Introduction

In Vanuatu the word ‘sorcery’ is most closely associated with the use of blak majik (black magic) known as nakaemas in Bislama, although there is a diversity of practices consistent with the extreme linguistic and cultural diversity found across the archipelago. Nakaemas is defined in this chapter consistent with contemporary usage in North Efate, not as the broader practice of magic that is sometimes associated with discussions of sorcery or witchcraft in the academic literature, but as nefarious practices of poisoning and other magical practices that cause bodily harm and untimely deaths. Recent accounts of nakaemas in North Efate include incidences of poisoning, bodily possession, transformations of people into dogs and devils, control of bodies and minds and ultimately nakaemas-related deaths. Many accusations of nakaemas in North Efate occur in the context of land disputes and are made with reference to a broader cosmology of sacred power, or what I refer to here as the kastom power of place.

Since Vanuatu became independent in 1980 almost 10 per cent of the total land area — previously held as customary land — has been leased (Scott et al. 2012). In this chapter I consider how narratives of nakaemas are shaped by land disputes and the commodification of custom land in North Efate through leasing. Local narratives of nakaemas reveal the sacred kastom power associated with place, and the terror of nakaemas that accompanies the conflict and jealousy associated with land disputes and land leasing. I attempt to gather these various, sometimes contradictory or overlapping, narratives around land leasing in some form as an example of the ‘divergent modes of conceptualizing the moral and sacred’ that ‘coalesce as part of the experience of modernity in Vanuatu’ (Taylor in press b:15). Collected into an interwoven whole it becomes evident that

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1 This is similar to the definition used by William Rodman (1993:217) in discussion of mateana in Ambae. Increasingly vernacular understanding of nakaemas are informed by a circular feedback mechanism between local discussion, discussion in media, and discussion in the policy–legal space, such as in the context of the Vanuatu Land Reform Commission.

2 See also Taylor’s discussion of sacred power (Taylor in press b).

3 In writing this paper I have entered into an undertaking that details such as specific names and places will not be included. I apologise if this leads to frustration among readers who are hoping for a more specific account of some of these events. For me this undertaking means that pseudonyms alone will not suffice to
these narratives represent a salient critique of current leasing practices in North Efate in which powerful men, whom I have termed elsewhere the ‘masters of modernity’ in homage to Margaret Rodman’s earlier description of the ‘masters of tradition’, lease land that belongs to other men or tribal groups (McDonnell 2013; Rodman 1987).

Finally, this chapter considers some of the reasons for the limited efficacy of the current formal criminal legal system in addressing the accusations of *nakaemas* that often accompany land-related disputes. It suggests that a better strategy may be to support existing customary institutions to manage land disputes so as to place accusations and threats of *nakaemas* into the broader social contexts of the relationships in which they occur. In relation to the *nakaemas* accusations that accompany land disputes, I will explore the implications of the new land reforms in Vanuatu that devolve power to customary institutions.

**North Efate**

Narratives of *nakaemas* power as linked to landscapes and powerful men are explored here in the context of North Efate. Efate Island is the central island of Vanuatu in the Y-shaped archipelago (Figure 1) and hosts the capital city Port Vila and a population of 78,721 people (VNSO 2009:2). The land area of Efate Island is 899.5 square kilometres. Statistics from 2010 suggest that 56.5 per cent or 121.5 kilometres of coastal Efate is under lease (Scott et al. 2012).

North Efate (sometimes termed North-West Efate) is a region that stretches along the coastline of Efate Island roughly from Tuktuk Point in the south to Samoa Point in the north. From a mountainous volcanic inland the landscape quickly descends steep escarpments to the coast and finally through reefs to the deep waters of Havannah Harbour. Since the mid-2000s people in North Efate have experienced the voracious leasing of large areas of coastal customary land. Much of this land was subsequently subdivided and resold as small blocks of coastal beachfront estates to expatriate investors (mainly Australians and New Zealanders) as locations for houses.4 Some of the blocks of subdivided land have...
become commercial developments and the coastal estate of Havannah Harbour is now the location of Vanuatu’s only five-star resort aptly named ‘The Havannah’ as well as numerous smaller resorts and a scattering of restaurants. One business, Havannah Eco Lodge, is owned by a local Lelepa Island man.

Figure 1: Efate Island, Vanuatu.

Source: CartoGIS, College of Asia & the Pacific, The Australian National University.
In North Efate, land deals through the 2000s saw the large-scale purchasing of leases by largely expatriate but locally based investors from locally powerful men who I have termed the ‘masters of modernity’. From the ‘custom owner’ side, the men engaged in land sales are either chiefs or are heavily influenced by chiefs. In general, they are men who are confident in public forums, have numerous connections to investors, are able to manage complicated cross-cultural transactions (between ni-Vanuatu and expatriate communities) and usually have exceptional English language skills. This combination of status and skills enables them to manipulate land sales across the region. In this sense they are the ‘masters of modernity’ harnessing asymmetries of information; the sheer knowledge they are able to access, relative to other community members.

Available leasing data in North Efate shows that there are currently around 140 leases across the region along the coastline from Tuktuk Point to Samoa Point, Lelepa Island and the whole of Artok (Hat) Island. Of the 56 leases that are signed off by individuals, 45 leases (80 per cent) list the lessor as a local chief. Leasing by individuals in North Efate is overwhelmingly the providence of chiefs. The leasing data also indicates that chiefs play a major role in many of the lease transactions that have occurred in North Efate. Of the 129 leases, 70 leases (55 per cent) list a chief as the first name on the lease instrument and all others named as lessors (with one exception of one woman’s name) are men, powerful in other ways.

The central **kastom** site in North Efate is Artok Island, which is the location of a mass grave of at least 60 bodies and the burial place of the famous paramount chief, Roi Mata. The island of Artok, the old **kastom** village of Mangasi (the residence of Roi Mata) and Feles Cave (the place of Roi Mata’s death) on Lelepa Island are all sites of importance in the **kastom** narrative of North Efate. Together these sites make up the Chief Roi Mata’s Domain World Heritage site (Figure 2), which was inscribed by UNESCO in 2008 (Wilson et al. 2011).

The population of North Efate lives mostly in the village of Mangaliliu and on Lelepa Island, although increasingly housing is also located along the ring road that circles the island and cuts along the coastline. The recent census records the population of Lelepa as 387 people (VNSO 2009:4) and around 91 households (VNSO 2009:7). While it is not possible to extract the population figures of Mangaliliu from the overall Shefa census data, current estimates put the population at around 550 people.

My fieldwork in North Efate was conducted over a four-year period. During this time I had many conversations with local people about **nakaemas** and attended numerous burials and ‘ded’ ceremonies associated with the deaths of powerful men in the area. Many of the men who died during this period were friends, informants and close colleagues of mine. I also participated in a number
of *kastom* and church-based rituals designed variously around clearing the *nakaemas* spirits from the landscape, or naming the supposed perpetrator of acts of *nakaemas*.

Figure 2: Chief Roi Mata’s Domain World (CRMD) Heritage site, Vanuatu.

Source: CartoGIS, College of Asia & the Pacific, The Australian National University.
Kastom, place and power

Links between identity and place are foundational to ni-Vanuatu. In his consideration of the word ‘kastom’, Taylor is clear that place (ples) is a defining narrative in sociality for the Sia Raga in North Pentecost (Taylor 2008:10–11). Throughout Vanuatu, being is tied to landscape and encapsulated in place. By contrast, a man without land is not a man in the sense of the sociality of place. This informs the idea of the contemporary Bislama use of ‘man ples’; the person or group who has land rights over a place. These rights correspond to rights to use and work the land or allocate land to others, to grow gardens and maintain houses, and to look after and visit sacred ancestral sites. Kastom and place also function as important political narratives used in the construction of the indigenous self. In contemporary use, kastom is increasingly a ‘matter of selective perpetuation from past to present to future, of distinguishing good from bad kastom between those practices thought worthy of continuity or revival and those which should be left to expire’ (Jolly 2012:123). Kastom narratives are a conscious and selective representation of key aspects of emplaced self.

In North Efate narratives of nakaemas are representative of this broader practice of the selective perpetuation of some kastom practices over others. The influence of missionaries in North Efate led to the destruction of many sacred kastom objects. Ellen Facey describes the mission project of Peter Milne, a Scottish Presbyterian: ‘the voices of chiefs and the images of dead chiefs, the slit drums, had been burnt, and, in many instances, sacred stones and conch shells had been delivered up to Milne by chiefs or their sacred men’ (Facey 1981:304). Missionaries regarded the practice of nakaemas as immoral, a description that continues to resonate in contemporary discussions. In conversation in North Efate nakaemas is often referred to as the ‘rabis saed blong kastom’ (the rubbish side of kastom practices). As a descriptor this operates within reference to deeper temporal understandings of the time before missionaries as taem blong tu dak — the time of heathen ‘darkness’ in contrast to Christian ‘light’ and the construction of moral narratives around the use of sacred power (Taylor in press b:13). Accordingly, for the Christian population of North Efate, the practice of nakaemas was until recently regarded as no longer practised and to have ‘died out’. Many of the narratives associated with nakaemas, and discussed below, assume that a local man has paid a nakaemas practitioner living in Port Vila from

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5 See also a discussion of the immorality of sorcery as influenced by Christianity such that it is representative of ‘bad’ kastom in Rodman (1993:221) and also the discussion of evangelical church crusades against kastom in Taylor (in press b). However, different denominations have approached the integration of kastom practices into the church in different ways. The approaches of the different denominations to kastom have also changed markedly over time and in response to the ‘renaissance’ in kastom that took place before independence in Vanuatu.
another island more closely associated with *nakaemas*. The assumptions in these accounts is that *nakaemas* services are accessed from ‘outside’ and are no longer found in North Efate.

The broad historical narrative of ‘sorcery’ in Vanuatu is that it is a secretly guarded *kastom* power closely connected to powerful men and embedded in specific places (Facey 1981; Rio 2002; Rodman, 1993; Tonkinson 1981). The practice of *nakaemas* in Vanuatu was historically the purview of powerful men who as ‘leaders were considered either to have extensive supernatural powers themselves, or had magic men working for them who were able to manipulate these powers on their behalf’ (Forsyth 2006:4). Powerful men used the threat of *nakaemas* to encourage obedience and as punishment of those who disregarded rules or flouted acceptable social behaviour.

Much of the terror associated with the practice of *nakaemas* in contemporary Vanuatu is that it is viewed as less controlled and more easily accessible in many places, particularly in urban areas. It is no longer viewed as a power regulated by powerful men. This has led to claims that *nakaemas* is ‘out of control because people could no longer appreciate the agency of the sorcery act as an expression of power, since it was no longer seen as the tool of the socially constitutive high men of the hierarchy’ (Rio 2002:131). Fear of *nakaemas* in contemporary Vanuatu is the fear of an unrestrained power, a power no longer bound by *kastom* governance structures, a power no longer linked to place. Responding to the report into the 2007 *nakaemas*-related riots involving the Ambrym and Tanna communities living in Port Vila and resulting in three deaths, Tannese spokesman Chief Jacob Kapare explained the violence as being caused by a breakdown in the *kastom* management of sorcery:

> every Island in Vanuatu is rich with their individual black magic/sorcery powers to kill people within their systems … Normally this is supposed to happen within a network, an agreement between the *nakamals* but today it has shot out of control. (Joshua 2011a)

Without appropriate *kastom* governance structures there is nothing to manage or mitigate the fear that provokes the desperate search for narratives to explain why deaths have occurred. Increasingly, narratives of *nakaemas* are associated with conflict around access to the cash economy (Taylor in press a). Anthropological literature in Melanesia stresses that unequal access to cash and market commodities and narratives of ‘development’ can give rise to jealousy and result in the practice of sorcery (Lattas 1993; Rio 2002). The practices and fears associated with sorcery also look different in urban and rural areas. In an urban context, Taylor writes that in Santo township interlocutors describe ‘the growing threat of *nakaemas* … with the mixed nature of life in town amid increasingly hard economic conditions and a growing culture of jealousy’
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(Taylor in press a:4). In urban areas nakaemas is seen as more accessible, ‘fears are growing that it is becoming “commercialised” and the demand for kastom “hitmen” may be growing as sorcery is use[d] outside its respective boundaries and for the wrong purposes’ (Joshua 2011b). By contrast, in rural areas of Vanuatu allegations around the practice of nakaemas are often closely related to land disputes, as will be explored later in this chapter.

Place and power in North Efate

I begin my discussion of nakaemas and land by considering contemporary understandings in North Efate of the way in which power is embedded in place. Kastom narratives of power in the landscape of North Efate take two broad forms. First, there is ancestral sacred power associated with place per se. Second, there is power associated with place of which one kind, nakaemas, has historically been harnessed by powerful men as part of a chiefly hierarchy. Embedded nakaemas that operates within a social structure was described by Mary Douglas as a controlled power ‘exerted on behalf of the social structure; they protect society from malefactors against whom their danger is directed. Their use must be approved by all good men’ (Douglas 2003:100). These powers can be contrasted with those that are dangerous to society; ‘those who use them are malefactors, their victims are innocent … these are witches and sorcerers’ (ibid.). Writing of the Maring in Papua New Guinea, LiPuma distinguishes between these different forms of power in a similar way, noting that: ‘[a]ncestors attack those who have abridged community norms, whereas sorcerers attack for their own malevolent purposes’ (LiPuma 1994:152). While historically both of these forms of power have operated as social sanctions, narratives of nakaemas increasingly distinguish between the power of place which attacks those who have not adhered to the correct practices in kastom and the marauding dangers of commodified nakaemas. The kastom power of place recognises the agency of place; it is closely associated with kastom understandings of the ways of the place and the idea of ancestral power as a social sanction. The ancestral power of place is contrasted in this chapter with accusations or threats of nakaemas by an individual associated with a land dispute. Discussion of the sacred power of place is distinct from accessing commodified sacred power by paying a nakaemas practitioner. Ideas of commodified nakaemas are discussed locally in North Efate as purchased from outside the area, most readily from Port Vila, so as to fulfil a personal vendetta.

A key element of place in Vanuatu is the power of ancestral and spiritual beings within the landscape. The divine narratives of place are stories describing the actions and movements of ancestral figures within the landscape. In North Efate anthropological and local historicities describe the matrilineal relationships (termed naflak) linking people to place as originating from the important
historical figure of Roi Mata (Ballard 2014). Considered to have lived in the 1600s, Roi Mata was described as the ‘paramount chief of all chiefs of Efate’, who developed the *naflak* ‘totemic’ systems on Efate (Guiart 1964:97). It is the narrative of Roi Mata and the associated *naflak* groupings that continue to link people to place across Efate and in the Shepherd Islands.

In Vanuatu *kastom* narratives of place are supplemented by the diurnal (and nocturnal) presence of visiting ancestors and spiritual beings who personify place. In this sense:

> the physical world is inhabited by ancestral and other spiritual essences. Both human-made objects — houses, canoes, carvings, textiles — and the natural environment — hills, animals, rocks, waterfalls — do not merely represent but *are in fact* the repositories or embodiment of what in English are sometimes described by terms such as ‘ghosts’ or ‘spirits’.

(Taylor in press b:9)

Part of the coastline of Havannah Harbour is, for example, inhabited by small ‘dwarf’ people named *sengalengale* who interfere with washing, knock over objects and steal food from houses and gardens. These little people become increasingly disturbed as their place is developed by housing that forms part of luxury residential subdivisions or hotels that increasingly mark the coastline of Havannah Harbour. Place in this context is embodied by the ancestral figures of the historical or recent past and by spiritual beings and devilish figures that inhabit the landscape. It is this personification of place that enables the land to have agency.

Key places in the landscape of North Efate also represent the spiritual path between the living and the dead. In North Efate, Tuktuk Point marked the junction in the journey after death to the spirit world; after death people believed that ‘[t]he spirit journeyed under the sea to Point Tukituki’ (Facey 1981:305). As well as physical locations that mark pathways to the spiritual realm, different locations in the contemporary landscape of North Efate are identified with changing weather; calling on ancestral power for support in war, fighting, or disputes; good luck or other activities; and collecting luck for fishing. Increasingly, ceremonies are held at Mangasi in the compound of Roi Mata to ask for ancestral help, protection, power and guidance. There is also a location which is widely understood as being the place where a person (overwhelmingly thought of as a man) can go to harness the *kastom* power associated with *nakaemas*, to call the power to him.⁶

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⁶ This is similar to Tonkinson’s (1981) conception of sacred power in Ambrym as something that could be harnessed by sorcerers to bring about a range of effects.
Historically in North Efate there was a finely calibrated balance between the practice of *nakaemas* power and the authority of men within the chiefly structure who were able to control or guide the use of the power. Hierarchical chiefly structures consisted of a chief or *nawota* (in Lelepa language) supported by a number of other men who also held titled positions. These included a *munawae*, termed a *kleva* in Bislama (literally ‘clever’ in English), a sacred man holding a hereditary title ‘who could perform extraordinary feats by virtue of his ritual knowledge and personal relationship to the world of spirits and gods’ (Facey 1981:300). All chiefly dominions included spirits who dwelt in ‘particular caves, a hole in a rock or a tree, or in the sea’ (Facey 1981:305); the *munawae* or *nawota* was responsible for going to the place of the spirit and leaving a food offering so as to guarantee a plentiful harvest or success in warfare.

Recognition of the power and authority of chief came from the close relationship between a *nawota* and their *munawae* (Facey 1981:310). For example, the holder of the ‘Roi Mata’ chiefly title had a *munuwae* whose title was ‘Marikurai’ (Guiart 1964). The contemporaneous inhabitation of a place by the living and the dead meant that the role of a *munawae* was that of a mediator with the ancestral spirit world. Unexplained sicknesses were sent by the ancestors and:

thus sacred men visited them in spirit and would find the sick person’s spirit bound by the ancestors. He [the sick man] would die unless he admitted the misdeed of which they accused him and rectified the situation. (Facey 1981:305)

The role of the *munuwae* was to save people from unexplained sickness and to protect them from being taken by ancestors or *nakaemas*. In this sense, *munuwae* act as mediums between ancestral beings and contemporary inhabitants of a landscape.

In contemporary Vanuatu *kleva* are healers who use a combination of *kastom* plant-based medicine, Western medicine and other esoteric healing practices (Taylor in press b). *Kleva* are also known for their powers in divining the cause of *nakaemas* or the name of the *nakaemas* practitioner. They also possess the skills to ‘clear’ an area of malevolent ancestral beings, protect people or bring an end to a curse or other form of *nakaemas* power. *Kleva* are the personified embodiment of what Taylor describes as the ‘Janus faced’ relationship between the sacred power of Christianity and sorcery with their combined powers of ‘black’ and ‘white’ magic (ibid:6–7). Skilful practitioners will draw on the narratives of Christianity in order to justify and defend what may otherwise be

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7 See, for example, Rio’s discussion of the role of a *vanten ngea vanten hanglam rohle* in Ambrym (Rio 2002:137).
considered the dangerous and immoral use of *kastom* powers. These justifications of acts with reference to Christianity allay fears and enable the practice of skills that might otherwise be associated with *kastom* practices and ‘black’ magic.\(^8\)

In North Efate today there is no one who claims to perform the specific role of a *kleva*, although there are some people who claim to have general ‘healing’ powers. Accordingly, there has been no clear pathway for mitigating the fear of *nakaemas* associated with recent deaths, which has resulted in communities engaging on separate occasions over the past four years healers from the Seventh-day Adventist Church; numerous other islands including Pentecost, Malekula and Epi; and a famed healer from Pango village. These delegations have held numerous faith healing, praying and ‘clearing’ ceremonies. There has also been a number of directives from various groups to cut down sacred banyan trees on the island, and to pull up all red flowers as these are ‘a symbol of the devil’ (McDonnell, field notes, North Efate 2011). So far these delegations have, in the minds of many community members, failed to address the practices and fear of *nakaemas*. During this period a number of people left their homes and relocated to Port Vila out of fear of powers that are out of control. The enigma for people in North Efate is that just as they maintain they no longer have ‘black magic’ *nakaemas* practitioners within the place, they have lost the ‘Janus faced’ powers to resolve issues of *nakaemas* historically embodied in the role of a *kleva*.

The power associated with place continues to be closely bound to the authority of chiefs in North Efate, just as it was in the past. Facey writes of the historical practice of one form of ‘investiture’ of chiefly titles, or what is now commonly referred to as ordination:

> The central element of the rite was the ‘pulling up’ of the sacred spirit from the predecessor and the instillation of it within his successor. This involved transferral of a potentially fatal power and so it had to be performed by other chiefs within a sacred enclosure of coconut fronds constructed especially for the occasion. If non-chiefs approached this area they could be killed by the force of the sacred spirit. (Facey 1981:300)

Ancestral beings have agency and continue to affect the course of peoples’ lives and their claims to chiefly authority over land. Echoing Facey’s account, one Lelepa man described to me the process for his chiefly anointment, termed *patnanu*, which involves a current chiefly titleholder passing the sacred *kastom* power held by a chief to another man. The *kastom* ceremony necessitates a

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\(^8\) Without the careful deployment of Christian narratives, people performing the role of a *kleva* can become a target for *nakaemas*-related violence. See, for example, the discussion by Taylor (in press a).
complicated and particular placement of coconut (*nanu*) fronds underneath the current titleholder, in order to assume his chiefly position and appropriate his power. The Lelepa man described what occurred as this ceremony took place:

> At the time when I passed the coconut leaves underneath I turned the leaves. I had not meant to turn them but the spirits of the ancestors are alive today. When I pushed the leaves, another man was there, the power of the chief moved all about. The spirits of the ancestors made their work. (Translated from fieldwork notes, 2012)

Thus ancestral spirits subverted the chiefly anointment ceremony and stole the sacred power from the supposed successor, passing it to another man who today retains the chiefly title. In this narrative the agency of the ancestors of the place intervened to promote the interests of one man over another. Ancestors are very much alive. Place is embodied by ancestral beings that are essential to recognition of sacred power and authority in the landscape. As a result, authority means, among other things, being able to harness and channel the sacred *kastom* power of place.

Where the power of a place is defined in terms of *nakaemas*, chiefly authority is linked to a capacity to harness this power. Writing on North Ambrym, an island renowned for being the home of many *nakaemas* practitioners, Patterson writes of how this place is described as ‘the Mother of Darkness’, renowned for the practice of *nakaemas* among people from other islands (Patterson 2002).Chiefly authority in this landscape thus requires claims of authority related to *nakaemas* or Christianity, or both held together in careful tension (Tonkinson 1981). By contrast, expatriates cannot really be part of the web of sociality that marks *kastom* and embeds people in place and therefore cannot hold or manage the power of *nakaemas*. Dousset (Chapter 9, this volume) raises this point in his discussion of *nakaemas*, noting that people suspected of sorcery ‘are not complete foreigners, not unknown people, but are often (if not always) relatively close kin (or potentially close kin), people one has fed and protected’. This is particularly true of rural areas where one often sees the competing interests that mark intra-family or community disputes over claims to land. Here accusations of *nakaemas* mean that key agents take part in a narrative dance, alternately as victim or perpetrator, a type of musical chairs that reflects the pressures of conflict and competition (Dousset, Chapter 9 this volume). In rural Efate and other rural areas of Vanuatu this dance entails the choreographed performance of narrative claims and counterclaims to land and to chiefly authority over landscapes.

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9 See also the discussion by Rio of how this has informed ideas on Ambrym about the darkness that lurks in villages (Rio 2002:137).
Nowhere does the fraught and political nature of opposing narratives of *kastom* and place become more transparent than in the legal entanglements related to opposing claims over land. Here the narratives of emplaced self are fought over by a handful of powerful men vying for authority over a landscape. It is men who are always the agents of these *kastom* narratives of place as it is the men who speak in court and in *nakamals* (often defined as men’s houses or chief’s houses). By disallowing the voices of women in these spaces the construction of *kastom* and place is overwhelmingly the domain of men. And it is around these contested claims over land that allegations of *nakaemas* often occur. I will return to this theme in my discussion of *nakamals* as customary institutions in the final section of this chapter.

**Nakaemas** and land leasing

Over the past four-year period accounts of *nakaemas* in North Efate have included incidences of poisoning, bodily possession, transformation of people into dogs and devils, control of bodies and minds and ultimately *nakaemas-*related deaths. *Nakaemas* accusations must be interpreted in the context of social relationships and as a response to tensions within social groups. *Nakaemas* accusations cannot be interpreted in and of themselves, but are more properly viewed as an ongoing process of circumspection that takes place around specific sources of tension, one of which relates to dealings over land. The tapestry of narratives of *nakaemas* is woven over time; with each death comes a new set of explanations and accusations which must be carefully considered and analysed before a conclusion is reached. With each subsequent otherwise unexplained death the process is repeated. My field notes following the death of a close colleague and friend I had been involved in caring for shows an example of this narrative weaving:

> The Council of Chiefs have held a meeting with a *kleva* from Tanna. She explained the reasons for the black magic and named … [the man] responsible for his death. The *nakaemas* narrative gains strength, people comment repeatedly ‘those white people tried everything to save him but the poison was too strong’. His brother sits next to the grave each night to ward off the marauding spirits. The generator is kept running all through the night so that the grave can be lit. Other people have also been involved in guarding and protecting the grave. This will continue until the one month is over. (McDonnell, field notes 2011)

Temporally a narrative becomes woven from a series of events that may have taken place before and after the most immediate circumstances of a death. Together these competing and contested narratives in North Efate weave a
complex critique of land leasing in the region and of the failure of powerful men, as the masters of modernity, to observe the appropriate protocols in the kastom management of place (McDonnell 2013; McDonnell thesis forthcoming).

Accusations of nakaemas around the recent deaths on Lelepa Island form around three intertwined narratives. The first narrative relates the deaths to a conflict within a family, a decision made within the family by two brothers that affected the life of a third brother, from which he was then felt to have wanted revenge and engaged a nakaemas practitioner from ‘outside’.10 This narrative is linked to accusations related directly to a specific family conflict, albeit one involving proper naflak relationships to place. One version of this family conflict echoes one of the kastom accounts of the death of Roi Mata, by poisoning at the hands of his brother. The circularity of local historicities mean that meanings in the present are inscribed with understanding from the past.

The other two narratives link nakaemas directly to the involvement of powerful men in disputes over land. Changes to the practice of sorcery in Melanesia have focused on the implications of modernity for access to and use of sorcery. The efflorescence of sorcery across Melanesia has often been linked to the inequalities associated with the incorporation of people into the cash and commodity economy (Eves 2000:454; LiPuma 1994; Taylor in press b). In this context unequal access to cash and market commodities can give rise to conflict, competition and jealousy and result in the practice of sorcery (see Dousset, Chapter 9 this volume; Taylor in press b). Land leasing in Vanuatu offers one of the main mechanisms by which local people can access reasonably large amounts of cash income, although these are often small relative to the value of the land that has been leased (see McDonnell, thesis forthcoming). The close proximity of North Efate to Port Vila has meant that, locally, people recognise the possibility of accessing a practitioner and purchasing commodified nakaemas services. In this account the actions of the five dead men individually and the role that they each played in facilitating land sales and developments or, as in the case of one of them, in opposing land developments in the area against the wishes of his immediate family members, has resulted in claims and counterclaims of nakaemas. This is a complicated account of the contested authority of some of these men as chiefs over landscapes. Importantly, each of these men was individually involved in a major land dispute in the area.

The conflict and jealousy surrounding land disputes and lease making in North Efate is increasingly associated with the fear that a disgruntled party may resort to nakaemas. As one Lelepa man describes:

10 Dousset (Chapter 9, this volume) defines sorcery as emanating from relations at the ‘periphery’ including ‘nephews, cousins, in-laws’ rather than ‘parents or children or brothers’. By contrast, this account of nakaemas relates to a ‘core’ domestic unit, the relationship of brothers.
If I make a problem with another Lelepa man about land that man will go and find a nakaemas practitioner from another place to come and kill me. All men on the island are really frightened of nakaemas when there is a land problem. (McDonnell field notes, 2013)

In North Efate, masters of modernity are viewed as being more able to access nakaemas practitioners than others because of their greater access to cash (in part due to leasing land) and their larger networks in Port Vila. Increasingly, masters of modernity are also perceived as using the threat of nakaemas as a strategy to defend their leasing of land belonging to others. Threats of nakaemas create compliance among broader groups of disenfranchised custom owners or community members with the land dealings undertaken by masters of modernity. Many men that I have interviewed who have had their land ‘stolen’ and sold by a chief or powerful man report being frightened of challenging the authority of the man involved, of the ongoing social tensions that this would create, and of their deep and unassailable terror of nakaemas. Such fear means that land sales by these masters of modernity are often unchallenged in law or kastom proceedings, an issue that I will return to below.

The final narrative about the recent deaths in North Efate relates to the actions of the members of the same family in leasing Artok Island. Rights over the island are contested between two family groups. All of the men from the one family who signed as representatives of their family on the lease instrument are now dead. More than a land dispute, these are competing claims of authority as the rightful chief over a place. And not just any place but the central kastom place within the broader landscape, the burial site of Chief Roi Mata.

Kastom power resides in key places within the landscape, so if these places are disturbed, ancestors and spirits of the place may seek retribution. People in North Efate talk about the kastom curse invoked when a powerful man steals the land of other people or tribal groups. This occurs when powerful men: (1) claim rights that are not theirs in kastom over land; (2) claim land that is not theirs; or (3) engage in leasing land over which they have no right. In each of these cases kastom dictates that men who engage in these practices run the risk of being cursed: ‘graon hemi kaekae yu’ (‘the land will eat you’). The embodied landscape has agency and is able to curse the living who do not correctly follow the path established in the kastom management of place.

Within North Efate the agency of the landscape resides in key kastom sites, and its capacity to injure informs claims and accusations of nakaemas. The landscape is suffused with stories around deaths where men have been engaged in land dealings. These narratives are essential in rival claims over chiefly titles and corresponding landscapes. Deaths and sicknesses are explained as derived from men who have claimed authority over landscapes, or have dealt in land
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by leasing it, over which they have no ‘rightful’ ancestral claim. Together these claims represent a challenge to the authority of masters of modernity who have acted in a way that has abrogated their responsibilities in kastom. Consequently, many of the narratives that are now told about a recent series of deaths in North Efate represent a critique of land leasing and in particular the leasing of key kastom sites, the most centrally important of which is the burial site of Chief Roi Mata on Artok Island. Nakaemas is crucial in these narratives through the idea that people evoke their more legitimate claims to place by calling on the kastom power of the place; by literally speaking a kastom curse against another enabled by the right in kastom to a place; or by engaging a nakaemas practitioner because of their anger over another man’s claim over their place.

The illusion that legislation is the answer

The increasing incidence of extreme acts of violence justified with reference to accusations of ‘sorcery’, particularly in Papua New Guinea, has prompted a new round of debate about the need to create legislative responses to accusations and attacks based on sorcery in Melanesia. Writing on biodiversity and traditional knowledge in the Pacific, Forsyth (2014:1) notes wryly the call for legislation to be ‘a common response to almost every development issue in the region’. Like Forsyth, I remain concerned with the illusion of the power of the law to ‘solve’ the complex social dynamics associated with accusations and counter accusations of nakaemas when linked to land disputes. Caution also needs to be exercised in considering legislative models for the criminal prosecution of nakaemas accusations or violence as distinct from the context in which they evolve. This separation of nakaemas from context could easily result in punishments of ‘offences’ that do little to address the underlying causes of tensions — as is often the case with land disputes.

Legal pluralism offers insights into the dominance of the formal state legal system, with its colonial legacy, over customary institutions of law and governance in Vanuatu. Legal pluralism is defined as the ‘situation in which two or more legal systems coexist in the same field’ (Merry 1988:870). The hierarchical relationship between the formal state legal system and customary institutions means that the plurality of customary institutions are offered only limited legal recognition within the formal state-based institutional arrangements (Forsyth 2009; McDonnell 2013). The exception to this characterisation is the area of land law where recent amendments to the Constitution of Vanuatu and new legislative reforms have created a situation of legal pluralism, discussed in greater detail below.
In Vanuatu law the crime of sorcery remains an offence in the Penal Code, which is notoriously difficult to prosecute. A Vanuatu Law Reform Commission presentation identifies some of the problems associated with prosecution, offering the commentary of a police inspector:

The prosecution in the Penal Code is not sufficient for the police to work with. There are no elements for sorcery so it is hard to prove it. If sorcery is defined it will help guide us as to what we want to prove in court. Most cases in sorcery are thrown out by the courts because there is not enough evidence. (Kanas 2013)

In spite of the identification of the problems with prosecution, the framing of this Vanuatu Law Reform Commission process seems oriented to further consideration of how ‘law’ and more specifically criminal law can be altered to address the problems of sorcery. Speaking of the Law Reform Commission process, then Minister for Justice, Ralph Regenvanu, stated that the process was designed to ‘learn from what they [Papua New Guineans] are doing and amend our Penal Code to deal better with sorcery’ (Joshua 2011b). This framing of how law can address the problems of sorcery fails to consider that at base the failure to successfully prosecute is a problem of the culture of law.11

The secular, post-enlightenment ‘rational’ culture of the Anglo common law system as adopted in Vanuatu’s criminal law creates a normative framework aligned to procedural and evidential proof. As a result the current criminal system that operates in Vanuatu is unable to successfully prosecute the threat, accusation and act of nakaemas because of the difficulty of ‘accommodating a ni-Vanuatu social reality into a western legal framework’ (Forsyth 2006:12). Questions of ‘guilt’ or ‘innocence’ are also often extremely difficult to resolve even for the accused person themselves. William Rodman writes that ‘the ambiguities of sorcery belief in Ambae blur questions of innocence and guilt in such a way that the accused person often is unsure whether he or she is at fault in causing sickness or death’ (Rodman 1993:232). The cultural logic embedded in the normative Anglo common law framework adopted in Vanuatu is inadequate to accommodating the aetiological understanding of nakaemas as an act of violence.12 At heart this is a schism in cultural logic.

Other obstacles exist to the use of formal state-based legal systems to manage issues related to nakaemas. Pragmatically, access to the formal state-based criminal justice system is extremely limited in Vanuatu, particularly for populations not located close to the capital of Port Vila or the other main urban centre, Luganville. In Vanuatu beyond urban areas the state and its institutional

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11 For a discussion of the problems of ‘the culture of the law’ with respect to land law in Vanuatu see McDonnell (2013).
12 For a discussion of the ‘cultural power’ of law see McDonnell (2013).
apparatus remain a peripheral concept recognised for the provision of occasional services (roads, schools and health clinics), although the state rarely has a monopoly on service provision.

The reality of everyday lives is that governmentality in Vanuatu consists of the fabric of institutions available to people in their locality. Villages in rural areas are self-governed by local customary institutions, and to a lesser extent by church-based institutions. Practically, this is a foundational reason why customary institutions and chiefly structures are central to any proposed strategies to address accusations of nakaemas, particularly with reference to land disputes. This is not to suggest that these institutions are without tensions around leadership, authority and legitimacy. Within villages there is rarely a unified ‘community’ perspective on many issues. Nor is it designed to present a romanticised view of the operation of what are often referred to as ‘traditional’ or ‘kastom’ governance structures. It is instead a recognition that the rules that govern peoples lives are usually dictated by chiefs, or local leaders and church representatives (almost always men), before they are enforced by institutions of the state. In reality extensive decision-making occurs, particularly by chiefs and local leaders, about whether to engage the formal state-based criminal legal system, for example, through contacting local police posts. Even the most serious of criminal offences such as nakaemas-related violence may be dealt with by localised customary (kastom) processes that operate well beyond the ambit, or even knowledge, of the state. Decisions by local male leadership have important implications for the operation of ‘justice’ and in particular in the prosecution of gender-based violence, and violence against children, at a local village level (Tor and Toka 2004:58). Where violence is perpetrated by a powerful local man it will often go unchallenged. The state remains removed from this decision-making, often strategically engaged at the behest of and for the purposes of local leaders and chiefs, and the formal criminal justice system operates as an extension of this relationship.

A further problem is that many people describe being frightened of pursuing land disputes through formal state-based institutions because of nakaemas concerns. These accusations influence how people are choosing to access formal legal arrangements designed to resolve land disputes, as one Malekula woman explains:

Now when there is such an increasing number of disputes about land, all families where they think they have rights inside the dispute want to exercise their rights but they are very frightened of the other party to the dispute because of nakaemas. If one party decides to push forward with a strong case in [Western] law then everyone will say to those
people you need to be really careful that someone does not poison you. You need to be careful where you walk and study carefully everything around you … With all land cases people are really afraid of nakaemas.

Not only does being a party to a land dispute mean that you live in fear of nakaemas, if you exercise your rights through the state-based formal legal system you may also be put at further risk. Families who are weighing up their choices over whether to take a case to court will make an assessment of whether the other party has any serious nakaemas practitioners for fear that these practitioners will use nakaemas against family members who have engaged in formal legal proceedings over the land. In a recent case before the Supreme Court, Justice Spear granted an urgent restraining order against a family in south-east Malekula who were fighting a land dispute against another family. During the dispute a senior family member died and the death was attributed to sorcery. The judge, appreciating that the claimants were ‘fearful for their lives’, granted restraining orders against four family members, which shows some flexibility in the formal legal system and the possibility of using restraining orders in future situations. It is unlikely that these fears are associated only with formal court proceedings, but in the fieldwork that I have undertaken people seem most concerned about the potential for instigating nakaemas acts when pursuing land disputes through formal legal courts as opposed to customary or church-based institutions.

In this chapter I have argued that throughout rural Vanuatu land disputes create major tensions within communities and often between or within families and that these disputes are increasingly linked with fear of, and accusations around, nakaemas. Appropriately dealing with these nakaemas accusations requires a consideration of the broader social relationships and land-related tensions that inform the accusations. This approach seems to suggest that there may be a role for customary or church-based institutions that are more able to focus on the holistic context of nakaemas accusations, rather than depending on formal criminal legal proceedings. This more holistic approach may be better able to deal with the conflict associated with land-related nakaemas accusations, rather than separating the accusation and supposed evidence of nakaemas from the context in which it is situated. While a discussion of the role of churches is beyond the scope of this chapter, I will focus now on the new land reforms in Vanuatu and the role of customary institutions in managing land disputes.

In February 2014 a new land reform package came into effect in Vanuatu. The new land legislation is supported by two constitutional amendments. Together these changes represent an attempt to enable legal pluralism such that customary

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rather than formal state courts can resolve who the customary owner groups are for an area of land. The newly amended Article 78(3) of the constitution now states that ‘the final and substantive decisions reached by customary institutions or procedures … after being recorded in writing, are binding in law and are not subject to any appeal or any review by any Court of law’. As Minister Regenvanu explains: ‘The new laws bring determination of custom owners back to customary institutions, it removes the power from courts and the government to determine who the custom owners are and puts it back under rules of custom’.15 These customary institutions are defined in the legislation as nakamals or custom area land tribunals.16 The new Customary Land Management Act creates new processes for identifying custom owner groups and managing disputes about custom ownership in accordance with the rules of customary law. It is customary law that guides the management of land disputes. It is possible that people appearing before these institutions may describe nakaemas-related fears as part of their broader concerns associated with land disputes. There is potentially more scope for consideration of these issues than in a formal state-based context where issues of land are seen as matters related to property law, distinct and separate from issues of sorcery under the Penal Code. In practical terms it may be important for the state to formally acknowledge that customary institutions may deal with nakaemas issues as part of land-related tensions. This could involve creating formal links between customary institutions, policing and the state-based legal system so as to allow, for example, customary institutions to request restraining orders be put in place. It may also involve creating links between customary institutions and church-based groups who offer services for dealing with nakaemas.

Pathways forward in dealing with issues related to nakaemas and land disputes must also recognise that customary institutions need strengthening in many areas of Vanuatu. This approach must consider ways of strengthening customary institutions so as to better manage community conflict. This kastom gavanas (governance) work must be slow and careful, but if managed properly it may offer communities more lasting solutions for the tensions associated with land disputes.

Finally, and perhaps most importantly, discussion around the operation of customary institutions can sometimes involve a reification of these institutions and can fail to acknowledge that the institutions are mostly dominated by

15 Ralph Regenvanu, personal communication 2 March 2014.
16 The Customary Land Management Act defines nakamal as ‘a customary institution that operates as the seat of governance for a particular area. Members of a nakamal include all men, women and children who come under the governance jurisdiction of that nakamal. A nakamal may be related to a single custom owner group or extended family group, or may be related to a number of custom owner groups or extended family groups living in a village or larger area. The vernacular language terms for the customary institutions termed “nakamal” in this Act are different in different localities across Vanuatu and include Farea in parts of Efate, Gamal in parts of Malekula, Naumel in Motalava and Jaranmoli in parts of Santo.’
powerful men, or masters of modernity (McDonnell 2013). With respect to land leasing it is these powerful men in North Efate who are leasing land belonging to others. Fear of challenging the authority of powerful men is partly engendered by threats of *nakaemas*, which in turn reduces the opposition to the land leasing that these men have participated in. It is also likely that these fears may prevent people from speaking out during a land dispute heard by a customary institution. Discussion of customary institutions as a mechanism for resolving land disputes and associated accusations of *nakaemas* must recognise these tensions.

**Conclusion**

This chapter is I hope the beginning of a discussion of the narratives of *nakaemas* that are associated with land disputes in rural areas in Vanuatu. In the context of recent land leasing that has taken place in North Efate, I have described how *kastom* ideas of place and power are central to the critiques of powerful men engaged in leasing land. When a powerful man leases the land of other people or tribal groups by (1) claiming rights that are not his in *kastom* over land, (2) claiming land that is not his, or (3) leasing land over which he has no right, *kastom* dictates that ‘the land will eat you’. Together these critiques of land leasing by powerful men represent a challenge to the authority of masters of modernity who have acted in ways that have abrogated their responsibilities in *kastom*. *Nakaemas* is crucial in these narratives through the idea that people evoke their more legitimate claims to place by calling on the *kastom* power of the place, by literally speaking a *kastom* curse against another enabled by the right in *kastom* to a place, or by engaging a *nakaemas* practitioner because of their anger over another man’s claim over their place. A further intricacy in the narratives of *nakaemas* and land leasing is that the masters of modernity are increasingly using the fear of *nakaemas* as a strategy to stop opposition where they lease land belonging to others.

*Nakaemas* ‘spreads an aura of everyday terror’ that is actual and undeniable in many parts of Vanuatu (Taylor in press a:2). Attempts to redress this terror must acknowledge that *nakaemas* threats, accusations and acts are embedded in social relations and tensions between social groups. I remained concerned that the approach of prosecution under criminal law fails to recognise, or offer any resolution, for the underlying tensions in which the accusations, threats or acts of *nakaemas* take place. Even were it legally possible to generate prosecutions under the Penal Code, this does little to address the underlying source of tensions, as is the case with land disputes. A more appropriate solution may be to consider better ways to support existing customary institutions that manage land disputes. Where accusations of *nakaemas* arise in land dispute hearings it...
may be helpful to create avenues for mediation or reconciliation beyond what is already available to customary institutions in legislation, including formal links with church-based institutions, trained *kastom* healers or the police. In the context of North Efate these pathways are not established and many people continue to live in daily and night-time terror of *nakaemas*. This terror is divisive and continues to create ruptures between families. Is it any surprise then that this terror can sometimes be responded to with acts of violence?

**References**


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