



"Mi wantem musik blong mi hemi blong evriwan" ["I want my music to be for everyone"]. Digital developments, copyright and music circulation in Port Vila, Vanuatu

Monika Stern

► To cite this version:

Monika Stern. "Mi wantem musik blong mi hemi blong evriwan" ["I want my music to be for everyone"]. Digital developments, copyright and music circulation in Port Vila, Vanuatu. First Monday, 2014. hal-01968309

HAL Id: hal-01968309

<https://hal.science/hal-01968309>

Submitted on 2 Jan 2019

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“Mi wantem musik blong mi hemi blong evriwan”
[“I want my music to be for everyone”]:
Digital developments, copyright and music
circulation in Port Vila, Vanuatu
by **Monika Stern**

Abstract

Since the year 2000, Port-Vila, the capital of Vanuatu, has experienced considerable development in digital technologies. This has strongly influenced young people’s musical behaviour.

The mobile phone market expanded rapidly with the arrival of the Digicel company, launched in June 2008. Statistics show that in 2009, more than 50 percent of the population had access to mobile telephony. The possibilities for digital storage have made the mobile phone an indispensable tool for young musicians.

In August 2012 the country joined WIPO (World Intellectual Property Organization). However, IP (intellectual property) law cannot be practically implemented, because no formal organization to enforce IP has been established by the Vanuatu Government. Musical exchanges are engrained in the archipelago’s traditional culture and, alongside the old circulation systems of musical knowledge, the Internet and mobile phones have created new networks for the circulation of musical culture.

While copyright can be seen as important for the development of the local music industry, its implementation faces challenges, given that the circulation of local music occurs largely outside of the formal market system [1].

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Introduction

The Melanesian archipelago of Vanuatu is composed of about 80 islands and islets with a population of 234,023 in 2009 [2]. More than 75 percent of the country’s population live in rural areas, mainly on a subsistence economy. However, the capital, Port-Vila, is experiencing vigorous economic and industrial development (Wittersheim, 2013). It is also among its 44,039 [3] inhabitants that the greatest economic inequalities and signs of poverty are found [4].

Since the early 2000s, Port-Vila has seen considerable development in digital technologies. Digital storage possibilities have been adopted very quickly to download, listen to, transfer and exchange music. The mobile phone has become an essential tool for “young” [5] musicians and music lovers [6].

Music is not only a leisure activity in Port-Vila, but also a constituent part of social relations. It is a form of identification (in particular with international idols), and a window on the outside world, a musical career being a dream for many young people. Music also plays an important role in the sharing of cultural practices. The most popular music being passed from one phone to another are reggae (national and international), string band [7] and Melanesian Christian religious music. *Kastom* [8] (traditional) music is far less available online, except for a few recordings made by tourists.

The concept of oral knowledge ownership is not recent in Vanuatu. In the system of ceremonial exchanges, music circulates along with other objects and brings prestige. Alongside these established exchange systems, the Internet and mobile telephony are creating new circulation networks for musical culture. In 2011, in preparation for its entry into the World Trade Organization (WTO), Vanuatu became part of the World Intellectual Property Organization (WIPO) and publish its own copyright act (developed initially with WTO guidance in 2000). However, the application of this law poses many practical problems, in particular because thus far no supervisory body has been set up in the archipelago.

Thus Vanuatu has recently experienced two significant changes whose social consequences seem increasingly antagonistic. On the one hand, digital technology has become an open gateway to musical culture. On the other, the adoption of a copyright protection law, seen as an indispensable element for the development of the music industry, aims to impose restrictions on the free circulation of music. In this article I propose to consider the digital circulation of music as an extension of former social practices, which continue to create new networks of sociality and musical exchanges outside or parallel to the market system.

This paper is based on research I conducted while living in Port Vila from 2005 to 2011. During this time, I took part in the musical life of the capital as a full member of an urban music band. These informal observations were subsequently followed up with formal interviews recorded and filmed between October and November 2012.

Through analysis of the country's cultural and social realities, I suggest that the young population most concerned with music (musicians and fans) does not usually have the financial means to pay for recorded music in its various forms. Therefore, the practice of sharing music cannot be accounted for by the growth of the music market. As long-standing, traditional practices, music circulation and exchanges are socially important, and cannot be reduced to commoditization alone. After a brief historical overview of the introduction of digital technologies in Port-Vila (Vanuatu) and their use in the context of musical culture, I describe how this creates new musical exchange relationships, turning then to the different role music plays in society today. Next, I discuss the introduction of copyright law and the difficulties involved in applying it. Finally, I analyze how digital music circulation can be seen as an extension of local cultural practices.



1. Vanuatu and digital technology

Digital technology brings new technical possibilities compared to previously used analog technology and thus it can become a crucial component of specific cultural and social behaviour:

"(...) digital media can be said to refer not just to the devices we use for producing, accessing, and distributing information, but to the cultural and social practices associated with their consumption, production, and use, and indeed the political and economic ramifications of these." [9]

In 2002, the analog cellular company TVL (Telecom Vanuatu Ltd), which had a monopoly in the telecommunications network, was replaced by a digital GSM network [10]. The market for mobile telephony only really took off a few years later, with the arrival of the Digicel [11] company, launched on 25 June 2008 with a free concert by American artist Collie Buddz at Independence Park in Port Vila. At the time, this concert was the largest music event ever held in Vanuatu, with technologies (sound, stage, lights, etc.) of an unprecedented scale and quality, and the show attracted an audience of about 50,000 [12] people (the population of Port Vila at the time was less than 40,000 people; wide publicity for the show brought a large audience from the archipelago's other islands).

The first part of this concert was given by the archipelago's most famous artists, musicians renowned throughout the Pacific: Vanessa Quai and the Naio Band. The commercial dimension,

unusual until this point in Vanuatu, also made this an important event. It was significant for the predominance of the Digicel logo, for gifts distributed or thrown from the stage, for hosting a VIP tent, etc. Also surprising and novel was the sight of Vanuatu artists shouting Digicel advertising slogans between songs, and an MC (Master of Ceremonies) stirring up the audience with slogans stressing how the benefits of this new company would change the lives of everyone in the country.

This 2008 launch concert made a big impression on the youth and musicians of Vanuatu, as Kraemer testifies:

“When I arrived in the field four months later, people were still talking about the big event. No one could forget the free Digicel T-shirts, bags, beach balls, beach towels, a performance by a huge reggae star and a firework show that apparently surpassed those held by the hotels every New Year.” [13]

Thus, we could consider this musical launch of Digicel as symbolic of the burgeoning link between digital technology and music in Vanuatu, in terms of how this is structured by corporations and also integrated into local social experience.

The arrival of this new company — Digicel — ended the mobile phone monopoly held by TVL by offering consumers competitive prices. The *Statistical Yearbook for Asia and the Pacific* (2011) [14] shows a rapid evolution in access to mobile telephony in Vanuatu, which rose from 0.2 percent in 2000 to 54.1 percent in 2009 [15], while only 27.9 percent of households had access to the electricity grid. Most of the archipelago's islands lack electricity, with the exception of the two towns of Luganville and Port Vila and two or three rural centers [16]. Accordingly, most of the national population living outside towns has difficulty accessing national radio and television broadcasting [17]. Because the distributors of mobile phones provide a solar battery unit with cell phone packs, this media has met with great success all over the archipelago (during my last visit in Vanuatu in 2012, only the Torres Islands at the extreme north of the archipelago were not connected to mobile networks). Although I collected some accounts of musical exchanges through mobile phones in rural areas, this article focuses only on Port Vila, where I could personally conduct observations.

According to the *Statistical Yearbook for Asia and the Pacific* [18], along with the use of mobile phones, access to the Internet increased, from 2.2 percent in 2000 to 7.3 percent in 2009.

People usually access the Internet from their work places, schools, various associations, friends' houses, or the many Internet cafés in town. To have an Internet connection at home is still very expensive [19]. Digicel launched 3G mobile phone Internet access in December 2011, and TVL did so in January 2013. Such access now mainly covers the country's two cities, Port Vila and Luganville, but also some areas on the islands of Tanna and Malakula.

Although, in considering the statistics, access to the Internet may appear insignificant at present, several studies have highlighted the impact of this technology in the archipelago, particularly in Port-Vila. Vandeputte-Tavo (2013) and Naupa (2011) have noticed this, especially with regard to the most educated class of the urban population:

“(...) Internet users are generally educated urban ni-Vanuatu (mostly men), however, with the ability to access the Internet in public places like Internet cafés, its use gradually tends to include a wider audience (usually young people between the age of 16 and 35 years). The Yut Senta (Youth Centre) provides computer training courses where one can acquire basic skills on how to surf on the net. Moreover, there are also people who can access the Internet at work (teachers, public servants or government officials etc.).” [20]

With the Internet, we are now seeing a rapid development in new kinds of communication and socialization in the form of social networks. Servy [21] states that in 2012, 47.53 percent of people with Internet access in Vanuatu had a Facebook account (the rate was 54.37 percent in France at that time). Although the number of people involved in these networks is still small compared to the overall population, among young urban people with a formal education, social networks, including Facebook, are playing an increasingly important role in discussions on social and political issues (Naupa, 2011).

These social networks, especially Facebook, are also a great success for musicians. To date,

there are four discussions groups on music in Vanuatu. *Vanuatu Musik* (1,806 members [22]) and *Tok Vanuatu Music* (1,303 members) are spaces for discussing different kinds of music, making concert announcements or fundraising. They contain uploaded photos and audio and music video files. The *New Hebrides Sound* group (281 members) is devoted solely to the string band musical genre, and the *Vanuatu Musician Forum* (138 members) enables musicians to post their music, video clips and musical ideas, or to discuss issues concerning the music industry. There are also Facebook pages for the big annual national festival, Fest'Napuan, and several local bands also have pages, where announcements, advertisements, audio files and video clips are posted. The music of Vanuatu, usually uploaded by the musicians themselves, their friends, or their sound engineers [23], also circulates on other Web sites, including YouTube, Daily Download and Myspace. The main audience is ni-Vanuatu people, those related to the country in one way or another, or those who have specific Pacific music interests. However, posting local video clips on the Internet is of great importance, as Hayward points out:

"[videos] (...) become accessible to global audiences through the 'back door' of the Internet, posted on sites such as YouTube. While ni-Vanuatu access to this medium is highly limited, the expression of ni-Vanuatu identity by indigenous producers has transcended its production context and target audience and entered a transnational sphere." [24]

The Internet has thus become a crucial space for distributing music and information about it.

The rapid adoption of mobile phones, the Internet and the success of online social networking is leading to significant changes in social relations and in access to local and international news, as well as in the circulation of artistic forms of expression (music, movies, photos, etc). The imminent project of an underwater optical fibre cable connecting Vanuatu to Fiji (and thus to Australia and the U.S.), and to New Caledonia, will significantly increase the speed of these connections, and reduce their cost. With these technical possibilities, the music world in Vanuatu is being transformed, and the music industry drastically altered by the forms of action and distribution that digital technology affords musicians and music lovers.

2. "Digitamorphosis" [25] and new ways of circulating music

Inspired by Hennion's (1981) concept of *discomorphosis* [26], Combes and Granjon refer to the technological changes and altered behaviour related to digital technology as *digitamorphosis* [27]. In this sense, Vanuatu has been experiencing *digitamorphosis* for about a decade now. The dematerialization of sound afforded by digital media makes it easy to save recordings, and facilitates their better preservation and wider dissemination. In addition, the portability and lightness of tools like memory cards, flash drives and phones, as well as Bluetooth protocols, make the circulation of music easy at very little direct cost.

Phones used to listen to music can also be replaced more easily and cheaply than stereo systems or CD players. Sijapati-Basnett [28] investigated the different uses of mobile phones in Vanuatu, and found that among the ten most frequent uses in the census, listening to music represents 33 percent, with quite a large difference between rural (26 percent) and urban areas (48 percent).

The mobile phone has therefore become an important tool for music fans. Phones are often equipped with one or two memory cards, enabling users to store sound and video files and to carry music around to listen to in different places, individually or in groups, as well as to swap it as much as they like. As the number of media has increased, so too have the contexts for listening to music [29]. Among the most original examples of this I encountered were the teenagers I saw on the streets of Port-Vila, who had installed amplified MP3 players on their bikes, thereby sharing their music with passers-by.

In Port-Vila, music is listened to and exchanged at home and elsewhere: street corners, squats [30], and kava bars [31]. Memory cards or flash drives also travel between home and the locations where Internet access is available. Exchanges of music are slightly more common among men (35 percent of those surveyed) than women (31 percent) [32]. Indeed, the music scene in Vanuatu has been dominated by men for a long time. It was only in 2010 that the Fest'Napuan association enhanced women's place in music by dedicating its annual festival to them ("Women in Music"). But the scant participation of women in open source activities is not specific to Vanuatu. Miller and Horst also note the extremely limited number of women involved in this field [33].

Vanuatu's population is growing swiftly, and 66 percent of the population is under 30 years old. In Port Vila, those who suffer most from economic hardship and unemployment are young people, with more than 30 percent of the population over 15 having no formal employment [34].

Today in Port-Vila, "youth" can no longer be defined by age nor, as was the case not long ago, by family situation (marriage, children). According to Kraemer [35], if a person sees himself as "young", spends time with groups of "young people" and participates in their activities and networks, he is considered as such. It is difficult to interpret the employment statistics because of the large amount of insecure and informal economic activities paid for in various forms (cash, services, meals, etc.). It is certain however that, in the capital, as Mitchell (2004) found at the end of the 1990s, the number of young people without regular work is particularly high [36].

Most of these young people live off their families' incomes in "settlements that are overcrowded and without access to basic services such as water, sanitation, electricity and good roads [37]. Houses in settlements are constructed from sheets of corrugated iron that can be readily disassembled and relocated". [38] Family incomes are supplemented by food harvested in suburban gardens. [39]

Despite the fact that many of the urban "young" have no fixed income, most of them still possess a cell phone purchased with money from casual work or one that has been found, stolen or given to them. Music exchange relations have developed in town around objects gradually introduced throughout the archipelago's history. Exchanged mainly by "young" men, music in digital form circulates along with objects like cigarettes and alcohol that are today an established part of life in the archipelago, as well as others that have been introduced more recently, like cannabis or mobile phones. Kraemer [40] analyzes the circulation of cigarettes, alcohol and cannabis as constructing a "shared experience". The concept of sharing is essential in "young" ni-Vanuatu' perception of social relations and is thus part of the continuation of the exchange relations that constitute the archipelago's existing socialities. We can add to these objects in circulation the music that is passed from one mobile phone to another. The music exchanged in town is mostly in the reggae roots style, a genre adopted by young ni-Vanuatu since 1990, which is intertwined with a strong identification with the Jamaican lifestyle. The influence of reggae music on the lives of urban youth is considerable, and its symbolism can be found in various areas of everyday life such as language, ways of dressing, political opinions, etc. This identification with reggae is largely related to the claim and recovery of black culture. This genre and its associations have probably played a role in the linking of exchanged music with cannabis, these two elements usually circulating through the same networks.

In these exchanges, circulation and transfer strategies are deployed to manage with whom one wants, or does not want, to share goods [41]. Thus, for music, exchanges take place between friends, but more roundabout ways can also be found (e.g., via a mutual friend) to access music, or even to avoid creating an exchange relationship: "If you don't want to give a file to someone that you don't like, you find an excuse, like you don't have the time or that you will do it later", a musician told me. This corresponds to what Kraemer describes as "evasive strategies". Unlike the circulation of cannabis and alcohol, which usually require financial means, there is no need for money to acquire music. Moreover, and importantly, the giver keeps his music while giving it: the file is copied but the original is kept, as Sterne specifies, "the exchange itself does not deprive the original owner of the file's use." [42] *A priori*, music does not usually generate the conflicts that can occur during exchanges of products like alcohol or cannabis, with music it is rather a question of sharing [43]. This important cultural concept can be found in many economic sectors of Port Vila life. Thus those employed share their earnings in various ways: accommodate and feed (often extended) family in their own home, share food, pay school fees for the children of family without work, shoulder the various financial commitments for traditional ceremonies, and so on. This lifestyle has also given rise in political debates to an argument against income tax, with this sharing being considered as a tax by some politicians.

Cannabis and the sharing of music on digital media are two recent elements building new social relations, but also raising problems concerning the law and legality. The law considers cannabis an illegal drug, and it is officially banned in Vanuatu. However, its consumption has spread widely over the past 10 years, particularly in Port Vila. Repression is less and less frequently directed toward individual consumers and focuses more on dealers. Though it is a prohibited social practice, because of its extensive use cannabis is gradually "becoming normal", a common phenomenon, as described by Rojek [44].

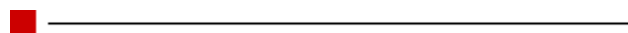
The social and collective aspect of sharing music is particularly important: people are united by their passion for music and often listen to it together. In fact, sharing music is a "normal" practice between people. The difference between cannabis consumption and music sharing in Vanuatu is their relationship with the law: cannabis is illegal, but its distribution and status in society is gradually becoming "normal". On the other hand, exchanging music was formerly a "normal" practice, which is in the process of becoming officially illegal.

However, due to local economics, the majority of music consumers are not able to invest in the purchase of a CD system or other music media. Today the Internet is often the starting point, the main source of music in circulation. Those with Internet access are often those with access to more financial resources than the majority of young people, through their own paid work or that of their relatives. As Vandeputte-Tavo (2013) and Naupa (2011) have noted, they are part of an "urban elite", an "urban middle class":

"Internet access remains the territory of a growing, mostly urban middle class that is educated, knowledgeable and has the resources to regularly participate in online discussions forums." (Naupa, 2011)

This group also tends to be equipped with more technically sophisticated phones than the average person, and even has laptops, while 3G Internet access by phone enables music downloading. Musicians also access the Internet or download music directly through their social networks: via recording studios, associations in which they are active (Wan Smol Bag Theatre [45], Alliance Française, etc.), from friends abroad or during their own tours overseas. The musicians themselves distribute some of the music being exchanged. They put it online or circulate it on memory cards. Local records can thus be distributed without using the Internet. Consequently, the source of the range of music or video clips available for circulation remains in the hands of a certain group of people who mostly belong to the emerging middle class and/or are musicians. Musical exchanges therefore reaffirm the relationship between an emerging "urban middle class" and more underprivileged young people [46].

The practice of exchanging music in digital form has become so common and "natural" that there is no sign of any guilt being attached to it. It is only since 2011 that the adoption of laws on copyright protection has made it officially illegal. Most people do not even know that what they are doing is now illegal, and the practice of sharing music is commonplace and widespread. As with cigarettes, alcohol or cannabis, digital music circulation also helps young people from town to build their own social networks that replace older family and island community relations, relations that are difficult to maintain for some of the young people who have lived in town for a long time (Kraemer, 2013). *Digitamorphosis* is therefore adapted to the cultural needs of musical exchange and sharing, at the same time that it produces difficulties for the music industry in imposing its rules and laws. We can say, with Miller and Horst, that it is not "the local appropriation of a technology" but rather "the differences in culture which determine what a particular technology becomes", with positive and negative consequences [47]. One of the most controversial issues is therefore that of property rights and, more specifically, copyright.



3. From pastime to commodity?

'Nature Talks' is a song about the environment written by Steve Williams, a musician from Port-Vila. Performed and recorded by a group of musician friends, the song became a huge hit in Vanuatu in 2010. It was broadcast several times a day on different radio stations, and received standing ovations at concerts. Here is an extract from an interview I had with Steve Williams (Kalja Riddim Klan and Genesis bands), on 14 October 2012:

Steve: Just for you, ghetto dwellers [48], to listen to. You don't have any money to pay for a CD, but you have a song, I give it to you. (...) I am happy, I am happy that people like my song, like the messages that I share with them, and I hope they will use it.

M.S.: But you didn't earn any money with this song?

Steve: No, I didn't earn anything.

M.S.: ... and that's all right for you?

Steve: Yes, I'm all right with that (*smiling*)! I want it to be like that. The first achievement of your work, you share with your friends. (...) They will taste it, like it, and will want more. (...)

M.S.: If you continue and have more songs like that ...? Overseas musicians say: we want copyright protection, we want to earn money with our music to live. What is

your opinion?

Steve: I want my music to be for everyone. [*Mi wantem musik blong mi hemi blong evriwan!*] (...) When you walk it is a rhythm; you talking, it's a rhythm; your movements are rhythms; music all the way, so music is everywhere. I could charge for my music, but after that? It is me alone who's gonna be happy!

M.S.: So you feel that you are not really interested in becoming a professional musician?

Steve: I can become a professional musician, continue playing for the people, yes, but not earn money from it (...) [49]

In Vanuatu today, music is not yet really considered as a source of income, although some experienced musicians are beginning to perceive this as a possibility. As evidenced by the extract from Steve's interview, for many musicians, music is a wonderful form of expression for conveying a message, making oneself known and gaining esteem. The idea of not making music mainly for money is regularly mentioned by some young musicians. Like Steve, they want to share their music, "give it to everyone". Vanuatu musicians mostly come from the same fragile social environments as their audience. The number of "professional" musicians (I use the term here in the wide sense of earning money from music and not in the sense evoked by Steve, involving recognition and musical perfection) in Vanuatu is very small, and they mainly perform cover songs in bars and hotels. There is a lack of professional status in claiming to be a musician. It is fairly easy to become an "amateur" musician, accompanying friends on percussion or vocally, so the boundary between a musician and the audience is very ephemeral and flexible. Often musicians I met told me that music is a leisure pursuit, a way of escaping boredom or delinquency, of expressing oneself and conveying a message, but also, if it works, of becoming a "good person", someone the community respects. As Hayward mentioned concerning DVD music clip productions, the main aims of recording productions are far from commercial:

"(...) one of the principal factors behind music video production in Vanuatu appears to be that of public expression and prestige of the artists and the specific families, communities, localities and/or language groups concerned (with those aggregations also comprising the main sales focus and potential market of the DVD product)." [50]

Music is one of the answers to the marginalization of youth by society. Mitchell analyzes the visual aspects of practices of "killing time" (spending time) [51] like watching videos, observing tourists or "eye-shopping" as new practices in response to their unemployed state (2004). Musical practices could be added to this list of practices. With the possibilities afforded by a number of associations — Fest'Napan, the Smol Bag Theatre, Alliance Française or *Tura Nambu* Music Center — which provide musical instruments, music classes and rehearsal studios, music has become more accessible to the young. Consequently, the number of local bands significantly increased during the 2000s. Music is something more than the other practices analyzed by Mitchell. Not only does it allow young people to spend time together, it is also a leisure activity with educational aspects, a means of socialization beyond social and cultural borders. It offers possibilities for public expression, peaceful political claims, dreams and much more. But music is also the cement of networks between musicians and music lovers that enable the exchange of various services, ranging from musical entertainment at fundraisings organized for different causes and the borrowing of sound equipment, to the circulation of digital music recordings or sharing the stage at public shows.

Some musicians have a permanent or temporary job in addition to their musical activity, but many, like most of the youth in Port-Vila, live off their family's incomes. It is only when a band or a musician starts to achieve success that the dream of a musical career is created along with the necessity to produce an album. Then comes the desire to earn a living from music. However, for a young, emerging band, a night's musical entertainment is paid between 10,000 and 20,000 vatu (€80–160) for the whole band [52], and often nothing remains of the fee at the end of night [53]. The production of an album costs between 150,000vt–200,000 vatu (€1,200–1,600). As elsewhere in the world (see for example the survey on French musicians and piracy carried out by Bacache-Beauvallet, *et al.*, 2011), it is the most famous, and often the oldest musicians, who have been performing the longest and are active on the international scene, who are more likely to claim their property rights and take stands against piracy, as this experienced string band

musician and member of one of the young reggae bands testifies:

Benny: (...) At this instant there are extensive uses of mobile phones, and it spreads all over. You might not be surprised if you find that somebody [is] playing your song that you have spent months preparing, and that he's just listening to it on a phone for free, just like that! (*he smiles*) Yeah, on the one hand, it is ok, as it promotes you; but on the other hand it isn't good, because it wastes all your efforts and time recording it, yes! (Willy Ben Kalmasei, musician, Benny & the Gang, interview 6 November 2012)

4. What would an enforcement of international copyright law change in Vanuatu?

A copyright protection law (Copyright Act) was drawn up in Vanuatu in 2000, but it was not published for over 10 years [54]. On 24 August 2012, despite protests from lay people, churches and chiefs [55], Vanuatu became a member of the World Trade Organization (WTO) [56]. Forsyth explains that due to the accession to the WTO, Vanuatu was obliged to become a member of the World Intellectual Property Organization (WIPO) in February 2011, publish the Copyright Act, and sign the Berne Convention (on 27 September 2012), thereby protecting the copyright of foreign authors. Marcel Melthérorong, a musician and an important figure in the musical world of Vanuatu, told me that though WTO membership is now criticized and questioned, the resulting access to WIPO will certainly be beneficial, at least for musicians [57]. Yet the imposition of international law does not necessarily provide a change in practice, as is evidenced by the example of China. In China, accession to the WTO in 2001 has not diminished piracy practices, despite the fact that "on paper the Chinese government constantly updates copyright statutes to conform to international standards." [58] In "developing" countries, copyright is often thought to be necessary "for the structuration and professionalization of music markets." [59] Hayward confirms this suggestion for Vanuatu:

"Piracy (...) is a considerable problem, and pirated CDs and DVDs of major international music are freely on sale in more than 15 Port Vila retail outlets; (...) piracy of Vanuatu releases, through disk burning and tape dubbing, is seen as a significant issue for artists (...)" [60]

However, in many countries, the introduction of copyright as proposed by international organizations has come up against problems stemming from local particularities. For example, Mallet and Samson [61] relate how the Malagasy Copyright Office (OMDA) is struggling to develop and apply policy in a world where people are used to finding compromises without resorting to written complaints. Out of concern for the development of music, the representatives of OMDA condemn the system built around *tsapiky* [62] music, highlighting instead a market and commercial approach they want to control. Geismar, on the other hand, analyzes how traditional owners of artefacts from the island of Ambrym (Vanuatu) are exploiting both the traditional system of local copyrights and international laws in order to control the market for their artefacts. She explains how several systems can be understood, intertwined and politically manipulated:

"The entangled nature of understanding of copyright in Vanuatu demonstrates that copyright legislation has the potential to affect any system of entitlements as much as it may protect or be produced by it." [63]

In Vanuatu, a system for the circulation of recorded music has been developing since the 1970s, when the first recordings on analog cassettes appeared with the string band musical genre. The creation of the first recording studios in the early 1980s [64] helped develop local businesses, with music distributed mainly in shops owned by people from the Asian community.

Copying practices were then very quickly established, since at the time no copyright protection law existed. These copies were not only made in private by one individual for another, but also by shops, often without any contract with the musicians involved. This phenomenon continued with the arrival of CDs, and the small Port-Vila shops still sell pirated products by local and overseas artists. Vanuatu's music industry has continued to expand since the 1970s within a

local system that could be described, according to the position adopted, as either one of “free circulation” or “piracy”. George Cumbo, the director of the Alliance Française in Port-Vila and originator and organizer of the *Fête de la Musique* in Vanuatu since 1994, describes the problem in these terms:

“I think there is indeed a big piracy problem, because there is a very big problem concerning access to cultural products, so it is true that for example Vanuatu is a country where you cannot buy DVDs, you cannot buy films with an original DVD. There were some shops that tried to sell them but they ended up with prices of 4,000vt [about €30] ... [and when prices are] 4,000vt nobody is going to buy. So we are in a country where, like in some Asian countries, we are used to buying products that are pirated so to speak.” [65]

This scenario is repeated around the world. Guillebaud, *et al.* [66] mention that in many African countries and elsewhere (*e.g.*, India, Madagascar, etc.), some musical genres have even been created around “copy markets”. The Fest’Napuan association created in 1996 today manages, so to speak, the local music industry, by organizing annual festivals and financing equipment for rehearsal studios. Meetings are also organized to help find answers to the various problems of the burgeoning music industry. Thus, in 2008, Fest’Napuan organized a meeting to inform local musicians about copyright, inviting representatives of the major copyright protection organizations of New Caledonia and Australia: la SACENC (*Société des Auteurs Compositeurs Editeurs de Nouvelle-Calédonie*) and APRA (Australasian Performing Rights Association). Many young musicians, who had heard little or nothing about music rights, left this meeting enthusiastic and full of hope. Music’s change of status from a freely circulating cultural object to a market product would also change mentalities, as Marcel Melthérorong, a well-known Vanuatu musician, states:

“**Marcel:** At this moment, it is more about message, to build up our nation, whereas no matter we don’t earn any money from it or just a little bit, or we play for free, or whatever, it’s all right, you know? But if we have this body [*referring to the copyright office*], maybe now it would change this mentality too. So, everyone will play for money (...). [67]

At the same time, as the interview extracts below show, the best-known musicians are hoping to make the music sector more lucrative thanks to the copyright law:

“**Barret:** I think copyright is all right because it helps to protect the artist. Whereas in Vanuatu at this time if you pay, make an album, then you sell it, that’s the first step then that’s it. But all the rest are duplicated: they are all copy, copy, copy; you are not going to be able to sell the other remaining hundred. So that’s some of the ways that can weaken the music industry in Vanuatu. (...) Now we have already been registered together with copyrights, (...) in Caledonia under the SACENC, and APRA in Australia. Currently we have already registered. Copyright is a good thing, a good thing, because I find that we collect money from the radio stations, and also if you have any problem, copyright can play a big part by protecting you. [68]

While musicians’ awareness of their music’s economic value is growing, the VBTC (Vanuatu Broadcasting & Television Corporation), the national public broadcaster demanded that groups wishing to have their video clips shown on television should pay the company [69].

Georges: (...) One should remember that until two or three years ago, when a band wanted to broadcast its clip on TV, it had to pay, as if it were an advertising space here, that is. So now, it has changed, precisely thanks to a pressure group — in fact, from the musicians, it has changed. So the clips are broadcast without fees, let’s say fees, but on the other hand, there is no remuneration [for musicians] too. [70]

Today, under the new copyright protection laws, the media should in fact pay musicians. But according to the musicians, this is not the case, as the broadcasters and radio stations have no budget for this:

Lopez: (...) There are [always] other, different artists that would like their music played [on the radio and TV stations] for free because it's part of promotion. So if you look carefully, the stations don't care much about those songs that they have to pay for, because the stations don't generate or have enough income [to pay]. Their operating expenses are too high and they don't have extra to buy the songs (...) So in Vanuatu I think, for now, it can't possibly happen yet; all our radio stations don't have money to reward the artists. [71]

Another musician complains about a law that the government, which owns the radio and TV national stations, is itself not able to respect:

Loïc: (...) I have heard many Vanuatu bands being played on the radio, and I am sure they don't earn any money. But they should! Radio Vanuatu is owned by the government, [but] the government doesn't know how to administer the law that they have established themselves! The government cannot do it. [72]

A music federation, a local association composed of musicians, has also been created; its principal goal is improving copyright protection. Although on 25 August 2011 the national television company, VBTC, bought many video clips from a private production company owned by the federation's president, the purchase of rights by public radio and television is not at all common, as these accounts illustrate. In fact, the law has been passed, but no provision has been made to implement it. There is therefore currently no possibility of the IP (intellectual property) law being applied in practice. Nor have funds been allocated to date to enable the Intellectual Property Office of Vanuatu to record works or to create a team of competent people to enforce the new law [73].

However, the situation of urban pop music in Port-Vila seems flourishing: the number of music bands is growing, the national Fest'Napu festival's regional success is increasing every year, and there are more and more music shows by international artists. As for the recording industry, although some studios have closed [74], new studios or home studios are constantly being created and some of them manage to survive solely on recording fees. As the owner of Mastersound studio, created in 2009, told me, he leaves all copyrights to musicians [75]. With a good reputation among musicians, his studio is viable [76].

Although today some musicians think they can improve their situation by enforcing copyright protection, the status of most of them remains precarious: they earn no money, and they need funding to make recordings and source equipment to be able to make their music. On the other hand, a significant portion of musicians remains reluctant about the commodification of music, which has fulfilled so many social roles. If strictly applied, the copyright law will also limit musicians in their own downloads of foreign music, as well as in performing cover versions of this music at concerts. Indeed, in Fiji, the major international recording companies were the first to take legal proceedings over copyright [77]. Finally, today the accession of Vanuatu to WIPO has changed nothing in practice. Digital recordings of music circulate freely through local networks, including the networks of musicians. Simultaneously, the law of copyright protection is often used to assert the rights of musicians and the development of the local music industry, but financial resources are not sufficient to actually apply the law.



5. Music exchange practices: A continuation?

To better understand the forms of music circulation stimulated by the advent of digital technology in Vanuatu, we must consider how they sit in the longer history of music circulation in the archipelago. We saw above that the music industry has existed in Vanuatu since 1970 through the circulation of copies. Moreover, notions of ownership and circulation of music are not novel in Vanuatu since, traditionally, music circulated through the ceremonial exchange system. It therefore seems appropriate to consider whether the transfer of music by digital means could be regarded as a continuation of social practices already in existence.

The copyright concept as applied today comes from the Western world and is the result of a long historical process in a context that led ultimately to the commodification of culture (Forsyth, 2003; Mangolte, 2010; Szendy, 2001). However, compared with other cultures, contexts and histories, simply imposing this international law without adapting it to local conditions poses many questions. In Vanuatu, the general point of divergence between the two systems lies in the fact that copyright as applied in Western societies has emerged alongside the commodification of cultural products. However, although in Vanuatu music does appear to have conventional economic dimensions, since it can be exchanged for other objects of value, most of these exchanges remain first and foremost elements of the social relations which they initiate or confirm. Music in Vanuatu was first and foremost an important factor in an economy of prestige and public representation connected to customary law.

To better understand the problems created by the enforcement of IP law in Vanuatu, we must first analyze how *kastom* [78] (traditional) music followed this customary path. We will try to draw a comparison between the old circulation systems and the digital circulation of music. It is worth noting that the exchange of music on digital media has been described as a gift relationship by many researchers (Giesler, 2006; Leyshon, *et al.*, 2005; Rojek, 2005).

The ceremonial exchange of material objects is a classic anthropological subject (Mauss, 1923–1924). Oral knowledge also circulates with these items. The existence of property rights over musical knowledge has also been noted by many researchers in the Melanesian region [79]. In another work (Stern, 2002, 2013), I have focused on the study of *kastom* music circulation systems in exchanges in Vanuatu:

“In Vanuatu custom, a principle close to the concept of intellectual property rights has existed for centuries for music and other intangible knowledge. Traditionally, not everyone has the right to hand over certain parts of this knowledge; complex rules must be observed. Although for most sets of music anyone who knows a song can sing it, a certain number of sets are governed by precise rules of transmission.” [80]

Some music repertoires form elements in prestige and power relations associated with the hierarchical social system, which is itself based on political and economic competition. Therefore, some songs, rhythms, dances and instruments are strictly reserved for the people who have acquired a certain rank in the hierarchy. These people share among themselves the rights to this music and they are the only ones able to transmit it. Other repertoires may belong to their composer, the person who commissioned them, or even a person, family or community that has acquired them through exchange of some other valuable thing. If one aspect of these exchanges can indeed be economic, it seems to me nonetheless that what is more important is the complex and encompassing sets of social relations and power struggles in which music reflects and mediates notions of prestige. To perform a song, dance or rhythm, a person must thus either acquire the appropriate status, go through a process of paying for one performance, or set about acquiring all the rights (both performance and property rights [81]). If for a single performance payment is more symbolic and not very high (sometimes even an oral agreement is sufficient), in the case of the acquisition of property rights, the organization of a ceremony and a lot of wealth can be required. Depending on the context, the giver may totally transfer the rights: he must then “forget” [82] the song in question, or may keep it at the same time as he gives it. In this second case, he retains the right to perform the song, and he can give the same repertoire several times, since he keeps the right to pass down this song several times, in exchange for gifts, to a number of his relatives (Stern, 2002, 2013). These complex rules are respected mainly due to the pressure exerted by a common belief in black magic that threatens with severe punishment those who dare to take over a repertoire without prior agreement. However, another large part of the musical repertoire (lullabies, children’s games, entertainment music, etc.) remains “free of rights” and is considered “everyone’s” property.

A music repertoire gains or loses value and acquires different meanings and functions according to its social use. It can become a means of increasing one’s power, wealth, knowledge and prestige, or a form of artistic expression, etc. In *kastom* music in Vanuatu, the value of a repertoire depends, for example, on the difficulty of acquiring the hierarchical status with which this repertoire is associated. Some ritual repertoires change their status by becoming a simple children’s sound game free of rights [83]. In the music industry, economic value often depends on the popularity a product has acquired, which itself is often related to marketing and advertising campaigns (Hennion, 1981).

In parallel with the former systems of circulation of musical knowledge, the Internet and mobile phones have created new networks for the exchange and circulation of musical culture.

Giesler compares the gift system as described in anthropology (Mauss, 1923–1924) with peer-to-peer exchange, particularly, Napster (Giesler, 2006). Without going into this debate, it is worth pointing out that Port-Vila's musicians also like to highlight the gift of music as a legacy of their culture. As Steve said in his interview, he just gives his songs to the youth of the ghettos. Even musicians like Barret who are strong defenders of copyright, when asked what young people who like his music but have no money could do, told me:

Barret: (...) we will say that Vanuatu is different from other places. If you want something, just ask it. (...) So if you are a young boy who has no money to pay a song or a CD, you can ask it directly to the band. (...) you can ask a song for your own use, but not circulating the work of your favorite band by copies, because that way you cause damage to your preferred band. [84]

We have also seen that music recordings are made not so much for money, as for prestige, respect and recognition they bring to the musicians, their families and communities.

I suggest that digital music circulation is a continuation of different types of music flows throughout the history of Vanuatu, imagined and re-adapted to current realities. Geismar (2013) refers to local artefacts that respect both customary rights and beliefs on the one side and, on the other, international copyrights. Though it is possible to find similar arguments about *kastom* music, for the music I talk about in this paper — string band and reggae — allusions to *kastom* laws are rarely, if ever made. Rather, contradictions occur between the free circulation of music claimed by musicians as a legacy of both the local culture of Vanuatu and the Rastafarian philosophy influencing many young people today, and the idea that the music industry should develop the most lucrative music business possible.



Conclusion

The *digitamorphosis* that Vanuatu society has been experiencing for ten years or so has intensified the development of musical exchanges already established around copying practices. On the other hand, the archipelago's recent adhesion to WIPO, enforcing a Western copyright system, was supposed to impose restrictions on these practices. In the traditional system of Vanuatu, music brings prestige and marks hierarchical status. The majority of urban youth come from economically underprivileged backgrounds with little formal education. In Vanuatu, music in the form of pop and reggae is not a commodity. It seems to bring the same prestige as *kastom* music, because it enables musicians to enhance their image, helps them to build new social networks, allows them to acquire status and express themselves through the possibility of public performances, as well as providing the means of travelling or even casual income (various kinds of payment for concerts). As music in Vanuatu has always circulated according to local rules and, more recently, in the copy "market", it is difficult for young people circulating music using digital media to accept the fact that they are now taking part in illegal practices, especially because they do not have the financial means to acquire music in the official way. However it seems that everyone agrees that people should be able to ask for the music they like for free. Here digital technologies are adapted to local uses. Finally, the introduction of legislation to protect international copyright in Vanuatu is changing nothing, except maybe by giving more authority to the words of those who claim their property rights. However, these claims remain unanswered due to the lack of any means of enforcing the law. Nevertheless, some musicians find alternatives to improve their financial situation by doing overseas music tours, registering at copyright protection offices abroad, recording at overseas recording studios with a small regional market, getting involved in publicity, etc. In accomplishing all of this, digital technologies provide a unique and independent way for local musicians to promote themselves and find a niche in the international music world.

Several scholars have described how people in different cultures rethink and re-interpret the new means available to them: new technologies and infrastructure (Larkin, 2008); and new international laws (Geismar, 2005, 2013). Coombe (1998) and Larkin (2008) have analyzed how the legitimate and illegitimate are closely related and interdependent.

For Vanuatu music, we are faced with several systems which overlap depending on the music repertoire: *kastom* music repertoires have their own circulation rules, while pop music circulates according to both free circulation and copyright laws depending on the particular practices and aims involved. Thus, original recordings produced by official recording studios circulate mostly through copying practices. This allows a wide diffusion of music, and encourages young people to

be musically creative. 

About the author

Monika Stern, CNRS-CREDO (Aix-Marseille University, CNRS, EHESS) is an ethnomusicologist specializing in Vanuatu since 1998. Her researches are focused on music and society and musicological analysis.

E-mail: monika [dot] stern [at] pacific-credo [dot] fr

Acknowledgments

I would like to thank my colleagues: Laurent Dousset, Haidy Geismar, Georgina Born, Raymond Ammann and Denis Crowdy who very kindly read various versions of my paper. Their comments have been very valuable although they should not be held liable in any way for the orientations of this article. I am also very grateful to: Deborah Pope and Marie Durand for their English corrections, and to the editors: Raphaël Nowak and Andrew Whelan for their work and support.

Notes

1. The title of this paper in part is based on my interview with Steve Williams, a Vanuatu musician (Kalja Riddim Klan, Smol Fyah and Genesis bands), 14 October 2012.
2. *National Census of Population and Housing*, Basic Tables, vol., p. iv.
3. *National Census of Population and Housing*, Basic Tables, vol., p. 12.
4. Siméoni, 2009, p. 290.
5. The definition of "youth" in Vanuatu is elaborated in the second part of this paper below.
6. I use the term "music lovers" here to refer to anyone who is interested in music and listens to music in different forms.
7. String band is mostly a male musical genre (even if women's groups are increasingly being formed), sung in falsetto, in responsorial form, and accompanied by an acoustic instrumental ensemble composed of strings (guitar, ukulele and bush bass) and some percussion. It developed under the influence of the country music provided by the U.S. military during World War II.
8. In this paper I refer to *kastom* music following the classifications made by the inhabitants between music considered local and traditional, *kastom*, and the rest (string band, Christian music, pop, etc). For a discussion of the term *kastom* in Vanuatu see, for example, Bolton (1999), Wittersheim (2006) and Geismar (2013, pp. 139–145).
9. Whelan, 2012, pp. 1–2.
10. Siméoni, 2009, p. 342.
11. DIGICEL, an Irish company, is well-established in Caribbean countries and in the Pacific region.
12. Figure found on the local artist Vanessa Quai's Web site (http://fanclub.vanessaquai.com/?page_id=227). The biggest local festival since 1998, it brought together 40,000 people in 2012 (<http://www.pacmas.org/events/festnapuan-music-festival/>).
13. Kraemer, 2013, p. 167.
14. *Statistical Yearbook for Asia and the Pacific*, 2011, p. 237.
15. Figures from different statistical sources differ somewhat. According to the *Statistical Yearbook for Asia and the Pacific*, in 2009, 54.1 percent of the population owned mobile phones (p. 237); according to Sijapati-Basnett, it was 92 percent (2008, p. 25), and according to the *National Census of Population*, Summary Release (p. 27), it was 76 percent of households.
16. *National Census of Population and Housing*, Basic Tables, 2009, vol. 1, p. 18.
17. Hayward, 2009, p. 63.

18. *Statistical Yearbook for Asia and the Pacific*, 2011, p. 238, 2,2 percent in 2000–7, 3 percent in 2009; for Sijapati-Basnett, 2008, p. 23, 11 percent in 2009. According to the World Bank (<http://donnees.banquemondiale.org/indicateur/IT.NET.USER.P2.P2>). 0.1 percent in 1996; 2.1 percent in 2000; 7.5 percent in 2009; 10,6 percent in 2012. Finally, according to the National Census of Population and Housing, Basic Tables Report, in 2009, p.106, 6.65 percent Vanuatu population would have had access to the Internet.

19. 5,950 vatu (€45)/month for 128kb/s, the legal minimum wage being 26,000 vatu (€200)/month.

20. Vandeputte-Tavo, 2013, p. 175.

21. Servy, 2013, p. 2, note 3.

22. The figures for Facebook discussion groups were recorded on 29 March 2014.

23. Usually “pop” music or “string band”. Sometimes you can also find “traditional” or *kastom* music posted by tour sites or expatriates who have travelled or stayed in Vanuatu.

24. Hayward, 2009, p. 78.

25. In French “*numérimorphose*”; Combes and Granjon, 2007.

26. In French “*discomorphose*”; Hennion, 1981.

27. Combes and Granjon, 2007, p. 295.

28. Sijapati-Basnett, 2008, p. 32.

29. Nowak, 2014, p. 7.

30. Port Vila inhabitants call a “squat” a “ghetto”, a term inspired by the vocabulary of Jamaican musicians. “(...) boys spend most of their time in a few, otherwise neglected shelters, ‘grass huts’, disused kava bars, or out of the way places, situated along the roads of the community. They refer to these as their ‘ghettos’ (ghetto).” (Kraemer, 2013, p. 34).

31. Kava is a traditional Vanuatu drink, extracted from the root of a pepper plant (*Piper methysticum*) which has soothing virtues. Once reserved for men of a certain status in the important moments of social life and also used as a medicinal plant, today it is consumed every day after sunset by many adult men. In the city, kava bars have developed since the independence of Vanuatu in 1980. Chanteraud and David suggested a density of one kava bar for 60 men in some areas of Port Vila in 1996 (Chanteraud and David, 2011, p. 279 and p. 268 map 2).

32. Sijapati-Basnett, 2008, p. 32.

33. Miller and Horst, 2012, p. 8.

34. *National Census of Population and Housing*, 2009, p. 111.

35. Kraemer, 2013, pp. 28–29.

36. For statistics on employment see *National Census of Population and Housing*, 2009, pp. 111–147.

37. Even if these services are more developed today, many families do not have salaries sufficient to benefit from them in everyday life, and in many houses electricity is often cut off.

38. Mitchell, 2004, p. 363.

39. Wittersheim, 2013, p. 28.

40. Kraemer, 2013, p. 202.

41. Kraemer, 2013, p. 203.

42. Sterne, 2006, p. 831.

43. In Vanuatu, sharing is a cultural concept, certainly influenced by both custom (*kastom*) and Christianity, which is seen by ni-Vanuatu as essential for their social life. For more about this “spirit of sharing” in Vanuatu see Kraemer, 2013, pp. 196, 197.

44. Rojek, 2005, pp. 364–365.

45. Wan Smol Bag Theatre created in 1989 (Hayward, 2009, p. 68) is an NGO active in the fields of culture, education, environment, governance, health and youth: <http://www.wansmolbag.org>.

46. This emergence of a middle class is a fairly recent, and divisions are not yet very pronounced. Music exchanges still confirm the unity of this society despite emerging differences.

47. Miller and Horst, 2012, p. 13.

48. Ghetto is a word that appeared in Vanuatu a few years ago. It is a place where the neighborhood young, especially boys, get together, like a squat (see note 30 above).

49. All translations of interviews were conducted in Bislama (or French in the case of Georges Cumbo's interviews) by myself and corrected by Deborah Pope.

50. Hayward, 2009, p. 64.

51. "Killing Time" (*kilim taem*) is, as Mitchell (2004) explains in her work, a bislama expression to say that someone spends his time because he doesn't have work. Today we can still hear this expression and other ones like: *pasem taem* (spend time), *spel* (rest), *waet page* (white page), etc.

52. While, for instance, the same group performing in New Caledonia would earn 50,000 CFP (Francs Pacifique)/€420.

53. Knowing that at these music nights, the price of one beer is 300 vatu (€2.40) and that bands in Vanuatu have around ten musicians.

54. In an interview in 2006, Ralph Reganvanu, a ni-Vanuatu artiste, the former director of the Vanuatu Cultural Centre and former chairman of the Fest'Napuan association stresses the importance of copyright in helping musicians and in the development of the music industry, but at the same time evokes the economic difficulties that such a law could result in if applied immediately.

55. The notion of "chief" in Vanuatu has been much debated. Today in politics, the National Council of Chiefs, Malvatumauri, is sometimes consulted and may discuss some issues with the government. For more information on the concept of the "chief" and the development of the Council of Chiefs, see Wittersheim, 2006.

56. Forsyth, 2013, p. 157.

57. Personal communication, March 2014, Marseille (France).

58. Liu, 2010, p. 657.

59. Mallet and Samson, 2010, p. 117.

60. Hayward, 2012, p. 66.

61. Mallet and Samson, 2010, pp. 122–123.

62. *Tsapiky* is a Malgasy music genre from the Tuléar area (Mallet and Samson, 2010).

63. Geismar, 2013, p. 87.

64. For more detailed description of the history of recording history in Port-Vila, see Hayward 2009, p. 62.

65. Interview with Georges Cumbo, 8 November 2012.

66. Guillebaud, *et al.*, 2010, p. 14.

67. Marcel Melthérorong, musician, XX Squad and Kalja Riddim Klan bands, interview 13 October 2012.

68. Barret-Jimmy Nakapue, musician, Naio band and sound engineer, interview 7 November 2012.

69. This information was circulating at the time in Port Vila musical circles. The Fest'Napuan association and the Federation of Music were against this rule. The outcome vindicated the musicians, who do not pay but are not recompensed for streaming their music either.

70. Georges Cumbo, Director of the Alliance Française in Port-Vila, interview 8 November 2012.

71. Lopez Adams, musician, Ants in Tokyo band, interview 6 November 2012.
72. Loïc Taga, musician, Diomega band and sound engineer Wan Smolbag Theatre, interview 1 November 2012.
73. Forsyth (2013, p. 168) explains that establishment of a copyright office and its operation budget was estimated at 25 million vatu (approximately €195,000).
74. Hayward, 2012, p. 64.
75. Interview with Darren Wu in 2012.
76. It is worth noting that the customers of most studios that manage to survive are string bands.
77. Daurewa, 2013, pp. 110–111.
78. See note 8 above.
79. Malinowski, 1922, p. 186; Guiart, 1956, pp. 219–220; Lindstrom, 1996, p. 128.
80. Stern, 2013, p. 59.
81. Thus, the person becomes the owner of the music in question and it is she that will give permission for its performance and will be paid for this if required.
82. This explanation was given to me by Maurice, a composer from Wutsunmel village, in the center of Pentecost Island.
83. I could thus observe certain instruments used for sound games, whose former function is thought to have been ritual and taboo. Ammann notes that this is a common occurrence (Ammann, 2012, p. 227).
84. Barret-Jimmy Nakapue, musician, Naio band, and sound engineer, interview 7 November 2012.

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Editorial history

Received 9 September 2014; accepted 10 September 2014.



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First Monday, Volume 19, Number 10 - 6 October 2014

<http://firstmonday.org/ojs/index.php/fm/rt/prINTERfriendly/5551/4130>

doi: <http://dx.doi.org/10.5210/fm.v19i10>.