

Pacific Land Network – Inaugural Symposium  
**At National University of Samoa**  
**« What Future for Customary Land Tenure »**  
 Opening : Monday 23 October 5 pm (NUS FaleSamoa)  
 Presentations : Tuesday 24-Wednesday 25 October  
 (8:30am : Lecture Theatre D101)

Convened by Sau'ia Dr Louise Mataia Milo (NUS-FOA) and Serge Tcherkezoff (CREDO/ANU)

list: names of speakers *in alphabetical order*, with title of the presentation and abstract (valid at 17 October)

OPENING (Monday 23 Oct, 5 pm)

**Talofa lava, Bonjour (Iokwe yuk, Malo e lelei, Kia Orana, Mogethin, Taloha ni, Alii, Ko na mauri, Len wo, Hafa adai, Fakaalofa lahi atu, Kasalehlie...) warm Pacific Islands greetings!**

Speakers see program

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PRESENTATIONS (Tuesday 24 and Wednesday 25, all day) 8 pages-24 presentations  
*(each: 20 min + 10 min discussion)*

*(alphabetical order: fort the time of each presentation see program; status [“Pr, Dr, etc.”] is not indicated [see other file to come: bio data] except when it is part of the name as is often the case in Samoa)*

**AL WARDI, Semir (UPF, GDI) [semir.alwardi@upf.pf](mailto:semir.alwardi@upf.pf)**

**The value of ‘FENUA’ in French Polynesia**

French Polynesia is no exception in terms of the value placed on FENUA land, the land of the ancestors, the land that is passed on, the land that is not owned but received. But everyone knows how the Western-style legal code of private property was partially imposed. Beyond the legal debates on how to manage land ownership, land as an identity value remains an important theme in local political discourse, particularly since the change of government (labelled « pro-independence »). Recently, faced with fears, from some sectors of the population, about a forced march towards independence, the country's president responded by invoking the value of working the land that nourishes us: "Does this mean that the [French] State will leave with the Taro, the Fei, the Umara, the bananas, the fish and also the feet and hands of the Polynesians?"

**FONOMAAITU, Tuvalu Fuimaono (CCC and Te Rūnanga o Ngāi Tahu) [presentation on zoom NZ Time] [fonomaaitu.fuimaono@ngaitahu.iwi.nz](mailto:fonomaaitu.fuimaono@ngaitahu.iwi.nz)**

**O le fanua, o le ola! Land is Life!**

The paper will discuss the case study of a family defending our customary land within the process of the Samoan Land Commission. The paper will examine the colonial process that was used to justify the alienation of customary lands and the impact of the process on existing customary land particularly in the urban area vicinity. In addition a discussion of lesson learnt and protection of customary lands from the impacts of globalisation and the colonial constructs of the capitalistic system.

**FOUKONA, Joseph (UH Manoa, CPIS) [foukona@hawaii.edu](mailto:foukona@hawaii.edu)**

### **Land Reform and Customary Land in Melanesia**

Land reform in Melanesia, particularly Solomon Islands from the colonial era, has focused on changing customary land through a Torrens land registration system in order to ensure the security of tenure, improve productivity, and stimulate economic growth. Most land in Melanesia is under customary tenure, which is broadly communal by nature and cannot be alienated without profound social disruption. Customary land, social relations, livelihoods, power structures, knowledge, identity, and place are all interrelated in Melanesian life worlds. This complexity is still poorly understood by those advocating the view that customary land hinders development, and should be registered to establish secure property rights and greater productivity.

**GODIN, Patrice (UNC, TROCA)** [patrice.godin@unc.nc](mailto:patrice.godin@unc.nc)

#### ***HYEEHEN*. Construction, destruction and reconstruction of the link to the land in Kanak country, 1853-2020.**

Hienghène, northeast coast of New Caledonia. In 1853, when France took possession of the archipelago, two Great Houses were established in the region, looking after the link to the land as a major component of the social identity of groups and individuals. In 1896, the region was the last to experience the spoliation of land and displacement of populations imposed by the colonial government's cantonment policy. Years of unrest followed, until 1917, when the last major uprising against colonial rule took place. At the end of the 1970s, the first Kanak land claims. In the 1990s and 2000s, settlers deserted the region, and the Kanak reclaimed much of the land that had been confiscated from them. The link to the land remains an essential component of identity, but over more than a century it has been reformulated and transformed. It is the process of this transformation that we propose to describe and analyze in our paper.

**HOCHET, Antoine (FAO, headquarters Rome, Land Tenure Unit)**

[Antoine.Hochet@fao.org](mailto:Antoine.Hochet@fao.org)

#### **Presentation of the Land Tenure Unit...**

**IATI, Iati (VUW, PSIR-CSS)** [iati.iati@vuw.ac.nz](mailto:iati.iati@vuw.ac.nz)

#### **The commercialisation of customary land in Samoa : agriculture Vs. tourism**

The commercialization of Samoan customary lands will affect economic development, cultural, social, and political institutions, and traditional rights. To understand the impact of commercialization, their rights and responsibilities must be understood in relation to relevant customs, traditions, and current legislative framework. Analyses of these must centre on the Land Titles Registration Act (LTRA) 2008, a landmark legislative change that provides for the alienation of customary lands through the introduction of the Torrens land registration system up to the leasing of customary lands. This paper critically analyses the impact of commercialization on customary land rights in the context of the current legal framework, particularly the LTRA 2008. It compares commercialisation focused on the tourism industry versus the agricultural industry. It argues that commercialization focussed on tourism threatens customary land rights, while a focus on agriculture better protects customary land rights while allowing for the use of lands in development efforts.

**LATAI-NIUSULU, Dr Anita- assoc. Prof of Geography** [a.latai@nus.edu.ws](mailto:a.latai@nus.edu.ws)

#### **Customary land access and climate mobility in Samoa**

Climate change and other environmental challenges have caused many Samoan households that live within the coastal area to build alternative residences and/ or shift to live in higher and more inland locations. Some have moved to customarily owned lands and alienated

(rural) lands while others have bought privately owned lands, either within the same village or elsewhere. This paper explores the experiences of Samoan families as they negotiate access and move within customarily owned lands, to avoid climate related as well as other environmental challenges.

**MAIAVA Iosefa A. [iosefam@gmail.com](mailto:iosefam@gmail.com)**

### **Land and Climate Change**

This will be a reflection on why it's important to consider climate change projections and the environment when discussing the future status and use of land. Yes, it is important to discuss the roles of legal, political, and socio-economic frameworks and imperatives, in the governance of land and other 'assets' we have. But it is probably more important to also promote cultural (lived) values and norms, including through these various governance frameworks, to incentivize a collective 'will' to change towards a more sustainable form of land use, development, and way of life. Not only is this more likely to help us slow down climate change while adapting to its impacts, it may also help us address other forms of existential risks we are experiencing in this small 'paradise' of ours"

**MATATUMUA Leua Latai, [l.leonard@nus.edu.ws](mailto:l.leonard@nus.edu.ws)**

### **Imaging Paradise: Future Eden**

Paradise is described as a space of utopia, ecstasy, heaven, wonderland filled with virgin unspoiled fauna and flora. An environment where man lives in harmony with nature. Where Eden the garden created by our maker was uncontaminated and uncorrupted. It is in this context in ancient Samoa that our land was our paradise and at the birth of a Samoan child (tama), the umbilical cord (pute) is cut and the placenta (fanua) is buried on ancestral land (ele'ele) in which the child is the heir. This connection with the land becomes the crux of a Samoans identity. We, the heirs to, children (fanau) living on this land gifted to us by our ancestors. With climate change looming in the horizon our paradise is threatened, and our lands ravaged through our own egocentric callousness. This paper will discuss the dilemma we are facing and a possible future Eden that we can envision.

**MOLIMAU-SAMASONI, Dr Seesei [seesei.molimau-](mailto:seesei.molimau-samasoni@srosmanagement.org.ws)**

**[samasoni@srosmanagement.org.ws](mailto:samasoni@srosmanagement.org.ws)**--- Manager For The Plants & Postharvest Technologies Division In The Scientific Research Organisation Of Samoa SROS—  
**[enquiries@sros.org.ws](mailto:enquiries@sros.org.ws)**

### **Pacific Food Systems in the face of Climate Change**

The Pacific regional communities are quite diverse with race and culture, but with a commonality of where food plays a central role with strong cultural significance. Food is more than what one consumes. It is viewed as a demonstration of love, generosity, care, godliness, the environment, power, and strength. It represents culture, language, and habits. It is a source of health and wealth, medicine, social interaction, traditional currency, and a means to gain status. Food is also often given as a gift and is where policies meet the people. Food is generally easy to get if people have access to land and sea, and it is rare to hear of a person dying of starvation in the Pacific Islands, but many Pacific Island people are inactive and are dying from nutritional related deficiencies and their consequences on health. This paper will discuss food security in the Pacific in the context of Pacific food systems in the urban, rural and atoll settings, and how these food system settings are impacted by climate change and extreme weather events.

**NANAU, Gordon (USP, SoLaSS-GDIA) = School of Law and Social Sciences**

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**Safeguarding customary land tenure for livelihood and security in Melanesia**

This paper looks at how colonial expansion and policies facilitated early forms of land alienation, dispossession, and the marginalization of indigenous landowning groups in Melanesia. It further highlights how independent Pacific islands states continue to use general aspects of such colonial policies to disadvantage their own citizens. The neo-liberal perception of land as a commodity with monetary value versus the Pacific worldview that customary land and natural resources are inseparable aspects of one's existence, belonging, livelihood and identity is plausibly one of the dilemmas for Pacific islanders in many rural communities. Indeed, earlier disputes over state's manipulation of this customary - modern land tenure and natural resource nexus proved catastrophic in some Melanesian countries. It contributed to the Bougainville crisis in Papua New Guinea, the ethnic tensions in Solomon Islands, and serious anxieties over land speculation in Vanuatu. Fears over who controls land and coastal resources also contributed to all the coups in Fiji. Food security and peace in the Western Pacific may be contingent on limiting change to customary land and natural resources tenure and find ways to empower customary landowning polities.

**PASTOREL, Jean-Paul (UPF, GDI) [jean-paul.pastorel@upf.pf](mailto:jean-paul.pastorel@upf.pf)**

**The specificity of land tenure in French Polynesia and perspectives**

How a working team from Law specialists (French Ministry of Justice and University scholars) led to the modification of the Civil Code specifically for French Polynesia. How can Polynesia's land problems be resolved in a post-colonial context? How can the Polynesians' link to the land be reconciled with French Romano-Germanic law?

**PFERSMANN, Andréas (UPF, EASTCO) [andreas.pfersmann@upf.pf](mailto:andreas.pfersmann@upf.pf)**

**The link to the land in French-speaking Pacific fiction**

The link to the land, the place where newborn babies' placentas are traditionally buried in Polynesia, is clearly apparent in *L'Ile des rêves écrasés* by Chantal Spitz, where the announcement of the creation of a missile base at Ruahine causes Tematua an intimate wound. But the land is also a burial place for the dead, and the attack on a pre-European cemetery in *Le Bambou noir* by Jean-Marc Tera'ituatini Pambrun is one of the causes of the revolt by local residents, supported by the main protagonist, against a luxury hotel project in Punaauia. Some of Déwé Gorodé's stories also show the extent to which the relationship with the land is at the heart of Kanak identity. A similar dimension can be seen in Paul Tavo's novel *Quand le cannibale ricane*, in which William, engulfed in alcohol and drugs in Port Vila, returns to Lamap to re-learn, with his family and friends, the traditional gestures of cultivating the land and thus re-forge his Pacific identity.

**PORCHER, Titaua (UPF, EASTCO) [titaua.porcher@upf.pf](mailto:titaua.porcher@upf.pf)**

**The visceral land in Déwé Gorodé and Chantal T. Spitz's works.**

“We are part of the land. We do not own it. We are property of the land. I'm not giving you land, but I'm telling you to be with this piece of land because it's a part of you”. (Jean-Marie Tjibaou). For Pacific peoples, the attachment to the land must be understood as a visceral bond that touches the body of men and women themselves and conditions their being-in-the-world. Whether it appears as “irrational, unreasonable love” (Chantal T. Spitz) or “roots that dig to reach the womb” (Déwé Gorodé), the link to this sometimes despoiled, mourned or bloodied land engages a truly Pacific philosophical and political reflection.

**PUAS, Gonzaga (MIRAD) [zag\\_lewis@yahoo.com](mailto:zag_lewis@yahoo.com)**

### **The Interaction Between Foreign and Customary Laws in the FSM**

This paper focuses on the Federated States of Micronesia (FSM) and how foreign judges in the FSM Supreme Court have made decisions which led to the establishment of constitutional jurisprudence almost devoid of any meaningful consideration and development of the role of customary practices within that jurisprudence. The FSM Constitution was promulgated in 1979. Some questions arise as to whether foreign judges have the capacity to adjudicate the constitutionality of customary law noting the social configuration of the islands especially in relation to land disputes. A further issue is whether both foreign and indigenous judges can co-exist moving forward despite the public perception that foreign judges are not equipped to adjudicate customary law. This gives rise to the question as whether the current hybrid legal system is adequate to ensure that justice is served to all based on the idea of “fairness” and “equality” before the law”. These issues will be investigated within the context of FSM’s legal history particularly with respect to decisions made by foreign judges where customary values were ignored.

**SAUI’A, Dr Louise Mataia Milo, Dean of the Faculty of Science--- [l.mataia@nus.edu.ws](mailto:l.mataia@nus.edu.ws)**  
**Paradise Wasteland and Paupers**

It is imperative for Pacific Island nations to ensure the management and protection of customary lands to ensure that its future can be secured. Neglect could lead to land rights loss, turning Samoans into paupers on their own land. This would not only impact the economic sustainability, but also their cultural heritage and unique ecosystems and food security. Using Samoan examples from the Second World War period, the discussion illustrates This paper analyzes these aspects using an environmental history lens. how small societies such as Samoan customary land could suffer if the current approach is not altered. By highlighting the importance of understanding the local environment, this paper challenges the traditionally imposed models of development that are often seen to have a negative impact on small societies

**SILFAU, Professor Sina Vaai – [s.vaai@nus.edu.ws](mailto:s.vaai@nus.edu.ws)**

### **Land and Identity in Contemporary Samoan Fiction and Poetry**

At the heart of all creative writing and the literary legacy of every society is the story, it contains the power to transmit cultural knowledge, traditions, beliefs, morals, engage the imagination and transform individual lives as it hits the heart as well as well as the head. Whatever genre is chosen and whatever medium, whether it be via oratory or other oral forms like the fagogo, or the page, the stage, the radio, television, social media platforms like personal blogs, YouTube or Facebook, the narrative can be compelling, even addictive for those who love story and the word. For creative writers of the Pacific and particularly those from Samoa, Albert Wendt is held in high esteem as the father of Pacific literature. In his long novel, *Leaves of the Banyan Tree*, which he describes as ‘the rise of a capitalist’ he has Toasa, the leading orator address the village council about dividing the uncultivated land among all the aiga, stating ‘The land is our greatest blessing from God, our most precious inheritance from our forefathers. Without it, we have no roots, we would be like a canoe without a secure anchor, birds with no permanent and safe nesting ground. The land defines us, gives meaning to our titles and history. Our forefathers made sure our land was not lost, for they knew that without it, we would be nothing.’ (1981, 37). This paper will address the question posed by the Symposium, ‘What future for customary land tenure?’ by analysing selected literary works with relevant thematic strands by contemporary Samoan creative writers in both fiction and poetry.

**TABANI, Marc (CREDO – AMU/CNRS/EHESS) [marc.tabani@cnrs.fr](mailto:marc.tabani@cnrs.fr)**

**The impact of foreign juridical influences on traditional relationships to land: the case of Vanuatu**

We are all familiar with the constant invocations of *kastom* (the local term in bislama for « custom ») in the political and social life of Vanuatu. The island of Tanna is unanimously considered by all Ni-Vanuatu as the island where *kastom* seems to be the most respected and the most solid. The people of Tanna are fond of pointing out that, although their island looks no bigger than a match head in world-wide vision, their *kastom* derives powerful powers from their land, and gives them a strength that they can wield far beyond their shores. We will attempt to clarify the rules of custom in the area of land tenure, and, in addition, we will ask which social agents, individual collective or institutional, use invocations of *kastom* in their attempt to normalise land tenure.

**TCHERKEZOFF, Serge (CREDO – AMU/CNRS/EHESS and ANU):**

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*(please use simultaneously both e mail addresses)*

**1858 in Australia, 2008 in Samoa - the ghost of R.R. Torrens and 'Real Property'**

In the light of the recent reflections about the possible « colonial » or « Western » or « global » or « developmentalist » influence that had affected some of the Samoan laws and debates about title of « ownership » in « customary » lands and « freehold » lands, it is useful to remember the lobbying of certain prominent members of the « Colony of South Australia » during the 19th century, a given Robert Richard Torrens and Ulrich Hübbe. Because the first one became at some point Registrar-General and Treasurer of the colony of South Australia and later a member of the House of Assembly, it is his name that went into history: the so-called « Torrens system ». It is relevant to note that they took their ideas from older system of registration of commercial ships. Because of The Australian Colony origin, the system became familiar and much adopted in the Commonwealth world, while French colonial and post colonial territories continued the older system of « deeds ».

**TOEOLESULUSULU, Hon. Cedric Pose Salesa Schuster**

*Minister for Natural Resources, Environment and Lands.*

**Opening Key Note**

**TO'OTO'OOLEAAVA Dr Fanaafi Aiono-Le Tagaloa (USP)**

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**“Let Sleeping Dogs Lie?”- Custom, Customary Land, Law and the Land and Titles Court of Samoa**

The presentation will address the interface, tensions and mix at that crossing of social and juridical regulations regarding customary land tenure in Samoa and the cultural and customary values and imperatives attached to this essential part of Samoa.

**TUILOMA, Professor Susana Taua'a, Prof of Geography-(NUS) - [s.tauaa@nus.edu.ws](mailto:s.tauaa@nus.edu.ws)**

**Smallholder farming and food security- case study from Samoa**

Smallholder farmers play a pivotal role on the social and economic direction of many developing countries such as the Pacific Island states. Advancing food security and nutrition, absorbing surplus labour in the wider informal economy are well documented contributions by smallholder farmers that is well documented. Since the MDG era and the current period of sustainable development goals, the plight of smallholders are highlighted in social economic data related to poverty, malnutrition, and unemployment. Undoubtedly, smallholders

encounter a combination of interrelated risks and challenges which threaten their livelihoods and food security. Challenges emanating from lack of capital and poor access to infrastructure, markets and technologies are well documented. Added threats from climate shocks, disease, poor health and low prices for their agricultural products only serve to heighten smallholder vulnerabilities. To avoid risks and vulnerabilities, many small holders are more likely to practice and remain in more subsistence-oriented activities, perpetuating hardship among many smallholders. This paper explores the challenges and vulnerabilities of small holder farmers and probable course of action.

**VISELLI, Antonio with MOUHICA, Eric (UC, SLSPS French studies)**

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[eric.mouhica@canterbury.ac.nz](mailto:eric.mouhica@canterbury.ac.nz)

**Customary Land in two works by Déwé Gorodé and Paul Gauguin: Untangling Roots and Dis-tressing Selves in Oceanian Literature and Art.**

This paper offers a comparative study of two Oceanian works that represent customary land in New Caledonia and French Polynesia in unique and yet similar ways. What Déwé Gorodé's novel *Tâdo tâdo wéé!, ou "No more baby"* (published in 2012, a Kanak vision of the « custom », an assertively pro-independence and profoundly feminist vision) and Paul Gauguin's *The Afternoon of the Faun* (a wooden sculpture of 1892) have in common is what Douglas Hofstadter describes as "an eternal golden braid": that is, fugal form or counterpoint—both musical and literary—in which the interweaving of melodies as well as individuals through time and space echoes the tressed selves of modern Pacific subjectivities. What is at stake in this study are questions related to customary braiding, musico-literary braids, as well as cultural appropriation, all enlightened by theories of adaptation and intermediality.

**WORLICZEK Elisabeth** [presentation via Zoom] (Europe time) BOKU University of Natural Resources and Life Sciences, Vienna

[elisabeth.worliczek@boku.ac.at](mailto:elisabeth.worliczek@boku.ac.at)

**Variations and parallels in climate change induced migration models: Customary land tenure in Francophone Pacific Islands**

It is very tempting to assume that across all Pacific Islands, Potential Climate Change-Induced Migration (PCCIM) due to sea-level rise can be approached in a unified manner. However, the diversity of the Pacific Islands requires an in-depth analysis in order to establish culturally coherent migration models. In this paper, the possibilities and limits that customary land tenure can offer in this context on the four islands Lifou (New Caledonia), Wallis, Futuna (Wallis & Futuna) and Rangiroa (French Polynesia), are analysed through four lenses: the intergenerational transfer of land rights, the distribution of land plots (geographically and between families), the extent of power exercised by customary authorities and the different types of ownership or usufruct. The examination of common threads and variations shows that guiding principles (access to land at the interior of a respective island, strength of land rights on a certain plot, infrastructure issues, concepts of mobility, importance of primary land ownership, importance of primogeniture, potential inter-island access) are shared to different degrees across the islands. The fourfold matrix allows a robust analysis of the possibilities in the context of PCCIM in different locations through examining parallels, differences, advantages and disadvantages of the different systems.

**Acronyms of institutions mentioned (alphabetical order)**

ANU= Australian National University <https://www.anu.edu.au/>---College of Asia and the Pacific <https://asiapacific.anu.edu.au/>--School of Culture, History and Language--  
<https://chl.anu.edu.au/>--[www.pacific-dialogues.fr/home.php](http://www.pacific-dialogues.fr/home.php)

BOKU University of Natural Resources and Life Sciences, Vienna <https://boku.ac.at/en/>

CCC=Canterbury Council of Chiefs

CREDO=Centre de recherches et de documentation sur l'Océanie [www.pacific-credo.fr](http://www.pacific-credo.fr)-- co-organised by AMU=Aix-Marseille Université <https://www.univ-amu.fr/>---CNRS=Centre National de la Recherche Scientifique <https://www.cnrs.fr/fr>---EHESS=Ecole des Hautes Etudes en Sciences Sociales <https://www.ehess.fr/fr>

MIRAD=Micronesian Institute for Research and Development <https://www.zagmirad.org/>

NUS=National University of Samoa. <https://nus.edu.ws/>

UC=University of Canterbury---School of Language, Social and Political Science—  
<https://www.canterbury.ac.nz/arts/schools-and-departments/school-of-language-social-and-political-sciences>  
<https://www.canterbury.ac.nz/>--<https://www.canterbury.ac.nz/study/subjects/french/>--  
<https://www.canterbury.ac.nz/arts/schools-and-departments/french/>

UHM= University of Hawaii at Manoa <https://manoa.hawaii.edu/>----CPIS= Centre for Pacific Islands Studies, Honolulu <https://hawaii.edu/cpis/>

UNC=Université de la Nouvelle-Calédonie <https://unc.nc/>----TROCA=Centre of research Pacific social sciences (“Trajectoires d’Océanie : les dynamiques des changements historiques, géopolitiques, sociétaux et littéraires qui traversent les territoires de l’Océanie »)  
<https://troca.unc.nc/>

UPF=Université de la Polynésie française (Tahiti) <https://www.upf.pf/fr/>----GDI=Centre of research in UPF (political science, economics, law...): Gouvernance et Développement Insulaire <https://www.upf.pf/fr/thematique/equipe-daccueil-gdi>-- <https://www.upf.pf/fr/gdi>----  
EASTCO=Centre of research in UPF (anthropology, history, linguistics, literature, arts...): Equipe d’Accueil: Sociétés Traditionnelles et Contemporaines en Océanie  
<https://www.upf.pf/fr/eastco>--<https://www.upf.pf/fr/thematique/equipe-daccueil-eastco>

USP=The University of the South Pacific <https://www.usp.ac.fj/>----SOLASS=School of Law And Social Sciences. <https://www.usp.ac.fj/usp-solass/>

VUW=Victoria University of Wellington <https://www.wgtn.ac.nz/>----PSIR-CSS=[School of History, Philosophy, Political Science and International Relations](https://www.wgtn.ac.nz/hppi/psir)--  
<https://www.wgtn.ac.nz/hppi/psir>--CSS=Center for Strategic Studies  
<https://www.wgtn.ac.nz/strategic-studies>