would wear 'nambas' which I was wrong. They wear clothes like everybody else.

We arrived there late after lunch and realised that the people of Bunlap village had not arrived. The chief justified that the notice was sent to them a bit late. We made no further comments as we were all very hungry. Eric ran the court with the State Prosecutor while I announced that I will be taking reports/complains of any body that is in need.

Only two people came. Everybody went to watch and hear the court. I did tell Eric at the first place that we would both run the legal clinic but then it appeared that we are running out of time. Right after the court he went right with the legal awareness. So I prepared the refreshments with some people from the area. I felt very bad as I was specifically sent over for legal awareness and on this first occasion I did nothing. I told Eric but he said it won't make much difference since we are running against time.



The people of Ranwas village listening to the legal awareness.

After sharing the refreshments with the village people we returned to Pangi village on a transport. It took nearly two hours ride. They really appreciate our visitation. You can just tell from this photo.

### ***Bwatnapni Area***

Quite a number of people have attended the legal clinic since it has been held at the church building. They have raised queries with respect to sexual intercourse without consent, arson and intentional assault in particular since these three particular offences are very common in the area. I have tried my best to explain each in particular but I've focussed mainly on the penalties of such offences. I consider the time as being of great importance to them. At the end they requested to keep a copy of the Penal Code that I've used. They have also requested a time which any legal officer could run a special workshop on legal clinic with the youths of the area.

I have suggested them to invite Mr. Molbaleh to conduct any workshop on legal clinic which they request. I've referred to his holidays as he is from the area. The turn out of the legal clinic was reasonable.



Above is a picture showing some of the people who have attended the legal clinic at Bwatnapne, Central Pentecost.

### ***Loltong Area***

The people of this area did not make an attempt to attend the Legal clinic so we set off to Vulumanu High School. Students have prepared to receive us. They have dressed in their school uniforms and our short time with them was well organised. Mr. Tarilenga from the State Prosecutions has followed us to assist. In our presentations he focussed on the role of Police and the work of the Prosecution. Students have raised queries about abortion, cannabis and



sexual intercourse without consent in particular. In all their queries we have managed to clarify all their uncertainties.

We have all enjoyed the time together. Before we left their Principal acknowledged our visitation on behalf of the school and thank the Public Solicitors office in Port Vila for the offer.



Vulumanu High School girls during the legal clinic program.

### ***Asaranmanu Village***

Due to the poor conditions of the road in north Pentecost we had a walk to this village. We joked about the concept of service delivery as we all felt so tired on our way. On our arrival there were a very few people but we decided to go ahead and start.



Very few people attended the legal awareness at Asaranmanu Village

### ***Arevo Village***

Compared to other areas as planned a huge number of people attended the legal clinic that was conducted in this village. People had raised queries with regards to straying animals, domestic violence, child maintenance, land matters and the most exciting issue which they have raised is the impact of the legal clinic that would have on the chiefly system of problem solving. I must acknowledge Mr. Tarilenga for assistance at this particular time.



A group of people at one side of the nakamal pays attention to the presentations.

### ***Abwatuntora Village***

We were welcomed by the Nurse in charge for the Abwatuntora Health Centre. Therefore, nearly all the staff members were present at the time. There were not so many people as we have expected but we came to realise that a large number of people had knew nothing about our visitation. The people have raised similar issues as the other areas but one query which I have found interesting is about the conservation of birds within the area of the village.





Above is the audience at the Abwatuntora village legal clinic

### ***Lavatu Market House***

Upon arrival we were amazed at the building as it's so huge. We waited for a couple of hours before we began. The attendance is not as expected. The fact is that there was a marriage and a couple of people had recently died in the area and the people were still mourning the deaths. But we happened to cover all the areas of criminal law which we were intended to cover. There were not as many queries as the other areas.



The only women who attended the legal clinic at Lavatu

## **Some areas of queries and Legal advice**

### 1. Straying of animals

**Some people had raise questions regarding some people who have left their animals to wonder around and destroy gardens.**

Our response was that the first thing that they would do is approach the owner of the animal(s) and tell him or her about the animal(s). In such circumstance the owner has a duty to stop the animal from wondering around and destroying gardens. The owner then has a duty to compensate the other party by which their gardens have been destroyed. If no compensation is done, the person owning a garden can make a claim.

The person must not kill the animal otherwise he/she is entitled to pay the animal. Finally we have mentioned that when animals are destroying gardens it is best that it is reported rather than killing the animals, just to ensure that the problem lies alone on the person who owns the animals.

### 2. Conservation of birds (wild life)

**The people of Abwatuntora village had raise concern over a person whom they claim to have repeatedly breaking their conservation rule within the village by shooting birds with a machine gun.**

We agree that their conservation rule is lawful. Concerning the shooting of birds it is a matter of circumstance. This means that it is unlawful to shoot birds within the boundary of the village itself. However, if the birds fly beyond the village boundary, any shooting done is lawful because it would be difficult to distinguish between the birds that daily fly within the boundary and those that are not.

### 3. Rights of the children

**Some people have raise queries as to whether the rights of children would totally stand as a shield from parents smacking their children. This is with regards to the idea that smacking children over the centuries has been a form of teaching.**

We agree to the idea that smacking could be taken as a form of teaching only to the extent that it is not abused. What we mean is simply that when a father wishes to smack his son as a form of teaching he has to do it to the extent that a reasonable person would consider it as appropriate. For instance if he smack his son with four huge branch of manioc then that would be regarded as inappropriate in which case the father can be reported.



#### 4. Child maintenance issues

**Some people have raised concerns as to the situation where the island court rules that a person had to pay child maintenance but then he decided to quit after a short period of time.**

In this case we have advised that they need to report this back to the island court or they could report this to us.

#### 5. Defamation

The issue of defamation on the island of Pentecost is not very much a problem except in one case where a person was accused of killing a number of people through witchcraft. We have applied the test whereby the public at large would have to know about such rumours and believe it. It happened to meet the requirements of defamation so we took his report.

#### 6. Land matters

**A number of people have raised queries on the issue where a person plants on a piece of land that does not belong to him. Their question is what will he do if the customary land owner knows about it?**

We then advise that the owner has to stop him upon clearing the land. If he fails to stop him then he has to wait until that person has harvested all his crops. The owner must not destroy the crops otherwise a claim could be imposed on the land owner regarding the value of the crops.

#### 7. A complain regarding Penama Province.

**Some business people of South Pentecost had raise complain regarding Penama Province. They have claimed that they had heard rumours that there is a misuse of their business licence money which they pay to the province. There question is, in that case what will they do?**

We then advise that they need to find the truth before taking any action as they cannot rely on rumours to act.

#### 8. Rape

**After our presentation on rape or sexual intercourse without consent, some people enquire as to what exactly constitute the act of rape.**

We explain that rape or sexual intercourse without consent is when a person (whether a boy or girl) approach a member of the opposite sex for sexual intercourse with the intention of 'must.' The victim in this case has no other

choice but to accept the request. This could be done by force or by continuous insist of the respondent.

### **Acknowledgement of the people of Pentecost**

All through our awareness program the people of Pentecost who were present at those times wish to express their appreciation for the work done by the office of the Public Solicitor. They said that they have learned a lot from the legal awareness that has been conducted. The people of Abwatuntora village request that if it's okay with the office then they demanded that an officer be sent offer for conducting a workshop with the youths of the area. They said they will assist us with the air fare.

### **Table showing the number of reports taken from each area**

<b>Name of Area</b>	<b>No. of reports taken</b>
Ranwas	2
Bwatnapne	10
Loltong	9
Asaranmanu	5
Arevo	8
Abwatuntora	6
Lavatu	5

During the awareness programs we also took reports or complains of the people from the area that we've visited.

### **Strengths**

- There was an available facility to host the Legal Clinic.
- Brochures were helpful in a way that others who did not attend the legal awareness still have a chance to know something about our office and our role.

### **Weaknesses**

- The posters were sent a bit too late, maybe a month notice would have prepared the people more to attend.
- People are not good at making appointments so I suggest that there will come a time where we will be strictly considering this. For the time being, I suggest that we will continue to encourage it but we also need to take our clients without appointments in the rural areas.
- A huge number of people do not understand the role of our office so they do not bother to come.

## **Recommendations**

Here are a few recommendations that should be considered for next clinic tour:

- That awareness be made 1-2 months before the actual clinic tour.
- Posters on the tour to be handed to the chairman of each council in terms of awareness.
- Awareness about the clinic should continue to be made via Radio Vanuatu.
- An arrangement has to be made for some people to accompany the legal officers since the Clark for instance is not very much helpful.