

# Digital adventures in a Pacific Island Paradise

Peter Murgatroyd, Law Librarian at the Emalus Campus of the University of the South Pacific at Port Vila, Vanuatu, shares with us his enviable life-style and working conditions, guaranteed to inspire envy in these cold and dark winter days!

## How it all started

In a previous life I was a yuppie. Double breasted suit, briefcase and a state-of-the-art-library with views across the harbour from the top floor of a glass tower in downtown Auckland. I worked hard and played even harder. My time was charged in ten minute units and I can still remember the middle initial of every partner in the firm. So how on earth did I end up trading my well polished lace-ups for flip flops and the beloved kiwi Sauvignon Blanc for a dirty brown liquid called kava?

Nineteen-ninety four was the year I turned 30 and, fuelled by a craving for new experiences and challenges, the year that I made a life-changing decision to resign from my position as library manager at Phillips Fox in Auckland to spend two years as a volunteer librarian in the Solomon Islands. In the mid 1990's Honiara was a hot and dusty but peaceful backwater. I lost two stone in weight, was plagued with tropical ulcers and in the latter stages of my contract was burgled so often that I stopped saving leftover meals in my fridge. However, whether it was the scent of frangipani in the air, the beautiful clear skies, the blissful tranquillity of snorkelling the wrecks of sunken World War II ships in Iron Bottom Sounds or simply the abundant beauty of this fascinating country, my time in Honiara planted the seeds of a love affair with the Pacific that will last a lifetime.

Indeed I had been so transformed by the experience that when I tried to resume 'normal' life back in New Zealand in 1997, I struggled to settle. Lucky enough to secure a job as Infobank Manager with a leading New Zealand corporate law firm it only took me a month or two to realise that this was not where I wanted to be anymore and I gave a couple of months notice and took off to Asia for seven months to contemplate my future. When I returned to New Zealand in January 1998 my brother gave me a cutting of a job advert he'd put aside



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for me. Applications needed to be in by the end of the week. The job was Law Librarian at the Emalus Campus of the University of the South Pacific in Port Vila, Vanuatu. I didn't hesitate.

## The good life in Vanuatu

Vanuatu is a tropical island paradise. Coconut palms, magnificent blood-red sunsets and great beaches. Port Vila, the capital, has a population of about 35,000.

Previously known as the New Hebrides, Vanuatu was jointly ruled until 1980 by the French and the British. Although the British influence has been largely superseded by an Australian/New Zealand influence, the French presence can still be strongly felt – most enjoyably at the various French bakeries and outstanding French restaurants. The French practice of shutting down for two hours in the heat of the day is also alive and well and a great chance for a new dad to spend some quality time with his two-year old daughter.

English and French are both official languages but most ni-Vanuatu prefer to speak *bislama* – the local pidgin creole. There are a further 100 "local" languages spoken across the 70 islands that make up Vanuatu.

The best time to visit Vanuatu is between April and October. The evenings are pleasantly cool and the days dry and warm. During these months life in Vanuatu is a dream.

The cyclone season runs from November–February. During this period cyclones, electrical storms and power blackouts are common. Humidity levels hover in the high nineties and it's hot and sticky. During this time of year we are forever unplugging our PC's and putting up cyclone shutters as hourly radio updates track the progress of the latest cyclone. Our full time cleaner is constantly wiping



down books and shelves to fight a never-ending battle with mould and insects that if left unchecked can multiply alarmingly. Annual pest infestation eradication programmes are critical.

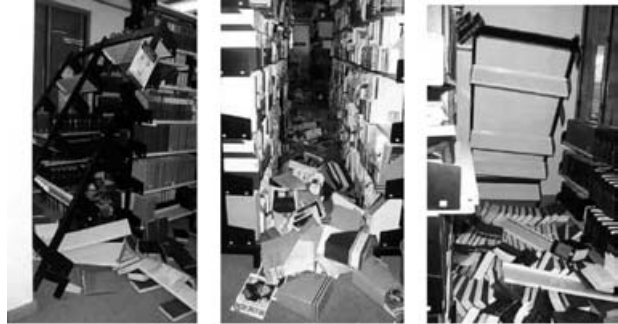
In the time I have lived in Vanuatu I have had malaria five times and also contracted dengue fever. It is not a place without hazards – and yes whilst snorkelling amidst the brightly coloured corals and angel fish, it is not uncommon to come across not only colonies of turtles but the occasional small reef shark (If you ignore them they tend to ignore you.)

Earthquakes and tremors regularly give us a shake up from our tropical torpor.

The Vanuatu culture is a complex amalgam of western style secularism, Christianity and traditional customs. Literacy levels are low and 90% of children finish school at year 10.

The regional politics of this corner of the world are complex and fascinating. In light of the turmoil in nearby Papua New Guinea and the political upheavals in Fiji and the Solomon Islands in recent times, Vanuatu is comparatively speaking an oasis of order and calm – or so it might appear. However the factors that have contributed to instability in the Solomon Islands are in fact largely present in Vanuatu: very high population growth, urban drift, high unemployment, unresolved issues over land, and lack of transparency and questionable governance from the country's power elite.

Vanuatu is a developing country and resources are limited. The University of the South Pacific is heavily reliant upon aid funding from New Zealand and Australia and most development initiatives are donor-funded.



*“Earthquakes and tremors regularly give us a shake from our tropical torpor”*

Outside Port Vila most rural villages rely on subsistence agriculture and fishing. In many rural villages there are no telephones or electricity and water is commonly drawn from a well. Transport within and between islands is irregular and expensive.

In Port Vila IT infrastructure and support is fragile and the costs of telecommunications and internet use are amongst the most expensive in the world.

The population in Port Vila is somewhat fragmented with a clique of well-heeled expatriate French and Antipodean business people and consultants dashing hurriedly along the streets between office, home and the golf course in air conditioned four wheel-drive vehicles, the local Ni Vanuatu, largely travelling by bus or by foot, unhurried and with always the time to smile and chat with a friend or an acquaintance, and the fringe dwellers, volunteers, others who have married into the Vanuatu population and are here for the long term, and a good proportion of the expatriates working at the Emalus Campus. For us fringe dwellers, ties and lace-ups have been abandoned for flip flops and island shirts, and lagers and gin and tonics after work have given way to regular shells of *\*kava* at one of the more than 150 *nakamals* found along the streets of Port Vila.

*\*Kava* is the colour of mud and has the consistency of runny gravy. It is made by grinding, pounding, or chewing the roots of an aromatic pepper plant native to the Pacific, mixing with water and straining through a “skirt”. Despite its foul appearance it actually tastes far worse than it looks, but has a pleasant calming effect, which whilst physically not addictive is certainly habit-forming.

## The Emalus Campus of the University of the South Pacific

I arrived in Port Vila to begin what was supposed to be a three-year contract in June 1998. (\*More than 5 years later I am still here and have recently renewed my contract with the University of the South Pacific until June 2007). The University of the South Pacific is a unique institution with three campuses and 11 distance-learning centres spread



*The Emalus campus-set in a botanic garden*

out across 13 countries and thousands of kilometres of ocean.

The Emalus campus is set in a botanic garden of breathtaking natural beauty. With just 1,000 students and a total of only 80 staff the campus is a community where students and staff use each other's first names, staff from professors to ground-staff meet every Friday afternoon at the campus *nakamal* for *kava* and where at least three times a year we celebrate our Pacific diversity with student cultural performances from around the region under the stars.

The Campus hosts between 700–1,000 students per semester from all over Vanuatu studying certificate, diploma, degree and postgraduate-level programmes using the University of the South Pacific's unique distance education programme. This programme mixes a traditional hard copy reader system with state of the art audio-visual satellite technology and internet access to support students. There are also lecturers and tutors on campus providing face-to-face tutorials and support. In addition to the distance education programme, three of the University of the South Pacific's teaching programmes are based at Emalus: Law, Pacific Languages, and Early Childhood Education. The campus also offers a varied Continuing Education programme and responds to community needs to provide various classes including English and computing and information technology.

Our law students are drawn from throughout the Pacific. Nearly 200 students are based on campus with a similar number enrolled in our distance programme.

My responsibilities in addition to supporting the needs of the School of Law are to manage all campus library services and to assist in the development of the Campus computer network.

### The Pacific Laws Projects

When making the decision to come to Vanuatu I was, I thought at the time, making a choice between career advancement and lifestyle. I had never thought that in this remote campus in the middle of the Pacific I was going to have the opportunity to be involved in the most exciting and challenging project of my career. Identifying and then trying to provide online access to primary and secondary sources of law for the 13 jurisdictions from whom the University of the South Pacific draws its students has been a huge challenge with enormous frustrations but also a lot of fun along the way.

Achievements for the library in the past five years include the development of an integrated web-based



*Peter at the entrance to the Library*



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library catalogue with full text keyword access to an internal digital repository using a browsable graphical interface, the development of a comprehensive Pacific Law Pathfinder, an online Pacific Law Journal Index and of course being part of the PacLII and WorldLII teams providing online full text access to Pacific legislation and judgments. As you might imagine when trying to juggle all of this with the more mundane but of course absolutely critical tasks of managing budgets and staff, selecting and ordering books, cataloguing, answering reference queries and preparing classes in legal research, my cramped corner of the library workroom often resembles a chaotic unholy mess.

### Identifying sources of law in the Pacific is complex

An understanding of the recent colonial and post-independence history of the Islands is essential in identifying, accessing and understanding the relevant laws as they apply in each of the countries of the Pacific – in particular, which laws of England, New Zealand, Australia, France and the United States of America (USA) still have application in the Pacific.

To make provision for independence or full internal self-government, in all countries of the region a written constitution was enacted, which was stated to be the supreme law. However, at the time of Independence, none of the countries of the University of the South Pacific region actually rejected existing laws outright. Law that was saved included:

- legislation in force in England (and in some cases its former colonies of Australia and New Zealand) at a particular date, often referred to as ‘the date of application’,
- common law and equity, and
- ‘colonial’ legislation (made by the legislature of the country before independence)

It is of course critical to know precisely which ‘saved’ laws continue in force today.

In addition to the various sources of law indicated above, there is an increasing tendency to incorporate notions of customary law. Legislation is in place currently in Samoa, Solomon Islands, Vanuatu, Nauru, Kiribati and Tuvalu that customary law be part of the law applied by all courts. Furthermore all countries, with the exception only of Tonga, have express provisions for customs or customary law to be used as the basis for determining rights to customary land.

### Gaining access to primary materials is difficult

Notwithstanding the complexities of the materials themselves, what has made accessing the legal materials

of the Pacific islands such an ongoing challenge has been the difficulties in physically getting hold of them.

The island countries of the Pacific are spread across many hundreds of thousands of miles of ocean. Communications and transport between the islands that are scattered like minute dots across the Pacific are oftentimes sporadic, unreliable and expensive.

Infrastructure that in developed countries is taken for granted such as affordable telecommunications, photocopiers, printers and desk-top computers is still in its infancy throughout the Pacific. PC’s where they exist are more than likely not networked and not connected to the internet. Libraries attached to the Courts and State Law Offices throughout the region are under-resourced and library staff, where they exist, are predominantly untrained.

Success in gaining access to both legislative materials and judgments from the courts depends largely on identifying and building relationships with key people. This process can take time. It is not uncommon for emails, letters and faxes to go unanswered, or alternatively to get a positive response over the telephone only to find that a month later the requested materials have still not arrived. Even the best intentions in the world can be scuttled by something as simple as a broken photocopier, fax machine or computer.

Making these materials available to the region online, with a fragile IT infrastructure can be frustrating. Indeed for much of 2003 we have been without the services of a professional network manager on campus and as a result services to users on campus and around the region have at times faltered. There is a dearth of qualified and experienced library and information technology professionals in the Pacific.

### A work-in-progress

The University of the South Pacific’s Pacific Laws Project is a work-in-progress and is growing rapidly. It is viewed not only as a resource for staff and students but also as an important collection of materials that will continue to be made available to the judiciary and legal sector throughout the Pacific. The aims of the project are:

- to acquire unreported decisions from all member countries of the University of the South Pacific and to provide access to the full text of those decisions via the internet,
- to acquire and maintain a comprehensive collection of published law reports from the member countries of the USP,
- to acquire and maintain a comprehensive collection of legislation from the member countries of the USP,
- to publish full holding details of our collections of legislation and law reports on our website including scanning in full the indices to published Pacific law reports and published legislation consolidations,

- to provide access to the full text of all constitutions currently in force in the USP region,
- to provide access to the full text of selected pieces of legislation from the Pacific, and
- to provide access via the website to an authoritative commentary on the sources of law, including the application of laws, for each of the member countries of the USP.

If genius can be said to be 5% inspiration and 95% perspiration the same holds true for building a content rich virtual library. We began our task in 1998 using Frontpage98 to provide a simple access point for the full text of selected cases and legislation that was scanned from hard copy originals into html and proofed by teams of student assistants. This is labour intensive painstaking stuff. Initially progress was slow. However as networks were developed with the judiciary around the region, increasingly we were able to obtain judgments in electronic format and to load these without the need for intensive proofing. Similarly in a response to the need of our core user group, staff and students of USP, we have begun scanning in legislation in large volumes in pdf format – simply to make them accessible until such time as we are able to convert them into html.

The Pacific Law materials online collection currently hosts more than 5,000 primary source documents from 14 jurisdictions and now well in excess of 1 gigabyte of data. We have completed loading the full text of the *Laws of Vanuatu* (1988) and are currently working on loading the full text of the *Consolidated Laws of Fiji* (1985). The materials can be browsed by jurisdiction and the site can be keyword searched. We have scanned in the indices to all available law reporters of the Pacific as well as all legislation consolidations.

USP has completed migrating the html and pdf documents currently accessible through the USP website to a Linux based platform – Paclii – and this database is accessible via a mirror site in Australia. We have adopted medium neutral citation but have also made a commitment to including parallel and alternative citations where these will be useful in the originating jurisdiction. We have adopted the same structure and platform as that used by Austlii. Paclii is a fully integrated component of the WorldLII network that encompasses Australia, the UK, Canada, and Hong Kong.

### Where to from here?

There is still an enormous amount to do. The task of collecting the primary materials is ongoing and for some jurisdictions we still do not have the networks established to enable consistent and timely delivery of primary materials. We are also currently in discussions with stakeholders in Papua New Guinea to provide free access to PNG materials currently only available via subscription.

There is still much work to be done to strengthen the IT infrastructure that supports the project and to enhance access.

To complement the access to primary materials the Emalus Campus library has also developed the *Pacific Law Journal Index* – a consolidated index of journal articles on Pacific law. This is keyword searchable by title and browsable by topic, jurisdiction and date of publication. It is hosted on the Emalus Campus Library's Athena software and whilst the index stands alone it is also fully integrated into other library resources.

The Pacific Laws project has been a professionally enriching experience. Its development and growth from the seed of an idea to realisation has been immensely satisfying. Our success in the face of considerable difficulties speaks volumes for the power of having a clear vision and for the value of team-work. It has been a pleasure to support the vision of our somewhat unconventional but visionary Dean of Law, Professor Bob Hughes, and the ever-positive Pacific Laws Project Manager, Robynne Blake and her hardworking team of assistants. Mention must be made too of the Avstlii team, Graham Greenleaf, Andrew Mowbray, and Philip Chung who have assisted us in taking our project to the next level.

However the greatest rewards of my time in Vanuatu have come from being immersed in a culture so rich and so foreign to the one that I was brought up with in New Zealand. Traditional chiefly authority and custom is more important and more relevant to the grassroots Ni-Vanuatu than notions of central government and the judicial system. Who you are is more important than what you do. Most people, whilst strongly Christian, also believe in the power of “magic”. Relationships are paramount and nothing is ever as it seems. Western notions of time and urgency are often out of place. Commitment to family, Church and community are far more important than wealth and status in your career. Although it took me a long time to discover the Pacific I feel as though my journey is just beginning.

### Selected resources on Pacific law

Paclii. <http://www.paclii.org>

Emalus Library Pacific Law Collection. <http://www.vanuatu.usp.ac.fj/library/Paclaw/Collection.htm>

Pacific law sites via WorldLII. <http://www.worldlii.org/catalog/253.html>

Pacific Law Pathfinder. [http://www.vanuatu.usp.ac.fj/library2/Pacific Law Pathfinder/Homepage.htm](http://www.vanuatu.usp.ac.fj/library2/Pacific%20Law%20Pathfinder/Homepage.htm)

Pacific Law Journal Index. <http://cow.vanuatu.usp.ac.fj/athcgi/athweb.pl?a=v&ci=PI&st=vis&tm=1038977046&jw=>

Journal of South Pacific Law. <http://law.vanuatu.usp.ac.fj/jspl>

Books on South Pacific Law available from the USP bookstore. [http://usbookcentre.com/store/merchant.mv?Screen=CTGY&Store\\_Code=UBC&Category\\_Code=LW](http://usbookcentre.com/store/merchant.mv?Screen=CTGY&Store_Code=UBC&Category_Code=LW)