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DEVELOPMENT POSSIBILITIES AND
CUSTOMARY LAND TENURE IN THE PACIFIC

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A thesis presented in partial fulfilment of the requirements for the degree of Master of
Philosophy in Development Studies, Massey University, 2007.

Abstract

In parts of Africa and the Pacific, the majority of land remains in customary tenure, perhaps in modified form. This thesis explores the question of whether it is possible to retain customary land tenure in a development context.

Major development agencies such as the World Bank have, at times, placed pressure on developing countries to convert customary land into forms of tenure more compatible with boosting agricultural production.

The Vanuatu constitution specified upon the nation's independence in 1980 that all land was to be returned to the custom owners. This thesis investigates how Vanuatu has grappled with the apparently conflicting objectives of customary tenure and economic development.

An attempt was made to give the issue maximum possible focus by choosing the West Coast of Tanna Island as the location of study. Here, urbanisation and infrastructural development is attempted in surroundings where the majority of land has never been removed from customary tenure. The very small areas alienated during the colonial period have become the principal localities for such development.

Must customary tenure or modernisation triumph, one over the other, or is it possible to achieve some of the benefits of modernisation without betraying the intent of the Vanuatu constitution?

The thesis comes to no simple conclusion, but examines closely how this contradiction is unfolding and suggests that there are grounds for optimism, while noting the unrelenting nature of the forces for change.

Acknowledgements

Many are the people who helped me bring this project to fruition.

At Massey University, I particularly wish to thank my supervisors; Dr Donovan Storey for his clear advice and attention to detail, and Professor John Overton for his unflinching encouragement and gentle guidance. I also make known my appreciation of the patient assistance given by Di Barnard at Massey University Library, who eased me into the world of electronic research.

My travel was partially funded by the School of People, Environment and Planning Graduate Research Fund, and my family's needs were helped greatly by the award of a Massey scholarship. Thank you to Massey for trusting me to complete this task.

In Port Vila, Vanuatu I wish to thank Ralph Regenvanu for opening the gateway, Anne Naupa in the National Library and Nailo Tosso in the Survey Department who answered my every request, Joel Simo and Terry Adlington who gave so willingly of their time, and Marie Ng who made sure of my accommodation needs yet again.

It would be a dissertation in itself to name everyone on Tanna Island who have opened their hearts and lives to myself and family. Sam and Merianne Numake have always been so much more than hosts and made sure my comforts were attended to. Jimmy and Tini Niko made me welcome in their home whenever I descended upon them. I especially want to thank my former student, Robson Moses, who without being asked, volunteered as a very effective research assistant and gave me many hours of his time. Timothy and Denny Kaio (father and son), Iaka and Keil Maimai (brothers), helped both in answering questions and in going to considerable trouble to place me in contact with other respondents.

So many people patiently answered my questions or gave explanations. In thanking Iolu Abil, Tom Numake, Richard Saraji, Iaken Keiro, Steven Iahamnioko, Johnny Taevo, Tom Kalewat, Pastor Willie, Rex Iapen, Pita Marcel, for their extended interviews, I do not forget the many other people who provided me with excellent information, such as the elders at *Imanaka*, *Imaeloni*, *Lownelapen* and my friends

from *Iwarau* Pita Iatis, Charlie Nango and their extended families. Nor do I forget the many shopkeepers who cheerfully welcomed my intrusion. Over and above this, so many others simply made me feel welcome. Pita, Batik, Michelle, Alice, Charles and Dianna, David, Kapalu, Nellie, Rachel, I thank you all.

I feel comfortable in saying that for some of the above, their participation in the project was an act of reciprocation, so deeply rooted in the culture of Tanna Island. The cycle of reciprocation does not close now, and I am both proud and humbled to be involved.

Finally, and most importantly, I give special thanks to my wife, Conor Twyford. When I began the research for this project our baby twins were six months old. Somehow she has managed to juggle motherhood, the demands of her own work, and a six week period of single parenting while I was in Vanuatu, with considerable hands on technical advice in the presentation of this thesis.

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List of Abbreviations

| | |
|---------------|---|
| BP | Burns Philp |
| CCNH | Compagnie Caledonienne des Nouvelle Hebrides |
| CDC | Commonwealth Development Corporation |
| CLTA | Customary Land Tenure Act |
| CLUA | Clan Land Usage Agreement |
| TCDC | Tanna Coffee Development Company |
| CEO | Chief Executive Officer |
| COV | Coffee Organisation of Vanuatu |
| ETLR | Evolutionary Theory of Land Rights |
| GDP | Gross Domestic Product |
| HDI | Human Development Index |
| IBRD | International Bank for Reconstruction and Development |
| ILG | Incorporated Land Group |
| LTCA | Land Tenure Conversion Act |
| NIC | Newly Industrialised Countries |
| NLTB | Native Lands Trust Board |
| OECD | Organisation for Economic Development |
| PEO | Principal Education Officer |
| PNG | Papua New Guinea |
| PRA | Participatory Rural Appraisal |
| SCFNH | Société Francais des Nouvelle Hebrides |
| TPK | Te Puni Kokiri |
| UN | United Nations |
| UNELCO | United Electricity Company |
| VCC | Vanuatu Cultural Council |
| VKS | Vanuatu Kaljoral Senta (Cultural Centre) |
| VSA | Volunteer Service Abroad |
| VULCAN | Vila Urban Land Corporation |

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Chapter One

INTRODUCTION

Genesis

I can trace the genesis of this topic in part to a conversation which took place with a Tannese villager in 2002, when I was a volunteer teacher in Vanuatu. Albert raised with me the idea that he could gain some qualifications and move to New Zealand to work. He wanted to know if New Zealanders were all rich. My answer came out before I reflected on whether it was the right thing to say. I cautioned Albert that many New Zealanders, who owned no land or the rights to grow food, dependent entirely on their ability to find money to pay for food, lived very insecure and sometimes even desperate lives. I believe Albert still lives securely in his village.

My time in Vanuatu stimulated an interest in land issues, and because Vanuatu's constitution states baldly that all land belongs to the "indigenous custom owners" while at the same time there was considerable discourse on various forms of modernisation, it seemed the logical setting for a thesis which looked at the issue of what forms of modernisation/development were possible while maintaining customary land tenure, with the corollary, what impact on customary tenure do modernising agencies and influences necessarily have.

Debates and Definitions

Intense if sporadic debates have taken place since the 1950s on the subject of tenure conversion, whereby the legislative authority of the state is used to encourage or impose land registration/titling in the form of private property. Advocates of conversion tend to focus on greater security of individual tenure as essential to higher production levels and development.¹ Such debates, which I examine briefly in Chapter Two, tend to be clouded by a lack of agreed definition on what customary tenure entails, and on what development entails. Proponents of conversion see development mainly in terms of the greatest possible development of the productive forces in agriculture as the answer to poverty.²

These debates have contributed to the evolving position of the International Bank for Reconstruction and Development (IBRD). In 1975, the Bank issued a reform paper which required titling as a pre-condition for development along with the abandonment of “communal” tenure systems in favour of freehold title and subdivision of the commons. The IBRD has retreated from this position, partly for the pragmatic reason that conversion of land tenure has proved much more intractable than for example (conversion of) state ownership of economic resources. The Bank has maintained the belief that development involves economic growth³ and that this is enhanced by secure tenure, which may involve individual title, but it is now willing to entertain the notion that there may be other ways of achieving secure tenure (Deininger, 2003, Quan, 2000; Fitzpatrick, 2005). Implicit in the bank’s position remains the idea that mass consumption is a natural outcome of social progress and that both the systems and benefits of global capitalism are attainable for all.

Pieterse (1998) suggests that there has in recent times been a degree of overlap in the ideas of alternative development and the mainstream as represented by the Bretton Woods institutions. Goulet (1992:469) had earlier dismissed such a synthesis as “lip service” and clearly there is now a shared vocabulary of participation and empowerment which can serve to mask important differences.

My own definition of development is much wider than simply an increase in the level of productive forces; however some degree of modernisation is implicit in my question. A number of development writers (including Dennis Goulet) use the terms modernisation and westernisation almost interchangeably. A recent contribution (McCulloch, 2003) suggests that modernisation, westernisation, and development are one homogenous whole, and this is consistent with the position of many post development writers. There is a distinction to be made, however. Modernisation has the potential to take place in any language and in a wide variety of cultural settings. Modernisation can be simply a reference to new technologies, whereas westernisation requires the acquisition or imposition of values.

If development is to be possible in the context of customary tenure, then implicitly development does not require the full articulation of the capitalist mode of production, particularly in agriculture, concomitant with the objectives of land tenure conversion.

It was recognised by Marx that capitalism interlinks with other modes of production at the exchange level, without requiring a complete transformation of the other modes of production. Marx deals with this issue in Volume 2 of *Capital* (Marx, 1977:113) in respect of the harmonisation of capitalism with other forms of production. However, he does also present in Volume 1 almost the opposite argument, in which other forms of production are presented as an obstacle to the expansion of capitalism (Marx, 1972:848).

In an unpublished essay (2005), I defined development as functionality, which I defined as congruence between the stated or understood aims and purposes of the many agencies and organisations of both government and civil society and the realities in practice. The deeper causes of disfunctionality, which I linked with underdevelopment, have to do with political independence being unmatched by either economic sovereignty or the decolonisation of the mind. It is possible to differentiate the concept of development from the American- led development project beginning with the famous Truman speech of 1949 (McMichael,1996) in a way which does not insist on any particular development model being pursued.

Outline

In this presentation I am attempting to work from the general to the particular, and then to interpret primary research findings in that general context. A meaningful case study has a framework of reference. How do the observations in one island fit into a global perspective? In Chapters Two and Three, I have attempted to outline the wider picture into which my observations on the West Coast of Tanna Island may fit.

Chapter Two examines in turn the nature of debates that affect the thinking of aid organisations on tenure, and some theoretical contributions which have been made to our understanding of the subject. I attempt a small theoretical contribution, which I have termed the “paradox of land tenure” to describe the tenure which results from a collision between European coloniser and “traditional” society. I attempt to show why the debates founder on fundamentally different perceptions and definitions, which in turn are linked with entirely different conceptualisations of history.

Chapter Three attempts to show how the more abstract concepts developed in Chapter Three have manifested in the Pacific, thus giving greater context to the position Vanuatu now finds itself in.

I review my methodology in Chapter Four. The body of the primary research is to be found in Chapters Five and Six. Chapter Five backgrounds the national setting in Vanuatu and is mainly concerned with secondary sources of information, but does include some primary sources on the most recent developments in the evolving land tenure debate. Chapter Six is concerned with the Lenakel District of Tanna Island, the site of my fieldwork, and is based substantially on primary sources of information.

In Chapter Seven I offer some tentative conclusions to a fascinating topic which offers no simple solutions.

Notes to Chapter One

¹ The NICs in Asia are used as examples of how an insistence on private property rights and removal of aid will lead to economic growth and industrialisation. But these countries are four or five in number, and are the only countries in the world to industrialise since the beginnings of the OECD. More significantly, the history of land tenure in these countries is very different from the great majority of countries in Africa and the Pacific.

² The concept of poverty is problematic. Rahnema (1992) notes that there are 30 different words in Persian to describe those perceived as poor.

³ It is logically possible to increase GNP per capita and lower the standard of living of the mass of peasants, if in the process of raising GNP, those forms of subsistence associated with customary tenure are lost and urban migration increases the size of squatter peri-urban communities. In his master's thesis Cassells (1992) was able to demonstrate that the value of rainforest under subsistence use was greater than the royalties which would be received under a logging regime.

Chapter Two

THEORETICAL CONSIDERATIONS

INTRODUCTION

Issues surrounding customary tenure need to be understood in the context of colonisation and decolonisation. Whereas land tenure in much of Europe and parts of Asia has evolved to reflect and create the social structure, the impact of European colonisation of the eighteenth and nineteenth century on “traditional” society in the colonised world was more in the nature of a collision between land tenure concepts developed under European law and customary concepts belonging to “traditional” societies. The outcome of this collision is far from resolved, and provides the context for this thesis.

Formal decolonisation (independence) took place for most colonies in the second half of the twentieth century, but this does not mean the effects of the colonial period end there. With Brookfield (1972), Gegeo insists that formal independence is not the same thing as decolonisation, and (referring to the Solomon Islands) true independence will only come with “dehegemonisation” (Gegeo, 2001:493).¹ I will attempt to show in this chapter that the systems of land tenure which have emerged in the Pacific and elsewhere are the unique consequences of the clash of historically defined tenure systems belonging to coloniser and colonised, and that consistent with Gegeo’s position on colonisation, the nature of land tenure continues to be in a process of metamorphosis resulting from the colonial experience. This chapter therefore spans a number of discourses and disciplines, and does not confine itself to the citation of previously held positions.

DEBATES ON CUSTOMARY TENURE

Advocates of tenure conversion/individual titling have tended to follow a very simple view of what customary tenure is (communal) and what it should become (individual). Fingleton (2005) points out that what is often described as “communal” covers many and varied situations involving a mixture of group and individual land rights. As Bruce put it, “all land tenure systems are communal to some extent,

reflecting a community interest in the land and its use, and individual to some extent, reflecting the need for security of expectations by the individuals and families who cultivate the land” (1988:26).

Recent exchanges regarding land tenure in Papua New Guinea illustrate the lines of debate. Curtin (2003) argues the case for “individual” land ownership in PNG on the basis of production levels, noting for example, that pig production in 1996 (citing Hide, 2002) was 60,000 tonnes per year from about 1.8 million animals compared with Australia’s annual 370,000 tonnes from 2.6 million animals. The implication is that production levels under “customary ownership” should be the same as under advanced capitalism before customary ownership is justifiable. In the same article, he notes that the value of land to the Papuan consisting of “psychic and cultural benefits” is far outweighed by loss of income (2004:7). Gosarevski, Hughes and Windybank (2004) have similarly argued with reference to PNG that “communal land ownership has not permitted any country to develop” and that it is the “principal source of poverty” (2004:137). Bourke (2005) demonstrates that in fact production levels of both subsistence foods and export crops have risen significantly in the last four decades in Papua New Guinea under customary tenures, while Mosko (2005) shows that in the Mekeo area of PNG the income from production and marketing of two major cash crops (betel nut and betel pepper) is channelled into improved housing, school buildings, a church and a hydro-electric scheme. Both sides of the debate win their own arguments without making very much impact on the position of the other.

An earlier presentation of the debate was given by Platteau (1996) who traced what he termed the evolutionary theory of land rights (ETLR) which perceives the development of private property in land as a natural and inevitable outcome of increasing uncertainty of tenure, and of increasing land disputes as land becomes more scarce and valuable. According to this precept, the provision of land titling by the state enables enhanced land security and a removal of ambiguity in property rights. The positive effects are seen as rapid accumulation of capital in agriculture, efficient resource allocation, and social stability. The ETLR is essentially a discourse about immanent² development, whereas the advocacy of Gosarevski, Hughes et al, and for a time the IBRD, was for enforced abolition of customary tenure.

Based on evidence to date, Platteau and Atwood (1990) showed that registration of land tenure can create rather than reduce uncertainty over land rights. The titling procedure may mean greater security for some, usually the male head of the household, but greater insecurity for others, particularly those whose rights have been “subsidiary or derived (usufruct) rights to land” (Platteau, 1996: 40). This is especially true of groups such as women, pastoralists, and hunter-gatherers (see also Lastarria-Cornhiel, 1997). Insecurity often results from “the contradictions that arise from the contest of rights over land by individuals drawing on two sets of different legal rights which interact with each other” (MacKenzie, 1993:200). To Platteau, “these two co-existing systems are the ‘modern’ formal system of private property rights and the customary system of land tenure” (1996:41).

Atwood (1990) noted that in the African context, post-colonial debate followed the same path as policy debates in the early colonial period, being an argument between the efficiency concern, that indigenous land tenure arrangements constrain productivity, and the equity concern, that superimposing “Western” property rights would lead to landlessness and land concentration. He went on to suggest that neither set of assumptions was necessarily valid, with land concentration sometimes happening in the absence of individual titling, yet in the case of Kenya, which was widely seen as the test case for massive land registration, the efficiency claims did not materialise (Atwood, 1990:661).

In the next section, I review briefly some attempts which have been made to give land tenure a greater theoretical perspective.

SOME CONTRIBUTIONS TO A THEORY OF TENURE

In an early effort to come to grips with the different land tenure relationships between European law and customary practise, British anthropologist Paul Bohannan called in the 1950s for a *theory* of land tenure, noting that in spite of a vast literature on land issues in Africa, scholars were “abysmally ignorant” of African land practices (Bohannan, 1960:101). He contributed some initial contributions to such a theory. He identified three factors important in studying land tenure across cultural divides.

Firstly, a concept of land, secondly, a mode of correlating people with their physical environment, and thirdly a social system with a spatial dimension. To Bohannan, “Westerners” had taken the approach when studying land custom of searching for rules of tenure based on three *a priori* judgements, being a “map”, property concepts which will allow all land to be expressed as a person-thing unit, and thirdly that contract and law of succession are the basic mode for dealing with social relationships in a spatial context. He suggested that instead of these assumptions, a more general, less ethnocentric set of assumptions would be as follows:

- (1) that people have a representational ‘map’ of the country in which they live;
- (2) that they have a set of concepts for speaking about and dealing with the relationship between themselves and things
- (3) that the spatial aspect of their social organisation has some sort of overt expression in word and deed

In short, we need a folk view of geography, a folk view of the relationship between men and things, and a folk view of a social system (Bohannan, 1960:104).

Set against this theoretical background, in his ethnographic studies on the Tiv people of Nigeria, Bohannan noted that the Tiv people use a “topological” rather than topographic map. Their genealogically based map kept changing “both with reference to itself and in its correlation with the earth” (1960:106).

A further important contribution from Crocombe, with a Pacific focus in the 1970s, expressed the nature of tenure as one of rights and exclusion:

It is not, perhaps, sufficiently recognised that human beings do not own land: what they own is the rights to land, that is, rights *vis a vis* other human beings. The notion of tenure, then, is a notion of exclusion. If we say that this man has the sole right to plant vegetables here, or that clan has the right to hunt there, we mean that all other persons other than the right holders are excluded from doing

those things unless additional arrangements are made to transfer, share, delegate, or abrogate those rights.

Attempts to classify tenure systems as “individual” or “communal” are as misleading for the Pacific as elsewhere. They obscure the fact that in all tenure systems some rights in most lands are held by individuals (whether acquired by inheritance, purchase, or group membership, or by virtue of a particular status such as mother’s brother, mortgagee, chief, etc). Some rights are held by groups (lineages, county councils, or communes) and others by the community as a whole (Crocombe, 1972: 220).

It is worth adding that “rights exist in a meaningful sense only when community members recognize and accept them as legitimate” (Firmin-Sellers, 1999:1116).

The strength of Crocombe’s argument is that he presents a simple concept which applies to tenure in what is arguably a universal setting, regardless of the nature of the society. In Crocombe’s definition, tenure is a relationship not between human and land but between human and human. Crocombe took his analysis further by dividing land rights into a number of categories, including rights of direct use, rights of indirect economic gain, rights of control, rights of transfer, residual rights and symbolic rights (Crocombe, 1974: 5-7). These exact categorisations are open to debate, and notably do not include as a separate category rights of passageway, which are significant in many Pacific Island settings, and are of particular importance on Tanna Island.

More recent scholarship has focussed on a more adequate understanding of customary tenure. Rodman (1987: 48) suggested that the meaning of land tenure lay not in “an array of rights” but from “lived experience” from the “crucial significance of the ties that a person establishes with a context recognised as uniquely his” (citing Kohak, 1978).³ What Rodman has brought attention to is that Crocombe’s definition of land tenure deals entirely with what Bohannan termed the man-man (person-person) relationship.

However there is a direct relationship between people and land which Rodman has drawn our attention to. Batibasaqa et al (1999) emphasise that the term *vanua* (Maori

= *whenua*) is more encompassing than just land. The relationship people have with land is now seen as part of an holistic system by which the attachment to *place* is an essential, spiritual, part of the person. Several scholars note that the person does not fully exist separated from the place to which they belong. In this context, it should be noted that not only land but many other concepts including, for instance, religion do not make sense if separated from the holistic cultural setting.

Some examples of the articulation of the relationship follow:

The Maori loved his land and identified with it perhaps more than any other race (Sinclair, 1975:115).

...it is the spiritual attachment to the land that is all-important to the aboriginal people. Our relationship with the land is...like a relationship between people... Land is so close to the aboriginal heart that we can feel sorry for land...This relationship with the land is closer to me spiritually, physically, mentally than any other I know (Yunupingu, 1994:54).

Land to ni-Vanuatu is what a mother is to a baby. It is with land that he defines his identity and it is with land that he maintains his spiritual strength (Regenvanu, Sethy, cited in Van Trease, 1987: xi).

The notion that in “Western society” we have entirely lost non-property relationships with land is also debatable, but beyond the scope of this thesis.⁴ In traditional society, Rodman (1995) noted that land belonged to humans as much as humans belonged to land, but Crocombe’s definition is not weakened by Rodman’s argument, merely given greater context and it could be argued that the more holistic explanations of the relationship between person and land go beyond mere tenure.

There is a difficulty with “an *array* of rights” (my emphasis). These rights are not simply additives that exist in a linear relationship, from which some might apply in any given situation. They interlink, and the manner in which rights of control are exercised will be closely related to the nature of the society under study. I would suggest that the notion of *sovereignty* has universality, and it is from the exercise of

sovereignty that rights of control are articulated. It is important to emphasise that these rights do not assume simple parcels of land with clear boundaries. In traditional society the allocation of rights was generally complex and a variety of rights involving a variety of people could be exercised over the same land viewed territorially. An understanding of this point is essential to comprehending the disfunctionality of early interactions between “traditional” society and “Western” values.

It is hard to improve on Lastarria-Cornhiel:

Land tenure is, in brief, the social relations established around land that determine who can use what land and how. A land tenure system and its set of tenure relations are interwoven and related to other societal structures and institutions, including family structure and its marriage and inheritance systems. All these structures tend to re-inforce each other within a society; if there is a change in one of them, the others often modify and adjust to that change... (1997: 1317).

Given the inextricable relationship between land tenure and the wider structure of society, it is necessary to have an understanding or perception of that wider society to make sense of tenure. In the next section I reflect briefly on conflicting perceptions.

PERCEPTIONS OF THE DEVELOPMENT OF SOCIETY

The many models which have been used since the European enlightenment to describe the progress of human history have tended to reflect both the limitations on our knowledge of many thousands of years of human development and also the political and philosophical views of the protagonists.

Modernisation theory

Development as a project (McMichael, 1996) sees traditional societies moving *forward* in the direction of capitalism. This view belongs to a perception of history which categorises society as either traditional or modern. Modernisation theorists of

the 1950s and 1960s (Rostow and others) implied that there are only two forms of society, traditional and modern. To Rostow, traditional society was “pre-Newtonian” (Rostow, 1990:4). Traditional society could be seen as any form of social existence that was not industrialised, devolving all agrarian systems, including feudalism, along with hunting/gathering society into one phenomena. In Rostow’s own words, “to place these infinitely various, changing societies in a single category, on the ground that they all shared a ceiling on the productivity of their economic techniques, is to say very little indeed” (1990:5). Rostow’s acknowledgement that traditional society was simply a construction on the negative side of modernisation did not prevent a body of literature developing to describe and enhance this construction. Because the interface we are about to focus upon concerns primarily the mass consumption societies of the West and the kinship based societies of Africa and the Pacific in particular, the lack of precision in this reasoning does not necessarily present any greater difficulty for this enquiry than it did for Rostow. The greater difficulty with this approach is the sweeping assumption that all societies are on a modernising trajectory and that it is possible and desirable to achieve universal mass consumption. Although the neo-liberal approach to development differs from modernisation theory in its perception of how to do development, both approaches share the underlying belief that universal mass consumption is an achievable and desirable destiny.

Anthropological discourse

Victorian anthropological discourse debated a number of highly conjectural evolutionary models of human society, in contrast with the culture-specific approach of Franz Boas and his students (Kroeber, Lowie, Mead, Sapir, Benedict and others), and the diffusionist model championed by Tyler.⁵ Present day consensus, where it exists, can be seen in part as a synthesis of these early influences. A commonly used periodisation of the Victorians, most detailed in the writings of Lewis Henry Morgan, divided human progress into “savagery”, “barbarism” and “civilisation”. Leacock (1963) is partially correct in pointing out that Morgan’s “savagery” is conceptually close to the widely used concept of the hunting and gathering society.⁶ The term civilisation remains in use to this day.⁷

As one example of modern anthropological thinking, Keesing (1981) prefers the categories hunting and gathering, agrarian, and urban. Similarly Gellner (1983:114) divides the history of humanity into three great ages; pre-agrarian, agrarian, and industrial. These three great stages differ only marginally from the four-stage discourse popular in eighteenth century European scholarship (Meek, 1976). It is worth reflecting that the vast majority of human existence has been spent in hunting and gathering (pre agrarian) mode, with the earliest domestication of plants and animals occurring at around 8,500BC (Diamond, 1998:100). On *a priori* grounds, it is reasonable to expect that land tenure under a hunting and gathering society would be different from that practised in an agrarian (agricultural) society, and that land tenure forms practised by a predominantly horticultural society (domestic plants) would vary from a pastoral society (domestic animals). Any attempts at generalised observations along these lines need the greatest of caution. Harris (2001) argues the case (in opposition to Lowie, 1921) that hunting and gathering society was characterised by communal tenure in contrast to the development of individualised tenure associated with subsistence agriculture, and it may be tempting to suggest that hunter-gatherer society would be distinguished by the absence of individual tenure and defined boundaries. However, Williams (1980) illustrates the defined boundaries and instances of individual tenure amongst the *Yolngu* of North-East Arnhem Land and documents how indigenous Australians in general had well defined territories in contrast to a colonising mythology of a people with no proprietary rights to land. It is pertinent to the issue of land alienation that where colonising powers encountered what they perceived as a nomadic society, there was a greater reluctance to acknowledge that *any* form of land rights existed.⁸ Throughout most of the Pacific, the “traditional” society to which we refer had reached an agrarian stage prior to European contact (Spriggs, 1997).

The change which gradually took place in many regions from hunting and gathering to various forms of domestication was of immense historical importance, but not always desirable or necessary in cases where it took considerably less labour to continue to gather food (Diamond, 1998). Once the domestication process had begun, I note with Keesing (1981) the relatively rapid process of the beginnings of state formation. It may have taken a hundred thousand years for humans to begin the process of domestication, but only a few thousand years later states were developing

in many parts of the world, and this entailed the formation of what Engels (1968) referred to as a public power.

Modes of Production and the Marxist School

The simple characterisation of social epochs as hunting/gathering, agrarian, and industrial/urban does not deal particularly well with the social relationships necessary for subsistence, wherein lies the appeal of a modes of production approach.

The Althusserian school of the 1970s attempted to build a 'Marxist science' around the notion that the *whole* of human history could be explained in terms of modes of production. Every state of human existence could be analysed in terms of an economic base (forces and relations of production) and a political and ideological superstructure. What had been studied by Victorian anthropologists as "primitive" societies were often referred to as in the "primitive communist" mode (e.g. Hindess and Hurst, 1975). During the 1970s, there was intense debate among Marxist scholars on the nature of modes of production and their articulation in specific known societies (e.g. Wolpe, 1980). The debate died out inconclusively, having failed to establish the Althusserian vision of an independent Marxist science.

The virtual collapse of the Althusserian project left the concept in a precarious state. The majority of Marx's writings were specifically devoted to the study of capitalism, which brought about profound changes to the entire human existence in a way which differed radically from all that had gone before, however there are passages which can be found in which Marx indicates a wider purpose. In a frequently cited passage from the preface to *A Contribution to the Critique of Political Economy*, Marx spells out what appears as his definitive position:

The general conclusion at which I arrived and which, once reached, became the guiding principle for my studies can be summarised as follows. In the social production of their existence, men inevitably enter into definite social relations, which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure

and to which correspond definite forms of social consciousness. The mode of production of material life conditions the general process of social, political and intellectual life. It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness. At a certain stage of development, the material productive forces of society come into conflict with the existing relations of production... then begins a period of social revolution (Marx, 1977b: 20-21).

This passage and a few other selectively chosen examples acted as both motivation and justification for the late twentieth century Althusserian discourse. A clue to the classical position can be found in a footnote written to the 1888 English edition of the “Communist Manifesto” which points out that in 1847, when the manifesto was being written, the social organisation existing prior to recorded history was all but unknown. The manifesto’s “history of class struggles” refers only to written history, or in other words, the recent history of civilisations.

Engels published the “Origin of the Family” in 1884, acknowledging assistance from Marx who died in 1883. History is viewed in two vital, overlapping, epochs.

This from the preface to the first edition:

The old society, built on groups based on ties of sex, bursts asunder in the collision of the newly developed social classes; in its place a new society appears, constituted in a state, the lower units of which are no longer groups based on ties of sex but territorial groups, a society in which the family system is entirely dominated by the property system, and in which the class antagonisms and class struggles, which make up the content of all *written* (his emphasis) history, now freely develop (Engels, 1968:450).

The concept of metamorphosis from ‘gentile’ society, where the controlling force is the family, to political society, where the controlling force is the state, was already prevalent in Victorian anthropology.⁹ It is from the development of the state, with political control of discrete territorial units, the development of money as the universal medium of exchange, and the development of private property, that we see a

very fundamental break with thousands of years of gentile or kinship society (Engels, 1968: 566-583). To understand the interface of “modern” and “customary” tenure it is not adequate to think only in terms of the agrarian/industrial dichotomy, it is also necessary to understand the role of the state, and particularly of state legal systems. Once European law was introduced to Africa and the Pacific, customary tenure could never be the same again.

In classical Marxism the number of modes of production is but few, and the essentially descriptive expression has in Marvin Harris’ words, ‘shadowy fringes’ (Harris, 2001: 233) However there is an explanatory potency in the concept. For example, the persistent failure of parliamentary democracy in numerous post-colonial situations, including Fiji, can be better understood if one views modern parliamentary systems as part of the superstructure belonging to a developed capitalist economic base, imposed disfunctionally upon societies in which the capitalist mode is not in domination. Wolpe (1980), along with Meillasoux (1972), made the point that the cost of reproduction of the labour force is much reduced if the capitalist mode obtains cheap labour by situating industries in positions where the labour force is nourished by a subsistence economy. This applied to the border industries adjacent to South Africa’s Bantustans under apartheid, as it does to the economic development zones in the Philippines, and many other migrant labour environments. According to this argument it is in the interests of capitalism to preserve a level of customary tenure and subsistence production.

A summary

In keeping with post-modern discourse, it is not so much a question of which model of history is correct as which is most relevant for an understanding of land tenure. The traditional/modern dichotomy, while not entirely without meaning, is vague and opens the way for excessive generalisation. From anthropology the hunting and gathering¹⁰ periodisation has withstood scrutiny, and it is important to recognise our minimal knowledge of human social formations throughout the ice ages and interglacial periods. However, if agrarian society is considered homogeneously, peasant subsistence production is confused with state controlled feudalism. Feudal systems not only have very specific land tenure arrangements - it can reasonably be argued they are defined by them.

Although much of Morgan's (and consequently Engels') anthropology is discredited, it is hard to contest that the rise of the state and political territoriality was a profound change, and of particular relevance to land tenure. The later development of capitalism which grew symbiotically with the industrial revolution was dependent also on the resources provided by the colonies. The result was that the state legal systems which were imposed on the colonised world were not simply "modern" or "capitalist" but had their origins in feudal law. McAuslen (2000) outlines the manner in which feudally derived concepts of land tenure in England dating from William the Conqueror provided the basis upon which "European" land laws were imposed upon much of Africa, initially to enable land grabbing from Africans by colonial interests.

What this points to is firstly, that a theory of land tenure needs to be based around the interface of European colonial tenure based on state sovereignty, wherein "rights of control" derive authority from state legal systems ultimately stemming from earlier conquests, and tenure based on the sovereignty of kinship, wherein the "rights of control" are determined through kinship relations of varying complexity, and the skirmishes which constitute the ultimate test of sovereignty, which may need to be fought more often, but on a much reduced scale compared to the wars for ultimate state control. Whether all forms of "kastom" or customary usage were the same (they weren't) is immaterial to this view.¹¹ Secondly, there are grounds for exploring whether some reasonable generalisations can be made which locate land tenure systems within a small number of fairly well defined social forms; hunting and gathering, agrarian, feudal, capitalist. Within these broad categories it is necessary to take a more culturally specific approach. Land tenure arrangements varied from culture to culture, and with the advent of colonisation, the variations were compounded, as we will see in Chapter Three.

THE INTERFACE OF SOCIAL SYSTEMS

The Paradox of Customary Tenure

As land issues evolved in the late twentieth century, neither the intended "western" model of land as commodity nor the "traditional" model of land based on kinship adequately describes what has evolved in the interface of the colonising and colonised

forms of society. In studying the manifestations of this interface there is necessarily an underpinning paradox. As soon as a state power begins to legislate *for* customary title in any way it must be simultaneously legislating for and against customary tenure, given that customary tenure is defined by the absence of public authority. Lavigne Delville (2000) reminds us that the local systems of the late twentieth and early twenty-first centuries are not the same as the traditional systems that were in existence prior to the impact of the colonisation period. The terms indigenous and local may be used to indicate the way land rights have evolved under the initial impact of the colonial presence and subsequently.¹²

Permutations

The changes in tenure resulting from the colonial experience may be viewed over a continuum which begins with customary tenure and ends with corporate ownership as follows:

Customary tenure - state involvement (modified customary tenure) - registration - individual title - freehold – accumulation – corporatisation.

Obviously these exact steps will not always be followed. The history is by no means a linear progression, as some examples will show.

There are a very large number of possibilities as to how the interface between introduced notions of land tenure and customary tenure synthesises as a result of the colonial process. These possibilities do have some geographic pattern.

In China, the existence of a state long before the dramatic period of European colonialism was associated with changes in land tenure, to the extent that an essentially feudal system of one thousand years ago had given way by the 1930s to a system of freehold tenure (Elvin, 1970). In the case of the African continent, historian Walter Rodney points out numerous examples of the development of civilizations up to the fifteenth century, some sufficiently advanced that, for example, Dutch explorers in Benin were unaware of any difference in development between Africa and Europe, (Rodney, 1972:81) but these examples of statehood were limited

to discrete parts of the continent. In the Western Sudan, he notes that “communal relations still persisted and had by the fifteenth century become a brake upon the development of the Western Sudan” (Rodney, 1972:71).

Rudi James (1975:2) refers to two broad global regions with different patterns of colonial impact. In Latin America and North Africa, he contends that somewhere between 55% and 90% of rural families became landless in the wake of colonialism, and consequently, land reform in these regions, alongside most of Asia, means taking land from the small land owning class for distribution to the landless masses.

Conversely in sub-Saharan Africa and the Pacific, 90% of the people are excluded from the development process, but continue to hold land. The connections between Africa and the Pacific go beyond the similarities noted by James. Larmour (2002) traces the transmission of ideas and policies from sub-Saharan Africa to Melanesia, particularly in the sphere of land registration.

In an African context, Patrick MacAuslan traced five stages of impact on land tenure from the beginnings of the colonial period, which he termed acquisition, destruction, reconstruction, substitution, and finally integration. As we will see in Chapter Three, the model does not perfectly fit the Pacific, but there is much that generalises. At the stage of acquisition/destruction, the focus is on the needs of the colonising power for land, and in many cases the establishment of large scale farms/plantations.

“Reconstruction” begins in the 1920s and involves the creation of “new” customary laws as part of the colonial state apparatus. With substitution we begin to see the first part of the neo-liberal agenda, and the beginnings of “freehold tenure for Africans” in the early stages of decolonisation at the political level. Integration refers to a new phenomenon which has dominated the discourse in very recent years, as attempts are made to develop new land laws “from the disparate parts of the existing law- received law, customary law, and statute law” (MacAuslan, 2000:89).

Two pivotal epochs will help to shape what happens, these being the time of first colonisation and the time of political independence. The early colonial period often involves land alienation and responses to it, although the role of the colonial state is contradictory in this respect, and has often been to stem the tide of alienation (e.g.

Fiji, Samoa). The newly independent state cannot be a replica of the pre-colonial condition, inasmuch as in most cases the pre-colonial state did not exist.

In the remainder of this chapter, I look at some interwoven possibilities for changing land tenure in the colonial process, which may apply to whole countries or regions or may simply be tendential forces.

First Possibility: Land Alienation; Capitalist Development Imposed by Outside Force

The greater the number of settler colonists, the greater the levels of land alienation are likely to be. New Zealand provides a prime example of a country where the great majority of land has been alienated allowing capitalist development in agriculture.

Second Possibility: Land not fully alienated but state power begins to impose ownership categories, titling and registration

In sub-Saharan Africa, only Uganda, Kenya and Zimbabwe have a history of land registration and individualised titling programmes (Platteau, 1996). Several scholars have noted the ineffectiveness of titling legislation to bring about significant changes in land use patterns (Platteau, 1996; Coldham, 1979; Firmin-Sellers, 1999; Atwood, 1990; Alden Wily, 2001).

Alden Wily summarises the position thus:

Despite a century of purposeful penetration of non customary tenure ideology and legislation ...unregistered customary tenure not only persists but also is by far and away still the majority form of tenure in the region. None of the strategies adopted to ignore or diminish it have been successful (2001:85).

Lesorogol (2003) recounts how the Samburu pastoralists of Kenya were granted group title in an attempt by the state to retain a form of customary ownership. Through enforcement of administrative boundaries, government policies since the colonial period had reduced Samburu territory to less than half its original territory. As grazing land decreased, grass consumed by wealthier herders' animals became a

loss to poorer ones, and it was the poorer, smaller herders who saw that privatising the range would allow them to develop smaller plots of land as they saw fit. Privatisation was state sanctioned and continued until 1984, when elders realised that substantial wheat revenues would go to private individuals, rather than the group ranch. Although it was unusual in the Samburu communities for individuals with private plots to enclose that land, this had begun to happen in Siambu, and conflict was growing between the elders and the younger, poorer developers (modernisers). With the help of an influential general who had some parliamentary influence, the people met with an emissary from the Ministry of Lands who eventually declared that a new process would be initiated in which all household heads would be given equal size plots on the fertile plateau and the lowland area would remain a group ranch in which all land owners became members. Lesorogol notes that in the fifteen years subsequent to this compromise, there has been much individual rhetoric in favour of privatisation and individual control of landed property, but the elders have maintained their seniority and respect. The compromise does not allow the concentration of land under a few capitalist farmers.

Third Possibility: Alienation by the state (attempting socialist model)

“African socialism” was the rhetorical phrase used to distinguish attempts at the socialist model from the international communist movement under Soviet or Chinese influence. Tanzania provides one example of some original thinking within the socialist framework, and Tanzania and Kenya provided neighbouring examples of attempts at fast-tracking socialist and capitalist models of development for several decades during the twentieth century.

No Pacific countries are comparable to this model, although in New Caledonia the power of the state was used to alienate land on grand scale as public reserve.

Fourth Possibility: Customary tenure retained but concentration of land begins as immanent process

From a neo- Marxist perspective, Samir Amin (1974) set out conditions for the emergence of a “rural bourgeoisie” from the viewpoint that capitalist social relations

would eventually overtake the kinship arrangements of traditional tenure. In this view, the development of land as a commodity is inevitable, both due to immanent development and the pressures from without in the form of modernising agencies.

Margaret Rodman (1984, 1987) reported her findings in the Longana community in Ambae, Vanuatu. Rodman's thesis has to do with the emergence of new forms of social inequality within a customary framework. Longana bigmen took the lead in the production of cash crops, and some degree of land usurpation went unopposed. Prior to cash cropping, a coconut tree was a tree like any other, and the planter of the tree was effectively the owner. However, following the introduction of cash cropping, the trees became inseparable from the ground in which they are rooted. In Rodman's words, "the apparent continuity between the past and present with regard to ownership of coconut palms is deceptive" (1984: 67). She noted that in modern times people without direct claim to a piece of land may be allowed to garden there but not to plant coconuts, whereas in the past people with usufruct rights sometimes left a legacy of palms to which they claimed ownership in abandoned gardens.

Rodman's claim is that tradition has masked the process of differentiation in the sense that wealthy landholders still appear to be traditional bigmen. However, this is partially offset by other aspects of traditional behaviours and norms, with the result that Longanans accept that some men hold more land and make more money "so long as the social behaviour of rich peasants minimally conforms to cultural norms about redistribution, reciprocity and generosity" (Rodman, 1984:77).

Consequently, the Longanan case meets the conditions set out by Amin (1974: 366-367) for the emergence of a rural bourgeoisie, being a traditional society with sufficient hierarchy to allow leaders to appropriate land, and the existence of well paying cash crops, but Rodman is of the view that the differentiation in Longana has not proceeded anywhere near as fast as in Papua New Guinea.

Overton (1992) has challenged the notion that land accumulation and class formation are somehow inevitable. In his study of two villages near Suva, Fiji, he found that the inequitable distribution of land between *mataqali* noted by earlier scholars from 1954 onwards had receded due to a combination of population mobility (those with very

little land moving away from the village) and a conscious effort by communities under pressure not to allow accumulation by the few. In order for this observation to hold, traditional decision-making structures have remained intact to some extent. However the reliance on out-migration as a means of controlling land concentration is more in the nature of a sidestepping of the problems of concentration than a full solution. Ward's (1994) view of rural Fiji is in contrast with that of Overton. "The increase in the number of Fijians with relatively large landholdings over which they have secure lease or customary right to continued use, is increasing the risk that more and more other Fijians will no longer have access to sufficient land for an acceptable standard of living" (Ward, 1994:141). Overton acknowledged that Ward's thesis of widening disparities in land holding is sound where land is under less direct pressure for subsistence.

Fifth Possibility: State Support of Customary Land (but tenure changes as a result of legislation)

This scenario is characteristic of much of the Pacific and will be dealt with in detail in Chapter Three. In Eastern and Southern Africa, there is a movement towards returning land to common property. Alden Wily (2001) sees "frustration with the failure of time, neglect, the market, and titling programmes to see the end of customary regimes" giving impetus to national land reform. At the turn of the millennium some fourteen countries in this region had embarked on major land reforms.

Alden Wily sees the clearest lead towards the return of customary land in Uganda, Tanzania and Mozambique where land legislation put in place since 1997 simply recognises customarily obtained properties as legally tenured as is, with whatever characteristics they possess. The manner of dealing with the inherent contradiction in a state law providing the framework for that which is defined by its independence from state law is dealt with by devolving land administration to village council level, this approach having been followed in Tanzania, Namibia, Zimbabwe, Swaziland, and Rwanda.

She does acknowledge however that the meaning of communal tenure itself is changing in these circumstances. The state finds itself acting as advocate, for instance, for the rights of women within the customary setting, and in fact the institutions involve modern community formation rather than customary law. “Customary tenure is not only being given new life, it is being remade in subtle but important ways, reconstructed as a regime which is more resource and community centred”(Alden Wily, 2001:13).

Dealing with the Paradox – state recognition of customary tenure

Fitzpatrick (2005) argues that there is no one “best practice” solution for legal recognition of customary tenure. He sees the possibilities ranging from a minimalist position, in which certain areas are recognised as “customary land” and no further legislation is required, and suggests that this may work in circumstances where “internal customary structures are sufficiently strong to promote tenure security and minimize conflict”(2005: 471), through to decentralised land boards in circumstances where, perhaps through tensions created by individualisation, the customary group is unable to provide tenure security for its members. Another option is incorporation and Fitzpatrick contrasts the incorporation legislation in Papua New Guinea, which requires a customary group to present a constitutional arrangement of its own making, with recent legislation in South Africa’s Communal Property Associations Act 1996, which by law requires the internal procedures in the corporation to be based on “democratic, equitable, and non-discriminatory principles”, in other words involving a greater degree of state intervention in customary arrangements.

Lavigne- Delville (2000) explores in the context of French West Africa the above manifestation of the paradox as *legal pluralism*. As it has become clear that the imposition of European land law has failed to displace customary tenure principles, more enlightened administrators have attempted to create laws which give legal status to customary authority. He sees the process involved as an attempt to harmonise two “legal systems” (one of these being customary authority) and sees some room for optimism that a “hybrid” form of land tenure administration can borrow from both. However, a strong element of this concept is “subsidiarity”, which “gives genuine powers to the community without challenging the principle of state administration”

(Delville, 200:117). This concept works hand in glove with the devolution of power to manage land tenure at a more local level.

CONCLUDING COMMENTS

Much of the literature from both left and right perspectives prior to the last decade is premised on the idea that modern forms of tenure will dominate and eventually displace customary forms. Attempts to change customary tenure by legislation alone have encountered considerable resistance from customary land groups, indicating a lack of state hegemony in customary areas. In its 2003 report, the World Bank notes that in many countries of sub-Saharan Africa, fully 90% of land remains outside the existing legal system (Deininger, 2003).

It is almost 50 years since Bohannan called for a theory of land tenure. Such a theory has remained elusive precisely because of the way land tenure interlinks with the total social formation. It is almost impossible to study land tenure in “traditional” society without studying the entire culture, hence the discourse remains within more general anthropological concerns, whereas in the case of social structures which accompany developed capitalism, land tenure becomes a legal specialisation. However I would like to contribute a skeletal contribution as follows:

Firstly, every mode of land tenure will be defined by the manner in which sovereignty (ultimate control) is exercised. This is not a land right, but the right to determine land rights.

Secondly, there are two basic sources of sovereignty, being derived from the state or derived from kinship systems.

Thirdly, where sovereignty is derived from the state, land tenure becomes an object of study separable from the overall study of a society.

Fourthly, where sovereignty is derived from kinship systems, the study of land tenure is necessarily holistic.

Fifthly, the study of land tenure systems in existence prior to the European colonising period relates to a variety of evolved cultural settings. However, an understanding of land tenure in most countries of the Pacific, Africa and other parts of the world which have shared the colonial experience requires a perception of tenure arrangements which result from the joining of two entirely different concepts of land and society, one impacting upon the other. The tenure arrangements which result are no longer customary in the full sense, but neither in many cases have they become the commodified land of the "West". Attempts to retain customary tenure are by nature paradoxical.

The agenda of many modernising agencies, including for periods of time the IBRD, has been to use the power of the state to bring about commodified land in the belief that this would bring about meaningful development and increase production to abolish poverty. There is also a view held by Amin and others that this would occur as an immanent process regardless of state intervention, through the development of a landed bourgeoisie.

In the event, a more exciting and diverse set of possibilities seem to be emerging. Customary tenure, or modified versions of it, has proven encouragingly resistant to any simple process of modernisation. There is an experimental air hanging over issues of tenure throughout the developing world. Many aspects of capitalism have fallen into place, insofar as land is being used for cash production, not just subsistence, but the ability to buy and sell land as a commodity has been restricted in various ways, leaving the rights of control and transfer within the kinship domain. This in turn has offered some protection to secondary rights holders, particularly women.

Notes to Chapter 2

¹ The Gramscian concept of hegemony may be understood as social domination or rule by consent, or in some contexts, subservience. The authority of the police and other agencies of social control require the co-operation of most of the people most of the time.

² The term 'immanent' was used by Michael Cowan and Robert Shenton to indicate development processes which do not involve planning or agency but arise from pursuit of everyday economic activity.

³ However, in the same text Rodman frequently finds it necessary to make use of Crocombe's categories, particularly the rights of usufruct.

⁴ The relationship between human beings and the land in Western society is not fully expressed in terms of legal ownership. Although the defining purpose of the lives of many people who work on the land can be expressed in terms of production of agricultural products, there are also a variety of emotional ties with the landscape in the west, the exploration of which remain confined to works of fiction and biography, such as "A River Rules My Life", "How Green was my Valley". The notion of ownership, which could be regarded as having the majority of land rights rolled into one document of title, usually involves considerable restrictions upon the rights of the owner, the notion of ownership falling well short of the notion of sovereignty.

A fuller investigation would include among its scope the relationship people have with place, not on the basis of cultural particularism, but rather on the assumption that there is an evolutionary thread in the human/land relationship. The discipline this suggests in a modern state context is that of psychology, and there is scope for an in-depth look at such practices as the burial of the umbilical chord, a trait which has been borrowed in New Zealand by the Pakeha from the Maori. Is this some shallow cultural gesture or does it signify a deeper ailment, or grief, that affects the majority of first world populations and reflects alienation from the landscape that accompanies urbanisation and commodification of land?

⁵ A full discussion of these models can be found in Harris, 2001.

⁶ Morgan failed to see the significance of the domestication of animals and plants, beginning his 'lowest stage' of barbarism with the introduction of pottery. Morgan strongly influenced a generation of early anthropologists (Kuper, 1988), but in the view of his contemporary critic Boaz, paid insufficient attention to cultural specificity. Each culture had its own special way of life, and should be studied as such. This view has been followed by scholars such as Marshall Sahlins who have emphasised the distinct meaning of every culture. Most of his exposition of the development of the family was inferred from studying naming systems in the few societies he could access, such as Hawaii. In short, Morgan's work on the family is substantially discredited. Morgan's relationship to kinship studies is akin to Freud's relationship to modern psychology in that his details have gradually unravelled, but he was pivotally important in founding the discipline.

⁷ Tempting though it may be to dismiss the efforts of Victorian anthropologists and particularly the evolutionary discourse which followed in the wake of Darwin, on the grounds of racist terminology, there are two obvious reasons for not doing so. Racial determinism dominated the theories of the time (see for example, Harris, 2001) and evolutionist ideas represented one small step away from this. Lowie's "Primitive Society", which was the major critique of Morgan's theories written in 1920, contains such gems as "the Indians of North America generally incline to democracy and thus contrast sharply with the negroes of Africa" (Lowie, 1920:368) demonstrating that well into the twentieth century racial stereotypes persisted. Judgements on the relative merits of evolutionary, diffusionary, and cultural particularist explanations need to be made on their own merits.

⁸ The significance of the Mabo case in Australia was that it forced the state to acknowledge that Aboriginal people had land rights in what had previously been seen as an empty land (*terra nullius*).

⁹ The weak point in Engels' account is that he based his anthropology almost exclusively on the theories of Lewis Morgan, which he accepted uncritically. However, the rise of the state

and “civilisation” constituted a brief final chapter in Morgan’s ‘Ancient Society’, whereas for Engels it was the central thesis. It is not necessary to adopt Morgan’s erroneous stages of development of the family to acknowledge the profound change that occurred in one hundred thousand year old human society with the advent of state power.

¹⁰ The terms hunting and gathering and nomadic do not equate in every case. Many societies have some form of mythological reference to their nomadic period, and of course a few societies continue to be nomadic. In the case of Tanna Island, this period is referred to as the *nikokaplalau*, a period when humans, who had evolved locally from sacred stones, moved around the island prior to settling in their present day locations.

¹¹ There has been considerable debate over the meaning of ‘kastom’ in the context of kastom being reasserted in post-colonial times. Prior to colonial times there was no need for a concept of “kastom”, there being no other way of life from which to differentiate. Thus much of the debate over the precise meaning of kastom could be misplaced. The land is more likely to be an interwoven part of what we now refer to in parts of Melanesia as kastom. The invention of tradition literature only has merit in suggesting that specific practices associated with tradition may have been wholly or partly a modern creation. Any suggestion that kastom actually didn’t exist is equivalent to saying that people confronted with modernity had no other past and is self evident nonsense. A useful discussion can be found in Turner (1997).

¹² In similar vein, Gegeo (1998) refers to “indigenous knowledge” as an integration of traditional knowledge with introduced knowledge, not as traditional knowledge in unaltered state.

Chapter Three

THE PACIFIC SETTING

INTRODUCTION

In Chapter Two, I developed the concept of the “paradox of customary land tenure” resulting from the interface between customary tenure and state legal systems introduced through colonisation. I now survey some of the manifestations of this paradox in the Pacific. The choice of a Pacific context rather than strictly a Melanesian one is in part due to the spurious manner in which the dichotomy between the two regions was founded.¹

Within the Pacific there are examples of both patrilineal and matrilineal society, of agnatic and cognatic descent systems, of a variety of means by which leaders were chosen (including inheritance). What recent scholarship does indicate in many instances is that earlier attempts to describe transfer and inheritance of land were overly simplistic; for example what may have been a cognatic system of inheritance with many subtleties being misinterpreted as simply patrilineal (see Burt, 1994; Campbell, 2002; Hviding, 1993; Tiffany, 1983). We know that the practice of swidden agriculture was, and still is widespread, particularly in Melanesia, and that while there were trading systems in operation the emphasis was on production for subsistence.

As a consequence of the process of colonisation followed by decolonisation, what may have been minor variations in tenure have been transformed into a great diversity of tenure experiences. For example, although there was a relatively high degree of cultural homogeneity in Polynesia, it is within Polynesia that some of the greatest divergences have occurred.

Four inter-related issues suggest themselves, being: 1) the extent of land alienation; 2) colonial and post-colonial manipulation of customary tenure; 3) mechanisms to resolve tenure issues; and 4) mechanisms to allow land mobilisation and development.

The issues overlap in many ways. For example, registration of customary land is both a means of settling (and creating) disputes and a means of mobilising land use. The court systems of New Zealand have been used as a vehicle for land alienation as well as redefining tenure and resolving disputes. Leasehold systems both mobilise land use and create a level of alienation.

ALIENATION

Alienation can be understood in two aspects. One is the loss of land by the people who previously held it under customary tenure to European colonists. In this respect the term relates to ethnicity. The other is the change in the form of tenure from customary to either freehold, state ownership, or another form of tenure not previously known. In the early stages of alienation, the distinction between the two aspects may be pointless, however when attempting to resolve contemporary issues the distinction is vital. For example, almost 6% of New Zealand remains in some form of indigenous title, yet less than one percent remains in customary title, even as defined by the courts.

Table 3.1 shows the extent of land alienation, as reflected in present day statistics. The worst cases of alienation involve those countries in which there were large numbers of European settlers including Australia, New Zealand, Hawaii, and New Caledonia.² Australia has been omitted from the table because mere area comparisons can give a misleading picture given the vast desert areas involved.

Table 3.1 Levels of Land Alienation in the Pacific

| COUNTRY | CUSTOMARY LAND | FREEHOLD TITLE | PUBLIC LAND | OTHER |
|------------------|----------------|----------------|--------------------|-------|
| American Samoa | 97% | 3% | 0 | |
| Fiji | 83% | 8% | 8% | |
| New Zealand | 6%* | 50% | 44% | |
| W. Samoa | 80% | 4% | 16% | |
| PNG | 97% | 1% | 2% | |
| Solomons | 83% | 9% | 8% | |
| Tonga | 0% | | | 100% |
| Vanuatu | 100% | | | |
| Cook Islands | 45% | 44%** | 1% | |
| Hawaii | 0% | 50% | 45% | 5% |
| New Caledonia*** | 19% | 19% | 62% <i>domaine</i> | |

(Major sources: Larmour, 1984b; Govt of Fiji; NZ Govt departments: Conservation, LINZ, Te Puni Kokiri; Churchill and Verne, 2004; Crocombe, 1971, Stover, 1999)

*It is not strictly accurate to use the term customary land in this case. The figure does represent the area of land held under various forms of title under the jurisdiction of the Maori Land Court. It is loosely referred to as “Maori land”. It is included in this column because the table is intended as an indication of the severity of land alienation. A change in column heading to “indigenous” creates other inaccuracies.

** “native freehold land”

*** The data for New Caledonia may have dated. At the time of printing I was still waiting for some correspondence from French authorities.

Land alienation arose from a complex interplay of forces involving traders and entrepreneurs, missionaries, colonising state powers and customary leaders. The alienation experience came in two phases for much of the Pacific, the first being alienation without legal sanction prior to formal annexation, the second being

alienation sanctioned by the state power after colonial government intervention. Larmour (1984b) notes in respect of Melanesia that there had been many land deals between Melanesians and Europeans before the establishment of colonial governments, often involving misunderstandings, frauds and threats, and “when disputes led to violence, Europeans had the advantage of better weapons”(Larmour, 1984b:4). Misunderstandings are interpreted by Brookfield:

Melanesians offering land to alienators had no conception of the permanence of the transfer, and believed that the trinkets, muskets, tobacco, porpoise teeth and small cash rewards they were offered were merely payment for a sort of temporary occupation licence... (1972:166)

Whereas the role of traders and entrepreneurs was relatively straightforward, the role of the colonial states was ambiguous, sometimes actively seeking land for white settlers, sometimes seeming to protect the interests of indigenous people against further alienation. For example, Fiji’s first governor, Sir Arthur Gordon, held a benevolent attitude toward “native title” and was probably hoping to avoid a repeat of the New Zealand land wars, having minimal resources to deal with land issues. He was influenced by Lorimer Fison, a nineteenth century ethnographer who was working closely with American anthropologist Lewis Morgan. Fison was employed as a missionary at the time of Gordon’s governorship and convinced Gordon of the inalienability of the communal lands (Ward, 1995). Gordon’s protective role in Fiji may have gone some way to creating a benevolent image of the British colonist in the Pacific.

Two pre-colonial island groups in the Pacific, Hawaii and Tonga, could be regarded as nascent states (see for example, Kirch, 1984; Sahlins, 1958; Campbell, 1992) and the role that the customary leaders played was pivotally important. The Tongan case is discussed further below. In Hawaii, alienation of land by American sugar interests proceeded steadily in the first half of the nineteenth century, and in 1848, for reasons beyond the scope of this paper, King Kamehameha III agreed to divide Hawaiian lands into three categories, labelled as crown, government and *makaainana*; this division being known as the *mahele* (Linnekin, 1983; Kame’eleihiwa, 2004). The majority of land was labelled government land and immediately available for sale in freehold title. The nearly 88,000 *makaainana* (commoners) received only 8,200

parcels of about 3 acres each (Kame'eleihewa, 2004:88). The Hawaiian monarchy was overthrown by expatriate interests in 1893, and upon annexation in 1898, lands remaining in crown and government holdings became the "ceded" lands, which the United States government was to hold in trust for the Hawaiian people. Some of these lands became military bases and some were set aside for "homesteading" but the majority, some 1.5 million acres, were given to the State of Hawaii in 1959, and remain a focus of sovereignty aspirations.

Western Samoa provides an illustration of the way in which conflicts between the colonising powers impacted upon land alienation. Traders from Britain, America and Germany began purchasing land in the 1860s. These sales are unlikely to have involved a common understanding from both sides as to the meaning of selling land. The Berlin conference on Samoan affairs in 1889 resulted in the Berlin Treaty which prohibited the sale of further land outside of the Apia district, and established a land commission to investigate land claims. The result was that almost all non-German land claims were deemed void, and two systems of land tenure, customary and freehold, were established. Germany became the official colonial power in 1900, and the Land Titles Court was established in 1903. New Zealand's military occupation began near the beginning of World War I and New Zealand was mandated to administer the islands from 1919. When the German plantations were confiscated as war reparations a third form of tenure came into existence as public lands.

The colonising events which created the Solomon Islands and Papua New Guinea were relatively late, the British establishing a Solomons protectorate in stages during the 1890s. Some land alienation had gone on prior to this time, the main player being the agri-business company Lever, but no substantive system was established to survey or register land prior to the first Lands Commission which examined 69 cases between 1919 and 1924, and managed to return a substantial amount of Lever's 200,000 acre claim in the Western Province to islanders (Scheffler, 1971:283). However the work of this commission was inconclusive, and disputes continued until the Second World War. In Papua New Guinea, the entire experience of formal colonisation lasted from 1884 till 1975.³ In stark contrast to many countries, partly due to the formidable geographic challenge that PNG presented, 97% of the land in PNG remains in customary or modified customary tenure.

Not all land alienation was for freehold title. Of the smaller Pacific islands, the worst case of land alienation by the state was probably that of New Caledonia (Larmour, 1984b). An 1868 decree gave the government the right to expropriate “vacant” land without compensation. Similar measures were taken in Fiji (France, 1969:76), the Solomon Islands and PNG, however in the case of the Solomons and PNG, the practice of wasteland appropriation was abandoned, and although in Fiji it was a significant means of acquiring public land, the amount of public land is relatively small.

In New Zealand, the role of the colonial state from 1840 was principally one of alienation. By the 1860s, sufficient land had been alienated to lead to major tribes; particularly those affiliated with the King movement, to prohibit any further sale of land, and for a time very successfully (Kawharu, 1977:74). New Zealand is notable for the use of armed force to open up land for European settlement. Although Belich (1986) provides an insightful interpretation of the land wars which casts doubt on British victory in battle, the end result was one of comprehensive European settlement. The Land March of 1975 may have marked a turning point in the alienation of Maori land, but by this time the vast majority of Aotearoa was held in freehold title, mainly by people of European descent.

Land alienation in Vanuatu is dealt with subsequently in more detail. There were substantial reductions in the amount of land alienated during the time of colonial administration immediately prior to independence.

MANIPULATIONS OF CUSTOMARY TENURE

The first section explored how land was taken out of customary tenure, whereas this section examines how customary tenure was transformed under the impact of state power. There is a common theme which has taken a variety of shapes: that which was too fluid and complex for European law to engage with had to be simplified and frozen.

Fiji – freezing customary tenure and the *mataqali*

In Fiji, France (1969) emphasised the mobility of land holdings and land holders in response to disputes, the authority of the chiefs, which was sometimes challenged, and the classical manner in which land was prepared communally and then rights of usufruct granted to a smaller family unit.

The attempt to approximate “customary ownership” through state legislation came early. We need to distinguish between the *conceptual* difficulty of legislating for customary ownership and the *erroneous attempts* based on not understanding the nature of customary title. The conceptual difficulties referred to in the last chapter refer to the paradoxical nature of attempting to legislate for something substantially defined by the very absence of legislation. The Fijian story, however, is mainly concerned with error. A number of factors led to this.

In 1876, Sir Arthur Gordon established the Council of Chiefs (then Native Council) and asked for clarification over what constituted the method of land holding. Initially the chiefs, from a variety of districts with varying tenure patterns, suggested that land be divided in individual portions. Gordon had to wait three years until 1879 for the chiefs to come back with a recommendation that the true owners of land were the *mataqali*, at which point legislation was enacted in the form of the 1880 Native land ordinance. A much simplified version of the complex reality was imposed (Overton, 1994; Ward, 1995).

Custom was transformed partly by oversimplification, and partly by the fixing of boundaries. The Native Lands Commission was charged with fixing all boundaries from 1880 onwards, so that what had been a very fluid situation with regard to land rights became entrenched in terms of the *tukutu raraba* (Cole, 1986).⁴ Ward (1994) notes that with this loss of scope for adjustment to demographic status, some small *mataqali* now have large tracts while other large *mataqali* have little land. While in subsistence mode, this was less of a problem as it was perfectly normal for *mataqali* with ample land to allow others to grow short term crops. But with the advent and gradually increasing importance of cash cropping, land became a scarce factor of production. Ward reported from his 1960 survey that where villages were isolated

and primarily subsistence, well over half the gardens might be planted on land which did not legally “belong” to the planter. However where cash crops and permanent tree crops were grown a “much closer correspondence” existed between legal ownership and use (Ward, 1994:139). Not unusually, initial attempts to legislate for customary title would be substantially ignored by the mass of people, until the advent of commerce made the issue of ownership in state law relevant. In other words, the advent of cash cropping and other commercial forms of land use allowed the state the hegemony in land matters which it could not previously achieve.

Tonga – an experiment in feudalism

Title to Tongan land prior to European contact was acknowledged as belonging symbolically to the Tui Tonga, representing a higher deity. Some allocation rights were held by high ranking Tongans, and the usual means of succession was father to son (Crocombe, 1975). Tonga had engaged in the maritime expansion sometimes referred to as the “Tongan empire” (Campbell, 1992; Aswani and Graves, 1998), and there are grounds for referring to Tonga as a nascent state prior to European contact, such as the ability of the Tui Tonga to assemble large numbers of labourers on one project.

When Taufa’ahau took the name King George Tupou I in 1875, establishing the Tongan kingdom, the Tongan constitution was drafted to give more power to the central government, and in 1891 the government became solely responsible for land allocation. Whereas in Fiji an attempt was made by a colonial government to freeze what the colonist believed was Fijian custom, in Tonga the new regime sought to freeze what the king believed was a modern European system of feudal tenure. All adult men were entitled to permanent hereditary usufruct of an individual holding of garden land (James, 1995) known as a tax allotment for which rent was paid to the estate holder (either Royal, noble or government).

Once again, state laws failed to over-ride customary arrangements straightforwardly:

Surveys were frustrated by members of the nobility, and it was not until the 1960s that a full survey was completed due to pressure from the then Prime Minister. Even today (1975) the land allocation has not been fully implemented (Crocombe, 1975:7).

By 1966, only 42% of eligible men held garden land, and by 1976, only 35%. A system designed to apportion subsistence plots of 8.25 acres to all Tongan males resulted in a high degree of urban migration, both within Tonga and to New Zealand. With the growing impact of commercialisation, particularly in the cropping of export squash, excessive pressure on land led to deforestation and greater dependence on chemicals to maintain soil quality (James, 1993).

There is a logical inevitability about these concerns. Prior to European contact, land rights would have been many-faceted and the chiefs were not distanced from their communities in the way the Tongan nobility created in the late nineteenth century was to become. Without rigidly fixed land boundaries, usufruct rights were flexible and able to change to suit the needs of a changing population. However, with the onset of land registered in titles, variation in the sizes of families would inevitably create winners and losers, the inheritors and the dispossessed, even without incidences of corrupt behaviour on the part of the nobility which came to control land allocations.

Samoa - the proliferation of matai titles

There is a high degree of scholarly consensus that a stage of development had been reached in Samoa immediately prior to European contact in which land was controlled by *matai* for the *aiga* (O'Meara, 1995; Schmidt, 1994; Holmes, 1971). Matai titles could be inherited but normally land could not. Land remained with the *aiga* as a whole. One might find several *aiga* to one village. Rights of usufruct would be controlled by the *matai* who would collect a small surplus for distribution. There were degrees of paramountcy within the *matai* titles and issues concerning whole villages would be dealt with at the *fono* (council). It was common for villages to join forces to protect their land against incursions, and the notion of *pule*, closer in concept

to that of sovereignty than ownership, was the protection of land rights at various levels.

Upon independence in 1961, Western Samoa's constitution acknowledged the three land categories noted above and about eighty percent of Western Samoa was to be customary land. Such land was to be held "in accordance with Samoan custom and usage and with the law relating to Samoan custom and usage" (Schmidt, 1994).

The Land Court was made responsible for ruling on matters of disputed *pule*, but O'Meara (1995:121) noted "as customary *pule* is now rarely clear...the lion's share of *pule* has now come to lie with the court itself." The process by which sovereignty over land rights was transferred from the extended family to the state has more to do with grassroots changes than mere changes of law. In the case of Samoa, the key issue has been the splitting of *matai* titles which gathered pace in the mid-late twentieth century. O'Meara reported that nearly 75% of all males over 21 years of age residing in Savai'i in 1988 were *matai*. The causes of title splitting (and devaluing) are linked with the causes of individualisation of land tenure in Western Samoa. In one study by O'Meara, in Vaega village on Savai'i, only one third of agricultural plots were identified by respondents as being "old tenure", meaning orthodox customary tenure. Forty percent of all agricultural plots were "new tenure" meaning that although they were part of the customary lands of Samoa, they were individually held since first being cleared in the sense that they were inheritable, not subject to the *pule* of the *aiga* or the discretion of a *matai*, except in the sense that the holder may well be a *matai*. But even among those plots which were considered to be "old tenure", only some of the land was reported as "title *pule*" while a similar quantity was reported as "restricted title *pule*" meaning that although the plot is held by the *aiga*, *pule* is held only by titleholders of one branch of the *aiga*, indicating pressures to break up the *aiga* (O'Meara 1995).

In American Samoa, the US administration's response to the proliferation of *matai* titles was to freeze them, not allowing the creation of new titles. By 1906, every *matai* title in American Samoa was required to be registered. The freezing of titles affected the *matai*-land relationship in a different way than the proliferation in Western Samoa, but either way the sovereignty of the *matai* system was surrendered

to the state. Stover (1999) reported that land titles have frequently been awarded by the High Court to individuals who cleared land from virgin bush regardless of their connections to *matai* title, the judges believing that they were upholding Samoan custom as required by a very early US regulation which required the US administration in Samoa to uphold Samoan customs “when not in conflict with the laws of the United States” (Stover, 1999:76). Although legally classified as “native land”, individual land is now a recognised land category for statistical purposes in American Samoa, and is the dominant mode on Tafuna plain near Pago Pago. Issues regarding inheritance and how the land is to be transferred are still in their infancy, with some families opting for the establishment of trusts to avoid the problems of fragmentation.

Individualisation of tenure in the two Samoas has taken different tracks. In American Samoa, the vast majority of the workforce is employed in industry, particularly the tuna canning industry, and wage labour forms the basis of the economy. Individual land is used primarily for residential purposes with minor gardening, whereas in Western Samoa it is mainly agricultural. Both Samoas have succeeded in preventing wholesale land alienation since the very early days of colonisation, but neither has been successfully able to maintain the constitutional requirements needed to sustain traditional tenure.

New Zealand and the Cook Islands – the land courts and multiple ownership

In New Zealand, a ruling by Judge Fenton in 1866 determined that “all persons who are proved to have been the actual owners or possessors of land at that time (1840) must (with their successors) be regarded as the owners or possessors of those lands now...” (cited in Kawharu, 1977:73). The effect of this ruling was to substitute the private property notion of ownership for the complexity of land rights previously held, and to remove the fluidity of tenure over time by fixing 1840 as the artificial moment at which universal land ownership began in New Zealand. In fact there had been unusually frequent conflicts and changes during the 1830s, due in no small part to the arrival of the musket.⁵

The Native Land Court (later Maori Land Court) was established in 1862 under the Native Land Act and its work began in earnest in the 1870s. Although the Court was set up to “impose an English system of individual freehold title” (Kawharu, 1977:76), it accepted genealogies (*whakapapa*) as proof of ownership, thus amending both English freehold title and customary tenure. The Court divided land into customary and freehold, the customary land being further divided into registered and unregistered, with a person holding a certificate of title to customary land having the right to change to freehold, thereby alienating the land.

Individual shareholdings in registered customary land combined with bilineal succession led inevitably to the phenomenon of multiple ownership. Kawharu (1971) explained how in the first court investigations lineage heads took the opportunity to assert their peoples’ ties to the land and have this information recorded, only to inadvertently begin the process of succession and partition. It is a poignant example of how the power of the state was used to legislate in favour of customary title only to usurp it.

Britain declared a protectorate over the Cook Islands in 1888, and New Zealand began its administration ten years later. It suited early missionaries and colonial administrations to construct the indigenous systems as one of tribal hierarchies. It remains a matter for academic debate⁶ to what extent the paramountcy of the *ariki* title reflected developments in the nineteenth century, but what was previously a very fluid system of land rights was codified in early colonial times by the land courts giving recognition to major tribal groupings. The early administration conferred considerable powers on the *ariki*, for example a Cook Islands federal parliament was established in 1891, the executive consisting of *ariki* only (Crocombe, 1964).

The Land Court in the Cooks was created in 1902,⁷ with a mandate to determine ownership in accordance with “ancient customs”. During the early days of its administration, the court awarded title in a majority of family lands solely to chiefs (Crocombe, 1964:110). This may not initially have created too many problems as many of the chiefs acted as though their role was one of trusteeship, and life could continue without too much interference from the Land Court. However, in a 1957 case the Appellate Court took the view that “all children should succeed equally”

(Crocombe, 1964: 126), claiming that this was a change of Maori custom which Maori had agreed to. The Appellate Court had been established in 1946 to allow the decisions of the Land Court to be challenged and its decisions were over-riding. From this judgement onwards all persons inherited a share in the lands of both parents, leading to “ownership” of increasingly small fractions of growing numbers of land units. Once again, attempts to establish customary tenure within the framework of European law led to something demonstrably different from customary tenure as it had been.

The majority of the Cook Islands population now lives on Rarotonga or has migrated, and the majority of Rarotongan residents are wage and salary earners in a nation which depends heavily on tourism (Sissons, 1999) and remittances. The complexities of multiple ownership mean that security of tenure is often missing even though land cannot be sold.

MECHANISMS TO RESOLVE TENURE ISSUES

The repatriation of alienated land, concurrent with the development of cash economies has led to difficulties in many parts of the Pacific in resolving the somewhat oxymoronic question “who are the custom owners?” Land court systems throughout the Pacific have been established at varying stages of the colonial process, intended to make judgements according to the ability of claimants to demonstrate the strength of their customary claims in a court setting.

In sharp contrast with New Zealand, the Solomon Islands was established as a British protectorate in 1893, and for the first fifty years there was only minor involvement by British officials in adjudicating land disputes. War time legislation established native courts, which had grown in number to 65 soon after independence in 1978 (Tiffany, 1983). Appeal Courts were established in 1972. (A third and final stage is an appeal to the High Court.) Sharon Tiffany notes that “custom” has been reified in the judicial process. Under the court system, claimants are required to ‘prove’ custom title and the result is one of winners and losers, whereas even winners under this system have acknowledged that land rights belonged to both.

Land rights are not static relationships; rather, they are subject to continual reassessment, interpretation, and negotiation. Contested land claims may persist for years, even generations; thus court intervention in a dispute represents one arbitrary point in time of an ongoing process (Tiffany, 1983:283).

It may be seen that court judgements in land disputes do more than merely adjudicate. As is evidenced from the preceding discussion on the Appellate Court in the Cooks, they have a transformative effect on tenure as well. The establishment of the local court system in Vanuatu, which I will deal with in more detail, exhibits many of the same paradoxical difficulties.

Registration of land has served many purposes, including its alienation from customary title. However, registration of customary title is viewed by some as a way of resolving customary land disputes. It is beyond the scope of this paper to examine the causes of the present conflict in the Solomon Islands, but as recently as 2006, Rt. Reverend Terry Brown, Anglican Bishop of Malaita, in a paper asking New Zealand and Australia to look past immediate security issues, noted that there was no current system for registering customary land in the Solomons, leading to violent land disputes, and that when disputed cases are appealed to the High Court, it persists in treating customary land as “virtually individually owned”, enabling one person, “on behalf of the tribe”, to treat the land as alienated land (Brown, 2006:1).

A variety of systems of registration (see Larmour, 1991) has been attempted in PNG as part of wide-ranging and often contradictory legislation. Its purpose has in part been to give greater security of tenure, but this in turn has been for the purpose of land development.

MECHANISMS TO ALLOW LAND MOBILISATION AND DEVELOPMENT

Leasehold arrangements have provided the means to allow agricultural enterprises to take place while maintaining a form of customary tenure in many Pacific countries, including Vanuatu. In some cases the effect has been alienating. In fact while land leasehold has been a means of conflict avoidance in the short term, by allowing

entrepreneurs to retain the use of customary land, in the long term it has not resolved a fundamental contradiction between customary land for subsistence and ownership for enterprise. I will return to this theme in the case of Vanuatu.

Fiji

Overton (1994) noted the build up of pressures to establish a cash economy in the twentieth century as villagers migrated to urban areas in search of cash and those wishing to undertake cash cropping looked for land. This led initially to informal leases (*vakavanua* leases) by both Indians and Fijians of “vacant” *mataqali* land to grow sugar and other crops, but following the formation of the Native Lands Trust Board, formal leasehold mechanisms were established, including ‘Class J’ leases which could only be made to indigenous Fijians. The majority, but by no means all of the general leases were taken up by Indian farmers. Overton (1994:120) noted that about two thirds of the cultivated area in 1989 was on *mataqali* land.

By 1992, 25% of Fijian land tenure was in the form of native leases. Many of the thirty-year leases under the Agricultural Landlord and Tenant Act were due to expire in the late nineties, and against the background of the coups, would not be renewed. Returns to *mataqali* members who remained in their villages were marginal by the time the NLTB rent distribution formula had been allocated.

Papua New Guinea

Attempts to mobilise land in PNG have reflected changing philosophical directions. While PNG remained under Australian rule, considerable interest was shown in the Kenyan experiment in land registration (Larmour, 2002). The Kenyan model was never systematically adopted, but tenure conversion legislation was enacted in 1963 by the Australian Minister for Territories and some pilot schemes were tried in the Northern and Highlands districts (James 1975; Waiko 1995). The Land Tenure Conversion Act was amended as early as 1968 upon the realisation that it was rapidly leading to land concentration in the hands of a few bigmen and others in positions of power. Following the amendment it became necessary to gain ministerial approval for land sales (Waiko, 1995). In 1970 a PNG governmental delegation visited Kenya

and became aware of some of the problems, finding that three-quarters of the new owners had failed to take up their titles. Fingleton studied the use of the LTCA in the Eastern Highlands to 1978 and found that of fifteen blocks whose tenure had been converted on a sporadic basis, customary interests had not been terminated by the conversions, the registered titles were not regarded as a tradeable commodity, and in half the cases development had taken place prior to the conversion application (cited in McKillop, 1991).

A 1973 Commission of Inquiry into Land Matters established a new plan which included the registration of Group titles. The Land Groups Incorporation Act of 1974 was intended to recognise but not modify customary practices. This Act is described by Holzknicht (2003:21) as “a rare law that has managed to capture the essentials of Melanesian flexibility as they apply to customary tenure systems and the people and groups who manage and use them.” Although the Land Groups Act was largely ignored for a decade, eventually Incorporated Land Groups, in essence customary land groups, began to form in forestry, mining and other enterprises. The Customary Land Registration Act 1987 in East Sepik province became an exemplar of how this approach could work in practice.

This brief legislative history would suggest that PNG experimented with private title, found it wanting and resorted to enshrined customary tenure, but in fact the debate continues to rage between the merits of traditional landholding arrangements and a transformation to “Western” approaches, and the laws tend to remain in the statute books.⁸

PNG has devised some interesting ways of surmounting the challenge of credit supply for customary holdings. One such scheme involves the “lease-lease-back” provisions developed in the late 1970s for highlands coffee production which allows the customary owners to lease land to the state which leases it back again under title provided by the Department of Lands, this providing the Bank with a form of security. Initially it was only the Agriculture Bank of PNG which made funds available but McKillop (1991) noted that commercial banks such as the Bank of the South Pacific were also becoming involved. Another is the Clan Land Usage Agreement scheme which allows the clan to confer on the borrower(s) sole use of this land during their

lifetime. Cash capital is not normally required from the borrower who contributes “sweat equity” in developing the land for crop production (Lakau, 1994). However, although these developments allow a certain amount of cash crop production and development, Lakau (1994: 64) was obliged to note in a study of the Agriculture Bank from 1967-86 that in the first twenty years of its operations the bank was able to benefit only 1% of the PNG population.

New Zealand

In New Zealand the principal form of organisation used to mobilise land throughout the twentieth century was incorporation, which was originally designed to expedite land alienation. Section 22 of the Native Land Court Act of 1894 allowed customary owners to incorporate by court order thus allowing an intending purchaser to deal with one entity. Apirana Ngata perceived that this situation could be turned to advantage and the Native Land Act of 1909 set out the basis for the formation of present day Maori Incorporations (Kawharu, 1976). They became the dominant method of land holding after World War II and by the mid 1970s there were nearly 200 incorporations covering over 300,000 ha, with size of holdings ranging from less than one hundred to over 40,000 hectares. Incorporation has allowed for some very successful enterprises, notably the Mangatu Incorporation on the North Island’s East Coast which at one time was the single largest farm operation in New Zealand. An incorporation the size of Mangatu, with a 2001 before-tax profit of \$3.8 million (Te Puni Kokiri, 2002) and over 4,000 shareholders, operates in many respects like any large capitalist enterprise, the essential difference being that shares are not traded on the stock exchange and originate in the membership of the land holding families. A major advantage of incorporation is that members are not penalised by urban migration and continue to receive dividends, but equally they provide no incentive to remain on the land, and the relationship between an individual and the incorporation is by way of dividend. Furthermore, the manner of incorporation has always been detailed by act of Parliament, most recently the Ture Whenua Act of 1993. There is more in common here with the South African model than the PNG approach noted in Chapter Two and the preceding section. Incorporation can be viewed as a double-edged sword, whereby economic benefit is conferred on the land-holding families, but control of the land is passed to a managerial class. The system does not attempt to

negate multiple ownership, but rather it accepts it as inevitable and negates fragmentation.

Efforts have continued to deal with the problems of multiple ownership. The Ture Whenua Act of 1993 allows for five forms of trust, the most commonly used being the Ahu Whenua Maori Land Trust, which allows family groups to set up trusts for the management of the proceeds from enterprises, usually associated with blocks of land. It is a more flexible arrangement which may involve one or several blocks of land and any or all shares in any block may be included.

Solomon Islands

The Land and Titles Ordinance implemented in 1963⁹ which distinguished between “native title”, private and public land, introduced a system of land settlement schemes wherein indigenous people registered customary land as “perpetual estates” held by individuals or groups under government law (Burt, 1994; Totorea 1979). The procedure for these land settlement schemes required a Ministerial-level declaration of a land settlement area, followed by an exhaustive survey and finally registration. Maenu’u (1979a) challenged the rationale for this, arguing that registration of clan lands would be more in keeping with customary practice and more effective for developmental purposes. One such scheme, Fiu Kelakwai, was investigated by Maenu’u and Totorea who found that neighbouring unsurveyed, unregistered areas of customary land supported bigger cattle and copra schemes than in the settlement area (Maenu’u, 1979b; Totorea, 1979b).

CONCLUDING REMARKS

Although individualisation of land in Samoa, multiple ownership in New Zealand and Rarotonga, feudal corruption in Tonga, incessant pressure on customary tenure in PNG, growing inequities in Fiji, ongoing land disputes in the Solomons, and major land alienation in New Zealand, New Caledonia, Australia, and Hawaii present as distinct issues, there is a strong argument that they are many faces of the same issue. Ben Finney (cited in Stover, 1999) speaks of the “unhappy marriage” of custom and

Western civil code. This unhappy marriage has a certain inevitability. Alienation could be seen as the complete victory of the civil code. Where custom is strongest, we tend to hear the most strident voices of economic development “experts” who see only a simplistic relationship between volumes of cash crops and poverty elimination. Where customary ownership has been recognised and accepted, attempts to place this within the framework of European derived statutes have tended to remove the sovereign authority from the traditional customary powers and place real power in the hands of various forms of land courts. Vanuatu, perhaps more so than any other country in the Pacific, or even the world, has committed itself to the retention of “kastom”. To Vanuatu I now turn.

GLOSSARY OF AUSTRONESIAN WORDS

| | |
|----------------------|------------------------------------|
| <i>Ariki</i> | High Chief |
| <i>Aiga</i> | Extended family |
| <i>Fono</i> | Village council |
| <i>Makaainnana</i> | Commoner |
| <i>Matai</i> | Chiefly title |
| <i>Mataqali</i> | Lineage group |
| <i>Mahele</i> | Land titling/sale |
| <i>Pule</i> | Protection (of land) |
| <i>Tukutu Raraba</i> | Recorded histories and genealogies |
| <i>Vakavanua</i> | Customary (pertaining to leases) |
| <i>Whakapapa</i> | Genealogy |

Notes to Chapter 3

¹ Unfortunately the dichotomy between Melanesia and Polynesia, which began with the racial stereotypes popularised by d'Urville (see Tcherkezoff, 2003) has remained. Even after anthropologists began to question the racial assumptions, Sahlins' cultural distinctions (1963) further embedded the dichotomy. Yet the "bigman/chief" distinction is of questionable accuracy. For example, in highly stratified, chiefly Tonga, Crocombe reports that the way a chief was chosen included birth but this was one among many factors including ability in war and general acceptability (Crocombe, 1975:6). In fact, while geographic Polynesia could fairly be described as culturally close, if not homogeneous, Melanesia is very diverse, but more accurately, Polynesia is one comparatively homogeneous culture among the diverse societies which make up the Pacific.

² One could extend this argument to suggest that where the nature of tenure was "nomadic" and this co-incided with ruthless attitudes on the part of the early colonists, the alienation was at its most severe, as in the case of Australia.

³ Germany handed the reins of power to Australia after World War I ended.

⁴ The tukutu raraba is a written account of the position of each "tribe" in relation to its neighbours, thereby defining boundaries. These writings were carried out by the Native Lands Commission in the 1880s and reduced to writing the oral traditions of Fijian people.

⁵ The movement of people resulting from the wide-ranging excursions of Te Rauparaha parallels the mfecane in Southern Africa. Conflicts which European colonists saw as typical of indigenous life were in no small part the result of early contact.

⁶ Matthew Campbell has argued in a recent (2002) paper that the situation in the Cook Islands was much more fluid than that described by Ron Crocombe in his 1964 study, and Crocombe himself argued that the powers of the Ariki were augmented by the actions of the colonial power.

⁷ When the first British Resident Governor, one F.J. Moss, complained that the Ariki disregarded parliament's laws at their own pleasure, and further in 1897 the parliament refused to pass a bill Moss had written which would have established himself as Chief Judge of a High Court, New Zealand dispatched a warship to the Cook Islands with New Zealand Chief Justice Prendergrast aboard demanding an explanation from the Ariki, who deemed it wiser to accept the bill at this point. Moss was replaced by Colonel Gudgeon who oversaw the enactment of the High Court Bill and assumed sovereignty of the Cook Islands from this point. It was Gudgeon who oversaw formal annexation by New Zealand and the establishment of the Land Court. The Court was given power to investigate titles to land, determine successors, limit alienation, deal with leases etc and was to have two judges, the chief of whom had to be European. Gudgeon drafted the Order in Council to establish this court and immediately acceded to the position of Chief Judge.

⁸ Over 40 separate legislative acts have been passed concerning land tenure in PNG.

⁹ This ordinance was still mainly concerned with the reform and official registration of Western legal rights in alienated land.

Chapter Four

METHODOLOGY AND ETHICS

Background

Fieldwork for this thesis was undertaken between mid-July and late August of 2006 in Port Vila and Tanna Island, Vanuatu. The majority of time (3-4 weeks) was spent in the Lenakel district on Tanna Island. Time was also spent in Port Vila searching land records, obtaining other information including aerial photographs from the relevant government departments, using the facilities of the Vanuatu National Library, and interviewing relevant public servants.

It was necessary to obtain permission from the Vanuatu Cultural Council before obtaining a visa for this purpose. As part of my research contract with the Kaljoral Senta, I agreed to write a history of the Lenakel area, and this impacted on the methodology adopted.

Tanna Island is familiar to me. I was a volunteer teacher there under the New Zealand Volunteer Service Abroad (VSA) programme in the years 2002-2003. At that time I was stationed at Tafea College, on the West side of the island approximately one hour's walk from the new airport. My wife and I have many friends on the island and our children have Tannese names as well as English ones. As well as being involved with the development of secondary education on the island, I have had peripheral involvement in several other projects which belong to the development discourse.

On this visit, I spent a limited amount of time staying with friends in Imanaka village close to Tanna airport and two weekends at "Evergreen" bungalow, on one occasion to recuperate from a bout of sickness; but the majority of my stay was at Tafea Guest House in Lenakel, which provides budget accommodation to a variety of transient workers. I chose this place because it meant I was within a few minutes' walk from most of my places of enquiry. It also assisted me to focus on the historical study I had been asked to do, as this guest house was built by a well known Australian trader who had contributed significantly to the modernisation of Tanna, and on this ground were

to be found the remains of the earliest sites of colonial settlement on this side of the island.

The methodology adopted

It had been my intention to use some techniques offered by the body of disciplines popularised by Robert Chambers and known as PRA (Participatory Rural Appraisal). Kumar's 2002 text offers a comprehensive set of techniques; however Kumar acknowledges that PRA is not, first and foremost, a set of techniques but an attitude of open-mindedness and flexibility which "gives opportunities for others to explore themselves"(Kumar, 2002:324). On one occasion I arrived at a mapping exercise (part history, part thesis) with the intention of following Kumar's suggestion of using earth, seeds and twigs. One of the participants, a well educated former public servant, showed some evidence of frustration, and even though I did not have large butcher paper I managed to find space for several people to crowd around a piece of A4 refill. In this case it would have been both futile and insulting to a section of the group present to insist on a mechanical application of PRA methods.

PRA borrows heavily from anthropology, in which there is a healthy tension between fieldwork which is problem focussed and fieldwork which is holistic, and which leaves the decision on what to omit until a later time (see for example, Sanjek, 1990). I considered my fieldwork to be problem focussed, insofar as I was not attempting a full ethnography or a village study but an attempt to answer one vital question; "to what extent could the forces of modernisation proceed without the destruction of customary land tenure?" But in order to address the question, an open approach was needed which allowed me to deepen my understanding of the whole of Tannese culture.

Most of my research took place on a continuum between what Kumar (2002) refers to as "conversation" (unstructured interview) and the semi-structured interview. The interviewing took three styles which Whyte (1989) outlines as taped, notes with report later, and noting the interview after termination. I often did not make any judgement in advance on which form of recording to use as this depended in any case on the wishes of the informant. The great majority of my interviews were conducted in

Bislama. With the exception of the taped interviews I would not be in a position to know subsequently which language was in use at a given instant, as I took my notes in English.¹ It is commonplace to speak in both English and Bislama when engaged in dialogue with an Anglophone ni-Vanuatu. One interview took on the pattern that my respondent spoke almost exclusively in Bislama while I spoke mainly in English, while another interview was the exact opposite; I asked questions in Bislama which were mainly answered in English. Still others tended to simply weave between the two languages. This method of instant translation may appear to risk some loss of accuracy but it allowed the interviews to remain lively and fluid without the note taking becoming a major distracting focus of the interview.

There were a couple of occasions when I was not equipped to cope with the combination of Bislama and local language used by older informants and a younger informant would assist by translating, mainly from mother language into Bislama and occasionally English. On still other occasions, it was necessary simply to repeat questions until I was confident of being correctly understood. I have adopted the convention in the results of writing Tannese language(s) words and Bislama words in italics the first time they appear in the text. The spelling of most of these words is flexible within phonetic parameters.

In reporting extracts from the interviews, I have adopted the convention of referring to “interviews” in cases where the interviews were pre-organised with an element of formality, and “discussions” where I have noted important elements from unstructured conversation.

I knew from previous experience (as a secondary teacher at Tafea College) that the research would involve an element of opportunism and serendipity. This results from the combination of the small size of the population and the different perception of time. There is a self awareness amongst the small number of professionals on Tanna, such as secondary teachers, of the very different attitudes to the passing of time between ni-Vanuatu and Europeans. In conducting evaluations of teacher workshops, I have often encountered the comment that there needs to be more European time and less Pacific time, denoting the need to start at an agreed hour and keep to some kind of schedule. This would be difficult to achieve without adopting some European

conventions such as set timetables for most forms of transport. It is particularly difficult on Tanna to organise appointments well in advance or to expect a high attendance rate at such organised events. Conversely, it is possible to organise meetings at extremely short notice if one is prepared to take whatever opportunities are on offer. As an example of serendipity in research, I was sitting in the Lands Registry Office in Port Vila when I noticed that the name on the piece of paper I was holding was that of the current President of the Republic. I mentioned this to the person sitting next to me who then identified himself as a former Minister of Lands who had been involved in the drafting of the Customary Land Tenure Act, and this in turn led to useful contacts. This was not the first time that such a chance meeting had taken place.

Several of the events I had hoped for did *not* eventuate, either because key informants had moved, or for other reasons. I was unable to organise focus groups in the manner I had hoped, and outside the historical mapping exercises the majority of my research was based on a mixture of one-one interviews and some quantitative exercises.

Respondents fell into three broad categories. The first were key informants, many of whom were pleased to have their names and expertise associated with my work, and with whom I conducted full interviews. In these cases, informants would occasionally indicate that a statement was off record, and this was respected. The second were those who were happy to supply information, either by virtue of their salaried position or some relevant knowledge or experience they had, but who did not wish to be seen as experts individually. The third, by no means least important, were those who simply shared information about their lives which was relevant to the thesis, such as most of the shopkeepers of Lenakel. Appendix 1 lists the key informants.

The interviews were mainly qualitative in nature, but I carried out some quantitative work, particularly in the urbanising area. When looking at the economic aspects of the Lenakel shops, I did not have the time or resources to attempt a full census approach, but neither did I have confidence that the methods of inferential statistics, which require accurate data within sample, would give me the information I sought. Where I was attempting to establish economic data, the approach that I followed was one of triangulating information I was given with a form of stratified sampling.

Over the course of the fieldwork I accumulated two books of handwritten notes taken mainly from interviews plus some notes from the lands registry, in addition to some taped interviews and a daily diary in which I recorded some highlights and new ideas/impressions as they arose. Previous experience of attempting to use a laptop computer in Tannese conditions had not been very successful.

Issues

I have noted five inter-related sources of tension in my approach.

1. Between fieldwork as a conversation and fieldwork as a concise investigation (osmosis versus planned survey).
2. Between reliance on previous knowledge and reliance on a fieldwork exercise.
3. Between quantitative and qualitative methods.
4. Between detached observation and personal involvement.
5. Between the ethics of the study and the ethics of the community.

1. Between fieldwork as a conversation and fieldwork as a planned approach

Kumar (2002) notes that among the contributions of anthropology to PRA is fieldwork as “relaxed participant observation, and conversation”. He also refers to respect for peoples’ knowledge.

Bonnemaïson, in his outstanding, albeit imperfect ethnography of Tanna Island, says of his strongly emic² approach:

I attempted to enter the mental universe of Tanna’s inhabitants; I tried to understand the passions of this population, which sometimes led it to surprising attitudes, at least as far as western standards are conceived. I pushed my commitment to the limit. Step by step, I reached a state where measuring, counting, investigating, and asking questions looked increasingly derisive and even made me ill at ease.

To live with these people, join in their daily routines, walk on their trails for hours, drink kava with them, know every one of them, and live in this warm and complex society as one of its members – all this was enough for me (Bonnemaison, 1994: xvii).

My own background is not particularly well suited to this style of research.³ I taught mathematics for fifteen years. I have a tendency to want to get the facts straight. Philosophically I believe there is such a thing as an existential reality, even though its comprehension will always be contestable, its representation dependent on language and culture. Some of the defects in Bonnemaison's account could (perhaps) be attributed to the same willingness to enter into the Tannese world which was also his strength.

I never fully resolved this tension. In the few weeks available I did not expect to act entirely in the manner of an anthropologist. I did have some definite questions. I did, however, reject the notion that I could find out what I wanted by way of questionnaires, or by methods which treated the island as a laboratory. My principal research instrument was to be the conversation. This still left open the question of whether this conversation was guided by me in the form of a series of semi-structured interviews or whether it was left more open to chance. This issue was only resolved in practice as the fieldwork unfolded.

2. Between reliance on previous knowledge and reliance on fieldwork

Firstly, there arose the question of what status to give to my own previous knowledge and experience. Over a two year period (2002-2003) I had numerous conversations with Tannese people about elements of land tenure, without ever making this an object of study. I was familiar with many of the island ceremonies and had seen or partaken in weddings, a funeral, circumcision ceremonies, and two *nekowiar*...

Following a research programme which attempted to be “value-free” wherein my own subjectivity was set aside, I may wish to disregard much of what I regarded as fact and rely exclusively on a set methodology. However, as noted by Wilson (1992), there is now a greater acceptance that our own biases, thought processes and cultural

perceptions will influence our findings in any case. I formed the view that it would be artificial and unnecessarily limiting not to acknowledge my own history on the island and incorporate insights provided by this into my findings.

Linked to the above was a practical consideration. I was known on Tanna as a secondary school teacher, and I had concerns that my reappearance in a different guise would cause confusion, possibly even resentment. In fact I found the opposite to be the case on arrival. Several former students and colleagues, whom I acknowledge elsewhere, went to considerable trouble to assist with my project. The purpose of the project was well understood. Any difficulties I had encountered in expressing my central question in New Zealand were more than assuaged by the understanding shown by the people who were central to my investigation.

3. Between quantitative and qualitative methods

Bryman and Burgess (1999) note that the contrast between qualitative and quantitative research is not universally accepted as valid, and that in recent years there has been a *rapprochement* between the two. I certainly used a mixture of quantitative and qualitative approaches, at some risk of compromising both. For example, in some of the economic work in which I was attempting to detect whether there had been growth in the Tanna cash economy and how this may have impacted, I relied mainly on triangulation rather than the methods of inferential statistics. When I found consistency between the statements of informants and some sampling, and this in turn fitted with statistical data previously provided reasonably well, I considered the approach to be one of establishing a case beyond reasonable doubt rather than specifying confidence intervals.

4. Between detached observation and personal involvement

It would seem apparent that the more structured the interview, the more one acts in a detached 'objective' manner, and the less likely one is to hear the full possible contribution of the participant. One may receive the formal answers and miss out on hearing the real feelings of the person being interviewed. When noting responses, I believe it is important not only to take note of what is said or stated, which in itself

may not take us very far beyond the method of a survey, but also of the intensity with which it is stated. I do not mean that I used a recording system for the emotional aspect of every statement, but there were occasions when a statement would be uttered with particular emphasis or intensity and on these occasions I made note. This is of particular importance, for example, in determining the emotional attachments people place on certain meanings. According to the approach of the “detached” interviewer, it would be difficult to find a proxy method of noting human emotion. But as an involved interviewer, with genuine empathy for the issues under discussion, it would be facile not to acknowledge some ability to gauge the emotional intensity of a conversation. There were, however, limits to involvement. In key developmental areas of Tanna Island, land disputes cast a shadow over communities. It was important to learn as much about these disputes as possible without taking sides in the disputes. This is much more difficult to achieve in practice than it may sound in principle. I regard the relationship that I have with several of my informants as one of genuine friendship, and in certain instances informant would be pitted against informant over land issues and related issues. To retain the level of trust of both sides in certain disputes requires a measure of diplomacy, along with the ability to recognise the validity of both sides of every dispute conditioned by an understanding of underlying causes. To have some pressure of this kind adds a measure of stress to the project while adding greatly to one’s understanding of the land issues.

5. Between the ethics of the study and the ethics of the community

The ethical requirements of the University should ideally be sufficient to cover all situations. My own view is that ethics do involve cultural relativism. Without letting go of the ethical framework I arrived with, I believed it necessary to give pre-eminence to the ethical framework of Vanuatu. This required some compromises. I read in the ethical framework of another Masterate student who worked on Tanna Island that there would be no payment for information. But the ethical framework of Tanna Island is based largely on the ethics of reciprocation. It would be disingenuous not to acknowledge that there were elements of reciprocation in my research. More importantly it is vital to distinguish between the essence of ethical behaviour and the mechanics which are often used. For example, it would have been too easy in my position on Tanna to have obtained signatures on a piece of paper from people who

did not understand what they were signing. There is a major emphasis in the research on obtaining informed consent, often in an informal way.

I was apprehensive about these matters upon arrival but found no difficulty making the necessary judgements in the field. In the vast majority of cases excessive formality would have served no purpose, and merely created an unnecessary obstacle. It became very clear where the ethical lines lay. I had to ascertain by any reasonable means that every respondent was a willing respondent who understood the purpose of my questioning. It was the principle which was important, not the formal processes. In the majority of cases I achieved this through verbal explanation. Allied with this was the need to be completely open to any unsolicited questioning of my purpose. This is in any case a normal part of life on Tanna. One becomes accustomed to the question “You go wea?” as part of normal discourse. At one stage in the project I was rather prominently mapping the various buildings in Lenakel town and I would be asked occasionally what I was doing. On every one of these occasions I took the time to stop, engage with the questioner, and frequently this would in turn lead to further useful information.⁴

Constraints

Commitments. It is normal practice for the Vanuatu Kaljoral Senta (VKS) to expect something in return for the privilege of doing research in Vanuatu. Consequently I was asked to write a history of the Lenakel area, a request which I was happy to comply with as it dovetailed very nicely with my own research. However, I also realised it would not be possible to conduct two separate research projects in the limited time available, and my interviews often covered both the material for the thesis and material for the history project.

There was one further constraint on time as students and staff at Tafea College became aware of my presence on the island. I spent several hours of the first week on Tanna assisting both staff and students with course material and feared that this could dominate my time, however after the first week this abated.

Gender. I did not have an expectation that I would have many opportunities to talk in depth with village women. As a white male, it is not an expectation of most islanders that I would spend very much time in the company of women in a very gender-based society. I had considered this matter in advance and had no intent to contravene the wishes of senior men on Tanna in what could only have been a token gesture, and in the course of a one-year thesis a team of female research assistants was probably out of the question. However I did take advantage of opportunities to talk in depth with a small number of women who tended to be beneficiaries of higher formal education.

Conclusion

This chapter has outlined the methodology used to gather much of the information presented in the next two chapters. It must be borne in mind that the comments reported are a small fraction of a much lengthier dialogue. Inevitably the reporting of some comments and not others carries the risk of oversimplification and distortion. However it is to be hoped that the summarised report of this document required by the VCC will contribute in some small way to the ongoing debate that impacts on the lives and futures of the people of Vanuatu.

Notes to Chapter 4

¹ One does not have to look far to find reports of interviews in which the responses of the Melanesian is made to appear very authentic because it is reported in what amounts to a pidjin pidjin (a cross between English and pidjin English). This is also characteristic of several accounts written by early missionaries. Such accounts tend in my view to belittle Bislama as a language. There is a correct, if flexible way of writing it. In my own case, my spoken Bislama is far superior to my written Bislama, and consequently I took my notes in English.

² Harris (2001) links the emic approach strongly with the Boasian school of anthropology. Given that the Boasian school is often typecast as rejecting evolutionary theories in favour of cultural specificity, it may seem contradictory to favour an emic approach and hold with part-evolutionary explanations, however a reasonable synthesis should not preclude a search for global explanation co-inciding with the subject's own interpretation.

³ I grew up on a steep North Island hill country sheep station, the contours of which were similar to parts of Tanna Island. I remember an occasion when I was helping my father to return a mob of sheep to the paddock, and I asked him how many sheep were in the mob. "I don't know" he said. "The right number for the paddock." I enjoyed arguing with my father. "How do you know it's the right number for the paddock when you don't know how many there are?" He became a little frustrated, as was his way. "It is the right number for the paddock. I know what sized mob to put in this paddock." Being a determined ten year old positivist, I persisted, but to no avail. He was right. He knew how big the mob should be. Some years later I worked for the Ministry of Agriculture and Fisheries. I was New Zealand's leading expert on sheep numbers. It was at a time when farmers were being paid incentive money to retain sheep on their farms, known as the stock retention scheme. There was considerable creative accounting on the farms, undoubtedly, but the figures I was using were official figures. They are in the year book for all time.

⁴ On one particular occasion, I was engaged in conversation with a Lenakel storekeeper who wanted some further explanation of what I wanted information for. I gave a rather full explanation, and after what may have been minutes we both burst out laughing as he drew me to a close. It seems a reasonable generalisation to suggest that Tannese people in particular and ni-Vanuatu in general, enjoy discussions about their life, work, and origins.

Chapter Five

VANUATU

INTRODUCTION

The challenges which are faced on Tanna Island need to be understood in the national context of Vanuatu. In this chapter I briefly review some historical matters concerning land tenure leading up to the circumstances underpinning a national land summit of October 2006. The issue of land tenure continues to evolve as the forces of modernisation and development encounter the country's constitutional commitment to retain customary tenure. The majority of this chapter reviews literature concerning historical developments but some primary source material is included on recent developments.

The names adopted by newly constituted independent states sometimes reflect the traditions which are at the forefront of nation building, involving an imagined community (Anderson, 1983). Throughout Oceania the Austronesian language word *Vanua* or variations thereof such as *Whenua* translate to a concept of land. The choice of *Vanuatu* as a name for the post-colonial archipelago indicates the importance of the land issue preceding independence in 1980. The driving force for independence in Vanuatu was the New Hebrides National Party (formerly Cultural Association, later Vanuaku Pati) which highlighted the return of alienated lands as a pivotal platform for independence. Other organisations such as the Santo-based *Nagramiel* movement led by Jimmy Stevens had also come into being as the issue of land alienation reached a high level of intensity.

Customary tenure prior to European contact

The diversity of cultures within Vanuatu is illustrated by the fact that linguists recognise over one hundred distinct Austronesian languages in the archipelago. There is no evidence to suggest that Vanuatu constituted a distinct community of interest prior to the colonising experience, particularly when we consider that the languages of the southern islands have been grouped with those of nearby New Caledonia (Lynch, 1998). Along with the language differences, anthropologists have observed major

differences in customary practices, particularly leadership systems, in different parts of the archipelago. For example, matrilineal descent systems in parts of northern Vanuatu contrasted with patrilineal societies in the south (e.g. Allen, 1981; Rodman, 1987).

LAND ALIENATION

The principal source of alienation in this case was the French company Société Française des Nouvelles Hébrides (SCFNH, formerly CCNH). The attraction was copra. Prior to the copra period, the early interest of traders was in sandalwood and beche-de-mer (Shineberg, 1967). Because Vanuatu was never formally annexed by either France or Britain, the rivalry between the two colonial powers was ultimately to work to the advantage of those who fought against land alienation.¹ Furthermore the level of alienation was far from uniform across the numerous islands.

Under the 1906 protocol which established the condominium, the validity of deeds established before 1896 could not be questioned, which meant that 300,000 hectares of land which John Higginson² of CCNH had “bought” from other Europeans could not be questioned at all and the 400,000 hectares he “bought” directly from ni-Vanuatu could be challenged with difficulty. This meant that the SCFNH claimed two thirds of Vanuatu (Van Trease, 1987:52). The 1906 convention was slightly modified in 1914, and established a joint court to undertake the formal registration of lands. The Court eventually began its operations in 1928 on Efate; did not reach the northern Islands until the 1960s, and was still dealing with claims in the 1970s. Although the level of alienation reached on Efate in the 1930s was severe (in the region of 75% of the island’s total area), the crawling pace of the claims process meant that in many islands there was no sense of impending land alienation throughout most of the twentieth century, in spite of the enormity of the claims.

Widespread land sales took place in Efate, Santo, and Malekula where some of the traded land was used for copra plantations. Some land was “sold” many times over, but most of the sold land remained under ni-Vanuatu control. The quantities of land traded remained in the understanding of the alienator only, not the indigenous person, until well into the twentieth century. Land struggles were to begin in earnest when

French interests in particular attempted to realise the purchases on the scale they believed they had made. An impetus was provided for the most comprehensive repatriation anywhere in the Pacific, both before and after independence.

Figures provided by Van Trease (1984) and Larmour (1984) show that at independence, approximately 20% of Vanuatu had been formally alienated, including only 3% by the SCFNH. In fact 8% of the total area was owned by “benevolent” interests such as the missions, or was indigenously owned freehold title. The land held for European commercial purposes was little more than 12%.

Whereas every other Pacific country had in some way retained the duality of customary and alienated land upon independence, in Vanuatu the issue of land repatriation was specified in the constitution. All land was to be held under customary tenure from 1980. Such a comprehensive position was made possible because the colonial power whose expatriate population had the greatest stake in the country was not sufficiently in domination, whereas British nationals had insufficient stake in the country to object to the return of all lands.³

Although this was the formal position, the realities of land tenure in Vanuatu differed little from PNG or the Solomon Islands, where the position at independence saw the vast majority of land held in customary tenure. What meaning could be attributed to customary tenure in circumstances where there was a state power overseeing the control of this land? In the past, land tenure was fluid, and subject from time to time to armed conflict in order to resolve rights of control. Now the power of the state would be manifest before land conflict reached such levels. With the added ingredients of cash cropping and trade in currency gradually making inroads into systems of reciprocity, indigenous tenure could not be the same as it was before colonisation.

POST INDEPENDENCE CHALLENGES

The most relevant clauses in the Vanuatu constitution state:

71. *All land in the Republic belongs to the indigenous custom owners and their descendants*

72. *The rules of custom shall form the basis of ownership and use of land in the Republic*

73. *Only indigenous citizens of the Republic who have acquired their land in accordance with a recognised system of land tenure shall have perpetual ownership of their land.*

There was also provision for compensation of alienators for improvements to any land they were required to forfeit as a result of the new constitutional arrangements.

The Vanuatu Government then had the challenge of drafting a law which would give practical implementation to a constitutional arrangement which had removed the “dualism” of alienated and customary tenure found throughout the Pacific, but had yet to show that it could deal with the paradoxical nature of state sponsored customary tenure. There were three key practical issues.

1. Finding solutions for alienated and abandoned land, i.e. what to do with the alienators, both those who stayed and those who had vanished.
2. How to legislate for urban areas and “public” land.
3. Dealing with disputes over land claims *between* customary claimants.

There was in addition the deeper issue of the contradiction between the government’s adoption of a developing, modernising role reflected in other parts of the constitution and its commitment to a paradigm of development based on communities rather than the state (Rodman, 1995, citing Ghai, 1985). The constitutional requirement that all land must return to customary tenure was in something of a collision course with the requirement for modern capitalist development.

The method for dealing with the first and second issues was the same in essence. Leasehold provisions were established which allowed land users, both urban and rural, to pay custom owners for the use of the land. In respect of plantations which had simply been abandoned at independence, a cabinet decision was made in December 1980 to establish a Rural Land Corporation with power to supervise the

running of abandoned plantations until suitable leases could be arranged. The case of Vanuatu was neither the first nor last time that the leasehold mechanism was used to deal with the contradiction between customary tenure and development. By 1984, 120 leases had been signed in rural areas (Russell, 1984:80) and by 1990 leases had been granted over most viable properties (Ward, 1994:101). There were initial difficulties over who could fund compensation for the improvements. The majority of the lease terms were for thirty years, reflecting the compromise nature of the lease provisions, but Ward notes that the most productive farmers were given the opportunity to extend to fifty. Under the 1988 Land Lease Act, different lease categories were defined according to land use and extension of leases to 75 years became prevalent. If the granting of the 30 year lease in the early years of independence was partly in the expectation of a full return of land to customary tenure, the picture on Efate Island at least has disappointed. Farran (2002) notes that approximately one quarter of this island is now under registered leasehold, some 26,000 ha. This figure is almost double the 11,245 ha retained by the French state and the SCFNH after its cession of land to ni-Vanuatu between 1973-6. On Efate the effect of the leasehold arrangements has been to increase rather than diminish land alienation.

Port Vila was declared to be public land at independence, and the Vila Urban Land Corporation (VULCAN) was established to manage it (Connell and Lea, 1993). The revenue from the leases could now go to the people of Fila (Ifira) Island, who had long been in dispute with the condominium as a result of the spread of the urban area onto their lands (Van Trease, 1987). During the 1990s a large lump sum compensation was paid to the Ifira community to enable public ownership of the area inside the Port Vila urban boundaries. The government now collects these rentals which form a significant portion of the government's revenue (Lands Dept information).

MECHANISMS TO RESOLVE TENURE ISSUES

The method to be used in resolving disputes between indigenous landholders was conceptually more challenging. To what extent would court mechanisms be used and to what extent could customary methods be used, remembering that these varied greatly from region to region? There was additionally the practical issue of costs.

Given the way the condominium had struggled to maintain a skeleton staff for one joint court, how could a system of more locally based courts be funded by a newly independent government? In the event, Vanuatu established Island Courts in late 1983. In some cases, the District Agents used by the Condominium disappeared and the local courts appeared in their place.

The courts did not arise from a debate on best practice but in the context of a newly formed government having recently quashed two island rebellions, and there is a view that the establishment of the Island Courts was an exercise in pacification (Larcom, 1990). In similar fashion to the Solomon Islands, it was left to the local courts to determine the basis of their decision making according to “kastom”. There has been a considerable literature, particularly in anthropological discourse, which has tied the notion of *kastom* into the “invention of tradition” discourse (for example, Keesing and Tonkinson, 1982; Rodman, 1995). This can be misleading. It is fair to acknowledge that the *bislama* word has taken on added meaning since independence. However *kastom* and custom are not two contrasting phenomena, neither is *kastom* strictly an invention of the independence movement. There is an awareness throughout the region that customary practices varied greatly, and the growth of the *kastom* concept as distinct from customary or traditional life is multi-faceted and only marginally related to the invention of traditions in European context. What the difficulties experienced by the Island Courts do show clearly is the nature of the paradox of state power being used to enforce customary practice. Joan Larcom (1990) gave one example concerning the Mewun people in South West Bay, Malekula, in which three men were divested of their land because a cousin successfully argued at Island Court level that they were descended from outsiders who had moved in and acquired membership of his ‘clan’ two generations earlier, citing different styles of gong beat used to summon members to gatherings before colonial times. Larcom expressed the paradoxical element succinctly:

The irony of this process of cultural definition is that by encouraging local village courts to decree true custom to distinguish the nation from the west, Vanuatu may unwittingly be replicating the West. By endorsing a museum culture of its own, the nation implicitly challenges a most distinctive aspect of

Vanuatu social life – its emphasis on relationships, creativity, and exchange (Larcom, 1990:188).

Ward (1994) noted a tendency for every decision by Island Courts to be appealed. The courts began to hear cases using centrally trained magistrates and local assessors in the mid-1980s but most of their decisions were appealed to the Supreme Court. So the system of resolving land disputes, far from being one of community based decision making, became normalised as a three stage process beginning with the Island Court and ending up in the Court of Appeal. By the 1990s at least 50% of alienated land still did not have custom ownership determined (Ward's estimate). By the end of the millennium, the overloading of the court system had reached crisis proportions, and a new way of dealing with land disputes was signalled.

The Customary Land Tenure Act

The Customary Land Tenure Act (CLTA) was enacted in 2001. It has received considerable recent scrutiny and a major land summit will have concluded by the time this thesis goes to print.

The CLTA provides for a hierarchy of land tribunals, beginning at village level, then joint village level, then sub-area level, up to island level. In order for the Act to function as intended, every island and every district is required to appoint a land tribunal. The response to the process has been muted, and several islands including Tanna have not appointed any tribunal members at all.

Difficulties with the CLTA are illustrated by this interview with a senior legal advisor to the Government of Vanuatu. I include substantial extracts from this interview because it illustrates the nature of the interface between customary decision making and efforts to involve the state in that decision making process.

Q⁴: What was the rationale for the CLTA?

A: As the 1990s wore on, problems increased. One aspect was that members of the courts were drawn from parts of the islands where the land was not situated and the members of the court were not knowledgeable about the particular custom of the area. That was an issue of principle.

The practical issue was that the appeal decisions were building up in the Supreme Court. It was inundated with work it could not cope with. In 1998 the Chief Justice, when opening sessions at the beginning of the year, said that unless the government provided more judges to hear these cases he would not hear new appeals and the next year with no funding increase he indeed refused to hear any more and the system was brought to a halt.

The Department of Lands consequently thought it needed an alternative to the courts. The question about suitability of the courts was secondary. It was essentially a pragmatic decision.

Q: One thing which struck me about the Act is that it seems to come in right at village level and the chief could be stood aside if he has too many family connections with the people involved. But on Tanna this would rule out every chief from being involved in a land dispute.

A: It was felt best to follow the custom structure so we started at the village, then sub-area, area, and then island; so we started logically at the village.. the chiefs are authorised to appoint members. This gives rise to another question... There are some chiefs who have not wanted cases to go to the tribunal and have just refused to appoint tribunals... and they have stymied the process.

Q: In relation to Tanna ...it seems that if you were trying to resolve a dispute between major (tan)⁵ boundaries then to have an outside body come in at that point would be useful. But if you are *within* your tan, that to have an outside body make judgements cuts across the whole idea of custom roads and the deep customary understandings on the island..

A: What do you mean by an outside body?

Q: Even though the CLT is not a court it still has state authority does it not?

A: The members of the tribunals are taken from *inside* the custom areas.

Q: Could we look at the process, the thinking behind...

A: It seems to us Vanuatu is divided into reasonably distinct custom areas and our thinking was that members from within that area should determine the ownership of land in that area. So therefore at the village level the members of the village tribunal would be drawn from the custom area in which the land is situated. If there is an appeal then the Council of chiefs must appoint people from the area of custom in which the land is situated, and so on to the island. I take issue with the idea that the decision is being made by people from outside. The whole thinking was that it should be people from inside the area

Q: Yes, inside geographically or by family. But the process is from outside.

A: Yes, it is setting up a body different from the chiefs. Many chiefs feel they have been shunted out, but the intention was to allow them to appoint impartial people from within the area. That may mean that there is a different process of decision making, yes, but it should be based upon custom.

Q: There is a popular methodology within development organisations involving more and more village level people participating in research village studies so the research isn't imposed from some elite research perspective But in achieving this participation it is nonetheless true that an alien system is imposed. It is paradoxical.

A: Yes it is. The system is designed to ensure that decisions are made by people who are independent and knowledgeable about custom. That may produce a different decision that would be made by the chiefs. I accept that. Importing, if you like, an outside view about the necessity for impartiality.

Q: It seems there are two strands. One is whether you can actually have someone who is impartial. The other is that the process that is coming in is introducing these terms, like “impartial”. Can you actually get someone who is impartial?

A: This has proved more difficult than we were assured. We were told that there were lots of people who would be impartial;.. a reservoir of local knowledge about custom. It is clear that this is not so.

..I would like to mention Section 6 (of the act) which allows for customary methods resolving disputes to be used. The Act was not intended to remove those. It is perfectly possible for every community in Vanuatu to have its disputes dealt with in the traditional way.

Q: So the tribunal is a fall back?

A: I regard it as a complement. The Act preserves custom. If the traditional system is not working, then there is this other method. But this has not been grasped by a great many people.

Q: Perhaps people are still seeing in the same mindset as the courts?

A: Perhaps. I am very disappointed in comments by chiefs saying the Act must be scrapped, but the Act *preserves* custom.

Q: The difficulty with the court system (*for resolving land issues*) is that once one claimant has entered a claim the effect is a bit like a centrifugal force. Once it gathers momentum it becomes impossible for other claimants not to claim. That legal system will override any alternative they may wish to pursue within custom. Other claimants have no choice but to enter this process. Could this principle of critical mass or centrifugal force apply to the CLTA?

A: Yes it could do I think. To be honest, the problem is they haven't read it carefully. They don't know about the potential under Section 6.

Q: Should Section 6 have been given greater prominence?

A: I agree that this section should have been given greater prominence. I think the training that went out was inadequate.

Q: What about the land summit? Any perceptions on what might happen next?

A: That is on all our minds. I have been very disappointed with the reaction to the CLTA. It hasn't happened the way it was intended to.

(DP, interview, August 2006.)

Vanuatu in 2006 is close to a land impasse. A key to understanding this impasse is to contrast the role of Western Courts with customary approaches to justice. Western courts are based on an adversarial process which tends to involve winners and losers with the right to appeal. According to Joel Simo, author of a recent nationwide study on the response to the CLTA, there is no place in custom for either of these aspects. The role of leaders in customary tenure was to ensure that everyone had land. There was no process of appeals.

Q: Are you sure that, given the many different customary tenure arrangements in Vanuatu, everyone had land?

JS: Yes. I have travelled widely in Vanuatu and familiarised myself with many forms of customary tenure. Yes, everyone had land.

(JS, interview, July 2006.)

The CLTA also follows the court model which favours one party in a land dispute without considering the implications on the losing claimant's family (Simo,2006:25) Concerns are raised in the report as to whether the use of win/lose decisions will solve land problems or create further land problems down the track.

On the one hand, the CLTA brings *kastom* to the forefront for dispute resolution. But on the other hand, the procedure outlined for running a village court is not in accordance with *kastom*; rather it is in accordance with island and magistrate courts. The steps within the CLT are based on outside, rather than *kastom*, thinking (Simo, 2006:26).

From the perspective of those who drafted the Act, the role of the Act is to allow people at village level to access the power of the state and to make land dispute resolution more democratic, without the cumbersome procedure of full court hearings. But equally, it allows the power of the state to be brought to bear at village level, thereby undermining the power of traditional leaders. One must not forget that the resolution of land issues is central to the *raison d'être* for being a chief.

I interviewed Tom Numake, from Tanna and formerly chair of the Vanuatu Council of Chiefs, on the role of the courts in resolving land disputes. He very likely gave a perspective widely held by traditional leaders throughout much of Vanuatu.

Q: What is your view of the court process in land disputes?

TN: To solve land disputes, the land courts, the supreme court, should be abolished with regard to land disputes. It is undermining the authority of the chiefs. It leads to more and more problems. In custom, you have lots of discussion but when the chief makes a decision, it is final. You don't have appeals and more appeals. The chief makes sure everyone has ground.

It is because of money. It is an incentive to use another channel. Crookedness comes in because they see another door. They must claim to get the money. This has to be stopped. Don't allow the courts. Then there will be peace. Otherwise there is only trouble in the future.

(TN, interview, August 2006)

The claim that custom ensured that everyone had land is open to the “invention of tradition” labelling, but the statement needs to be qualified from a different perspective. It makes sense that in peacetime, everyone had ground. In a subsistence society, a person without ground would surely be a source of conflict. However, there was conflict, and the nineteenth century wars on Tanna were particularly destabilising, not only as a result of the introduction of the musket (see Chapter Six).

MECHANISMS TO ALLOW LAND MOBILISATION AND DEVELOPMENT

The lease mechanism, with all its alienating effects, has been the sole instrument of land mobilisation. Vanuatu did not follow in the footsteps of the Solomon Islands and Papua New Guinea when it came to registration schemes for customary land. In 1976, legislation was drafted on the advice of Jim Fleming, briefly land tenure advisor to the New Hebrides (Larmour, 2002) but in the knowledge that independence was nigh with land tenure the central issue this attempt was abandoned. Consequently registration was restricted to alienated land. The initial use of the thirty year leasehold appears as a compromise between the needs of the developer and the promise to return customary land, whereas the preponderance of 75 year leases appears to be a complete triumph for the developer.

The country therefore appears stuck, in the sense that it has the two recognised urban areas with no intention to allow other areas to be urbanised in this way, a significant, unevenly distributed body of land in leasehold, growing on Efate, for the purposes of “development” and a great majority of land in “customary tenure” with no registration mechanism and therefore none of the more creative attempts at development such as those found in East Sepik, PNG. There are, as we will see in the case of Tanna, numerous smallholder developments within customary tenure, but is this enough?

Notes to Chapter 5

¹ Throughout the history of Vanuatu the British power has been cast in the role of the benevolent protector of ni-Vanuatu against the rapacious French. The difference in policies could simply be attributed to the fact that Vanuatu was a place for French settlement, along with its penal colony in New Caledonia, whereas Britain had a penal colony in Australia and had been to considerable expense to settle its “colons” in New Zealand.

² Higginson was an Irish entrepreneur whose activities began in New Caledonia. He used labour from the New Hebrides and when restrictions were imposed on the free flow of labour he switched his attention to the New Hebrides in the hope that the French would colonise both regions allowing a free flow of labour to resume.

³ One of the remarkable features of the Vanuatu constitution was that in 1980, the year of independence in Vanuatu, was also the year of independence in Zimbabwe, where the land was formally allocated approximately 50% customary tenure and 50% freehold. The Vanuatu independence movement, at least in the Anglophone world, was regarded as basically responsible, amicable even, whereas the Zimbabwe liberation movements had been engaged in armed combat with the Smith regime. Yet in the end the majority of the alienated land in Zimbabwe was to remain alienated, and continues to be a major source of political friction in that country.

⁴ Where interviews are shown in this format, ‘Q’ indicates questions asked by myself.

⁵ The meaning of “tan” is explored in chapter 6.

Chapter Six

TANNA

Preface

Tanna Island is the principal focus of my research. In the chapter I have proceeded as follows:

Part I lays the groundwork. Section A provides a brief overview/introduction to the island. In Section B I investigate the nature of land tenure on Tanna, as it is understood by the residents, and the homogeneity of the culture.

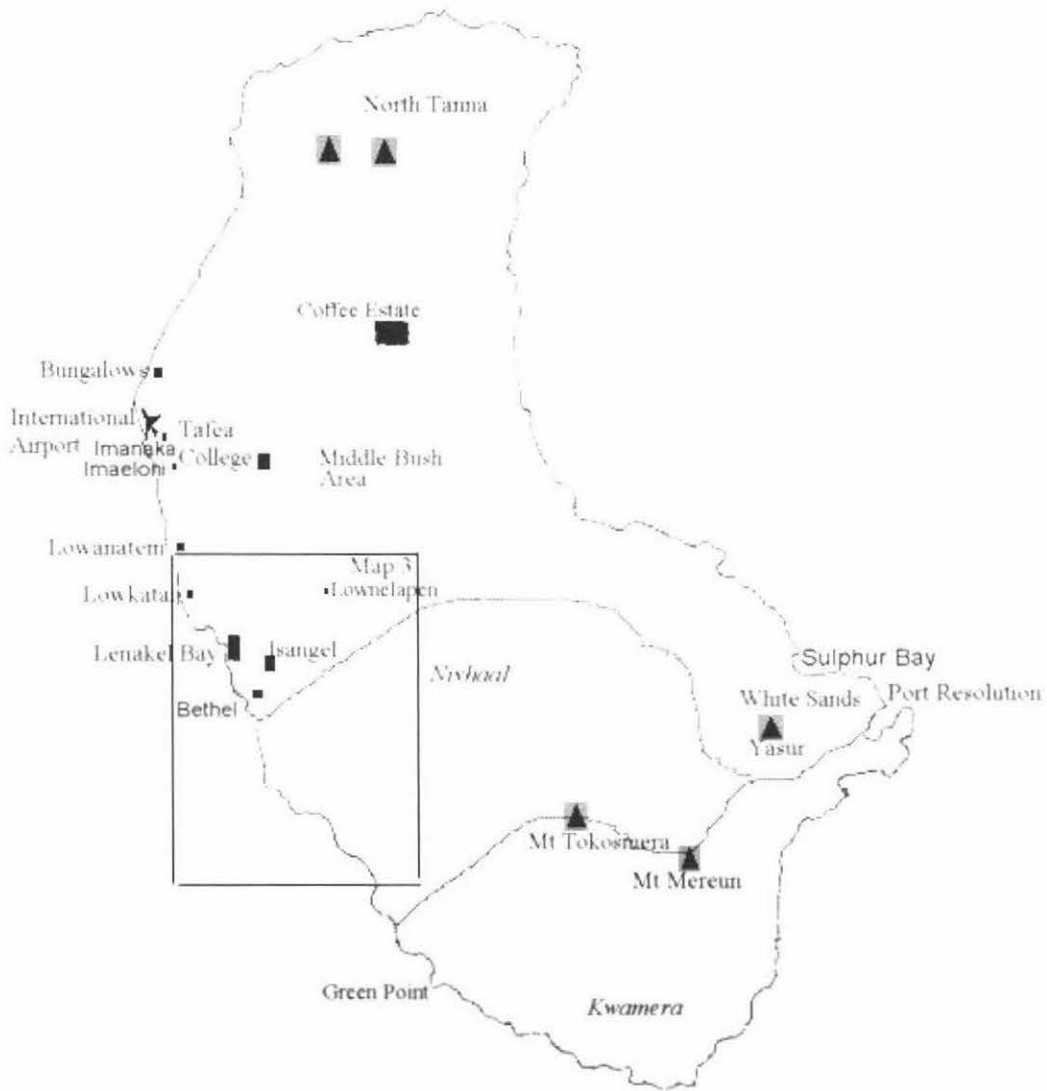
Part II looks at the experience of modernisation and urbanisation on Tanna with some emphasis on quantitative investigation. In Section C, I review the forces for change and modernisation which have impacted on Tanna since the beginnings of the colonial period to the present day. In Section D, I focus on the development of the township of Lenakel within a customary land tenure setting, with a focus on land tenure arrangements. Is it possible for an urban area to fully develop within a customary tenure setting, and what compromises have been made or need to be made to allow this to happen? In Section E, I attempt to quantify key elements in the demand side of the developing cash economy, partly to investigate whether the economy is actually growing and partly to assess where the pressures for growth are coming from.

Part III. In Section F, I review the impact of the developing urban area on those immediate territories of the island which provide land for urbanisation and compete for the benefits. In Section G, on the negative side, I review signs of distress which would suggest that the tenure arrangements are not serving the needs of the people adequately, including urban migration. Finally, in Section H, on the positive side, I review three contributing sectors of the cash economy.

Part I Background

A. TANNA – INTRODUCTORY

Map 1



Map 1 shows Tanna Island with some of the main geographic features and language areas. The name, *Tanna*, dates from the arrival of the English navigator James Cook.

It has been recounted that the on-board naturalist Forster pointed to the ground and asked what the name of the place was, and was in response given the Whitesands word for soil, or earth (Adams, 1984). The three language groupings include *Kwamera*, the language spoken on the far South of the island; a second language group in the Southwest part of the island, of which *Nivhaal* is a principal dialect; and a third language grouping in the middle and northern parts of the island, key dialects being Lenakel, 'White Sands' on the Eastern side, and finally North Tanna. An alternative view would describe the languages separately as Kwamera, South-West (Nivhaal), Whitesands, Lenakel, and North Tanna. There is a high degree of cultural homogeneity throughout the island which tends to over-ride language differences.

Tanna is an island of approximately 550 square kilometres. The mountains *Tokosmera* and *Mereun* rise to over a thousand metres and tend to isolate the southern *kwamera* language group from the rest of the island. The Middle Bush plateau is a large fertile area which supports a people whose dialect is very close to that of Lenakel/West Tanna. Fourteen kilometres north of Lenakel is the new "International" airport, which has in place desks for immigration, quarantine, and customs, in the expectation that one day there will be flights to and from Noumea. Close to the airport on the Western side are tourist bungalows, and inland from the airport is the grazing area known as "White Grass Plains." The far east of the island is dominated by *Yasur*, a volcano which fertilises the island almost daily according to the dictates of wind direction. The north of the island has very rugged contour. The two biggest population centres are the area from Lenakel north to the airport, and the 'Whitesands' area in the vicinity of the volcano and Port Resolution.

The entire island is divided into approximately one hundred territories (anthropologist Guiart (1956) recorded 115). The boundaries between territories are in many cases marked by deep ravines. Within each territory there is a related community of *nakamaal*, speaking and dancing grounds¹ which have a system of seniority determining the customary ceremonies which may or may not take place on each. Each territory supports several villages which tend to be small in size, the majority consisting of extended families with populations of less than one hundred. Villages such as *Ipai* have deep histories which interweave with the mythology of the island, but new villages are formed every year. The Survey Department in Port Vila does not

know how many hundred villages there are on Tanna Island. *Imanaka*, close to the airport and known to tourists as the “John Frum” village, is only 33 years old (TN, personal communication), although it controls the *nakamaal* of *Loanpakel* which is historically significant. At the last census the population was recorded as 25,840, but this should be treated as a ballpark figure. In Tannese terms, village status requires the presence of a *nakamaal*, without which it is only a settlement, and this *nakamaal* will have a history.

The name *Lenakel* translates to “the place where the flying foxes hang” and refers to the place where a large tree shelters the bi-weekly market in the urbanising area in Lenakel Bay. Close to the market is Lenakel Wharf, visited several times a month by the small trading/passenger ships which ply the inter-island trade. This urbanising area was the principal site of my fieldwork.

Brief Mythology

In folklore, people began on Tanna, and the island still shows respect to sacred stones which are linked to these origins. Tannese people recall the period of the *nikokaplalau*, a nomadic time when people walked around the island in search of places to settle. They also recall the *nepro*, the society of equals, a time of great peace, and the arrival of *Mwatikitiki*² who brought a variety of root crops to Tanna in mythological time. In Bonnemaïson’s (1994) account, it was *Mwatikitiki*’s arrival which led to a change in the culture of the island, from the *nepro* to the more stratified *society of the hawk*.

The first society, the *nepro*, implied the sharing of food and an exchange ideology based on equality; it involved the neighbouring or fairly close groups on a small geographical scale. The larger scale of the second society meant much bigger chains of alliance which, covering the entire space of the island, facilitated the diffusion of the *nekowiar ritual* and led to a new aristocratic society associated with the *kweriya* symbol (1994:150).

The precise details are highly contestable, but what divergent accounts agree on and therefore give credence to, is the distinction between key historical epochs, first the

nikokaplalau, the nomadic time, then the *nepro* the time of peaceful co-existence, then the development of what Bonnemaïson refers to as hawk (*kweriya*) society. According to some accounts, the *nekowiar* peace ceremony would have beginnings some time later, but the point Bonnemaïson highlights is that in nepro society such a ceremony was unnecessary.

Early Nineteenth Century Disturbances

Two phenomena, consistently highlighted by most respondents, have been associated with a period of warfare which appeared to reach crisis levels at a time coinciding with the arrival of the first European missionaries:

- **Koyameta* and *Namruken* society;
- **Sipi Manwawa*.

The coming into existence of the two moieties, or brotherhoods, *Koyameta* and *Namruken*, may have been relatively recent, and it is likely that these moieties diffused into Tanna from the neighbouring Polynesian outlier island of Futuna (Lynch and Fakamuria, 1994). The brotherhoods have a deep history on Futuna, and the latest date suggested to me for the arrival of these moieties on Tanna was given as 1842 (RS interview), considerably later than Bonnemaïson's account would suggest (1994:152-155). Other respondents believe the brotherhoods have a much longer history on Tanna. It is possible that both the moieties and the "hawk" society have origins in the westward movement of Polynesians which led to the existence of the sixteen Polynesian outlier communities. I have not been able to establish confidently that the beginnings of the *nekowiar* ceremony, which has the purpose of bringing peace to warring peoples, dates to the beginnings of the brotherhoods, but when men dance the *toka* they will have either black or red face colour to indicate which of the two brotherhoods they belong to. Both moieties are to be found today on every *nakamaal* and it would be untenable to suggest that the fighting was purely and simply a case of *koyameta* fighting *namruken*.

Accounts given by respondents also vary greatly as to the timing of the arrival of the musket (*sipi manwawa*, most agreed, refers to man-of-war ship). Adams' 1984

account of the *Curacoa* affair of 1865³ makes it clear that Tannese were in use of muskets by this time, and they would have begun acquiring them from traders from the 1840s, but not initially in useful numbers or efficiently. Whatever disturbances were taking place in Tannese society at this time, the arrival of the musket, greatly exacerbated and led to considerable population movements.⁴ When the early traders and missionaries established themselves in the Lenakel area in the late nineteenth century, the area was apparently devoid of settlement, as refuge had been found in the higher villages (KM, discussion, August 2006).

B. CUSTOMARY LAND TENURE ON TANNA

Minimal Alienation

Map 2

source: Survey Dept, Vanuatu



The proportion of land alienated on Tanna was considerably smaller than on many islands of Vanuatu, particularly Santo, Efate, and Malekula. Map 2 shows the joint

land court judgements awarded to Europeans in the 1930s, and there is some reason to believe that encroachments by nineteenth century planters did not greatly exceed these areas.⁵ This implies that customary tenure has continued relatively uninterrupted and that the “kastom” of today on Tanna is not as far removed from traditional practices as might have been the case otherwise. However it will be necessary to examine the forces for change in land tenure over the past two hundred years to understand that this continuity is not all that it may seem.

The Tan

According to Iolu Abbil (IA, interview, July 2006), the fundamental territory on Tanna is the *Tan*. In ideal form, the tan will start at the top of the mountain and end at the sea, allowing the people of each tan area to have access to the full variety of land use, including the ability to fish. However, in practice, the tan have followed natural geographical boundaries, particularly the deep ravines (creeks) which meander from shallow beginnings near the top of the mountain ridges and again become shallow near the coast. An understanding of these boundaries is enhanced by standing approximately halfway up the island between mountain and sea, where it is possible to see the manner in which these ravines isolate each ridge, one from the other. “We are a geographically defined people” (KM, discussion, August 2006). Most respondents believe that the Tan has a deep history, pre-dating the kastom story of Semu Semu (Appendix 2). The story of Semu Semu has great significance for how the Tannese people conceptualise their land tenure system, because it was the slaying of Semu Semu, and the distribution of the giant’s body parts to all corners of the island, which created the system of custom names and custom roads which continue to provide the framework for land tenure today. The Tan in the principal study area, which can be seen in Map 3, are *tan Iru*, *Iap*, *Nariakne*, *Letekran*, *Loweniu*, *Isila*, *Imatautu*, and *tan Asul (Nauklamine)*. The word *asul* in West Tanna simply means “very big” and this is a widely used name for the relatively large ground area of *tan asul*. However its correct name in the language of South West Tanna is *Nauklamine*. All other names are shown in West Tanna language. *Nariakne* is not strictly the correct name for this *tan*, although it is widely used. In this case *Nariakne* refers to the people and *Lowelan* the ground.

The language areas of South West Tanna, on the side of Mount Tokosmera, and West Tanna (Lenakel) do not divide neatly at tan boundaries. Figure 1 shows how the languages cross the tan. The higher ‘kastom’ villages of *Loweniuu* and *Isila* speak *Nivhaal* (South-West) while the lower villages speak Lenakel-West Tanna. Moving south, the whole of *Tan Asul* speaks the South-West language. This could call into question the statement that the tan areas are the most fundamental land areas with deep histories, but according to linguist Professor John Lynch (personal communication, August 2006) it only needs one generation for one language speaking group to adopt the language of another. Pita Marcel is a senior *Yeni* of *Loweniuu*. “I have the right to speak *Nivhaal*” (PM, interview, August 2006). He is indicating that the original language of the tan areas of *Loweniuu* and *Isila* are actually the mountain language of South West Tanna. However, Lenakel/West Tanna was the adopted language of the Lenakel mission established in 1896.

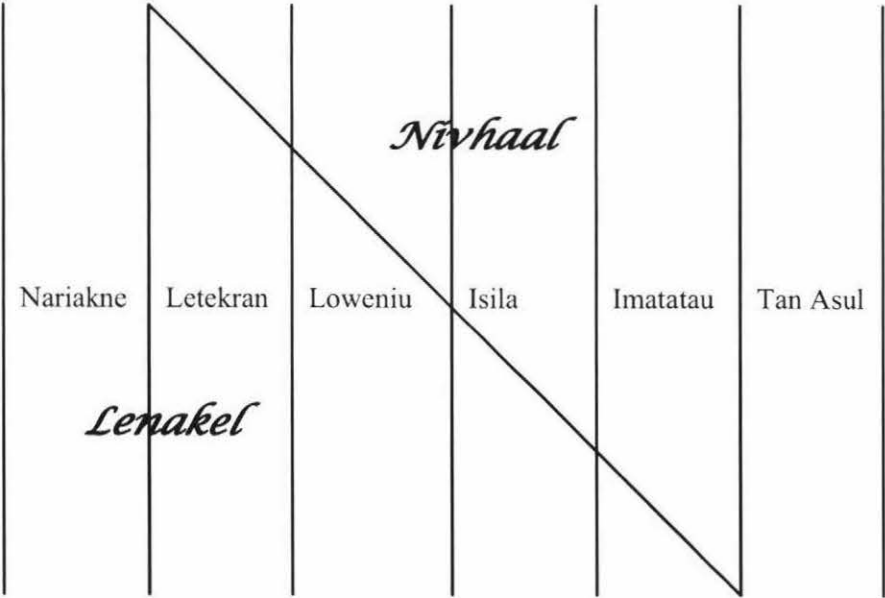
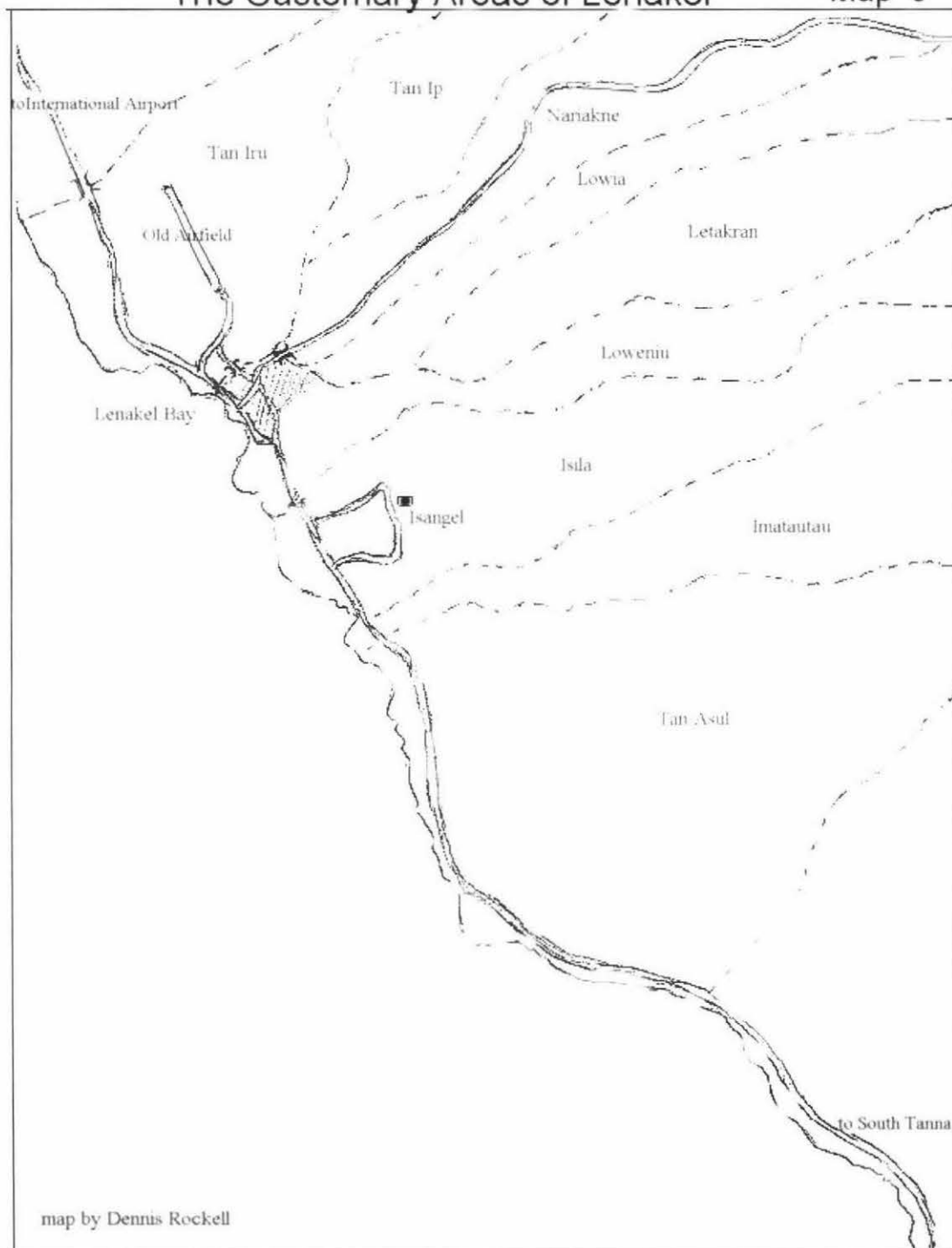


Figure 1. Language Use in Lenakel Area

The Customary Areas of Lenakel

Map 3



Custom Names

Under customary tenure, every male on Tanna has a custom name, which gives lifelong entitlement to a specific area of ground. It is also possible to establish proof of tenure through knowledge, in ways not dissimilar to that noted by Margaret

Rodman in the Longana community of Ambae (Rodman 1984, 1987). This was of particular relevance when, for example, men returned from the sugarcane fields of Queensland in search of their custom land on Tanna. The person seeking to establish credentials to the land would be required to know a story, which they would share with the persons about to be convinced, in the manner of a joint composition (BI discussion, July 2006).

I asked several respondents how names were passed down, and how it would be possible for this system to allow for the many different possible sizes of family. The simple handing down from father to son of a single custom name associated with a single patch of ground would self evidently be unsustainable if every male is to have ground.

Some points to emerge are as follows:

1. The system is more flexible than first it may appear.

I asked IK what would happen in the event that two brothers wished to bequeath ground but one had four girls and the other had four boys. He identified two possibilities

Firstly, the custom name of one brother is given to a younger child of the other; the name is not always passed from father to son.

Secondly, the land of the father may be split to accommodate the needs of more than one child, and in a later generation, land can be recombined (IK, interview, July 2006).

VK described the system as involving a package of available custom names in one family, not all of which are necessarily in use at one time

Although custom names date from the time of Semu Semu, not every custom name has a deep history on Tanna, and there will be minor differences in the practice of

handing down custom names from area to area. An illustration is provided with this conversation:

Statement: My custom name is Moses.

Q: That name could not have arrived on Tanna before 1839? (first missionary arrival)

A: No, that is correct.

Q: So new custom names can be created?

A: Yes.

Q: How would this happen?

A: On the nakamaal.

(RM, discussion, August 2006)

2. There is a strong desire to have male children, and this may be contributing to population pressure

IM believes that one contributing factor to the fast growing population on Tanna is the desire to have male children. This would also imply that adoption is not seen as the first or most desirable option, or as something undertaken without considerable discussion.

3. Adoption is linked to land rights

The term “uncle” is only used, in the case of a male, for mother’s brother, whereas father’s brothers are known as “small father”. Similarly in the case of a female, mother’s sisters are known as “small mummy”. Adoption is common between brothers and sisters with a view to ensuring that custom names can be passed down.

4. The system is under stress.

There is significant urban migration, particularly to the capital Port Vila (see Section G).

The custom name is specific to a definite area of ground but it does not mean that the ground carries the same name. TK explains: “My custom name is Kalewak but the name of the ground is *Loniel*. That is the name of the land that my custom name entitles me to” (TK, interview, August, 2006).

The Nakamaal

It is universally accepted that a traditional village had a *nakaamal*, a large common area in the village, usually sheltered by one or more *nambanga* (banyan) trees. Only a select few are entitled to hold the *nekowiar* (“*toka*”) ceremony, widely regarded as the highest cultural event on Tanna. The nakamaal is primarily a male space, and is used most evenings for the consumption of kava. It is also the place where vital decisions are made concerning land allocation. It is the decision-making process on the nakamaal which allows the element of flexibility in land holding to run smoothly. It remains the practice today for *Yeni* to address the male members of their village, standing in a certain way reminiscent of army officers standing at attention. A good *yeni* will listen carefully to seek a consensus, but has authority to lay down a final decision.

Although new villages are created every year, they are not created just anywhere. CN has recently left his brothers at *Iwarau* to create a new village for himself and his descendants, but the site chosen is not new. It is a traditional village site and has a small nakamaal. Similarly, one of my guides indicated the place where his family was due to move to establish a new village, based on a nakamaal site of historic significance for his family.

Custom Roads

There are five significant pathways (custom roads) running horizontally round the island. Their names are *Kwataran* (by the sea), *Nemalkomai*, *Namhierap*, *Numatakeiu*, and *Nasapel*. Each road runs from nakamaal to nakamaal, the nakamaal acting as a gateway for the conveyance of information. Before the arrival of Europeans, these roads were both physical and metaphysical in character:

Q: Do the roads still exist as real physical pathways?

A: Yes, they are real pathways (TN, discussion, July, 2006).

With the increasing availability of four-wheel drive taxis and some telephone connections, the metaphysical aspects might be seen as having greater significance. A nekowiar ceremony was about to take place in a high village in Loweniu at the conclusion of my fieldwork. Tom Kalewak of Loweniu explained where the proposal for the nekowiar came from within the Loweniu territory, how it was transmitted from nakamaal to nakamaal within the Tan initially, then how the *Namhierap* custom road was used to convey the information to neighbouring tan who would pass it on in turn (TK, interview, August 2006).

The custom roads continue to play a vital role in marriage preparations. This includes Christian marriage preparations, not just custom marriages.

Statement: We still use the custom roads for marriage proposals. In the old days marriages were arranged by passing the message of proposal through the gateways and a message would be returned by the same road, after which a betrothal would be confirmed.

Q: Yes, in the old days. Now you choose your wife and then observe kastom?

A: Yes, that's really what happens now. We still use the kastom roads for the ceremonies (KM, discussion, August 2006).

Patrilocal Society

Customary tenure is patrilocal, whereby upon marriage women move to the villages of their husbands, and it is usual for there to be an exchange of women to retain the size and integrity of the villages. This exchange is not instant. It is one of many cycles of reciprocity. I did not expect the opportunity to speak to many female respondents, but those I did were proud of the system. TN explained this movement in terms of returning home:

When I moved to live with my husband Jimmy, I came back to the village my mother was born in before she moved to the village I was born in (TN, discussion, July 2006).

Another respondent described the arrangement as the source of security for everyone. It contributes to making sure that the land is passed down; that in a subsistence society, everyone has ground. A number of marriage prohibitions have come and gone, but one that clearly is in evidence everywhere on the island is that men do not marry women from the same village. This can be seen as a simple incest prohibition consistent with the adoption of Christianity.

Custom and Change

Since the “invention of tradition” literature gathered momentum in the 1980s (e.g. Hobsbawm and Ranger, 1983; Keesing and Tonkinson, 1982), notions of custom and tradition have been subject to much greater scrutiny than before, particularly with a view to authenticity. What is of interest in assessing the role of customary practices in a modernising context is not whether a tradition was authentic (not “invented”) but whether the activity fulfils the same function, or whether it is in the nature of a cultural event which refers back to a previous time but whose function is a combination of tourism and heritage, for example the changing of the guard at Buckingham Palace in London.

The first point to note is that the Tannese economy still relies heavily on reciprocation and remains predominantly a subsistence economy.⁶ Consequently, the act of reciprocation is at least as important as the use of money as legal tender, and most ceremonial activities are interlinked with reciprocation.⁷ Therefore the numerous circumcision, yam harvest, even nekowiari ceremonies cannot be dismissed as mere tourist events or mere ceremonies.⁸ They remain connected to the basic need for survival in a very material way. Large quantities of yams, pig, and kava are passed from the villages where they are grown to the recipient village hosting the ceremonies. However, whereas at one time the custom roads were the only way of both moving and transporting information round the island, most islanders now have

access to telephones, a few to computers and most of the villages on the island are four-wheel drive accessible.

I asked several respondents about the importance of using the custom roads. These questions bear on the deep-seated feelings that the Tannese still have on these matters.

One respondent related how a nearby chief had organised a circumcision ceremony for his grandson without using the custom roads. He had gone straight to the village of his daughter-in-law instead of sending a message to the first nakamaal on the Kwataran road, from where it would be relayed to the village concerned. I noted the very intense emotion with which she related this tale, in sharp contrast to several hours of placid or good humoured discussion. Later that day I visited the village where the ceremony took place, and was able to observe the very large pile of yams resulting from the ceremony, so the failure to use the road had not prevented the ceremony from taking place. On another occasion, I was present at the funeral of a friend's wife, whose body was decomposing badly as a result of cancer. It was usual for visiting villages to come via custom roads, not just to take the shortest route to the funeral. A very important village, whose families were closely related to the deceased, arrived too late to witness the actual burial, and were demonstrably angry.⁹ They had followed protocol, which in this instance had been broken by the hosts because of the deteriorating state of the body.

I asked VK and IM whether it would be possible to organise a toka (nekowiar) ceremony without using the custom roads, pointing out that the event had become a tourist attraction and this may create pressure to have it organised for a specific calendar time well in advance. These respondents were adamant that it would be impossible to organise a nekowiar ceremony without the use of the custom roads.

Another conversation took place while KM was guiding me through Loweniu territory. He is from Nariakne. I observed that every time we met people, he gave a very full explanation as to why we were in Loweniu territory (to meet one of the *Yeni*).¹⁰

Q: Do you feel any different now we are walking in someone else's tan?

A: Yes (emphatically). I feel I have to justify where I am going, why I am here. It is not so hard in Loweniu because my mother is from here. Especially as we get close to *Loanapkaioaio*. Here I am allowed to take anything.*

(KM, discussion, August 2006)

*he was referring to his mother's birth village.

At one time an adequate explanation for one's presence in another tan may have been life-saving. Although that no longer holds, there is still a very definite understanding of appropriate behaviour outside one's own territory. However, there are some *de facto* public spaces, and the streets of Lenakel, the *de facto* urban area, confer equal rights to all for the purpose of transit.

Most villages on Tanna would be described as multi-denominational, but there are some which are of one denomination only. For example there are a number of Seventh Day Adventist (SDA) villages, noted reasonably by Bonnemaïson as "impeccably clean villages, modern concrete houses ordered around a central lawn"(1994:78). Furthermore, the Seventh Day Adventist denomination, more than any other, forbids many practices associated with customary life. One such village is Bethel. I asked DK from Bethel if it was possible to forgo, for example, the eating of pork and remain part of the island networks.

Yes, suppose a boy from SDA village has made a problem like having an affair with a girl in another custom village. SDA does not touch pig and kava, but the custom chief will say that boy from SDA must find a pig and kava, and we must fulfil this fine...but suppose that one custom boy has an affair with a girl inside SDA village, church will not make a fine, just must say SORRY. That is enough (DK, interview, July 2006).

Adherents of the SDA church continue to follow the strict requirements of the church regarding a very full spectrum of human activity. Yet it has been possible for the SDA villages to flourish, because they will fulfil customary requirements in their interactions with other villages, and enable the customary networks to remain open.

To summarise, the material basis for 'kastom' on Tanna is changing, but customary tenure and practice is still the dominant force on Tanna. Customary practice has been flexible to accommodate Christianity and modern technologies, but there are key aspects of custom which unite the island. The people of Tanna remain connected in a very specific way which over-rides language and religious differences. They have a unified understanding of belonging to a *tan*-based network connected by the custom roads for which the *nakamaal* act as nodal points. The system of patrilineal land holdings and patrilocal residence has mellowed to allow choice of partner for many, but the patrilocal village structure remains intact.

Figure 2 shows a model of Tanna customary tenure in ideal form, the *nakamaal* acting as nodal points for the custom roads, the *Tan* reaching from ridgetop to ocean. There is a more complex reality.

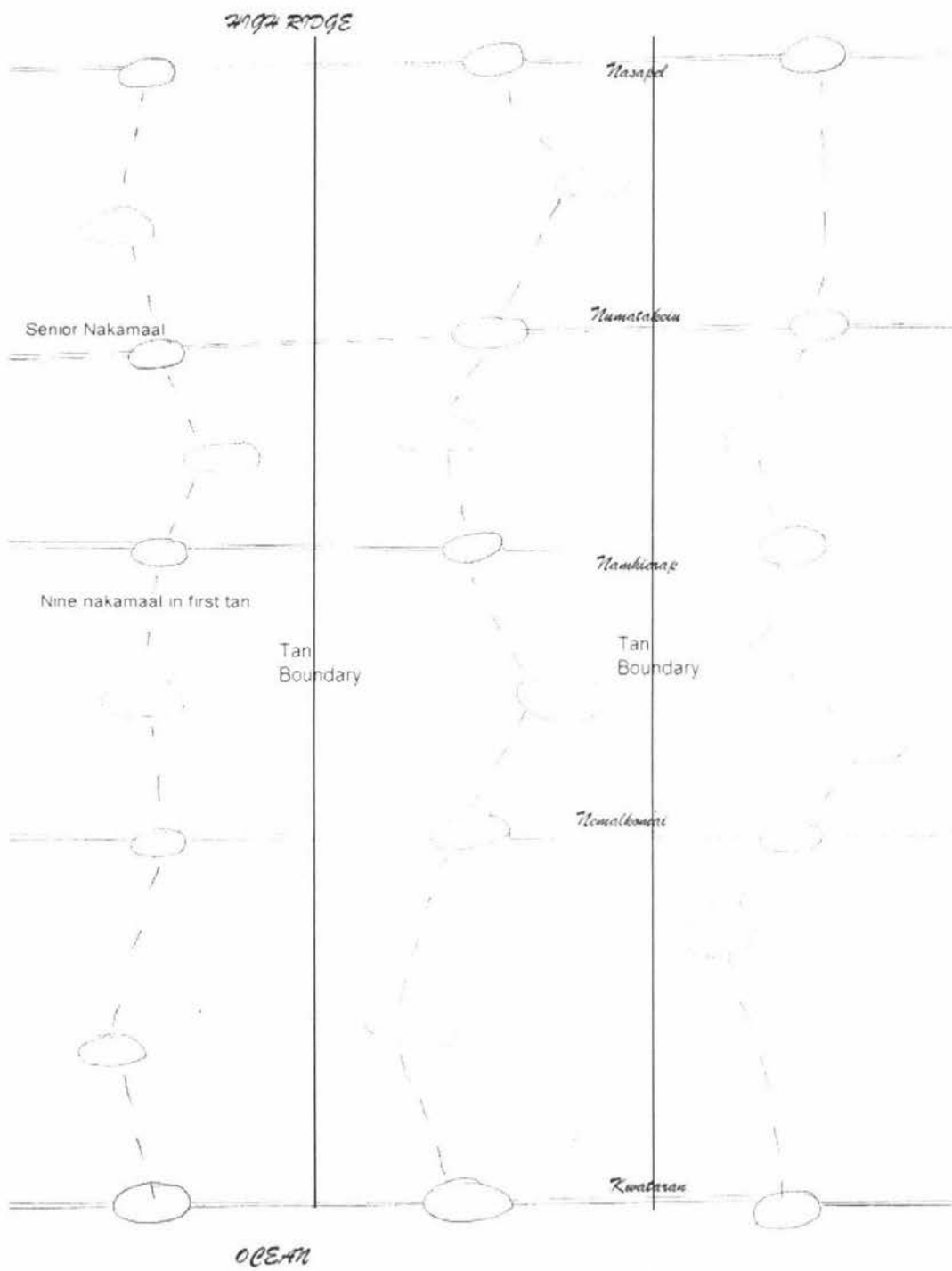


Figure 2. Customary Tenure in Ideal Form

Part II An Investigation of Modernisation and Urbanisation on Tanna

C. FORCES FOR CHANGE

Nineteenth Century Influences

Missionary influences

Christian evangelisation began in the southern part of Vanuatu from 1839, and the Presbyterian Mission was established at Lenakel in 1896. In the absence of formal annexation by the French or English, the Presbyterian mission, which had seen its role from the beginning as not only a conversion of minds but also complete control of the lives of the Tannese, established from early in the twentieth century “mission law” (a.k.a. Tanna Law), effectively a set of rules by which Tannese must live, including the worship of the Sabbath and the relinquishment of many worldly pleasures, particularly the consumption of kava. Early in the twentieth century, higher inland villages became almost deserted as islanders moved to ‘mission villages’ closer to the sea. One such village was *Isini*¹¹ which continues to be the residence area for most of Loweniu nearer the coast.

By the 1930s, approximately two thirds of the island’s population accepted Presbyterian “truth statements” (Lindstrom, 1990:39). Converts to Presbyterianism set up courts, presided over by Christian “chiefs” (Brunton, 1981:367). The islanders’ entire culture was under threat of extinction, and newly established converts treated “pagans” with a vicious cruelty beyond what the missions would have sanctioned.

The eventual response of the Tannese to the restrictive control of the church came in the form of the John Frum movement, which began in the late 1930s prior to the arrival of any American “cargo cult” influences.¹² The movement can reasonably be viewed as a nationalist response to mission law, but it has been argued (Brunton, 1981) that the restrictions applied by mission law had one key effect, which was to prevent the exchange of women through the custom roads. The immediate effect of the John Frum movement was to re-introduce to Tanna Islanders the practice of kava

drinking, the exchange of women, and traditional dancing. By 1941, mass arrests began of the perceived leaders of the John Frum movement. The headquarters of the movement then shifted to *Ipeukel*, close to the volcano, where it remains to this day. The Jon Frum movement was both a rebellion against Tanna Law and a geographical migration. "My people then abandoned the lower villages. Jon told them to return to custom" (KM, discussion, August, 2006). It was not merely a return to customary practices but a return to higher villages. To this day, a number of higher villages, known to tourists and many islanders as 'kastom villages' continue to reject formal state education, and in some cases wear traditional attire, at least for tourist purposes. Conversely, the village of Imanaka, close to the airport and known to tourists as the Jon Frum village on the West side of the island, boasts an approximate 90% school attendance rate (TN, discussion, July 2006).

The drift back to Christianity, reported by Brunton (1981) to have reached 20% of Tanna Islanders by 1967, was on very different terms. There are now many denominations of Christianity jostling for dominance on Tanna, and very few impose behavioural rigidities.

Labour Recruitment

The combined effect of European diseases and labour recruitment depleted the Tannese population by nearly 50% between the 1860s and 1930s (Brunton, 1981:366). There were two major sources of labour out-migration from Tanna. The first of these, from which the Tannese suffered along with the entire Vanuatu population, was the recruitment of labour for the cane fields of Queensland and Fiji, which involved the practice of blackbirding.¹³ Not all indentured labourers were taken by force, but capture by force or trickery was commonplace. (Docker, 1970; Bird, 2005). Lindstrom (1990) notes that an estimated 4,244 Tannese from 1863 until 1904 were recruited for Queensland plantations.

The second destination was New Caledonia. It is an overnight journey by ship from Tanna to Noumea, and Tannese featured strongly among the estimated 3,000 ni-Vanuatu who were working in New Caledonia by the mid 1890s (Natuman, 1984).

Connections between family members in Tanna, New Caledonia and Queensland have continued to this day, and enhance the worldly awareness of the Tannese.

Traders and Planters

Traders began to settle in the Port Resolution area from the 1840s onwards. There are known to have been traders/planters in the Lenakel area from the early 1860s, one of whom was the notorious blackbirder, Ross Lewin who experimented with coffee and cotton (Adams, 1984:171). Other planters attempted to settle, but only Lewin and another trader named Morrison stayed for any length of time. As time went on, much of the Anglo/French rivalry in the Pacific was carried out by proxy, in the missions between French Catholics and English-speaking Protestants, and in trade and commerce between two companies which dominated affairs, SCNFH for the French and the Australian company, Burns Philp. Burns Philp was formed as a mercantile shipping company in 1883 and became engaged in copra production on Tanna early in the twentieth century.

Twentieth Century Influences

The combined effects of missionary pressure, money earned on indentured labour, and some wage employment on earlier plantations, plus considerable geographical movement from the destabilising skirmishes of the nineteenth century, meant that life had already changed greatly for the people of Tanna by mid-twentieth century. By 1940, Tannese people were well acquainted with the use of cash, and Guiart recounts how the early days of the John Frum movement saw en masse the exorcising of cash, either by spending it in European shops or simply throwing it into the sea (Guiart, 1952:166).

The Cooperative Movement

One trader/entrepreneur made such an impact on the island that he is still remembered throughout Tanna as “Master Paul”. Bob Paul arrived in the 1950s and left at independence. In the nearly thirty years of his residence, he imported cattle and horses, began the country’s first airline, established tourism on Tanna (Douglas,

1996), created numerous John Frum myths for tourists (Lindstrom,1993), and ran a substantial trading store at Lenakel, which was later to become Tafea Co-op, which remains the leading trade store in the developing urban centre.

Cooperatives were officially established country-wide in 1962 and by independence the total value of produce marketed in this way was A\$3.3million (Ponter, 2002). There were at this time 25 co-ops in Tafea Province, the majority on Tanna Island. Shortly after independence these co-operatives jointly purchased from Russell Paul, son of Bob Paul, the trading store at Lenakel, forming Tafea Co-op which remains the largest store in Lenakel today. Each of the 25 co-ops is a shareholder, and each co-op has its own village-level individual shareholders. This model has been adopted by some other stores not formally part of the co-op movement.

Christian Education

The later part of the twentieth century has seen the growth of numerous denominations of Christianity in addition to the established Presbyterian, Catholic and Seventh Day Adventist missions, as well as a small interest in Islam and wider variants of monotheism such as the Bahai faith. All of these sects promote education as desirable and some are directly involved in education provision, although the majority come within the state systems of French and English instruction. Three aspects of change on Tanna are visible here; first, the growing literacy rate; second, the change which is portended in the status of women on the island; and third, the need for cash to pay school fees. It is this third issue which applies the most obvious pressure for the development of a cash economy (see section E). Many cash cropping projects are directly linked to the need for school fees (see section H).

At independence in 1980, there was no secondary education on Tanna Island. There were a small number of primary education outlets and a few chosen students would succeed in going to secondary school at Malapoa College in Port Vila. Since independence, the growth of literacy and secondary education has been dramatic. One reason for this is that there has been a willingness on the part of donor agencies to fund secondary education establishments, to assist in the training of teachers, and to provide volunteer teachers in the early stages of development. Another is that the

Vanuaku Party which formed the first independent government was mission-influenced to the extent that the country is constitutionally Christian, not secular, although there is tolerance of other religions. Consequently, the style of educational delivery at this level has been in English and French with a Christian emphasis, regardless of whether the school is a state school such as Tafea College or a Presbyterian School such as Lenakel Junior Secondary School.

It is important to understand the development of education not only in terms of student numbers (see section E) but also in terms of the values it represents. The initial impetus of the Jon Frum movement was to reject things “Western” and to return to kastom. The Jon Frum movement was the third movement of people in terms of physical geography, the first being the movement to the interior to escape the ravages of the musket wars, the second the movement down to the coastal areas to mission villages, the third to move away from these villages to custom villages higher inland. The return to education can be seen as a fourth movement, but without the same sudden movement of people. As the denominational options have increased, Christian proselytising has continued unabated but with a more flexible message and communities have returned to their perceived traditional villages. It is a synthesis of religion and customary ways, but with vital elements of custom such as the custom roads intact. With education now perceived as more “custom friendly”, islanders see the potential for improved standards of living through education, but experience the pressures of having to work harder than before to find money to pay school fees.¹⁴

Participation in Global Travel and Cultural Practice

The development of Port Vila in Efate subsequent to World War II provided a further, now primary, destination for Tannese migration. Travel to Australia and New Caledonia began with the labour recruitment of the nineteenth century. More recently, people from Tanna have found work in countries such as New Zealand, education in New Zealand, Papua New Guinea, and further afield. The most distant case of migration reported to me was Sweden. Consequently the people of Tanna are aware of the different possibilities the world offers.

Ni-Vanuatu take part in several sport and cultural mediums in the Pacific. Association Football has had a major impact on the entire country, not only Tanna, as a unifying force for nationhood.¹⁵ Several leagues run on Tanna and the sport is all year round. Events such as the FIFA world cup are followed with intense interest throughout the island.¹⁶

Recent Developments

Planned Modernity: Electrification

Prior to the twenty-first century, the only form of power generation on Tanna Island was the small local generator. The French company UNELCO, which has operated in Vanuatu since 1939, undertook to build a 24-hour electricity scheme in the Lenakel area which was completed in 2002. Observable changes include the use of freezers in Lenakel stores, the sale of ice creams and the beginnings of a trade in electrically driven appliances and tools.

According to Denny Kaio of Bethel village, the rhythms of the village have changed:

We used to get up at 4am and go to bed soon after dark. Now we stay up later because of the light and we don't get up until about 6am (DK, interview, July 2006).

Another respondent from Imanaka village, which would receive power from the next phase of the project were the line to be extended to the airport (there are no plans at present) expresses concern at what might be lost in the event of electricity:

We still eat by the firelight and tell custom stories and we could lose all these things (TN, discussion, July 2006).

The generators for the electrification are housed in a compound which is under a formal lease agreement between UNELCO and two named persons of *Lenualu* village in Tan Iru, this being the more straightforward part of the project. The lines run alongside the road which goes from the airport to Lenakel and is the widest road on

Tanna Island, but is not on a public reserve. When the power scheme was constructed, UNELCO separately negotiated with each family having land rights to the roadside.

According to UNELCO CEO John Chaniel, this was more difficult than any other construction operation in his experience. “The greatest difficulty we encountered was in finding out who the custom owner was in many instances” (JC, interview, July 2006). The company would sign a brief legal document, and then wait to see if any other claimants emerged. Frequently they did. The legal documents are not land leases but a form of easement.

Although the manager expressed a degree of frustration at the complexities of building electric lines over customary title, he nonetheless concluded this section of the interview with the comment: “It is difficult but not impossible. We’ve done it. There is electricity” (JC, interview, July 2006).

There are no plans, however, to extend the electrification of Tanna, mainly because there has been minimal growth in electricity usage between 2002 and 2006 (UNELCO sources). The scheme relies on the use of pre-paid meters which compete for limited cash with other developments.

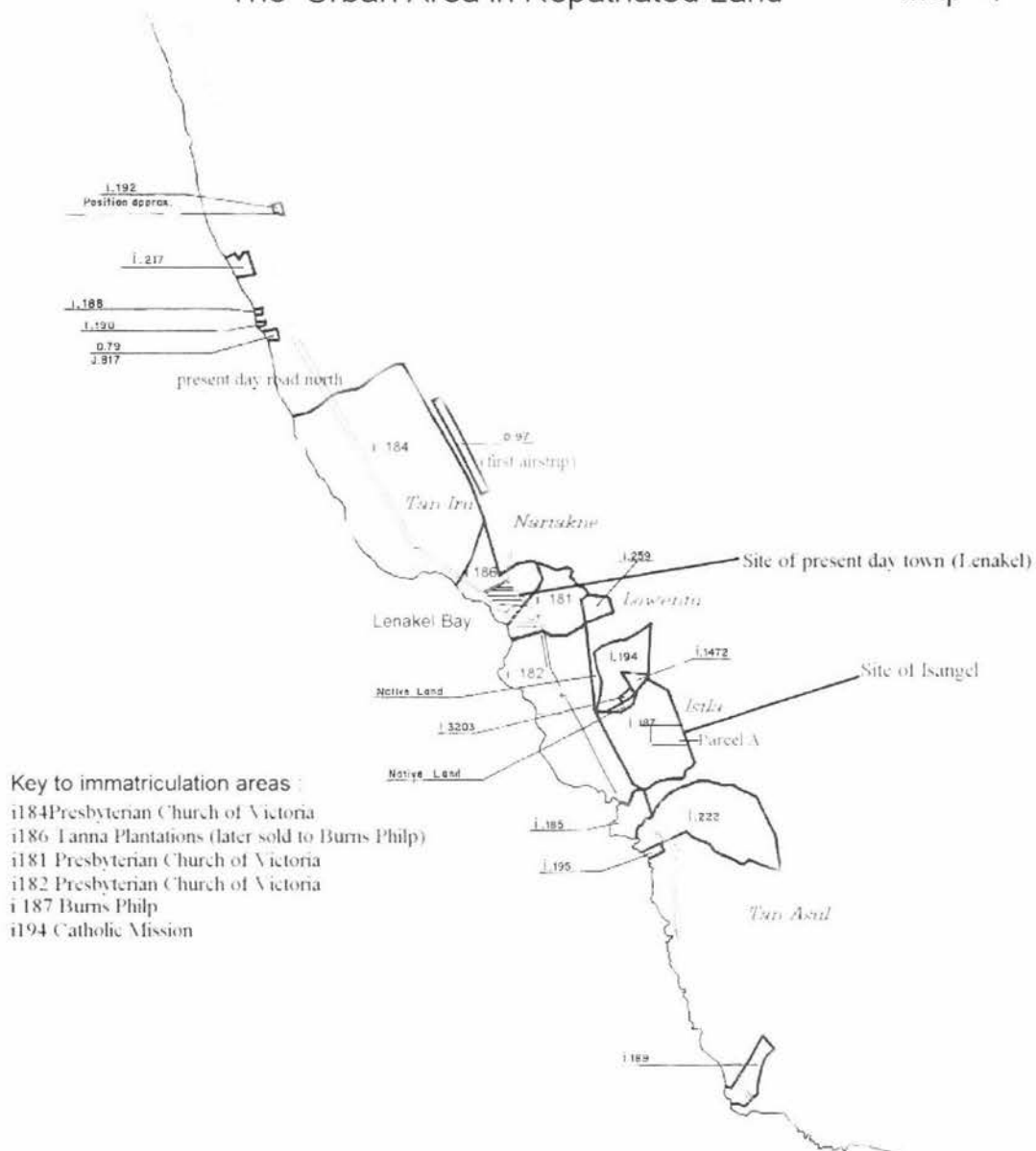
Tourism

There has been a rapid increase in the number of tourist bungalows in operation on Tanna since the late 1990s (see section H). Tourism has a dual effect as a force for and against change. Part of the attraction for tourists is a visit to “kastom villages”, hence that part of the island’s fabric which acts as bait for tourists is under some pressure to maintain at least the appearance of a customary way of life.

D. URBANISATION AND CUSTOMARY TENURE

The Urban Area in Repatriated Land

Map 4



Map 4 shows the area adjacent to Lenakel Bay as awarded by the Joint Court in 1933 (source: Lands Registry, Port Vila). Lenakel town is found inside the areas shown as i.181 and i.186. At independence, the majority of immatriculation (registration) areas simply collapsed into customary title (Lands Department information).

The Presbyterian Church of Vanuatu¹⁷ made no attempt to retain its holdings following independence with the result that the area i.181 became subject to a protracted land dispute, not in this case over who was eligible for lease revenue but over who had control of the urbanising area. At the time of my fieldwork the case was due to be heard by the Island Court. The Church continues to hold rights of usufruct to the land supporting Lenakel Junior Secondary School and the historic church site (see Map 5).

Block i.187 was leased from Burns Philp by Bob Paul from 1955 until approximately independence. Within this block in Isila is the township of Isangel, the administrative centre of Tanna throughout the condominium occupation, now the location of the Provincial Office, the police force and other government buildings. A land deal in 1973 saw the transfer of the lease of "Parcel A" of block 187 (14 ha being about one quarter of the total block) from Bob Paul to the condominium in order to allow for the official presence of the administrative centre of Isangel. In 1974, this block (along with all Burns Philp property in Vanuatu) was, under the terms of an agreement made between Burns Philp and the Australian government in 1902, conveyed to the newly formed Lands Trust Board, which continued to honour the BP leases until independence (Ballard, 1976; Stober, 1984).

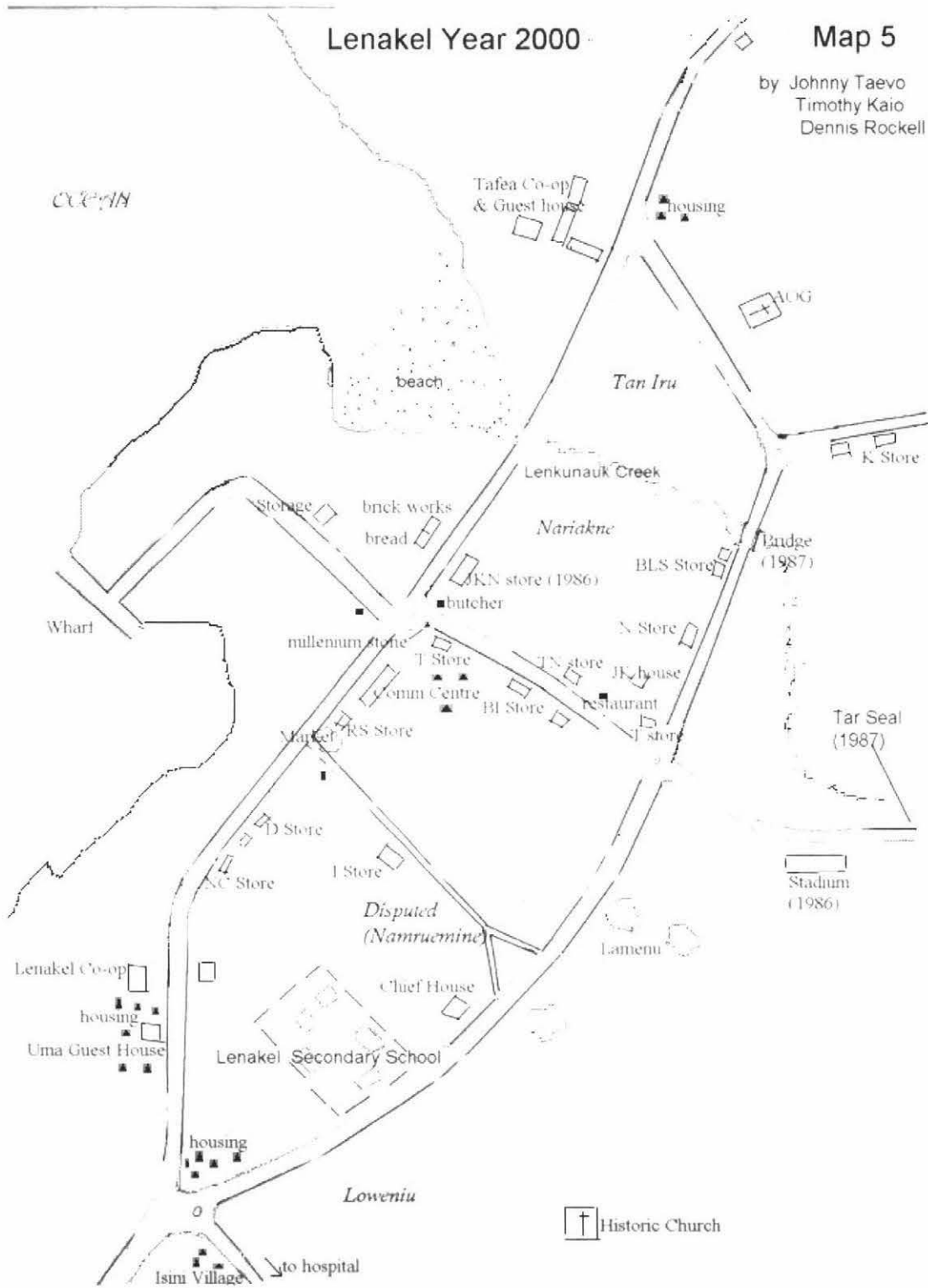
The bay had a natural deep water port (since filled by landslides and replaced by the Japanese funded jetty in the 1980s), used earlier in the twentieth century for the export of copra. The public accessways awarded in the joint court judgements of 1933 provided the positions for the streets of today, even though there is no legally constituted public corridor.

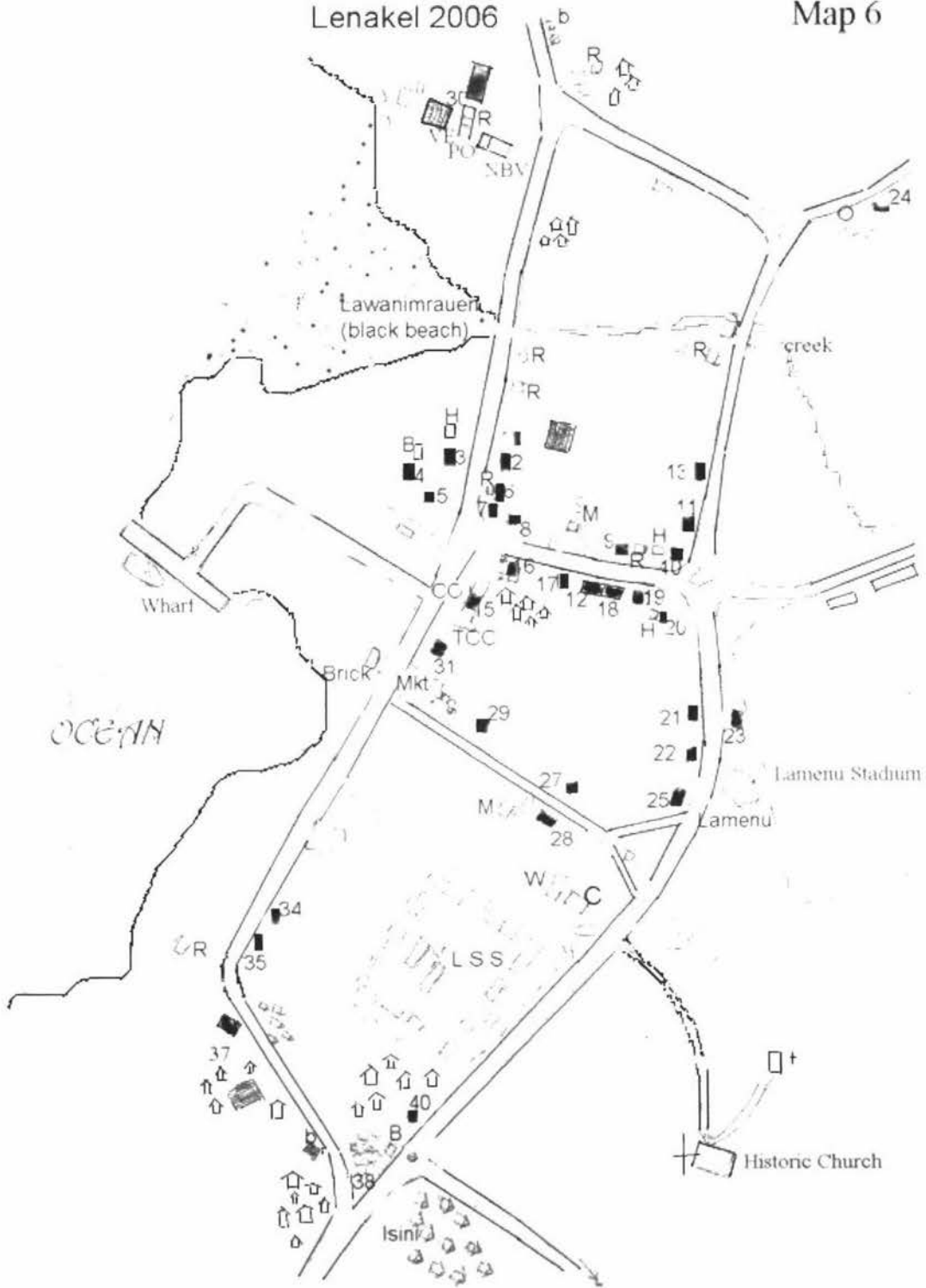
At independence (1980) Lenakel was not recognisable as an urban area. The only non-residential buildings were the Tafea Cooperative, the Lenakel Co-op, the store noted as #2 in Map 6, some docks, a small government commercial centre, and the original Presbyterian church and primary school.¹⁸ Map 5 shows Lenakel in the year 2000, at the turn of the millennium and just prior to the development of twenty-four hour electricity, and Map 6 shows Lenakel in 2006. There was approximately a threefold increase in the number of businesses between 2000 and 2006.

Lenakel Year 2000

Map 5

by Johnny Taevo
Timothy Kaio
Dennis Rockell





Key to Map 6:

| | |
|---------------|---|
| 1-40 | General Stores |
| R | Small restaurants, normally 200vt per meal |
| ✝ | Church buildings, historic Presbyterian mission site |
| M | Mechanics |
| 🏠 | Guest houses |
| ↑ | Residential housing |
| H | Hardware |
| b | Small butcher outlets |
| B | Bakery outlets |
| C | Chief's centre |
| W | Women's centre |
| Brick | Lenakel Blocks Company |
| CO | Custom's office |
| Mkt | Market place beside market house |
| CS | Craft Store |
| TCC | Tafea Commercial Centre |
| LSS | Lenakel Secondary School |
| NBV | National Bank of Vanuatu |
| PO | Post Office |
| VO | Air Vanuatu |
| O | Origin Energy – gas |
| VE | Video Easy |
| Lamenu | Site of historic nakamaal |
| Isini | Full village of Isini; other housing is settlement only |

The Physical Planning Act

Two towns in Vanuatu (Port Vila and Luganville) are covered by the Urban Land Act, however other “urbanising” areas are covered by the Physical Planning Act of 1987. Lenakel has not yet been subject to the Physical Planning Act. Tanna has a town (Lenakel) without a plan and two plans without a town. One of these, at *Imaelone*,

four kilometres south of the Whitegrass International Airport, has now passed through most stages of the Physical Planning Act. This plan is shown in Fig.3. which shows zones for light industrial, high class residential accommodation, and so on. The villagers I spoke to in Imaelone are very serious about their plan, but the only evidence of the existence of this planned urban area is the stone (pictured below) laid in 1997 next to the Tafea College turnoff. The entire planned urban area is within the land of Imaelone. There is no requirement under the Physical Planning Act to change tenure.



Image 1. A commemorative stone announces the urban plan of Fig.3

Attitudes towards the use of the Physical Planning Act are in two distinct camps in Lenakel. Many respondents believe that the use of the Act for Lenakel is necessary and will be possible when current land disputes are settled. However, there are those such as Steven who fear that the use of the Act will begin a cycle of land alienation all over again.

“I don’t like the Physical Planning Act. The expatriates will get it back all over again. After 75 years, I will never purchase the land back. Under custom lease, I give pigs and kava and use the land... In Efate, all the land is gone” (SI, interview, August

2006). Although Steven appears to confuse the Physical Planning Act with leasehold legislation, his perception that government involvement in controlling the town is threatening is liable to be shared by others.

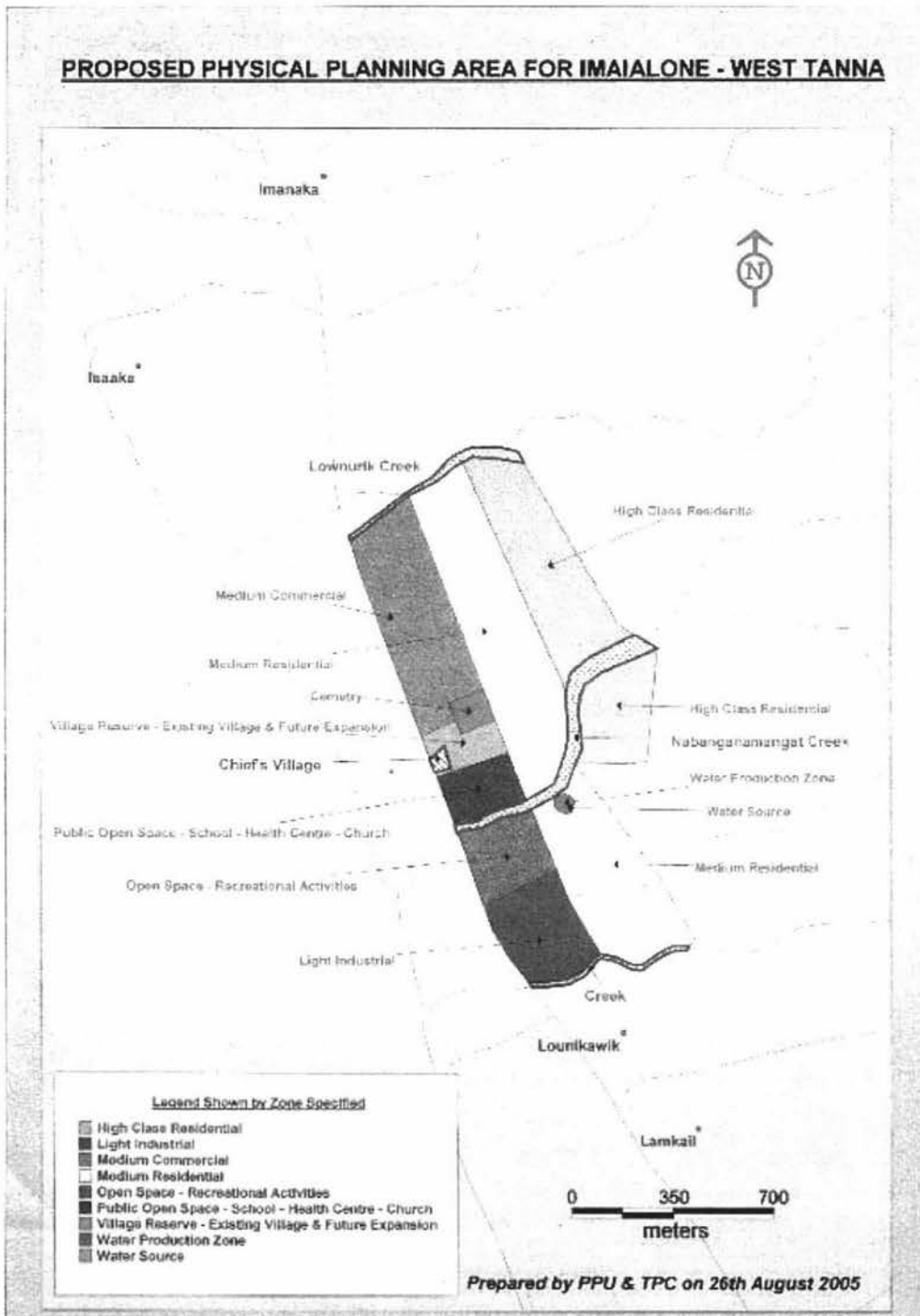


Figure 3. The Urban Plan of Imaialone

Businesses of Lenakel and Associated Land Use Agreements

Lenakel has become the commercial centre for Tanna Island (neighbouring Isangel was home to the Postal Service and Banking Service until 2003). There are over fifty businesses, but almost all fit the description of “general store”. Map 6 shows the distribution of these stores and other businesses using a numbering system from #1 to #40.¹⁹ Map 5 shows the most keenly disputed area between tan, and a comparison with Map 6 shows that very few businesses have developed in the most strongly disputed area. Of particular interest was the relationship between store owner and land owner. Table 6.1 shows the details of the land use agreements for each of the numbered stores in Lenakel.

Table 6.1 Land Tenure Arrangements for Lenakel Stores

| STORE | TAN AREA | OWNER FROM | RENT | COMMENT |
|-------|----------|----------------------|------|--|
| #1 | Nariakne | Imaen, Nariakne | no | Privately owned |
| #2 | Nariakne | Lowliuliu, Nariakne | no | Village dividends |
| #3 | Nariakne | Lownelapen, Nariakne | no | Private, part wholesale |
| #4 | Nariakne | Lownelapen, Nariakne | no | Private |
| #5 | Nariakne | Imaen, Nariakne | yes | Business owner rents building |
| #6 | Nariakne | Lownelapen, Nariakne | no | Privately owned |
| #7 | Nariakne | Co-op Society | yes | Society rents building |
| #8 | Nariakne | Imaen, Nariakne | no | Probably village dividends |
| #9 | Nariakne | Imaen, Nariakne | no | Trying more clothing, hardware |
| #10 | Nariakne | White Sands | yes | Monthly rental paid by village community |
| #11 | Nariakne | South Tanna | yes | Building owner is Nariakne |
| #12 | Nariakne | Lownelapen, Nariakne | no | Privately owned |
| #13 | Nariakne | Imaen, Nariakne | no | Private |
| #14 | Nariakne | Lownelapen, Nariakne | no | Closing |
| #15 | Nariakne | Lownelapen, Nariakne | yes* | See note |
| #16 | Nariakne | Port Resolution | yes | Community enterprise |
| #17 | Nariakne | White Sands | yes | Private business |
| #18 | Nariakne | Lownelapen, Nariakne | no | |
| #19 | Nariakne | Lownelapen, Nariakne | no | Private |
| #20 | Nariakne | Lenmawut, Nariakne | no | Community involves three villages |

| | | | | |
|--------|------------|-----------------------|-----|-----------------------------|
| #21 | Nariakne | Lenmawut, Nariakne | no | Cement as sideline |
| #22 | Nariakne | Lenmawut, Nariakne | no | Private |
| #23 | Nariakne | Lownelapen | no | Now mainly clothing, ** |
| #24 | Tan Iru | Loenikau, Imiamsimi | no | |
| #25 | Nariakne | Nauiline, Middle Bush | no | |
| #27 | Nariakne | Lenmawut, Nariakne | no | Wholesale for #20 |
| #28 | Disputed | Nauiline, Middle Bush | no | Rent likely upon resolution |
| #29 | Nariakne | Lenmawut, Nariakne | no | Private |
| #30 | Tan Iru | Co-op Society | N.A | Formal lease within Iru |
| #31 | Nariakne | Co-op Society | yes | Building owner in Nariakne |
| #34 | Namruimine | Lowun, Letekran | no | Private |
| #35 | Namruimine | Unknown | yes | Closing, now phonecards |
| #37 | Loweniu | Co-op Society | no | One of the earlier co-ops |
| #38a&b | Loweniu | Middle Bush | no | St 'b' open nights-alcohol |
| #40 | Disputed | Waisisi | no | Rental on resolution |

* This store is in the Commercial Centre which has a formal land lease.

** At this time, the owner is one of only two female store owners in Lenakel.

Analysis of Stores

Of 35 general stores in Lenakel town:

| | |
|------------------------------------|----|
| In <i>Nariakne</i> undisputed area | 27 |
| In <i>Tan Iru</i> undisputed area | 2 |
| In <i>Namruimine</i> * area | 2 |
| In <i>Loweniu</i> undisputed area | 2 |
| In heavily disputed area | 2 |

*The entire existence of *Namruimine* is in dispute. Although I have noted the *Nariakne* area as undisputed for practical purposes, the cases now going before the Island Court have the potential to produce a different outcome. The *Tan Iru* area is completely undisputed, owing to the clear creek bed, and the small part of Lenakel currently accepted as part of *Loweniu* is undisputed, but the *Loweniu* area could grow considerably depending on court findings.

Of the 27 “Nariakne stores”:

| | |
|----------------------------------|----|
| Nariakne owned and operated | 19 |
| Business owner from outside area | 7 |
| Other | 1 |

Of the 19 Nariakne-owned and operated, 3 are organised as village co-ops, while the remainder are privately owned. This presents a picture of Lenakel as an urbanising area which through customary land tenure heavily favours the development of the cash economy of one particular “tribe”. However, before rushing to this conclusion, some more information is needed on the area surrounding Lenakel.

I surveyed a further 12 stores on the south side of Lenakel on the road to Isangel. Although there are many more (small) stores throughout the island, these stores are also sited to attract the wider population, not just the people of the immediate area. These 12 stores, which I assigned numbers between 40 and 60, are all in Loweniu and Isila (Store #49 may or may not be still operating).

Table 6.2 (continues Table 6.1 numbering)

| STORE | TAN AREA | OWNER FROM | RENT | COMMENT |
|-------|----------|----------------------|------|------------------------|
| 41 | Isila | Isila | no | |
| 42 | Isila | Bethel, Tan Imatautu | no | Close family relatives |
| 43 | Isila | Imaki, South Tanna | no | Kava and Pig |
| 44 | Isila | Imaki, South Tanna | no | Kava and Pig |
| 45 | Isila | Isila | no | Sideline for policeman |
| 46 | Loweniu | Loweniu | no | New store |
| 47 | Loweniu | White Sands | no | Kava and Pig |
| 48 | Loweniu | Aneityum Island | ? | Store closing |
| 50 | Loweniu | Kwamera | no | Kava and Pig |
| 51 | Loweniu | Whitesands | no | Kava and Pig |
| 52 | Loweniu | Loweniu | no | |

The “kava and pig” ceremony referred to in Table 6.2 is a small customary ceremony performed in recognition of the use of land by someone from outside the area. The same approach was taken in respect of Store #38, which also falls in the Loweniu territory. The movement to a cash rental inside the urbanising area of Nariakne suggests one small step away from customary arrangements. However, in the Loweniu cases the building is owned by the family from outside the area, whereas in the vast majority of Nariakne cases it is the building, not the land, which is being rented. What is also observable is that there is less interest in Loweniu in taking part in merchandising, given that the majority of stores in Loweniu are not Loweniu owned and operated.

The few formal lease agreements between land user and land “owner” are in mainly government projects. In Lenakel specifically there are lease agreements between the area of Tafea Co-op and Tan Iru families, between the wharf and Nariakne families, between the area containing the UNELCO generator and Tan Iru families, and between the Commercial Centre and Nariakne families (Lands Office search). But in all cases involving small local businesses, there are no formal lease agreements and in the majority of cases there are no rentals either.

The question this raises is whether Lenakel can urbanise in a way which allows equal opportunity for the entire population of Tanna to participate in activities in the commercial centre. What minimum changes are necessary and what degree of formality is necessary to allow this to happen? There is clearly an ambiguity as to whether Lenakel is to be the town, legally different from the land surrounding, or whether urbanising areas on Tanna are to be a part of the Tan in which they are to be found, in which case the prospect of large numbers of attempts at urbanisation is a possibility. It is not only the town which has this ambiguity. Most tourists are of the perception that when being driven from the tourist bungalows to the volcano they are being driven down a public roadway, whereas in fact they are crossing numerous Tan boundaries. There is no public roadway on Tanna Island, and no formal lease agreement.

Black Man Town



Image 2. A store proudly announces “Black Man Town” in red writing

Prominently displayed over the entranceway of one of the larger stores is the sign “Black Man Town”, a colloquial name used by many respondents to describe Lenakel. The name appears to date to the time of independence. Timothy Kaio relates that as independence neared, about the time the trader Bob Paul was preparing to leave Tanna, he and others looked with concern at Port Vila, which they perceived as Chinatown. They wanted Lenakel to be “Black Man Town” (TK, discussion, August 2006). The message is a positive affirmation of being black, on the one hand, and also signals a strong desire for control of Tanna to be in the hands of ni-Vanuatu. There are no expatriate stores in Lenakel. As long as the Lenakel land remains in customary tenure, the Tannese are protected against expatriate ownership of the businesses. However this is a double-edged sword, for as long as the land remains in customary tenure, the town remains divided into the businesses of principally three *tan* to the exclusion of others.

E. STORE ENUMERATION AND THE DEMAND SIDE OF THE TANNA ECONOMY

Aim

I formed an initial hypothesis that the rapid growth in secondary education was the principal driving force for the growth of a cash economy. The implications of this are that even if the qualifications at the end of the secondary school process are not functionally related to the needs of the economy, nonetheless the mere existence of the education system was placing an irreversible pressure for change.

Two related questions:

- what is driving the cash economy?
- has the cash economy grown in recent years?

Rodman (1984, 1987) notes that in Ambae, those who were “masters of tradition” were in the best position to benefit materially from the development of commercial copra plantations. What has happened in Lenakel is slightly different in that one Tan in particular, Nariakne, has been in the best position strategically to take advantage of commercialisation. However, the allied question is whether the flourishing of stores reflects an increase in trade or merely a redistribution of trade. In this instance I did not attempt to use inferential statistical techniques, but rather a form of exploratory analysis triangulated with the opinions of key informants.

The Use of Money

There was some use of money on Tanna prior to independence as a result of copra exports, a single tourist operation, and the activities of traders. Respondents gave an estimate that in the three days leading up to Christmas in the year of independence, 14 million vatu was spent at Tafea Co-op and two neighbouring stores. There has been a branch of the National Bank of Vanuatu on Tanna since 1984. The local bank

manager indicates that there are 10,000 bank accounts now on Tanna, a surprisingly high figure which should be treated with caution, however it is partially explained by the practice of opening *pikinini* accounts, with the result that there is usually more than one account per household. I took a sample of bank balances at the bank, with the following result:

Mean balance $\mu = 15,755 \text{ vatu} \pm 4630$ (at 95% confidence)

Or $11,125 < \mu < 20,385$ (95% confidence interval); $n=30$.

Means tend to over estimate average size in financial records owing to the propensity of a small number of high-end entries to inflate the figures. The sample median was 11,580 (\$NZ 170). Commercial accounts were easily identified and screened out, but *pikinini* accounts were included in the sample. It appears that typically Tannese adults do have bank accounts holding the equivalent of hundreds of New Zealand dollars, although there remain some remote areas of the island where the cash economy is almost absent.²⁰

The Stores

I began with a series of probes. Some store owners were willing to discuss financial details once I had explained the numbering system I was using. I carried out some ballpark stock takes and compared these inventories with store turnover. Once I had satisfied myself that there was a strong correlation between the “visual” aspects of the store (size of building, size of inventory) and store turnover, I used an iterative procedure, which grouped the stores into four categories²¹ ranging from smallest to biggest, and used one or more stores from each category as case study.²² I also carried out a number of interviews with selected store owners to determine the pattern of cash flow. Category 1 represents very small, usually very new stores of low turnover. Category 2 represents stores with usually a recent history, a small inventory. Category 3 stores are the bigger stores, usually somewhat older, with a substantial inventory and large turnover, and category 4 includes a small number of bigger stores.

Store Size

| | |
|-------------------|---|
| Category 1 | store # 14, 17, 23, 34, 35, 40 |
| Category 2 | store # 3, 5, 6, 10, 11, 12, 15, 16, 19, 21, 22, 25, 27, 31, 37 |
| Category 3 | store # 1, 4, 7, 9, 13, 18, 20, 24, 28, 29, 38* |
| Category 4 | store # 2, 8, 30 |

*taking the two outlets together

On the basis of case studies, I derived estimates for the annual turnover of each store category. It has to be acknowledged that the case studies were not all of the same quality. For example, for Category 2, I was given full access to the books of account for store #5. I was able to cross check almost thirty sample weeks of turnover with the reported figure for annual turnover and found these to match very satisfactorily. For Category 3, I was given full access to the books of store #28, however the owner did not have an accounting system which would provide annual turnover, so I was reliant on sample weeks. The vast majority of stores use the same book-keeping system, probably received from the co-op movement, which is to have an exercise book on the till counter in which every transaction is recorded in detail, and it is possible to see by inspection whether these exercise books have been kept in a methodical way. For Category 4, one of these stores uses computerised accounting procedures and the manager was forthcoming regarding annual turnover for several years, but I am dependent on the accuracy of his reported statements (there is no obvious reason for fabrication). In the case of Category 1, the information was more cursory, but the impact of any inaccuracy on the total is minimal.

The estimates are as follows:

Category 1: 500,000 vt annual turnover.

Category 2: 2,500,000 vt

Category 3: 6,000,000 vt

Category 4: 15,000,000vt

An estimate for total store turnover in Lenakel is therefore

$(0.5\text{m} \times 6) + (2.5\text{m} \times 15) + (6\text{m} \times 11) + (15\text{m} \times 3) = 152\text{m}$ vt per annum. It is a ballpark estimate, but it can now be compared with two other sources of information. A higher estimate of around 200m vatu would retain credibility, particularly if I include the 12 numbered stores from Table 2. The legal requirement is that stores with greater than 4 million vatu turnover must pay VAT. A very small fraction of Lenakel businesses are VAT registered, which suggests that not many turnover much more than 4million vatu annually, however it is unlikely that monitoring techniques are refined.

The manager of the Tafea Co-op supplied the figure for total turnover in 1997 of 225m vatu, at which time the total number of stores in Lenakel was 4 in number, and most of this turnover was from the Tafea Co-op stores. The manager noted that since 1997 the turnover of the Co-op has declined from around 200m vatu to around 40m vatu. He thought the total turnover in Lenakel was currently in the region of 300 million vatu. It would be reasonable to include all 0-52 stores in this figure, so it appears likely the turnover figure is in the 200-300 million vatu range (around \$NZ4m).

What this information suggests is that the burgeoning of stores in Lenakel, particularly within the last decade, is less a sign of a growing cash economy than a shift in the benefits of the consumer trade to the *Nariakne* Tan area in particular. Although there is insufficient evidence to suggest that there has been zero growth, there is sufficient evidence to suggest that growth in turnover has been minimal. This information is consistent with the experience of UNELCO reported in Section C.

Education expense estimates

The question I wish to address is to what extent the pressure for the payments of school fees has accelerated the development of a cash economy on Tanna Island. Although primary education places some pressure on families to find cash, by far the greater source of pressure is from the rapidly growing secondary education sector.

The junior secondary schools on Tanna teach from years 7-10. Tafea College teaches from years 7-12. There is an examination for all students at the end of year 10, and only a minority progress from there to senior secondary.

The high schools on Tanna are shown in Table 6.3 with year of opening and 2006 enrolments.

Table 6.3 Secondary School Enrolments

| School | Opened | Roll 2006 |
|---|--------|-----------|
| Isangel College | 1991 | 160 |
| Ienola Junior Sec. School | 1996 | 180 |
| Imaki Junior Sec. School | 1996 | 100 |
| Kwataparen School | 2001 | 40 |
| Lowanatem J.S.S. | 1996 | 100 |
| Lenakel J.S.S. | 1996 | 250 |
| Tafea College (est. at Isangel 1987) | 1991 | 340 |

(figures calculated in collaboration with Tafea PEO.)

The current secondary school roll on Tanna Island is about 1200 (2 s.f.). Tafea College began its senior programme in 2002, and has begun to double stream its year 11 classes in 2006. There are approximately 100 senior students (years 11-12) at Tafea College.²³ It is therefore possible to calculate the fees payable on Tanna Island for secondary education. There are minor variations between schools. Figures to hand are consistent with an average term fee of 15,000 vatu for junior secondary students and 20,000 vatu for senior secondary students. A reasonable approximation of annual fees due is as follows:

| Students | term fees | no. terms | total (vatu) |
|----------|-----------|-----------|--------------|
| 1100 | 15,000 | 3 | 49,500,000 |
| 100 | 20,000 | 3 | 6,000,000 |

The pressure to pay fees on the demand side of the Tanna cash economy is in the region of 55.5m vatu (NZ\$800,000). Not all these fees are paid, but what is at issue is the pressure to earn cash.

Unlike the secondary boarding schools, primary education operates at village level, often with voluntary teachers. The fees are modest, ranging from 100-1000 vt per term and it is unusual for primary fees to be paid in full (information courtesy of PEO). Some custom villages do not favour education but form a minority. At last census, the ratio between primary and junior secondary school completion in Tafea Province was approximately 4:1, consistent with a widely used rule of thumb that 25% of students proceed past a major screening examination at year 6. It seems reasonable to infer that in the order of 5,000 children are at primary school on Tanna, to which must be added the “top-up” programme of students, who fail the year 6 exam but continue in special Year 7 classes outside the high school curriculum. Even if all these children accrue 1,000 vatu per year, it can be seen that the demand side of the economy is only affected to the extent of 5m.vatu or \$NZ75,000.

Transport Expense estimates

When I asked a gathering of villagers in Lownelapen what cash was used for, the response was school fees, the need for taxis for organising ceremonies, and rice (this can be taken to mean non-aelen kakae. Tanna transport is supplied by mainly four-wheel drive utility vehicles registered as taxis. The number of registered “T” licenses is 75. The Province’s Licensing Officer estimates as many as 15 are very part time and there are approximately ten vehicles with these licences which are used by the tourist bungalows. There are perhaps as many as 50 full time taxis, with one taxi driver estimating 40, a figure endorsed by the police traffic officer. The standard charge for a day hire is 10,000 vatu, which on the basis of economic rationality would suggest weekly income of around 50,000 vatu. Several respondents indicated that on market days a driver would take around 15,000 vatu but Tuesdays and Thursdays perhaps only 5,000 vatu. A ballpark figure of 50,000 vatu per week suggests an annual income per taxi of 2 million vatu, allowing for some down time. A total local spending estimate of 80-100 million vatu (1 s.f.) on island transport is therefore

suggested. There is also a small amount spent on three minibuses which run between the airport and Isangel.

Transport to other islands has also become a significant source of expenditure. The principal passenger boat at present is the “Southern Star” which travels to Tanna fortnightly, and carries 100+ passengers, charging 5,000 vt one way. Booking agency sources claim the boat is usually full, consistent with appearances. Approximately 12 million vatu is spent annually on trips away from Tanna on this boat, to which must be added other intermittent services. A figure of 20 million vatu on sea travel seems reasonable. The use of air travel is predominantly tourist/expatriate, but there is a very small elite of (mainly) public servants who very occasionally travel by plane.

Aggregate estimates

It is beyond the scope of my research to attempt complete GNP estimates for Tanna Island. However, a scrutiny of major demand items gives a useful picture of the scale of the cash economy and the impact of selected items. Some limited comparisons with the most recent census undertaking are given in Table 6.4.

The figures in the left hand column of Table 6.4 are taken from the Vanuatu household income and expenditure survey of 1999. These monthly Tafea provincial figures are adjusted by population to annual Tanna figures in the centre column. Estimates from my current research are in the right hand column. I have omitted some minor categories where the adjusted amounts were less than ten million vatu, such as insurance and recreation, but have included electricity and gas, which in 1999 were non-existent on Tanna as direct expenditure, but now do feature in the economy.

Table 6.4 Comparison of Selected Demand Items on Tanna (1999-2006)

| Category | Tafea monthly 1999 | Tanna 1999 est. | Tanna 2006 est. |
|------------------------|--------------------|-----------------|-----------------|
| Vanuatu Travel | 1,455,693 | 15.5m | 25m |
| Meat and Fish | 13,087,630 | 139.9m | ? |
| Fruit and Vegetables | | * | 20m |
| Food | 18,919,584 | 202.2m | 200m |
| Clothing | 2,254,453 | 24.0m | ? |
| Transport (taxis, etc) | 01,037,351 | 11.1m | 100m |
| Electricity | 0 | 0 | Now +ve |
| Gas | 0 | 0 | Now +ve |
| Education | 2,747,858 | 29.4m | 60m |

*The figure shown in 1999 for fruit and vegetables is not credible as a cash figure, and may have been an imputed figure indicating the value of fruit and vegetables consumed. There is one main market in Lenakel on Mondays and Fridays. I undertook an inventory of the market on a day which the market chairwoman described to me as a “good” day. This description was consistent with the presence of two ships at the wharf, itself unusual, a visual appearance of a large market (I had viewed the scene almost every week over a two year period prior to this research). My method was to count the produce as it arrived at market, any other method being impossible in the chaos. I checked at the end of the day and almost all produce had been sold. The produce on sale was worth almost 200,000 vatu. Even if this was achieved twice every week for 50 weeks, the total would be only 20 million vatu, a very long way from the 450m suggested in the survey. Any other markets on Tanna are very small compared with the main Lenakel market.

Some tentative conclusions can be drawn. The areas of obvious expenditure increase by Tanna Islanders are education (school fees), transport (taxis and inter-island), and electricity. Secondary education, seen as inherently desirable by numerous providers, is one key source of pressure to develop the cash economy. The pressure being applied by transport is deeply ironic, because much of the demand for transport is associated with the organisation of custom ceremonies to maintain the economy of reciprocity. Electrification is vital to modernisation in its technological aspect, but is only just within reach of the resources of this small island.

Part III Change and Response

F. DETAILS CONCERNING THE AFFECTED TAN AREAS

NARIAKNE

Respondents from *Nariakne* were generous in sharing information about the tan. Several emphasised that the word “Nariakne” means “great expectations” or “great things” and it is possible to discern a spirit of optimism within the Tan.

KM:

Nariakne is not really the Tan. It is Lowelan. But it is the same area. Nariakne is the people. It means “destined for great things” (KM, discussion, August 2006).

The history of the formation of Nariakne is relatively recent and relates to the period of intense fighting of the eighteenth and nineteenth centuries. Although this point was not emphasised by Nariakne members, two other respondents did point out that Nariakne does not have a deep history in the region, consistent with Van Trease (1983) who had made a case study of Nariakne in his PhD thesis.

The Tan is divided into four *namibs*.²⁴ They are *Namib Nakat*, *Namib Kai*, *Namib Tafan*, and *Namib Ierapia*. Two *namibs*, *Ierapia* and *Tafan*, have a long history in the area which may date to Semu Semu. Some respondents identified Ierapia as descendants of the original people of the Tan. Van Trease summarises the encroaching conquests of Nakat and Kai during the period of inter-tribal fighting which led to these groups consolidating their position in Nariakne through inter-marriage: “There is today a sense of unity within the Nariyakene tribe, but this has not always been the case” (Van Trease, 1983:212). *Namib Ierapia* is now based near the coastal area and *Namib Nakat* and *Namib Kai* are both associated with the much larger and higher village of Lownelapen, which hosted a nekowiar in 1964. According to KM (August,2006), the *tan* historically had a head and a tail, the tail being the ocean and the source of seafood. But now Lenakel town is the tail.

Van Trease (1983) reported a reluctance to discuss land issues on the part of members of Namib Nakat and Namib Kai. At the time of my research, it would appear that the members of the four namibs are feeling more secure about their status within Nariakne. It is however possible to find within the Tannese community people who dispute the status of Lownelapen as a significant nakamaal or the position of the senior Yeni of Lownelapen, who carries the name Nakat and is widely known as *Jif (chief)Nakat*. Whatever the “legitimacy” of his position in tradition, it is noticeable that most other respondents defer to Jif Nakat in all matters concerning Nariakne today. The position of Nariakne seems well consolidated.

There were few overt signs of increasing wealth in Nariakne. The quality of housing in Lownelapen is similar to many of the thriving villages on Tanna, in that there is a small but growing portion of permanent concrete dwellings amongst the majority of bamboo and thatch housing. On my visit to the village, many of these permanent dwellings were identified as belonging to store owners, taxi drivers, or professionals. The benefits of the cash economy can be seen to be accrued at the level of individual families. A majority of the men present at the time of my visit to Jif Nakat acknowledged having small coffee plots, or sandalwood. Education is highly valued:

Q: How many people from Lownelapen go to school?

A: (with evident pride): “One hundred percent” (This was Jif Nakat’s answer, but there were smiling nods of assent from all present.)

The *yeremira* of the village hosted me on a tour of the Lownelapen village, which is a combination of twelve distinct hamlets. It was reported to me with pride that many people from Lownelapen were in Port Vila, because of their graduate status. I asked about migration:

Q: How many children from Lownelapen are unemployed in Vila?

A: None. The rules are clear. If you don’t have work in Vila, you come home. Only one person from this village lives in Blacksands (MI, discussion, August 2006).

LOWENIU

Loweniu in its historic form is outlined by Pita Marcel (see also Figure 4) as follows:

Twelve nakamaal from sea level to a place at the high point are as follows:

Lamenu, Lokolaoao, Lokwaiwhe, Loamup kaioaio, Lamanian, Lafna, Larkam, Lekalangia, Ianowowa, Ikonala, Ianolol, Iakelomala. The last named is now an historic nakamaal site only. The first three named are not extant villages, but the people of Isini village adjacent to Lenakel identify with these three sites. All other nakamaal are host to a village community. The last four nakamaal named are in South West Tanna (nivhaal) language, which Pita Marcel identifies as the original language of the Tan of Loweniu (see section B). Pita Marcel identifies three *nakamaal* of the twelve which are entitled to host a nekowiari, these being *Lamenu, Lafna, and Ikonala*, which was preparing for the festival at the time of my fieldwork. Loweniu consisted of three communities based around these senior nakamaal. The high group from Larkham to Ianolol is *Namaline*, the middle group is *Lowinio*.

Of particular interest for this study is that the name of the lower group, mainly residing at Isini, is *Namruemine*. In other words, what is at the heart of the Lenakel land dispute is the “true” membership of the *Namruemine* community. The term is not widely used in present day Isini, and many respondents were completely unaware of the name. There is a different group of people who identify with the name and claim a part of Lenakel adjacent to the Loweniu area. The central part of the area under dispute is the historic *Lamenu* site and the stadium area. Those who consider themselves to be *Namruemine* and several respondents have linked the present day *Namruemine* community to the *Letekran* tan. This dispute arises from nineteenth century fighting and population movements, during which time, according to Pita Marcel, the people of *Letekran* made their way to the coast. The ancestors of present day Isini would not have been in the area but would have been seeking refuge in the higher villages of Loweniu. All respondents agree that at the time the first traders established themselves in the Lenakel area, the area was largely deserted by people who had gone inland to escape the fighting.²⁵

| | | | |
|------------|---------------|---|-----------------|
| | Lakelomala | | |
| | Lanolol | - | Senior Nakamaal |
| | Ikonala | | |
| Namaline | Ianowowa | | |
| | Lekalangia | | |
| | Larkham | | |
| | Lafna | - | Senior Nakamaal |
| Lowinio | Lamanian | | |
| | Loanapkaioaio | | |
| Namruemine | Lokwaiwhe | | |
| | Lokulaolao | | |
| | Lamenu | - | Senior Nakamaal |

Figure 4. The Historic Communities of Loweniu

Although the villages of Loweniu do not appear to have the same involvement in urban cash economy as neighbouring Nariakne, differences in living standards are not obvious. I did not attempt to visit all the villages of either tan, but concentrated on a visit to *Lamanian*, which shares a custom road with Lownelapen of Nariakne. Jif (chief) Tom Kalewat confirmed the information of other respondents concerning the effects of the nineteenth century combat.

At the time of the missionaries there were the villages of Lamanian, Lafna, and the higher villages. People did not stop down at Lamenu due to the heavy fighting in the area. After the missionaries arrived, then they went down (TK, interview, August 2006).

I asked this chief about migration.

Q: Do people from here live in Vila?

A: Yes, some live in Vila

Q: Do they work?

A: Some work. Some just grow gardens for market.

Q: Whereabouts in Vila. Blacksands?

A: No, Tahuama.

Q: What do people do for cash in Lamanian?

A: Some have sandalwood, coffee. Just small plots. One is a carpenter. One taxi driver. No teachers.

(TK, interview, August 2006)

There is no reason to consider that Lamanian is different from scores of Tannese villages. There is a small proportion of concrete dwellings, which are identified as belonging to people in some way active in the cash economy. What is noticeable in the case of Nariakne is in the nature of a corporate desire to excel.

TAN IRU

The clearly defined southern boundary of Tan Iru is *Lenkunauk* creek (Map 5), and there are no land disputes consequent upon urban development. The majority of earlier developments took place in this tan, probably until the time of the construction of Lenakel Wharf in the mid-1980s. The Lenakel aerodrome, usually called the “old airport”, built without machinery in the 1960s, runs across the width of Tan Iru, and involved a formal lease with Tan Iru families until it was decommissioned recently. The formal lease for the UNELCO generator is also in the tan. Most of the urban business development has not taken place in the area north of the creek. There is no obvious economic reason for this.

ISILA

Isila land does not reach the Lenakel town area, but the administrative centre of Isangel was placed in the centre of the Isila tan. A recent court decision²⁶ and events leading up to it (see section G) appears to have deeply undermined the coherence of the tan. Isila is split evenly between the two dialects of Nivhaal and Lenakel (RK, discussion, August 2006.)

As well as Isangel, Isila hosts the Futunese village of *Tennis*, the name resulting from the presence of Bob Paul's tennis court having been located in this place. The trader had a particular affinity for Futunese workers and this led to the presence of two small Futunese villages on Tanna.

In summary, although the town area of Lenakel is shared by three tan, there is not a shared conception of what the urban development means for each tan. The majority of formal leasehold opportunities have taken place in Tan Iru, with some low level alienation. Loweniu has remained close to customary arrangements, with numerous custom ceremonies to allow traders and entrepreneurs to use small amounts of land for businesses. But Nariakne has enthused about urban development, with a rapid growth of Nariakne -owned businesses, hardly any buildings erected by non-Nariakne families, and a small number of rentals to allow other communities to establish small businesses in the area.

G.SIGNS OF POSSIBLE DISTRESS

I looked for indications of both positive and negative effects on the fabric of Tannese culture from modernisation. In isolating some of the negative signs, it may not be possible to attribute these to modernisation alone, as there is a complex interplay of factors involved.

Migration

One indication that land tenure arrangements are not fully meeting the needs of the rural population is urban migration. It can act as the "escape valve" when the

pressures of seeking subsistence under challenging circumstances become too great (see for example, Overton, 1992). With some oversimplification; migrants can be considered as two groups; those with education and skills, seeking to use them in an urban context, and those living on the margins of subsistence in mainly squatter communities. Census figures for migration in Vanuatu are unreliable, and the extent of urban migration is better assessed by other means.²⁷ There are a number of squatter settlements in Port Vila, and the one which is heavily populated by *man Tanna* in Port Vila folklore is known as “Blacksands”. The proportion of Tannese may not be as high as many believe²⁸ but McCartney’s 2,000 study showed a proportion of 38% in the area studied; this in a community of about 4,000-5,000 people. However she did emphasise that her study did not necessarily constitute a random sample of the whole Blacksands population (personal communication).

One further qualification is necessary. There are a number of squatter settlements in and around Port Vila, many of which exhibit extremes of urban poverty. Blacksands lies just outside the urban boundary on land which continues to be owned by the Ifira community. There are substantial areas of garden, and McCartney notes a sense of community. She notes that “the majority of households had multiple sources of income that often combined wage work with subsistence gardening and informal marketing” (McCartney, 2000:265). Not all the population are first generation migrants. This picture contrasts with the evident desperation of neighbouring “Men Ples”.

The total area of Tanna Island is just over 550 square kilometres. The population is in the region of 20,000 people. The area available for subsistence is about 350 square kilometres (subtracting particularly mountainous areas by the crude method of counting squares on a cadastral map.) This gives an average potential area of cultivation to each male (all ages) of just over 3 hectares, similar in size to the 8 acres allocated to each adult male by the first king of Tonga. Given the high state of natural fertility, there does not appear to be a land shortage or an excessive population on average. However, the distribution of population is very uneven, and possibly on a very fast growth track.

Several respondents in the west side of Tanna did not acknowledge any migration to Port Vila but identified White Sands on the other side of the island, and North Tanna, as two areas from which there was considerable urban migration. North Tanna has large areas of unused land but it is very steep mountainous country, whereas the factors contributing to migration from Whitesands include

- 1) population pressure leading to very small land areas available;
- 2) poor soil quality due to acid rain, being too close to the volcano (Mt Yasur).

Although there is flexibility in the system, the fact remains that if the population continues to grow at a fast rate, the land available to any family or kinship group will inevitably decrease. Most respondents are of the view that all males have custom names. However, one respondent in Imanaka, a village not noted for land shortage, says that his two older boys have custom names, but he will not give a custom name to his youngest boy. He does not have any more custom names. His family is worried about the population increase and points to every household in the village (except one) having four or more children.

Land Disputes

Land disputes on Tanna Island are the consequence of several interacting factors, not all of which are the consequences of modernisation. The nineteenth century displacement of people (sections A, F) created a number of competing truths regarding the true “ownership” of the West Tanna area. Although land alienation on Tanna was minimal, there is a high degree of congruence between the alienated areas, dispute, and development.²⁹ Lenakel was an attractive area for early entrepreneurs because of the deep water access and the relative absence of population at the time. This provided an opportunity for economic developments in the area, which were to lead to alienation and subsequent land disputes.

The judgements of the joint court in 1933 legitimised much of the land alienation which had taken place to that time. Consequently there was a near fifty-year period of formal alienation prior to independence. When the Lenakel area became available to

the custom owners, there could be no clear agreement as to who these were, as Nariakne, Loweniu, and Namruemine (Letekran) all had reasonable claims on the area, depending on the era chosen as reference point. Of equal importance, customary tenure was being replaced by indigenous tenure (see Chapter Two), as boundaries which, to use a phrase from Williams (1986) were “as precise as they needed to be” were now being required to have mathematical precision. Divisions of an area which could have been left vague now give the right to the fruits of urbanisation.

I asked KM how the land disputes affected personal relationships, in an attempt to gain insight into their intensity.

Q: How do you think land disputes are affecting personal relationships?

A: We would hate each other, but there are two things that keep this below the surface. One is the church. We worship together on Sundays. The other is that we are often related. I am Nariakne, but my mother is from Loweniu. When we are together with our “opponents”, we are very friendly. Then maybe when we are by ourselves we talk about what is wrong with the other Tan!

(KM,discussion, August 2006).

There were noticeable differences in how each tan perceived the dispute, in accordance with how they were strategically positioned. KM indicated that Nariakne would want the benefits of the urban strip to be shared amongst the affected tan, as this was more in accordance with the real meaning of kastom. A senior yeni from Loweniu indicated that the position of the creek was very clear, and that the majority of the Lenakel urban ground really did belong to Loweniu.

The development of a cash economy may not provide the framework for a dispute but it intensifies a dispute, giving new meaning. With the establishment of Vanuatu’s own currency at independence, and the passing of the land lease act of 1983, the proof of “ownership” of land would ensure lease revenue. This had an inevitable effect on the desire to prove ownership. The Land Lease Act requires identifiable owners rather than merely an indication of various rights of usufruct, and even without the step of registration of title, the power of the state is being invoked to establish land

rights in a way previously unknown to ni-Vanuatu. Where formal leases come into play, as they do in the case of several tourist bungalows, the new airport, and some schools, the affected areas become focal points for the land disputes.

This leads to a point regarding the court mechanism as a *cause* of disputes. This is very clearly illustrated in the disputes in tan Isila, where the families within the Tan attempted to use the Island Court system to resolve differences. The decision of the Island Court was made in June, 2006, and was immediately appealed by all parties. The attempt to use the court to resolve matters within the tan suggests a major breakdown of custom practice within the tan, and the Court judge, who was from Ambae in northern Vanuatu, effectively parcelled out the Isila lands to eight named families with no regard for the custom roads. One of the Isila elders assured me that numerous attempts had been made to prevent people from using the Court in preference to the authority of the chiefs, but to no avail. One of the parcels has in fact been awarded on the basis of matrilineal descent, which would be appropriate in Ambae but has no precedent on Tanna. However, what is clear is that once a small number had lodged claims with the Island Court, others had no choice but to follow, as failure to make a claim once the claim process had been established could ensure that the land would be lost. The hegemony of the state is not fully established on Tanna and the use of the Island Court in this way not only has a self-perpetuating effect on disputes but also helps to consolidate state control.

Finally, the existence of land shortages is unlikely to have been a primary cause of land disputes on this side of the island. However, in the Isila case, a number of claims in the appeal process were lodged from White Sands on the other side of the island, these claims resting on the displacements of people which took place in the early nineteenth century. These claims do come from an area of land shortages, which can be seen to have intensified the disputes.

In summary, it can be seen that the structure of land disputes does not derive only from modernising influences, but arise from the period of colonial dislocation; however the growth of the cash economy and the development of the leasehold system along with the availability of court processes, along with a growing population and some areas of land shortage, have considerably intensified them. It will transpire

in the next few years whether the majority of disputes can be resolved to allow Tanna to prosper with a system of indigenous tenure retaining many customary elements, but with a dependence on state legal mechanisms entrenched.

H. GROWING THE CASH ECONOMY

I surveyed the development of tourism, coffee, and sandalwood. Each has its own distinctive history, and each offers the potential to grow the cash economy of Tanna. Although copra was an early draw-card for European traders, the copra industry died on Tanna in Cyclone Uma in 1987 and the scattered coconut plantations are now used for subsistence and local market only.

Tourism

The biggest tourist operation, “White Grass” Bungalow, is owned by an Australian investor. However there are a number of locally owned bungalows with a clear intent to establish Tanna business. The bungalows and guest houses on the island are as shown in the Table 6.5.

With the exception of Tafea Guest House, all the operations in the table are less than ten years old. White Grass Ocean Resort opened in 2001 and caters for up to 36 predominantly Australian tourists, and employs 36 mainly Tannese staff (JM, personal communication, December 2006). The majority of tourism operations on Tanna do not operate simply as accommodation. The bungalow operators are involved in organising a package of tourist activities for their guests. In the case of White Grass Ocean Resort, the entire stay is a tourist package and the great majority of guests are leisure tourists. This means that the volcano visit, a visit to the “kastom” village of Yakel, a visit to a custom ceremony, and some snorkelling and other activities such as horse-riding are all organised by the resort. The bungalows also act as the nerve centres for other small entrepreneurial operations.

Table 6.5 Guest Accommodation on Tanna in Late 2006

| | “Luxury” tourist accommodation | Medium priced tourist accommodation | Cheaper guest houses |
|---|---------------------------------------|--|--|
| Australian owned (profits repatriated) | White Grass Ocean Resort | | |
| Expatriate owned | | Lenakel Cove Leneai Palms Friendly Bungalows | |
| Locally owned | | Evergreen Bungalows White Beach Jungle Oasis | Uma Guest House Johnny Guest House Tafea Guest House Sunset Guest House |

Superficially, customary tenure works in with tourism very well. It caters for that section of the tourist market which wants to visit custom villages. It is useful in this context to make the Kastom/custom distinction not in the sense used by Rodman (1995) to refer to nation building, but in the sense of kastom as a tourist menu juxtaposed with customary life. Hence the kastom of the custom village emphasises custom dancing, traditional housing styles, and the wearing of the *nambas* in preference to cotton clothing. In a relatively new departure, the Jungle Oasis turns on for visitors a display of “savagery” pretending to ambush visitors with traditional weapons. The distinction between the two approaches is significant in that there is no belief on the part of visitors to Jungle Oasis that what is happening is other than a re-enactment of past traditions.³⁰

The vast majority of tourists are guided in some way in every activity they engage in. For example, although Tanna has approximately fifty non-bungalow taxis, these cannot be rung or ordered. One must understand the rhythms of the island to make

use of a local taxi. It would be possible to backpack (tramp) on Tanna safely, but the kind of tourism which involves freedom of movement requires public spaces, and Tanna does not possess genuine public spaces.

With reference to section G, the majority of bungalows, being sited in the development areas of the island, are on disputed land. White Grass Ocean Resort and Evergreen Bungalows are to be found on the land adjacent to the airport runway. The airport lease payments have been frozen in trust between two claimants. Lenakel Cove is adjacent to Lamenu Stadium in Lenakel, the most hotly disputed part of the Lenakel district. Leneai Palms has been adversely affected by the recent *Isila* decision and the owners do not know who they should now pay their lease to. The person who invited them to begin the enterprise is deceased, but in any case the court decision has placed the bungalow terrain under the control of a different family. This is not coincidental. The international airport could not have been placed in the middle of a *tan* area without severely disrupting the life of the *tan*, due to the size of the runway and the volume of people traffic. It is in the disputed or unclear areas that such developments have taken place, with some exceptions such as Tafea College, which pays lease money to the families of *Iwarau* village.

The tourist operations therefore involve opportunities for wage labour, some small opportunities for payments for visits, and some opportunities for entrepreneurial activity. Tourism is seen by many Tannese as a way to make cash, but there is a level of entrepreneurship and capital required, so very often plans remain at the discussion stage.³¹ I did not obtain financial information from tourist operators, but a member of the Tafea Chamber of Commerce estimates that at current levels tourist operations bring in approximately 35 million vatu to Tanna. Some calculations suggest that about half of this would be from the White Grass Ocean Resort, from which repatriation of profits must be allowed.

Coffee



Image 3. Drying coffee beans is a family affair, Imanaka village

Experiments with coffee began on Tanna in the 1860s. The blackbirder Ross Lewin was possibly the first to establish a plantation (Weightman, 1989:177) and other traders followed. Tanna's unique climate was well suited to the *Arabica* variety but larger plantations were established on Efate, Epi, Malakula and Santo. By the early twentieth century, Vanuatu was exporting about 200 tonnes of coffee per year, but an outbreak of leaf rust (*Hemileia Vastatrix*) in 1914-15 destroyed the industry and many coffee plantations gave way to cattle.

In 1956, the Condominium government sought advice on a strategy for agricultural development and this led to the promotion of smallholder agriculture in preference to large plantations. An extension officer was sent to Tanna in 1960 with the intention of developing a one hundred hectare plot in Middle Bush, but was given just one hectare to plant some *Arabica* seedlings. The trader Bob Paul experimented with *Arabica* seedlings from Fiji at about this time. This coffee was sought after in Port Vila and may be considered the genesis of "Tanna Coffee". A number of smallholder experiments were carried out in the 1960s with minimal success, but the interest in

coffee growing was established. An Agricultural census carried out in 1983 noted there were 690 smallholdings of coffee on Tanna compared with 72 on all other islands (cited in Weightman, 1989). Almost all these holdings were a single plot, and three quarters were less than 0.25 ha in size. Only 40% of smallholders were actually picking coffee.

Following independence in 1980, the Vanuatu Government established a joint venture agreement with the Commonwealth Development Corporation (CDC) to invest in Arabica Coffee, and a 464 ha (1,000 acre) parcel of land was selected in Middle Bush where the Tanna Coffee Development Company (TCDC) was launched. Some 210 hectares were eventually planted on this estate and assistance was given for smallholder farmers to plant in neighbouring areas. Approximately 200 Tannese were employed on the estate in various positions. The aim was to achieve 1,000 tonnes of dry green beans for export. A major interruption to the programme came in the form of Cyclone Uma, but by 1992 over 60 tonnes were produced annually. Further problems with leaf rust led to experiments with new rust-resistant varieties, of which *Catimore* proved to be highly successful.³²

In 1995 the British Government reviewed numerous aid projects including the CDC. TCDC was handed over to the Vanuatu Government, in the belief that the new varieties would bring about sustainable production. This assumption proved to be wildly optimistic, and production fell dramatically to less than 5 tonnes per annum. An investment company from Australia (Weilian Investments) then bought the company from the Vanuatu Government in 1996 and attempted to resurrect the plantation, but in 2000 the company was placed in virtual liquidation. The general manager, Terry Adlington, subsequently took control of the company in a debt for equity swap.

Landowners came together for a crisis meeting on 15th March 2000, and appointed Rex Iapen, a Middle Bush landholder who had worked for the Port Vila Development Bank, as spokesman on all coffee matters. There are seven landholding groups involved (*Immukail, Lenaula, Lekalap, Lemanatul, Lopukas, Lerup, and Loulipang*) which have together formed the Inik Cooperative for the purposes of the management of the land for the main Coffee project. The Inik Co-op receives all lease monies for

the land for apportionment amongst its members. At this point the company is planning to re-establish the nucleus estates on the estate area, and small farmers are being allowed to establish coffee plots in the leased area, provided they do not use the land for other purposes.

Events of 2001/2002 established the present day arrangement. The Roasting and Packaging plant was moved to Port Vila, giving better market access. The Coffee Organisation of Vanuatu (COV) was formed to promote coffee development in Vanuatu, supported by a joint French/European Union development body. Under this arrangement, small processing machines were supplied to the small farmers to allow them to produce sun-dried green beans. In January 2002, a coffee summit meeting was held at White Grass followed by a reconciliation ceremony at Lopukas. From this point onwards lease money began to come to the landholders, and growers were able to receive cash for their produce. Under the new arrangement, small coffee producers sold all their coffee to the COV which in turn sold to the TCDC, which retains ownership of a large hulling machine at *Loukatai*, leasing 4 ha in Tan Iru for this purpose. By late 2006 there were 31 processing units scattered around Tanna Island, mainly in the Middle Bush area, each of these being used by perhaps 5-10 smallholder farmers.



Image 4. One of about thirty coffee processing units, Tanna Island

Production levels reached in excess of 10 tonnes by 2005, and 27 tonnes by 2006. A recent COV survey counted 312 farmers. Only four were producing greater than 20 (50kg) sacks per year (more than one tonne). A further ten were producing approximately half a tonne per year. According to a Peace Corps volunteer working with the coffee development programme, many producers manage about 5 sacks (250 kg) in a year, although there are many others who will bring in much smaller quantities for processing. The COV currently pays small farmers 200vt per kg for sun-dried parchment coffee, which is then processed by COV into dried green beans. Overall this adds about 5m vatu to the Tanna cash economy at present levels, however indications are that this is fast growing. The TCDC projects 50-60 tonnes in 2007.

I spoke to one of the small farmers, who produces about ten bags in a year. He estimates that he makes about 100,000 vatu in a year from sun dried beans. He shares a processing unit with about five other small farmers. He uses the money mainly to pay school fees as he has a daughter in Year 11 and this costs him 62,000 vt per year in school fees. His other children cost less to educate.

Terry Adlington estimates that over 200,000 seedlings have been grown in nurseries since 2003 and distributed to farmers on Tanna through the COV (personal communication, December 2006). This equates to over 60 ha of coffee not yet in production, and nearly 100 tonnes of coffee worth 20m vatu at current prices. The present production and marketing levels are therefore only a fraction of the potential.

According to TA, most small farmer coffee plots will be less than a hectare in size. He only agrees to supply seedlings at 500 shrubs per year to any one individual and the density is about 2500 trees/ ha. Over a five year period it would be possible for an enthusiastic grower to plant out a full hectare in coffee production. How does this affect custom tenure? Coffee trees have a life of about sixty years.

Rodman (1984, 1987) found on Ambae that the permanent nature of the coconut plantations transformed land tenure arrangements. Whereas in the past the land rights associated with an area of ground were overlapping, the establishment of plantations cemented in a concept of ownership, and the owner would have to look elsewhere for land to use for gardening. The permanence of coffee plantations has the potential to

disrupt patterns of tenure associated with shifting cultivation, but as long as the plots remain small, and mainly within areas that have never been subject to alienation, the effects on tenure are less likely to be disruptive. I was unable to discover any cases of disputed land rights as a result of smallholder production to date. The land rights conferred by custom name are in any case long lasting, so the potential conflict created by having the rights to the coffee trees on land belonging to another family member is reduced.

Tanna Coffee is a recognised export brand, and there is reason for optimism that Vanuatu coffee will be re-established as an export commodity. Given the absence of major land disputes regarding the leasehold areas and the interest of hundreds of village smallholders, the future of coffee appears viable. The risk of cyclones, pests and diseases are unlikely to be averted using the practices often found in capitalist agriculture of damage insurance, price insurance, and market hedging.

Sandalwood

The history of sandalwood production in Southern Vanuatu is older than that of Christianity. It first attracted the attention of Peter Dillon on neighbouring Erromanga in 1825, and it was sandalwood and beche-de-mer (sea slugs) which acted as a magnet for the earliest European traders in Vanuatu (Shineberg, 1967). The sandalwood trade started in earnest in the 1940s and several sandalwood ships did call at Tanna, but whether they were merely stopping en route from the Loyalty Islands to neighbouring Erromanga is unclear.

Sandalwood as a cultivated tree is fairly recent, and two Port Vila-based companies (which I refer to here as Company 1 and Company 2) are involved with its production on Tanna. The tree requires approximately 15-20 years in Tannese conditions to mature to a desirable weight, but many small planters use the trees as a source of cash when required and this can result in the trees being cut much earlier. I put this issue to one of the companies:

Q: What happens really? When do they cut?

A: Yes, usually they cut sandalwood to pay school fees or to pay for a truck for circumcision ceremony. A few are more like *bisnes*.

(interview with Tanna manager of Company 2, August 2006).

There are government restrictions on how much sandalwood can be taken in one season, at present 80 tonnes between the two companies nationwide. Company 1 reports taking 10 tonnes from Tanna per season. The price paid to farmers for “full natora”, meaning mature sandalwood capable of producing oil, is 700 vt/kg. At present levels this indicates that around 10-15m vatu (NZ\$ 150,000-200,000) is entering the island each year from sandalwood. As is the case for coffee, the impact on the size of the cash economy on Tanna is small, but the potential is considerable. For example, Company 2 reports that some farmers have more than 1,000 trees supplied from the company nursery. If the trees are allowed to grow to optimum weight there will be at least 40kg of tree worth approximately 30,000 vatu. If all 1,000 trees were sold in one year this would be worth about 30million vatu (\$NZ430,000) for one “large” smallholder.

As is the case with coffee, the potential is far greater than current levels suggest. It is a more flexible product than coffee insofar as village producers have the ability to plant any number of sandalwood trees to suit the size of their land area, and unlike coffee which commits the use of the land for a sixty year period, the sandalwood can be removed after only about fifteen years. Any potential for land disputes resulting from the loss of flexibility is thereby reduced.

Other forms of economic activity

In addition to the above sectors, there are a small number of other cash crops including vanilla, some cattle projects, and the production of sawn timber. Market inventory shows that some vegetables are primarily grown for market, insofar as they are not part of the traditional “aelen kakae”. These include European cabbages, carrots, broccoli, lettuce, and cucumber. Quantities of kava are also grown for sale, particularly in North Tanna, most of which is consumed on the island. Some produce,

for example yams, is marketed in Port Vila, bringing some cash into the island. There are also remittances from family members working in Port Vila.

There are a small number of selective portable logging operations contributing to the home market. One such logger whom I assisted in 2003 has recently obtained a contract to supply sawn timber to the Loyalty Islands in New Caledonia. Perhaps more than any other operation, the logging of timber has the potential to destroy the island's subsistence environment, even though it poses no direct difficulty for customary tenure. There are a number of trees used for construction and suitable for furniture making, and there is already the provision of technical courses at Lowanatem Junior Secondary School, and a plan is in place to move the year 13 stage of INTV (the technical college in Port Vila) to Tafea College, so there is a gradual build-up of skills in the use of timber in construction. Loggers operate using government licenses which are restricted in number. Rex Iapen from Middle Bush owns a timber supply company in Lenakel. I asked him about sustainability.

Q: You have a mixture of hardwoods and softwoods. Are you concerned about the life of the bush?

A: No, the trees grow very fast on Tanna.

Q: The softwoods grow fast, but what about the hardwoods?

A: Yes, even the hardwoods grow very fast on Tanna.

(RI, interview, August 2006).

The logging operations require a licensed operator, and there are only five licenses at any one time in Tafea. In spite of the limited hegemony of state power on Tanna Island, in the area of restrictions on economic activity, there is an apparent willingness to comply with the state's requirements for environmental protection.

Summary

There is widespread entrepreneurship on Tanna Island. Of those emergent sectors, tourism is relatively new while most other sectors are in some way re-invigorations of old industries. Their impact on the size of the cash economy on Tanna is presently

minimal, and yet each adds directly to the ability of a Tannese villager to pay for their children's education. In present form they are compatible with customary tenure insofar as they are compatible with existing tenure arrangements. In the case of sandalwood, only small amounts of land need to be tied up over a period which falls inside the lifetime of a customary tenure arrangement and does not place any pressure to change tenure systems. Coffee has a greater potential to alter custom tenure insofar as the life of a plantation is in excess of sixty years. However, provided the small holder production estates remain in the region of a hectare or less, the presence of the coffee does not impact excessively on subsistence production. Because the nature of customary tenure on Tanna involves a form of individual title, albeit a very different form of title from European ownership, it is possible for these individually owned family plots to remain viable within the customary system. Tourism, in a somewhat ironic way, can be cultivated so as to strengthen customary tenure. It creates added pressure to retain a reified version of custom rather than a living, flexible changing reality. But because the involvement of tourists is strictly in the manner of a visit, and the actual land space occupied by the bungalows is very small, tourism poses no threat to customary tenure and is compatible. All three of these industries have the potential to grow considerably larger, by way of hundreds more participants rather than a concentration of ownership.

CHAPTER SUMMARY

There is a consensus on Tanna about the nature of customary tenure which involves one system of tenure for the whole island, based on the *Tan*. In other words, Tanna is a distinct custom area. There is no evidence to suggest that tenure systems are dissimilar in different language areas, and the custom roads combine with shared systems of reciprocity to give the island its homogeneity. There is a perception of customary tenure in ideal form around which tenure arrangements vary.

Since the time of independence, there has been a rapid growth in literacy and education and a significant increase in infrastructure. Lenakel Bay, which was the site of the highly influential Presbyterian mission from 1896, became the site of post-independence urbanisation. By the end of the millennium, enough stores had concentrated in this area to attach the urban label, alongside two planned developments, the construction of a permanent shipping port by the Japanese and then at the end of the millennium, electrification. Since the electrification project there has been approximately a threefold growth in the number of businesses. However there is very little specialisation and almost all the businesses are in the nature of general stores with minimal differentiation. The town has no plan and with two exceptions there are no formal leases, land use arrangements being customary agreements.

There is considerable pressure from the growth of secondary education to find money for school fees, and this is in turn causing a cultural change as parents seek ways to raise cash. However this pressure has to be ranked alongside the increased use of motorised transport, which is used to carry out the many acts of reciprocity as part of the subsistence economy, and the gradual increase in the demand and acceptance of a limited range of consumer goods to be found in the stores. Alongside these pressures to raise cash, the demand for electricity is relatively static.

The principal beneficiaries of the growth of Lenakel town appear to be part of the *Nariakne* lineage, and the manner in which each of the three *tan* with significant territory in the urbanising area perceive that urbanisation are different. There is no consensus on the manner in which urban growth might successfully take place.

Several thousand people from Tanna live in the peri-urban squatter settlements in Port Vila. The causes of migration are complex, and in part relate to land shortages in parts of the island in circumstances of rapid population growth.

An investigation of tourism, coffee, and sandalwood shows that it is possible for these three sectors of the cash economy to raise vatu without seriously compromising the immediate requirements of custom tenure as it is known to the Tannese. However there is a requirement in each case that the sector stays within limits imposed by custom. For example, smallholder coffee plantations need to be no more than about one hectare in size. Such projects, now being attempted by hundreds of villagers, tend not to be carried out in the manner of investment businesses, but as projects which have the ability to provide cash for school fees at short notice.

Glossary of Tannese (and Bislama) Terms

| | |
|------------------------|---|
| <i>Abu</i> | forebears |
| <i>Imanaka</i> | village close to airport |
| <i>Ipai</i> | historically important village north of Lenakel |
| <i>Kakae(bis.)</i> | food or meal |
| <i>Koyameta</i> | one of two moieties on Tanna and Futuna islands |
| <i>Kwamera</i> | place on South Tanna, also language of the area |
| <i>Kweriya</i> | hawk, also refers to symbol of hawk society |
| <i>Lamlu</i> | historically important village in Middle Bush |
| <i>Lenakel</i> | town area, place where flying foxes hang |
| <i>Man Tanna</i> | male from Tanna, especially if living in Port Vila |
| <i>Nabanga(bis.)</i> | banyan tree |
| <i>Nakamaal</i> | place for dancing and meeting (of men) |
| <i>Nambas</i> | penis sheath |
| <i>Namib</i> | extended family |
| <i>Nambruken</i> | one of two moieties on Tanna and Futuna islands |
| <i>Nepro</i> | refers to epoch of peaceful co-existence, perhaps several hundred years ago |
| <i>Nekowiar</i> | major peace ceremony involving all night dancing and sexual freedom |
| <i>Nikokaplalau</i> | nomadic time in Tannese folklore |
| <i>Nivhaal</i> | principal dialect of South West Tanna |
| <i>Pikinini (bis.)</i> | child, children |
| <i>Toka</i> | final dance in <i>nekowiar</i> , also substitute term for <i>nekowiar</i> |
| <i>Tan</i> | fundamental territorial division on Tanna |
| <i>Yeni</i> | leader, chief |
| <i>Yeremira</i> | supporting leader |

Notes to Chapter Six

¹ In some respects similar to the marae found in much of Polynesia, including neighbouring Futuna Island.

² There is some point to the notion that Mwatikitiki, who has various representations on Tanna, is the same Mautikitiki well known throughout Polynesia.

³ The missionary, John G. Paton, was heavily implicated in arranging this show of European military might in the Port Resolution area. A naval bombardment followed by a landing of 170 armed soldiers was used to effect a punishment on the 'heathen'.

⁴ Evidence for this displacement comes in a variety of forms. I was able to view one place of refuge from the fighting near the village of Lamkail, where refugees were allowed to remain on Lamkail land for many years before eventually returning to the Lenakel area. Both the fighting and the blackbirding which took place soon after are sufficiently recent events to have left a mixture of mementoes, including relevant gravesites of recent ancestors (abu) of people living today.

⁵ Early missionary accounts of Tanna revolve around a small number of key locations which are the broadly the same areas in which judgements were made for various alienators in 1933. It is possible that some early traders made land deals which simply lapsed but given the hunger for land at the time this seems unlikely. Furthermore, Land Office records show the 1933 judgements to be matters between contesting alienators, not indigenous claimants versus alienators.

⁶ Although this statement is not quantifiable without a much larger project it remains almost axiomatic at the present time. The use of bows and arrows may be less ubiquitous than some tourist literature suggests, but the lives of most Tannese revolve around the gardens.

⁷ In his standard text on cultural anthropology, Keesing (1981:205) notes with Polanyi three major modes of exchange in human societies, being reciprocity, redistribution and market exchange.

⁸ It needs to be acknowledged that there has been a progressive opening up of ceremonial occasions to tourism and although the ceremonies could not be described as primarily tourist events, there must inevitably be pressure on the ceremonies to transform themselves to accommodate the desires of tourists. Before deciding to write a thesis on land issues I seriously contemplated a thesis on the commodification of culture. The issues raised are complex, and include such questions as whether a point of no return exists whereby a culture is effectively prostituted as the need for tourist dollars begins to outweigh the real purpose of the ceremonies.

⁹ I did not rely on my subjective observation as anger could have been confused with other forms of grief. A colleague present at the funeral carefully explained the reason for the friction.

¹⁰ This was in accordance with my years of answering the question "Yu go wea?" if I was walking anywhere on Tanna Island. I had previously thought of this question as an issue belonging partly to natural curiosity, partly to gentle social control. But when on the "public" roads used by trucks, it is easy to forget that one is not in a public space as perceived in New Zealand.

¹¹ Although most Tannese place names have more profound translations, the name Isini, belonging to a mission village, is simply a transliteration of Sydney.

¹² The John Frum movement has often been represented as a cargo cult. The concept is precarious (see Lindstrom, 1993) and it is difficult to apply to the John Frum movement.

¹³ Robert Towns, from whom the city of Townsville acquired its name, was possibly the first to recruit island labour, and he employed the Tanna-based Ross Lewin to bring two initial shiploads, each of 74 Tannese migrants, to work on his cotton plantation in the Townsville area in 1863/4. Lewin was associated with some of the most despicable blackbirding practices, but the Tannese were regarded as the best labourers available. A reasonable account of the relationship between Lewin, Robert Towns, and the early blackbirding voyages

is given in Docker (1970). A more general account of the labour trade is given by Parnaby (1964).

¹⁴ One respondent, a coffee-producing smallholder, who has teenage children at various schools including Tafea College, makes just enough money from coffee to pay all the school fees, but laments the change of lifestyle this represents.

¹⁵ Noted Marxist author CLR James devoted an entire treatise to the unifying influence of the sport of cricket on the West Indies.

¹⁶ I watched the final of the FIFA World Cup in 2003, my eyes glued to a small television screen along with approximately 200 Tannese crowded into a bamboo shelter. Similar events were taking place at several other locations.

¹⁷ In 1977, all church trust lands belonging to Presbyterian churches domiciled in New Zealand and Australia were vested in the Presbyterian Church of the New Hebrides (Land Records Office).

¹⁸ For this information I am grateful to a mapping team involved in the accompanying history project.

¹⁹ I initially counted exactly 40 store buildings but some had closed and in other instances buildings had functions differing from signage.

²⁰ A local missionary notes that in parts of North Tanna villagers still use bamboo rather than plastic buckets to carry water some distance to houses, in this case because there is no money for buckets.

²¹ The choice of four categories is to some extent arbitrary, but as the number of categories increases the marginal effect on accuracy declines sharply. I made these categorisations on the basis of inventory size primarily, subject to any factors which might suggest a different pattern. This applied in the case, for example, of stores #8 and #37.

²² Although I was relying on my ability to estimate inventory, there was some basis for confidence in this (I worked for two years as a warehouse worker and have had considerable experience in stocktaking). Category 2 stores were essentially those for which I could do a very fast inventory estimate, whereas Category 3 stores needed a significant amount of time.

²³ The largest of the senior classes is the Year 12 English stream, numbering 27 students. There are approximately 30 English medium students in year 11. The number of Francophone senior students is about half the size of the English stream, giving a total of about 80-100 senior students currently.

²⁴ Although the term *tan* is in consistent use throughout the island, the terms used to indicate divisions within *tan* tend to be more localised. The suffix *-mene* is often used to indicate a grouping of people, sometimes interpreted as tribe or clan.

²⁵ I queried several respondents as to whether the practice of blackbirding would have caused the geographic movement of people, but all were adamant it was due to the skirmishes taking place on the island.

²⁶ The Ellen Aru judgement of June 2006 was a major talking point at the time of my fieldwork. I viewed a copy of the judgement held by the expatriate owners of a small tourist bungalow who have found that their lease arrangements have been effectively frozen. Although the judgement is being appealed by almost every named family in the judgement, this has not prevented some use of the judgement as a basis for claiming lease monies.

²⁷ The 2000 census was taken near Christmas time in order to allow the education community, mainly teachers, to be the enumerators. At this time of year, thousands of *ni-Vanuatu* have returned briefly to their home islands from the urban centres of Port Vila and Luganville, and the census figures on migration show a migration away from the districts with the large urban centres, even though there is significant urban migration.

²⁸ There is a perception in Port Vila of “Man Tanna from Blacksands” A taxi driver who agreed to drive me through the Blacksands settlement thought about 70% of Blacksands residents were from some part of Tanna.

²⁹ I refer here to e.g. the Port Resolution area as well as Lenakel.

³⁰ Both approaches do fall into the same tourist genre headlined by Douglas (1996) as “They came for savages.”

³¹ I have been personally involved in discussions with a village wanting to arrange visits from the bungalows essentially to enjoy the visit and go bushwalking, with a horseman from middle bush who wants to start up a riding school, and with one village which has had some success in making a pathway which takes people on an hour long sojourn via a place where thousands of flying foxes hang from a particular stand of nambanga trees, another place where a white owl resides, and two places of historical importance on land issues.

³² I am indebted for much of this information to Terry Adlington, who was initially employed as a consultant to the Tanna Coffee project before becoming general manager and then owner in difficult circumstances.

Chapter Seven

SUMMARY AND CONCLUSIONS

I began with a question which, baldly stated, asks whether development is compatible with customary land tenure. The explorations of Chapters Two and Three suggest that the question would be better expressed in terms of *indigenous* land tenure, given that even in cases of minimal state intervention, key elements of customary tenure such as fluidity may have been lost. The diverse forms of tenure which result from the imposition of the colonial state, and which I have explored in some detail in the Pacific setting, cannot accurately be called customary if the implication is that land tenure remains in an unaltered state. The mere fact that the state has the power to prevent people from fighting directly over their land rights exercises a measure of state hegemony which erodes the flexibility of customary tenure. The term indigenous is also problematic, but in this context may refer to the absence of alienation in the first sense used in Chapter Three, with the added qualification that land remains within the kinship domain.

Of the Pacific countries examined in Chapter Three which have retained majority indigenous tenure, two categories are discernible. One consists of countries such as Fiji, which suffered a major redefinition of customary tenure by the colonial state. The second category, including Vanuatu and parts of Melanesia, witnessed the failure of a weak colonial state apparatus to gain full hegemony over land tenure with the result that aborted attempts at widespread alienation left the land in a state closer to unmodified customary tenure, this to be eroded by the immanent effects of cash cropping and the power vested in the courts to resolve disputes.

In the case of Vanuatu, the paradox discussed in Chapter Two manifests primarily through court proceedings which litigate a constructed phenomenon of customary ownership. The form which indigenous tenure has taken on Tanna Island has remained close to its historic roots insofar as many key customary features have been retained. The effect of the condominium joint court was to rationalise some level of alienation, whereas the Island Courts have had perhaps a greater transformative effect on tenure given their acceptance in practice by many landholders as the means by which tenure issues are decided. Yet this process continues to be resisted and the

failure of the CLTA to win widespread acceptance suggests that there is no easy resolution to this paradox.

I made reference in my introduction to two seemingly contradictory positions adopted by Marx, one stating that capitalism could co-exist with other modes of production through the sphere of exchange, and the other stating that other modes of production were an obstacle to the expansion of capitalism, with the implication that capitalism would destroy other social structures in its expansionary path. The first position may manifest as a dual economy, whereby a commercial sector based primarily in available urban settings co-exists with rural subsistence/cash cropping. The physical space required by capitalism to maintain its existence is relatively small, and the registration and commodification of all land is demonstrably not a necessary pre-condition for the existence of a commercial sector.

Marx's second position probably foresaw an immanent process consistent with both the ETLR and the emergent rural bourgeoisie described by Amin(1978). That this immanent process has been slow in some cases and non-existent in others says much for the endurance of customary tenure, albeit in altered form. Those who advocate the planned removal of customary tenure would require a very high level of certainty indeed that global mass consumption was both possible and sustainable. Proponents of tenure conversion seemingly fail to appreciate the extent of the social upheaval that such conversion would bring. An entire way of life, thousands of years in the making, cannot legitimately be devolved into mere "psychic and cultural benefits" (Curtin, 2003).

Conversely, rhetoric (observable to an extent in the drafting of the Vanuatu constitution) which fails to acknowledge openly any contradiction between development and customary tenure, may also have serious consequences. Foremost among these in Vanuatu is alienation by proxy through long term lease, as studied by Farran (Chapter Five) on the island of Efate. Leasehold appears in the Pacific as a stop-gap means of mobilising land use while maintaining a pretext that the land is safe from alienation. On Tanna, alienation levels continue to be minimal, in no small part due to the fiercely independent attitudes of the Tannese people. However, my studies indicate that even a minimal amount of alienation when combined with commercial

incentives such as in the case of the *Isila* tan can be extremely disruptive of customary tenure. Vanuatu has struggled to give full effect to the independence proclamations retaining all land in customary tenure, in the face of the modernising aspect of development as long term leaseholds have further alienated land, accompanied by the failure of the court system to resolve land issues.

The contradiction between modernisation and custom presents very real choices which have been wrestled with, and are still being wrestled with, by the people of Tanna Island. There remain custom villages where most forms of modernisation are rejected, including formal education. However the majority of people on the island have embraced a combination of modernisation and “kastom” with enthusiasm. In the course of my investigation several aspects of modernisation have been studied in terms of their inter-relationship with land tenure.

The first is urbanisation. On Tanna, urbanisation is not yet taking place in a functional way, given two urban plans with no towns and one *de facto* township without legal recognition. Even the most ardent exponents of constitutional purity interviewed saw some need for urbanisation but not necessarily a need to add to the existing two urban settings of Port Vila and Luganville. Whatever the legal position may be, Lenakel is perceived as the town of Tanna (“Black Man Town”) and there is an ambiguity between its role as a town and its role as the “tail” of the three *tan* involved. Even if the land issues can be resolved amicably between the tan, the prospect that one or more tan may gain the financial benefits of urbanisation exclusively has to be weighed against the alternative alienating effects of tenure conversion for the town area in the form of leasehold or public space. At this time, any attempt to create public space is viewed by many as alienation of land, even though the amount of land is small in comparison with the requirements of expatriate rural development through leasehold.

The second is infrastructural development. The electrification programme in the Lenakel area is the first major infrastructural development outside of the transport sector. Although the crossing of several *tan* boundaries created difficulties in gaining easement, the fact that the lines were successfully installed is a testament to what is possible. The issue of difficulty alone does not present an argument for

challenging/changing customary tenure; for example, difficulties posed in New Zealand by the Resource Management Act may be equally challenging. Customary tenure has not ultimately prevented the building of roads, a port, and several bridges.

The third aspect is the development of commercial activity commensurate with customary tenure. My investigation of some cash sectors of the Tannese economy suggest that small holdings of coffee and sandalwood present no serious threat to customary tenure. Tanna shows considerable potential in the areas of tourism, sandalwood, and coffee to raise some of the cash needed to meet aspirations in education and the strong nationalist ethos is likely to reduce the potential for the benefits being diverted to overseas interests. Even the most optimistic predictions for the future production levels of such commodities as coffee and sandalwood under customary tenure bear no comparison to what is achievable under capitalist agriculture, and to this extent Gosarevski and Hughes (2004) appear to win their point. However the point is one that is hardly worth winning, as it is bordering on axiomatic. There is some difficulty, however, in finding models which will work for larger scale production. These models may possibly be found in places such as the East Sepik region of Papua New Guinea.

The fourth aspect is in the area of improvements to housing and health, accompanied by a rapid increase in population. The presence of a small concrete brick industry means there is a gradual increase in the proportion of permanent housing, and this is not impaired by customary tenure. The initial beneficiaries of permanent housing are observably the cash earners, such as store owners, teachers, and taxi drivers, but the permanent housing retains its position within the village under the sovereignty of the *nakamaal*. Owners do not exist as an elite separated in any way from the customary setting, consistent with Rodman's observations on the elites of Ambae.

However, although many of these aspects of development may be compatible with customary tenure (in the sense that they are taking place) they in turn show a capacity to react disruptively upon customary tenure. Every aspect I investigated is in a state of continuous change. Further increases in educational provision will further intensify the pressure to earn cash. Improvements in living standards and education may be

expected to generate demands for further improvements in living standards and education. There is scope for further increases in smallholder production, which at present levels presents no threat to customary tenure, but there is a ceiling on smallholder production at the point where subsistence production is compromised by cash cropping, and this suggests the need for further research in land mobilisation and a search for other models. In the case of the creation of public space, the presence of the Administrative centre at Isangel clearly was one factor which corroded the integrity of the *Isila* territory in which it was based with the result of an effective breakdown in customary tenure through the court process. The increase in population appears to be the single factor applying the most pressure on Tannese tenure, with the resulting urban migration contributing to the growth of squatter settlements in Port Vila, and some breakdown in key elements of customary tenure such as the failure to provide a custom name to every male.

It seems possible to develop and modernise under customary tenure, but the process has no end point; there is no evidence of equilibrium; therefore the struggle for land is likely to remain on the agenda. The underlying contradiction between development and custom needs to be addressed explicitly in order to avoid the worst pitfalls, such as alienation by leasehold. Lesser concessions to modernity could include greater planning in the area of urban provision and public space. There is a strong argument that the needs of Tanna would be better suited if some of this urban migration was contained within the island concomitantly with the development of skill levels in the trades.

Further Research

The conclusions I come to from this brief investigation are necessarily tentative. Countries such as Papua New Guinea and Vanuatu need to move beyond the defence of customary title as a concept and place research emphasis on ways of dealing with the paradoxical situation I have outlined. Failure to resolve underlying contradictions has been illustrated in Tonga, Fiji and the Solomon Islands in recent years in the form of constitutional crises and armed conflict. If alienation through the leasehold mechanism and inappropriate court procedures are left to fester, an escalation of conflict is possible in Vanuatu as well. Following the example of Fitzpatrick (2005),

there is considerable scope for further research on best models for legal recognition of customary tenure.

Appendix One

List of Principal Informants:

Port Vila

Terry Adlington*
John Chaniel*
Pita Pata (Lands Dept)*
Don Patterson*
Joel Simo*
Nailo Tosso*

Tanna

Iolu Abil*
Iaken Kiero*
Tini Niko*
Iaka Maimai*
Denny Kaio*
Timothy Kaio*
Keil Maimai*
Vincent K
Tom Numake*
Rex Iapen*
Alwyn N
Pita Marcel*
Boulais I
Jif Nakat*
Tom Kalewat*
Johnny Taevo*
Robson Moses*
Richard Saraji*
Stephen I
Eric S
Raewyn K.
Malcolm I.

Those with an asterisk are real names; otherwise the names are pseudonyms.

Appendix Two

THE STORY OF SEMU SEMU

Semu Semu was a giant ogre who lived on Aneityum Island, south of Tanna, in the days before. He was very tall and hairy and he ate people. There came a time when he had eaten every living person on Tanna; the old and the young, except for one woman, whose name was Naleyá. He had eaten everyone in her village including her closest relatives. Naleyá ran away and hid in a hole in a rock, where she waited until the giant had returned to Aneityum.

While she was alone on Tanna, Naleyá became pregnant to a vine, whose name was “nolu”. Nine months later she gave birth to twins, who she named Kaseasau and Kaniapnin. She raised her twins secretly on Tanna, fearful of the return of the giant. She circumcised them, and later she taught them to use a bow and arrow. When they were fully grown, she told them of the existence of Semu Semu.

When she believed the twins were ready to fight the giant, Naleyá laid a trap for Semu Semu. With her twins, she left her place of refuge in the north of Tanna and laid a trail of spears down the custom road to the edge of the volcano. Then she lit a fire by rubbing hard wood on soft wood. Smoke billowed into the atmosphere.

The ogre saw the smoke from Aneityum, and angrily made his way back to Tanna. He crossed the sea in great steps, and the ground shook as he approached the place where the boys lay in hiding. The first spear was thrown by Kaniapnin and missed the giant’s body, but the next spear hit, and so did several more. The angry giant, his body covered in lances, followed the twins, threatening to eat them, but as he followed they picked up lances along the road and threw them into the giant’s body, until there was only one left.

Kaniapnin told his brother to throw this last remaining lance into the giant’s ear. This lance finally felled the giant. The two brothers ran away from the giant and waited to see what would happen. They sent three birds, one after the other, to check if the giant was still alive. When the last of the birds returned with Semu Semu’s blood, Naleyá approached the body of the dead ogre and cut it open with sharp bamboo. The whole population of Tanna was inside the body.

The parts of Semu Semu’s body were sent by Kaseasau to all the places on Tanna Island. These are the named places on Tanna Island to this day.

(The legend of Semu Semu was related to me by the children of *Imanaka* village. Where I was unsure of some details, I sought clarification from the account given by *Jif Tuk* in Mezzalira (2005).)

Appendix Three

Participant Information Sheet

Resej Project blong Mr Dennis Rockell

My name is Dennis Rockell. I am a graduate student at Massey University in New Zealand, conducting research for a Masters Degree in the institute of development studies. The purpose of my research is to study the possible ways modernisation can be achieved within the framework of customary land tenure, and how one constrains the other. The main focus of my study is to be the West coast of Tanna Island, being Lenakel and surrounding districts. I am interested in the process of urbanisation and the pace at which this is happening. How successfully can infrastructural arrangements be made in the absence of many public spaces, and what methods are used to achieve this? How fast is the area changing? What changes are welcomed and which ones cause concerns?

You are invited to participate in my research and I would appreciate any assistance you can offer me. All interviews will be carried out by myself with possibly two assistants while on Tanna. I will be in Vanuatu from 11th July until mid August. I am interested in two main groups of people to interview. The first of these people are those who are involved in the modernising process, being business people, government officials, entrepreneurs involved in infrastructure projects, new and old ventures, and education. Some of these people are based in Vila and others in Lenakel. The second group are the people of Tanna who hold land rights and will want to retain their rights. How are their lives evolving with the forces of modernisation?

I will be grateful for your participation in my research. You are under no obligation to participate, but if you agree to be interviewed, your comments will be treated as confidential. Names of participants will not be used unless you are sure you want your name to be used. The end result will be a thesis of about 40,000 words (a small book) and a short summary to be kept by the Vanuatu Cultural Centre.

If you agree to be interviewed, you are welcome to stop the interview at any time, and I will only tape record with your permission. All information recorded will be either in my own handwriting (one copy) or on one personal computer. The end result is not a published document but three copies are made for Massey University. You are welcome to ask for information about the results of the study, which will be provided subject to the same rights to confidence by other participants.

Dennis Rockell

My supervisors are:

Donovan Storey and John Overton

Development Studies
Massey University
Palmerston North
New Zealand

Pepa Blong Pipol Hu Akri Blong Stadi

Resej project blong Mr Dennis Rockell

Nem blong mi Dennis Rockell. Mi wan senia student long Massey University, Niu Zealand. Mi stap resej blong wan thesis long development stadis. Mi stap resej from mi wantem save olsem wanem modernisation i kam supos ol graon i stap kastom. Mi stap go long Tanna blong stap stadi Lenakel wetem ol ples long West Tanna. Mi save stadi urbanisation olsem change i happen. Wanem change i gud; wanem i no gud.

Mi askem u blong helpem resej blong mi. Mi singaot tankyu tumas blong asistem mi. Taem mi stap long Tanna mi storian long fulup man blong save evrisamting long resej. Mi mas askem ol question long komuniti long Tanna . Sam i gat kastom nem blong graon. Sam i stap mekem bisness blong development. Olsem wanem ol laef i changem naoia?

Sapos u akri long interview, mi talem tankyu tumas. Be hemi no wan samting se u mas helpem mi. Hem nao. Sapos u akri i gud. Bae mi no usem ol nem long buk. Mi mas raetem wan buk blong resej, be mi no usem ol nem blong olgeta. Ol i stap secret nomo!

Sam storian, bae mi usem tep ia. Sapos u allowem mi blong usem tep, mi usem. Sapos no, mi no usem.

Mr Dennis

Tufala professor blong mi:

Donovan Storey wetem John Overton

Developmen Stadis
Massey University
Palmerston North
N.Z.

Appendix Four



Source: Vanuatu Tourism (2007)

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