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Taui'anga Tuatau | Changing Times:
*The ambivalent relationship between land tenure and tourism development
on Rarotonga, Cook Islands.*

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Abstract

Tourism is the primary economic driver of the Cook Islands, and its expansion has significantly reshaped land use in Rarotonga, where customary and legal land tenure systems intersect. Despite this, the relationship between land tenure and tourism development remains under-examined in the Cook Islands. This thesis addresses this gap by examining how tourism development has shaped land tenure over the past twenty years, how land tenure has influenced tourism development, and how landholders on Rarotonga navigate change within dual governance systems.

The research adopts a culturally embedded, actor-oriented approach, using ‘akapapa‘anga as both a theoretical and analytical framework to examine development interactions between landholders, land, and tourism. Drawing on qualitative methods grounded in landholder experiences; the study explores how customary and legal tenure systems operate in practice under tourism-led economic pressure. Findings indicate that customary and market-based systems operate in a relationship of complementary competition, at times reinforcing one another while also generating tensions. This produces a reinforcing cycle in which tourism development expands leasing, leasing enables access to finance, and finance facilitates further development. These processes have shifted the value of land in people’s minds towards economic uses, intensifying leasing and financialisation. At the same time, land continues to be understood through relational frameworks, with commercial use negotiated alongside responsibilities to families, place, and shared authority. Enduring ancestral connections and communal governance therefore remain central to how people value and manage land, generating ongoing tensions between economic imperatives and cultural responsibilities.

The thesis demonstrates that landholders actively negotiate tourism development rather than passively absorbing its impacts. Drawing on Pacific land–tourism scholarship, it highlights the importance of development pathways that respect customary governance, support collective agency, and safeguard the cultural and environmental foundations of community wellbeing and sustainable tourism. The thesis also contributes to wider discussions on Pacific-led development within a globalised economy.

Acknowledgements

“Ko Iehova te ‘enua, e tona ki katoa ra; te ao nei, e tei noo I reira” (Salamo 24:1)

Te mea mua, kia akameitaki ia te Atua no tana takinga meitaki e te Aroa ma’ata i te arataki’anga mai iaku i teia angaanga puapinga no te iti tangata no Tumutevarovaro mai e te au tangata katoatoa i roto i te ipukarea e teia nei ao.

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Meitaki ma’ata kia kotou katoatoa.

Dedication

Ko te tamariki te ata o te au mea ka ʻu mai aʻōpō

I dedicate this thesis to my three sons, Corly, Tane and Tamuera and to all the future landholders of Rarotonga.

In memoriam

ʻAkangateitei ia te au ʻatu ʻenua tupuna o teia paepae

No rātou i mekameka ei tatou i teia tuātau.

Although I never met my great-great-grandfather, the late Papa Tiraa, Tuakana Mataiapo (1875-1963), his courageous stand for Cook Islands land rights deeply inspired me, and this research drew me closer to him. He raised my grandfather, the late Papa Tane, Tuakana Mataiapo (1937-2004), who in turn raised me alongside my grandmother who was of Māori descent from Aotearoa, the late Nanny Betty (1938-2011). Their teachings and presence are woven throughout this thesis. This thesis is in loving memory of Papa Tiraa, Papa Tane and my cherished Nanny.

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Glossary of key terms

The Cook Islands Māori definitions have been sourced from the author's understandings and from the online Dictionary of Cook Islands Languages (2026) and Crocombe (1964) *Land Tenure in the Cook Islands*. Words have been organised according to the Cook Islands Rarotonga Māori Alphabet – A, E, NG, I, K, M, N, O,P, R, T, U, V (Buse & Taringa, 1995, p. 5). Letters that are not part of this alphabet are put at the bottom of the list.

Akamaro'iro'i	to encourage
‘Akamata’anga	introduction, to begin, to make seen
Akameitaki	Make well, praise, give thanks
‘Akapapa’anga/papa’anga	Genealogy, pedigree. It also means Founding, basing, layering, arranging in order.
Akatika	Approve or agree
Akono’anga Māori	Māori ways of being
Aīaṗo	Phases of the moon in accordance to the lunar cycle
Aronga mana	group of leaders (eg. hiefs and sub-chiefs); governance
Atu ‘Enua	Landholders
Ariki (high)	1. chief, king/queen, ruler over a tribe, titular head of district or island (as in Mangaia, for example) 2. To accept, as a gift, or a suggestion
‘Enua	1. Land, country, territory, earth, soil 2. Afterbirth, placenta 3. A tree (macaranga harveyana)
Ingoa	Name

Ipukarea	Homeland
Iti Tangata	A loosely defined kinship; one's own people from the same tribe
Kai	1. To eat or consume 2. Food
Kai V̄ananga	Elevated conversation with the spiritual realm
Kopu tangata	Extended Family
Mapu	A young person from the middle teens until marriage takes place
Mana	Power, might, authority, influence, sanctification, infused with magic, potence, control, prestige
Māori	Of native origin, Indigenous to the Polynesian race of the Cook Islands
Marae	A sacred place which served both religious and social purposes
Mata'iapo	1. The firstborn, eldest child. 2. A chief of major lineage
Matakeinanga	A settlement, the inhabitants of a district
Ngāti	Major lineage
Ngutuare Tangata	Family that you live with or nuclear family
Oire	Village
Ora	Time
Pae Tokerau	Northern group of the Cook Islands
Pae Tonga	Southern group of the Cook Islands
Papa'a	People of European descent

Patoi	Object
Peu Māori	Cultural practices, customs and protocol
Piri'anga	Relationships and/or connection
Reo Māori	Māori language
Taeake	Friends or cousins
Tangata	People
Tapere	Sub village
Tiaki	Custodian or caretaker
Tuatua Aka'aravei	Introductions where the speaker connects to the audience through genealogical and historical links
Tupuna	Ancestor(s)
Tumutevarovaro	Ancient name for Rarotonga
Rangatira	Chief of minor lineage
Unga	Hermit crabs but in this context described as the commoners in land settings in the past
Vā	Space
Vaerua	Spirituality
Vaka	1. Canoe 2. Three main tribes/regions of Rarotonga
Vānanga	Talk, converse

Chapter 1: Te enua e te tangata - The land and the people

Me kare e enua, kare o te tangata turanga vaevae

Without land, people have no foundation

Land holds deep meaning for the people of the Cook Islands. From land springs life but it also marks the end of life as loved ones are often buried on the same land that they lived on. Thus, land represents the full circle of life, a principle that some Cook Islands elders describe as inseparable from who they are. As people of the Pacific, their connection to land is central to cultural identity and wellbeing with ties that extend beyond physical and cultural boundaries, encompassing the psychological and spiritual realm (Antonio & Griffith-Charles, 2019; Fuentes, 2021; Newport et al, 2024).

Because of this, the value of land becomes much more than just a resource for sustaining a lifestyle or a tangible asset. There is a special relationship between the land and communities who practice customary land tenure. This relationship can be seen through the unique process of land rights that are influenced by social, cultural and spiritual belief systems. The links to land are founded in ancestral practices, evolving through historical circumstances and contemporary influences (Newport et al, 2024). This has given way to the current physical, social and spiritual landscapes.

The concept of land tenure is broad, and it ranges from land holding, ownership, rights, uses and governing systems (Antonio & Griffith-Charles, 2019; Maxwell & Wiebe, 1999). While land tenure in the Cook Islands has gone through considerable changes from the time of the missionaries and colonialism, these foreign influences did not completely overthrow the traditional social and political order (Campbell, 2002). This extends to the systems that govern land tenure as custom remains protected and preserved in legislation and practice to an extent. This has led to a land governing structure that combines custom with the western legal postcolonial systems which is seen in other Pacific Island countries (Atanraoi & Crocombe, 1995).

By its very nature, land tenure is highly complex, not only because of its intangible characteristics but also as a source of emotion and conflict (Antonio & Griffith-Charles,

2019). Adding to the dynamic nature of land are the varying meanings and value/s associated with it for individuals (Li, 2014). While its meaning may be intimately linked to one's identity, it may be more important as a source of revenue for another. These meanings influence how people interact with land, a relationship that shifts over time as governing structures, knowledge systems, development pressures, globalisation, and land scarcity reshape the decisions made about land. Land tenure on Rarotonga has evolved from a traditional system through periods shaped by missionary influence, the British Protectorate, colonial administration, and agricultural development. Under self-government, it has continued to change in response to more recent economic drivers, particularly tourism.

Therefore, the primary aim of this research is to understand the relationship between land tenure and tourism development on Rarotonga and the changes that have unfolded over the past twenty years. This introductory chapter will explain the geographical context of the Cook Islands followed by the rationale and background for this research, and the current state of tourism in the Cook Islands. I finish with an outline of the chapters to follow.

1.1 The Cook Islands setting

The Cook Islands is made up of fifteen islands that are split into Te Pae Tokerau (Northern) and Te Pae Tonga (Southern) groups as shown in figure 1. Rarotonga, the biggest and most populous of the islands, forms part of Te Pae Tonga group of islands and is also the administrative centre.

Figure 1: Map of the Cook Islands (Mapsland, 2026)



Its political status is self-governing in free association with Aotearoa New Zealand signalling the strong ties between both countries. The Cook Islands is a representative democracy with a parliament. The King of England is its head of state, who is represented locally by the King's representative. Executive authority sits with the government, led by the Prime Minister (Cook Islands statistics office, 2022).

Rarotonga has one main road along the coastline that traces the island's 32km circumference. This encircles a spectacular mountainous interior, helping to make it a captivating tourist destination. It is approximately a four-hour flight from Aotearoa New Zealand. This proximity, along with regular flights and relaxed immigration requirements, results in Aotearoa New Zealand providing the highest percentage of the visitor market to the Cook Islands. Figure 2 showing its location on the world map.

Figure 2: Position of the Cook Islands in the global context (WorldAtlas, 2026)



The resident population of the Cook Islands was 15, 040 at the time of the last 2021 population census with 10,898 of those people living on Rarotonga (Cook Islands statistics office, 2022). The most recent resident population for the Cook Islands for the June quarter 2025 is estimated at 17,300 (Cook Islands statistics office, 2023). The international airport is located on Rarotonga therefore receives the most tourists into the Cook Islands. This context provides the foundation for the next section, which outlines the rationale and background of this research.

1.2 Rationale and background

E tumu 'enua rā, e toketoke 'enua.

I am a native of this place, a worm of the land

I grew up on Rarotonga with my grandfather, who was the Mata'iapo (chief) of our tribe. From an early age, the discussion on land and its connection to people was a normal part of everyday conversation around me. During those formative years, I recall waking up to the loud sounds of animated Reo Māori Tumutevarovaro (Rarotonga dialect of the Māori language) chatter of relatives with my grandfather over stacks of papers which I

later discovered were genealogy documents connecting people to each other and to place. These early encounters along with the long, excruciating waits at the Land Court for my grandfather reinforced for me that our ties to the land are profoundly important for our people. Unbeknown to me at the time, these experiences ignited my own passions around land tenure in the Cook Islands. This combined with the strong blood ties through my grandfather, link me to the lands that I currently live on, and influenced me as I mulled over ideas to write this thesis.

I have witnessed and experienced many changes over the past twenty years on Rarotonga. While I acknowledge that such changes were inevitable, their rapid pace has contributed to what Becken et al. (2025) describe as a state of disorientation, in which existing cultural beliefs and values come into conflict with those emerging in a new and quickly shifting context. Tourism development has provided economic benefits and considerable wealth for some, but it has also altered life on Rarotonga in many ways. The notable changes for me have been that Sundays are no longer being strictly observed as a rest day, there is reduced public access to beaches, increased installation of private property signs and fences, an overcrowded Saturday market, more short-term rental properties, less long-term housing, and less planting land. These changes scrape the surface of the profound shifts experienced over the past twenty years. Post-development scholar Arturo Escobar, shared a message from a United Nations report that resonated with my feelings on the impact of tourism:

There is a sense in which rapid economic progress is impossible without painful adjustments. Ancient philosophies have to be scrapped; old social institutions have to disintegrate; bonds of caste, creed and race have to burst; and large numbers of persons who cannot keep up with progress have to have their expectations of a comfortable life frustrated. Very few communities are willing to pay the full price of economic progress.

United Nations, Department of Social and Economic Affairs, Measures for the Economic Development of Underdeveloped Countries, 1951 (as cited in Escobar, 1995).

This passage reflects the changes spurred on by rapid economic development. These changes have given rise to pressing tensions and challenges that often appear as isolated events, oblivious to the forces of historical and economic links that created them. For example, the arrival of the missionaries and the annexation of the Cook Islands to

Aotearoa New Zealand marked a precursor of events that continues to undermine customary approaches to land while cultivating the conditions conducive for economic growth. This research will reveal the direct links between land tenure and the tensions that arise through its dual systems, historical foundations and its evolving role in contemporary Rarotongan society, intensified by tourism development.

Rarotonga has been transformed by rapid tourism growth over the last two decades. As highlighted by Becken et al., (2025, p. 1) “As tourism grows, so does the extent to which it brings changes to a destination.” The socio-cultural and environmental impacts and changes brought about through tourism development, are not as easily measured as visitor arrival figures or the contribution percentage of the national gross domestic product. However, they are just as important, and arguably even more significant than, the economic implications of development particularly in this present-day setting where people and natural resources are under substantial pressure and stress.

Although the changes associated with tourism development are broad and far-reaching, this research narrows its focus to land tenure in Rarotonga and its ambivalent relationship with tourism development, guided by two research questions and three main objectives.

Question 1: How does land tenure affect tourism development?

This question is followed by two main objectives:

Objective A: Examine the customary approaches and legal postcolonial governance structures of land tenure on Rarotonga.

Objective B: Explore the influence that land tenure has had on tourism development from the perspective of landholders on Rarotonga

Question 2: How does tourism affect land tenure?

From this question stems the following objective:

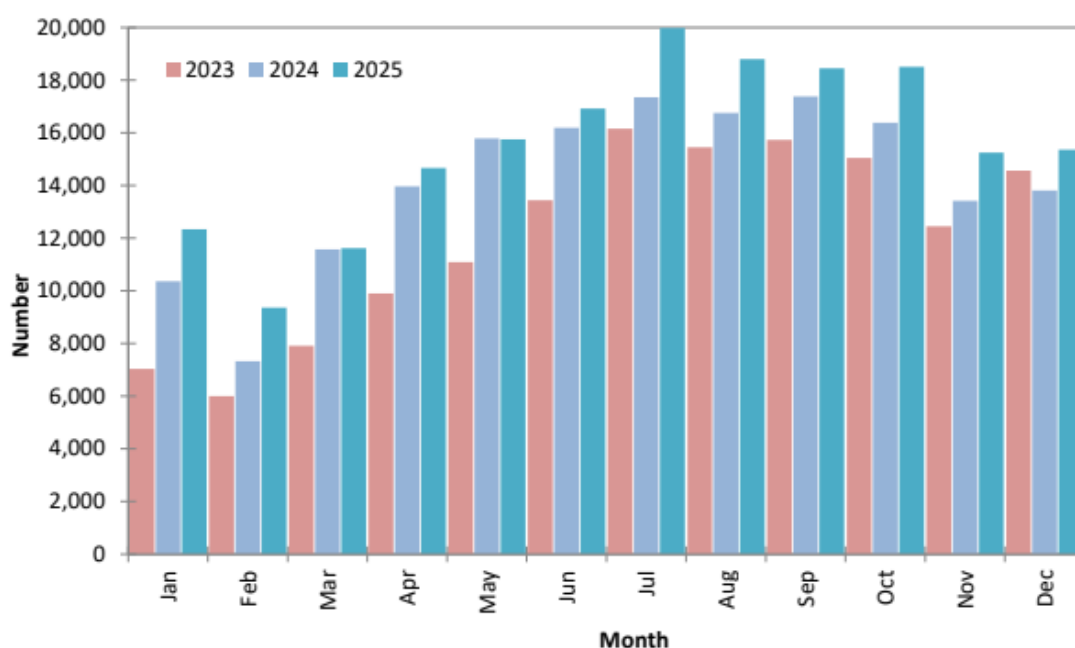
Objective C: Explore the influence that tourism development has had on land use and land tenure from the perspectives of landholders on Rarotonga.

To address the research questions and objectives, this section begins by examining the state of tourism in Rarotonga within the broader context of the Cook Islands.

1.3 Rarotonga and tourism development

The Cook Islands' largest industry is tourism. The contribution of tourism to the Cook Islands reached a peak of \$542 million in 2019 (Schulze et al., 2021). For 2024, the total contribution to the economy was around \$541.77 million (Kumar, 2025). Tourism is estimated at contributing over 70% to the nation's gross domestic product (Fotheringham, 2025). With tourism growth at the forefront of national priorities following the Covid-19 pandemic, there are no immediate signs of it slowing. Figure 3 graph shows a steady increase of visitor arrival numbers following the pandemic from 2023-2025 (Cook Islands statistics office, 2025). The month of July 2025 reached a peak of 19,975 visitors, exceeding pre-pandemic levels in 2019 by 7.3% (Cook Islands statistics office, 2025). The visitor arrivals for the month of July significantly exceeds the population of Rarotonga, and of the entire Cook Islands. The island's ability to sustain such numbers is questionable with research pointing to a notable diverse range of carrying capacity limits (Becken et al., 2025; Evans, 2011). For the case of this thesis, the focus will be on capacity limits in terms of land constraints due to tourism development.

Figure 3: Visitor Arrivals 2023-2025



Note. Cook Islands Statistics Office - Ministry of Finance and Economic Management. Retrieved from Cook Islands statistics office Website (2025).

These figures reveal that tourism recovery for the Cook Islands is well underway following the economic downturn caused by Covid-19. Total visitor arrivals for the 2025 calendar year reached 187,018 revealing a 9.76% increase from 2024 (Cook Islands statistics office, 2025). Short-term holiday accommodation forms a substantial and increasingly influential component of the Cook Islands tourism landscape. As the Cook Islands Tourism Annual Report (2023/24) notes, the availability of short-term rentals is now a major determinant of the country's overall carrying capacity, shaping how many visitors the islands can realistically host at any given time. This accommodation segment has expanded rapidly in recent years, filling gaps left by limited hotel infrastructure and enabling a wider distribution of visitors across villages and family-owned properties. As a result, short-term rentals now function as a critical pillar supporting the volume, diversity, and geographic spread of tourism on Rarotonga (Cook Islands Tourism Corporation, 2025).

Because accommodation capacity directly determines how many visitors the Cook Islands can receive, short-term rentals play a central role in shaping airlift decisions, including flight frequency, seat availability, and airline partnerships. Increases in short-term accommodation signal greater ability to support additional flights, while limited supply constrains airline expansion and future visitor growth (Cook Islands Tourism Corporation, 2025). As a result, the growth, regulation, and distribution of short-term holiday accommodation have immediate implications for tourism planning and the sustainable management of visitor flows. Crucially, because much of this accommodation is provided by local landholders, its expansion is closely tied to land tenure processes, meaning that decisions about using, leasing, or developing land for tourism are directly shaped by the interaction of customary and legal tenure systems on Rarotonga.

As tourism continues to grow in Rarotonga, the intersections between land, culture, economy, and governance become increasingly complex, with land tenure emerging as a central concern for landholders, government agencies, and the wider tourism industry. Dixon (2025) describes the Cook Islands economy as a hybrid system that sits

outside the conventional capitalist models, particularly because land cannot be sold outright and because communal, cultural and familial obligations continue to share land-related decision-making. This can be understood through Gudeman's (2001) distinction between the realm of mutuality, grounded in kinship, reciprocity, and collective responsibility, and the realm of the market, which is not only concerned with commercial exchange but also with capital accumulation, profit maximisation, and the extraction of value from land, labour, culture, and place.

These realms operate along a continuum and frequently interact in ways that are both complementary and conflicting (Gudeman, 2001; Horan, 2012). They operate in tension within the broader conditions of colonial capitalism, where Indigenous lands and communities are drawn into market systems while also maintaining obligations to families, ancestral ties, and communal wellbeing. Vunibola and Scobie (2022) argue that Indigenous innovation takes place within and against, and sometimes beyond, colonial-capitalist relations, as Indigenous peoples use available economic and institutional structures while also seeking to reconfigure them in pursuit of self-determination and collective wellbeing. This framing is useful for understanding land tenure in Rarotonga, where tourism development requires Cook Islands people to engage with capitalist market pressures, including leases, investment, accommodation development, and the commodification of culture and place, while still attempting to uphold customary responsibilities to land, family, and future generations.

These dynamics create ambivalent experiences in land tenure relations as landholders navigate the opportunities and constraints of tourism within a system that can generate income while also intensifying pressures on land, labour, culture and community relationships. Decisions about land are therefore not simply economic choices, but negotiated responses to competing obligations, where Cook Islands people may simultaneously stabilise, resist, adapt, or reconfigure colonial-capitalist arrangements through land-use decisions. Tourism development can therefore be seen as a form of Indigenous entrepreneurship by landholders who operate within existing capitalist structures, while prioritising culture, communal wellbeing and responsibility over land. As a result, decisions about land are frequently negotiated at the intersection of both worlds.

1.4 Thesis outline

The ideas presented in Chapter 1 lead into the next chapter's review of the literature on land tenure and tourism development in Rarotonga, Cook Islands. Chapter 2 situates the research within broader Pacific scholarship, examining customary land tenure, the emergence of dual governance systems, and the historical role of the Land Court, before tracing how these structures have shaped tourism development on Rarotonga and across the region. Chapter 3 develops the theoretical framework, drawing on post-structuralism, postcolonialism, and post-development theory, and introduces 'akapapa'anga as a culturally embedded, actor-oriented lens for understanding power, agency, and development interfaces. Chapter 4 outlines the research methodology, positioning 'akapapa'anga as a lived research methodology and detailing the use of kai vānanga to foreground landholder perspectives. Chapter 5 presents the empirical findings, highlighting how land tenure shapes tourism development, land use change, and livelihood outcomes through everyday negotiations and practices. Chapter 6 discussion brings the findings into conversation with the theoretical framework, analysing the dynamic interactions between structure, agency, and cultural knowledge within tourism-driven land development. Finally, Chapter 7 concludes the thesis by reflecting on the implications for land governance, tourism policy, and sustainable development, and by charting potential pathways grounded in Rarotonga Māori aspirations and self-determined futures.

Chapter 2: Navigating contested ideas about land tenure

Introduction

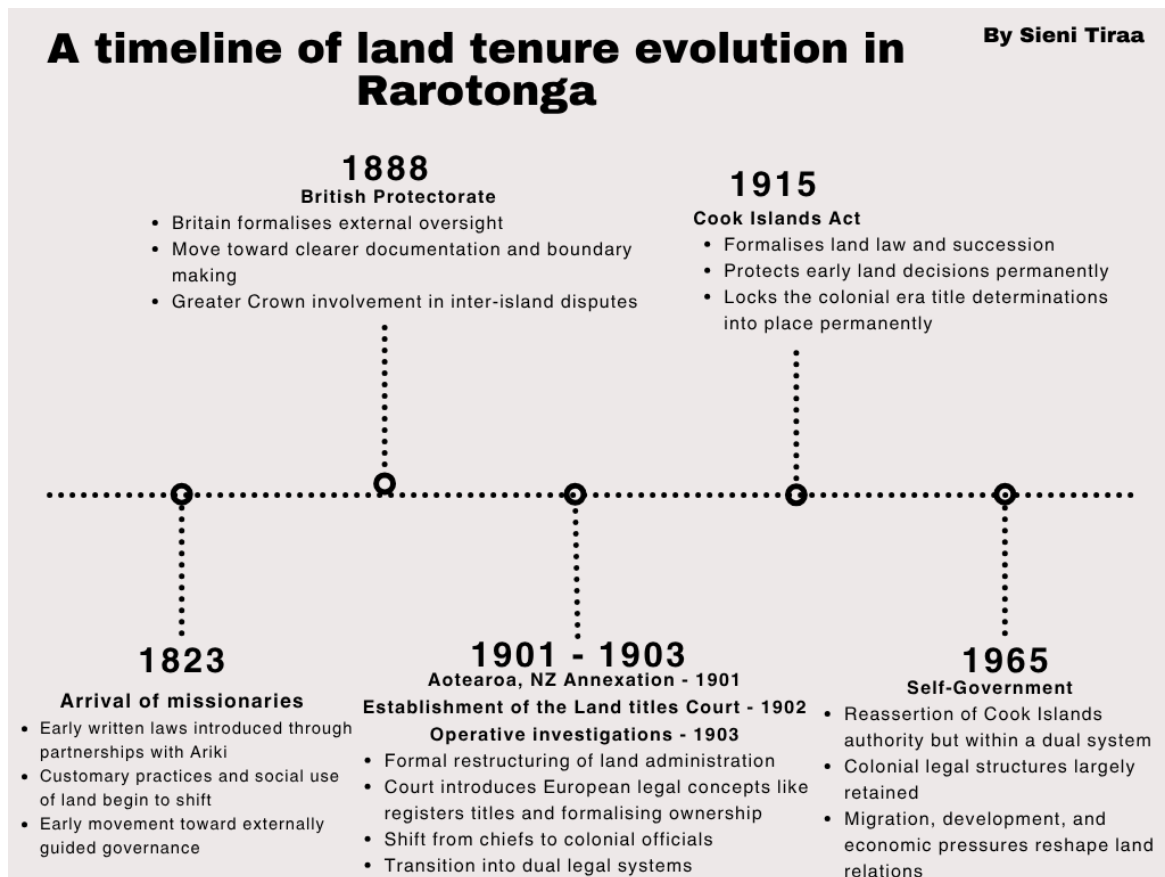
“Te pakari o to tatou ui tupuna i te taporoporo ma te akapuapinga’anga i te ki o te enua”

The wisdom of our ancestors lies in sustainably utilising the richness of the land.

For hundreds of years prior to European contact with Rarotonga, land was settled, cultivated, and managed through customary practices. This ancestral settlement era formed the basis of Rarotonga’s land tenure system, with land organisation anchored in genealogy, chiefly rank, family and tribal connections to place, and the authority of early titleholders. These customary structures existed long before missionary intervention and the later changes introduced through the colonial Land Court (Crocombe, 1964).

Since then, significant events such as the arrival of the missionaries in 1823, the British protectorate period from 1888, and the Cook Islands annexation to Aotearoa New Zealand in 1901 and the eventual self-governing status of the Cook Islands in 1965, have influenced the evolution of land tenure. See figure 4 for a timeline of key historical shifts in land tenure on Rarotonga (Campbell, 2002; Crocombe 1964; Gilson & Crocombe, 1980; Pascht, 2011).

Figure 4: A timeline of land tenure evolution in Rarotonga



This literature review chapter begins with an examination of the broader customary approaches to land in the Pacific, and its evolution. It will then focus on the customary approaches to land tenure on Rarotonga, where there are many intersections and synergies with those of the wider Pacific region. Next, it will discuss the dual governing systems of Rarotonga as can be seen now, followed by a review of how this entanglement has influenced the invention of traditions and contributed to reshaping custom. This sets the stage for the discussion of the role of the Cook Islands land division at the Ministry of Justice, followed by an outline of the types of land tenure. The chapter concludes by examining insights on land tenure and tourism development in Rarotonga, before expanding outward to consider wider research on the relationship between tourism and land tenure across the Pacific.

Before proceeding, I want to highlight a point made by the late Ron Crocombe that shaped how I reviewed the literature, particularly on customary approaches to land tenure:

In Pre-missionary times there was no writing, and when the same “principles” are applied without written records it will soon end up in a very different situation from what would result in a literate situation. Writing, making a permanent record, changes any system anywhere, even if it’s intended to perpetuate it. (Crocombe & Holmes, 2014, p. 20).

With this valuable insight in mind, the written record takes on new significance when examined through a critical lens.

2.1 Customary land tenure in the Pacific and its evolution

In a number of Pacific Island countries, customary land tenure accounts for between 80 - 97 percent of land (Atanraoi & Crocombe, 1995; Commonwealth of Australia, 2008; Scheyvens et al., 2020). The spiritual and belief systems held by diverse customary groups influence the management of their land rights thus creating their own unique land processes (Antonio & Griffith-Charles, 2019; Newport et al, 2024). Customary land tenure has met the basic needs of people for food, shelter and water in the Pacific region for countless generations as they have effectively adapted to changing social and environmental conditions (Commonwealth of Australia, 2008; Fuentes, 2021).

Atanraoi and Crocombe (1995, p. 12) stated that almost every piece of land in the Pacific Islands today is influenced by at least four forces, each of which is in a different process of change. The first has included local customs being constantly modified in practice, though not usually in state principle. Secondly, some elements of external cultures are having an impact throughout, and this is being driven by globalisation, capitalism and development (Antonio & Griffith, 2019; Atanraoi & Crocombe, 1995). Thirdly, money has become a significant factor in land transactions with land being central to economic development. Finally, elected governments are motivated by policies and practices that will increase their chances at the next election (Atanraoi & Crocombe, 1995).

Not much can be said that applies to all customary land systems in the region, however a report on *Reconciling customary land and development in the Pacific* by the

Commonwealth of Australia (2008) has noted some common characteristics of Pacific customary tenure systems. One such example is that the groups based on kinship are the main landholding units demonstrating that land ownership was more collective in nature rather than individual. However, it is important to note that although land ownership is often described as being owned by a group, this did not mean that all members had equal access to the land. Each individual within the communal system may have distinct interests and rights to use, transfer and control land and the resources on the land (Commonwealth of Australia, 2008, p. 5). Some of these traditional principles remain while others have changed radically, depending on which country one is examining. Atanraoi and Crocombe (1995, p. 10 -11) elaborate further on common features of land tenure systems in the region, listing:

- Collective rather than individual control/ownership
- Land is acquired through inheritance by blood or adoption
- The main rules of selection of land rights included:
 - Inheritance through the male line for up to 95% of Pacific Islanders, whose rights were superior to those of females even when land was inherited through women
 - Those who were older or senior took precedence over the more junior
 - Those who worked the land established a stronger right to it over time
 - Stronger individuals could assert their rights to land over weaker
 - Those who contributed more to community activities increased their acquisition and retention of land rights
 - Those who occupied the land and remained, retained the rights to land more than those who left
 - Land rights were based on human memory, which favours those doing the remembering leading to power dynamics

The features that determined land rights were suitable for the geography and environment of the time. Over time, one of the most significant trends influencing succession to land rights has been the recording of births as it provided a clear and stable reference point (Atanraoi & Crocombe, 1995). The recording of a birth is easier to track than the ever-changing nature of contributions to community activities, working

the land and changing movements. Consequently, the practice of documenting births, genealogies, and other events marked the beginning of notable changes in how land rights were determined (Atanraoi & Crocombe, 1995).

Besides record keeping, several other factors have contributed to the evolution of customary land tenure in the Pacific. The undermining of customary land tenure is brought to the forefront when it is modified significantly to benefit a few and in response to changing circumstances and new opportunities often associated with colonialism, capitalism and the emergence of market economies (Antonio & Griffith-Charles, 2019; Curry et al., 2012 Maxwell & Wiebe, 1999). There are many examples across the Pacific of 'land-grabbing' efforts of mostly international companies looking for large sections of land, mainly for logging, mining, tourism and commercial crop production (Curry et al., p. 116).

Development banks and other external advisors encourage independent Pacific Island countries to pursue economic strategies that boost their own economies and, collectively, support regional development (Pickering, 2017; Stumpf & Cheshire, 2019). Yet the development pathways they promote such as large-scale construction projects, mass agriculture, logging, rapid urbanisation, and mining are heavily dependent on land. These development pathways are often problematic as pressure is placed on local communities and livelihood connections to land may be threatened or overlooked in the pursuit of economic development (Stumpf & Cheshire, 2019; Vogt, 2019).

The next section focuses on what the literature has revealed around customary approaches to land tenure in Rarotonga, Cook Islands. Recognising and understanding that these practices evolve over time is essential. It reinforces that culture is not fixed but continually responsive and adapting to the social, political and economic changes that influence contemporary land tenure.

2.2 Customary land tenure on Rarotonga, Cook Islands

Crocombe (1964, p. 60) stated in his seminal piece on *Land Tenure in the Cook Islands*, that "It is inappropriate to say that anyone 'owned' land in Rarotonga, for this might suggest that individuals had absolute power to use and dispose of land as they wished."

Rather, land rights are held collectively, with shared responsibility to safeguard until such a time that it is passed on to their descendants. As such, this research refers to individuals with interests in land as landholders. In the Cook Islands, access to and ownership of land are fundamental to their social structure and affect almost all aspects of life in the country. To understand Cook Islands society, the system of land ownership and right to access is central (Syed & Mataio, 1993).

I begin with a brief outline of the beginning of land ownership structures. Pre-European contact, land on Rarotonga was gained through conquest. Prior to the allotment of lands by two independent parties of settlers, land rights were held by discovery and settlement. Little is known about the land holding systems from this time except that conquest superseded all other rights to land (Crocombe, 1964). Land by conquest ended when the missionaries arrived (Crocombe & Holmes, 2014). According to traditions, the land was allotted in Rarotonga after the arrival of two independent settler groups from eastern and western Polynesia towards the end of the 12th century (Pascht, 2011). These two groups were led by Tangiia and Karika and are considered by most as the leading progenitors to whom most Cook Islanders can trace their descent from (Crocombe, 1964; Pascht, 2011).

It was from the period of these two groups of settlers and their followers that the foundations of Rarotonga's land tenure system can be traced. According to oral tradition, these two ancestral warriors and their followers marked the beginning of a system based on ranked authority and descent groups. This system included the allocation of tapere (sub-district) to titleholders, establishing stable and hereditary landholding units (Crocombe, 1964; Pascht, 2011). This ancestral settlement era created the formative basis for Rarotonga's land tenure system. During this period, core principles of land organisation anchored in genealogy, hierarchical rank, and the authority of early titleholders became firmly established. These structures existed long before missionary interventions or the subsequent changes imposed by the colonial Land Court (Crocombe, 1964).

Before these external interventions, Rarotonga operated according to its own customary principles of land governance. Rights to land were held collectively by social groups,

with authority nominally vested in the title name of the head of each group. Thus, to this day some lands are known by the name of the head of the group. As land was collectively owned, an individual's rights were not always absolute or fixed. Instead, they were shaped by the rights of others within the same landholding group and further influenced by the layered hierarchy of authority that governed Rarotongan society (Crocombe, 1964).

Campbell (2002, p. 221) argues that while European contact had considerable implications for the Rarotongan social order, it did not completely overthrow the pre-existing structures. Some of these traditional or customary structures continue today. Three levels of chieftainship are recognised in Rarotonga and are commonly known today as traditional leaders (Arutangai & Crocombe, 1987). They consist of the Ariki (high chief), Mata'iapo (chief of major lineage) and Rangatira (chief of minor lineage). The titular headship of the tribe was vested in the Ariki, who descended from founding ancestors, ideally in the direct male line but also through achievement and status (Crocombe, 1964).

Rarotonga was and still is divided into three major *Vaka* (districts) and subdivided into tapere. The high chief had the authority to subdivide the land into tapere which ran from the mountainous interior to the fringing reef. The tapere was occupied by a ngāti (major lineage) allotted to them by the Ariki and controlled by the titular heads of the major lineages also known as Mata'iapo (Crocombe 1964; Gilson & Crocombe, 1980; Pascht, 2011). Those without titles were known as unga (commoners) and held their land by permission with the protection of the landholder (Crocombe, 1964).

There are similarities between the customary tenure system of the Cook Islands and the overarching Pacific customary land tenure features described in the previous section by Atanraoi and Crocombe (1995). According to Crocombe et al., (2008, p. 157) the three main factors for traditional tenure systems of the Cook Islands included:

- Most landholders lived nearby or occupied the land for which they had rights and were likely to use it for building, residing, planting, hunting and other activities.

- The descent group or lineage had main rights to the land and allocated rights among its members. The landholder's rights were primarily to membership of the descent group.
- Senior men of the relevant level in the family, clan or tribe decided the affairs of the land. However, these senior men had to ensure that their decisions considered all members of their family including women and children.

The view of an Ariki on customary land tenure was captured in the Federal Parliament of the Cook Islands on the 3rd of August 1894, when the Ui Ariki said that:

The land belongs to the tribe: but its use is with the family who occupy the land. The family consists of all the children who have a common ancestor, together with the adopted children, and all the descendants who have not entered other tribes. (as cited in Crocombe & Holmes, 2014, p. 359)

This brings to the forefront, Crocombe's (1964) statement that no land rights belonged to any one individual. At the crux of customary land tenure there is an emphasis placed on communal rather than individual tenure. However, the next section introduces the codified and legal framework (which includes an individualistic element), and its integration with custom: this is referred to as the dual systems of governance for this research.

2.3 The dual systems of governance

The concept of land tenure is often described as complex due to its intangible nature and the entanglement between customary and statutory law systems (Antonio & Griffith-Charles, 2019). Pickering (2017, p. 127) describes the instances where two or more formal and informal systems coexist as pluralistic legal systems. As this research focuses on only two governing structures, the term applied in this context is the dual land-tenure systems. According to Antonio and Griffith-Charles (2019, p. 126) the general perception is that land tenure evolves either naturally or through guided land reforms from customary, informal systems to individualised, formal systems.

For the Cook Islands, a strong argument put forward by Stenberg (2017, p. 25) revealed that the dominant legal system “converted sacred lines of descent into ownership arrangements” and this was bound to have a dramatic effect on local custom. Furthermore, one of the causes of the people’s resentment towards the Cook Islands Land Court was its deviation from local custom. As expressed by Crocombe and Holmes (2014, p. 15) “...there is considerable and widespread public prejudice against the Court within those islands where it has worked.” The dual governing systems continue to be a contentious matter.

Moreover, customary land tenure systems are often changed to support efficiency, productivity, and market growth. Antonio and Griffith (2019, p. 125) argue that these changes are intended to help customary systems respond to globalisation and their incorporation into national and international markets. However, this process can also reflect the force of capital, where flexible customary land relationships become more rigid and market focused. As Vunibola and Scobie (2022) suggest, colonial capitalism often reshapes Indigenous systems in ways that prioritise production, profit, and value extraction over collective wellbeing.

This notion was demonstrated following the annexation of the Cook Islands to New Zealand. Gilson and Crocombe (1980, p. 105) explained that “Most of the detailed planning for the Cook Islands concerned the economy, and the Land Court was the keystone of the economic programme.” However, the historical accounts reveal that the conversion of land tenure to facilitate the economic programme was not a simple process, as its success was still largely dependent on the actions and attitudes of the traditional chiefs (Gilson & Crocombe, 1980; Scott, 1991). This demonstrates a resistance towards the privatisation of land through customary injunctions, not only in the Cook Islands but globally (Li, 2014).

Globally we see statutory frameworks in place to govern land tenure with loose interpretations and questionable incorporations of custom in place. For example, this is the case in the Cook Islands, Fiji, and Papua New Guinea (Atanraoi & Crocombe, 1995). In the Cook Islands, these wider tensions were reflected in the colonial government’s introduction of a statutory Land Court system to facilitate economic development,

underpinned by assumptions that customary practices were inefficient, outdated, and in need of formal legal intervention (Gilson & Crocombe, 1980; Scott, 1991).

Stenberg (2017, p. 27) suggests that the Cook Islands Land Titles Court was intended to advance modernisation and commercialisation while remaining compatible with customary tenure and preserving the perceived benefits of both systems. However, Stenberg (2017, p. 25) also argues that the legal recognition of customary land in the Cook Islands only loosely reflected customary tribal hierarchies and instead became “vessels for legal constructs that are wholly imported and ontologically unsettling.” In article 66A under Custom (Cook Islands Constitution, 1965) it states that “custom and usage shall have effect as part of the law of the Cook Islands.” However, despite ‘custom’ being constitutionally protected at present, there is no legal definition as to what custom is for the Cook Islands. Crocombe and Holmes recognised the need for a resource on Southern Cook Islands customary law and published three volumes on *Pre-European Southern Cook Islands Customary Law, History and Society* (2014).

Nevertheless, one of the disadvantages of codifying custom is that it freezes a situation during a period of change. The fluid nature of custom, as explained earlier, becomes outdated when codified and applied to changing scenarios (Atanraoi, Crocombe, 1995). The evolution of custom and its incorporation into legal frameworks, thus raises significant concerns around the interpretation and determination of custom. This sets the scene for the next topic of discussion around the invention of custom.

2.4 The invention of custom

Crocombe and Holmes (2014) define customary law as the practices and rules of the Māori people in existence at the introduction of Christianity (p. 250). There are few published materials on what these practices and rules may be as it is noted that the documentation of custom is not substantial enough and a large amount of material appears to have been lost (Gilson & Crocombe, 1980; Stenberg, 2017). However, Crocombe (1964, p. 4-9) describes five major sources in which he used to reconstruct the pre-contact land tenure system. These have included the physical features of the island, recorded material by Indigenous people as the art of writing was first taught in 1824, written resources by external observers such as the early missionaries and the

extensive resources of the Land Court including informants. In addition, a review of the material on customary land in neighbouring islands such as Tahiti and Aotearoa New Zealand within the broader context of the Māori people of Polynesia provided a basis for drawing informed and reasonable conclusions about custom.

The Cook Islands Māori system, like their relatives in Aotearoa New Zealand was based on a value system which adhered to principles rather than rules. “The fundamental purpose of Māori law was to maintain appropriate relationships of people to their environment, their history and each other” (Crocombe & Holmes, 2014, p. 257). Gilson and Crocombe (1980, p. 16) highlighted this value system through the following statement,

The people did not conceive of ownership in the sense of an individual having the right to acquire, use and dispose of land as he saw fit, like the concept of private ownership in capitalistic societies. The two principles which determined an individual’s land rights were his kinship affiliation and the nature and extent of his authority.

Nevertheless, despite the existing system for Māori peoples, it was deemed unworthy and replaced with the imposed, codified and autocratic style of the Aotearoa New Zealand administration in accordance with native custom. According to Crocombe and Holmes (2014, p. 254) the incoming British settlers in both Aotearoa New Zealand and the Cook Islands viewed customary law as lacking morality, fairness, reasonableness and certainty. It was noted that this was more to do with a defect in the way of observation rather than an absence of law since they did not see their own law (or inventions) reflected back at them (Crocombe & Holmes, 2014). Therefore, when analysing the evolution of customary law, one must be wary of the invention of custom.

Any analysis of Rarotonga’s land history must begin with an awareness that the Land Court records do not present custom in its original form, but rather through a transformed, contested lens. As Campbell (2002, p. 223) explains:

The Rarotongan Land Court records have their own built-in biases.... While the recital of tradition would always have a competitive edge, this takes on a new and complex character when the forum is a European court, governed by European notions of evidence and oaths.

In July 1902, the Cook Islands Land Titles Court was established and the resident commissioner appointed as Chief Judge and granted authority to investigate land titles and determine ownership according to custom and other legal means (Gilson & Crocomebe, 1980; Pascht, 2011). In, *Years of the Pooh-Bah: A Cook Islands history* by Dick Scott (1991, p.2) the following reference was made “...what man can say, ‘I am Resident Commissioner today, Land Judge tomorrow, High Court judge on Wednesday,’ and preserve himself impartial in each?” The determination of Rarotonga’s original landholders, to be recorded in the register of titles, was left to the discretion of the Resident Commissioner (Pascht, 2011; Scott, 1991). This process proved in many cases flawed as there are many instances of rightful landholders being left out and others without rights included (Pascht, 2011).

Campbell (2002, p. 223) argued that although genealogy is central to Rarotongan tradition and landholding, the courts have diminished its mana (power) by tailoring evidence to European understandings and expectations. As a result, reconciling custom with the imposed legal system has become increasingly difficult, making fair and legitimate interpretation of customary land practices both challenging and complex. Over time, this reshaping of customary approaches to fit external legal standards has generated tensions among local people, particularly when court decisions appear to undermine long standing cultural principles (Campbell, 2002; Crocombe & Holmes, 2014).

One of the earliest records of a formal collective protest against the injustices of the Land Court with respect to Māori custom was made by the Rarotongan traditional leaders in 1941 and 1942. One of their grievances stated, “That the Ariki, Mata’iapo, Rangatira and people resent the action of the Land Court in changing the Customary Māori Laws without first consulting their views of this most important matter” (Rarotongan high chiefs dated 8 August 1941 as cited in Crocombe & Holmes, 2014, p. 251). Their petition was noted but unsuccessful. My great great grandfather, the late Tuakana Tiraa Mataiapo was one of those chiefs.

Therefore, the Cook Islands Courts have from 1902 until now made determinations on customary law in the absence of evidence as to what pre-Christian Indigenous

customary law was (Crocombe & Holmes, 2014). Although the Land Court is obligated to act in accordance with native custom, it has never initiated research to clarify what custom actually entails. Despite holding a substantial archive of cases and records, the Court has also not undertaken a systematic review of this material to better understand the principles of customary land practice. The lack of resources and budget to facilitate such a task for the Ministry of Justice is noted as a leading constraint. It is evident that the court departed from custom in significant ways, revealing that it became a primary driver of changes to customary land tenure principles (Crocombe, 1964; Crocombe & Holmes, 2014; Pascht, 2011). As a result, several practices now known as custom were, in fact, inventions of custom constructed or endorsed by the court rather than inherited from tradition.

According to Crocombe et al. (2008) one of the most significant changes of customary land tenure can be pinpointed to a ruling in 1957 by an Appellate Court of the Land Court. This ruling allowed for every person to succeed to both parents in all registered native lands. Therefore, access to land based on sex, seniority of descent, status and residence was abolished. The effect has been a “...proliferation in ownership and often multiple ownership of very small parcels of land” (Syed & Mataio, 1993, p. 54). For instance, each person has the right to succeed an equal share in all the lands of both parents, all four grandparents, all eight great-grandparents and so on.

This decision was made by visiting judges who knew nothing about the language or culture yet based its decision on ‘the principle of Māori custom that all children inherit equally’ (Appellate Court Minute Book 3, p.10 as cited in Crocombe et al., 2008, p. 158). Crocombe et al. (2008, p. 158) declared that this ruling “...legally destroyed custom on registered native lands and resulted in ever increasing fragmentation of ownership. Many now accept this error as custom.” Fortunately, the pioneering land research in the Cook Islands by influential early scholars such as Ron Crocombe laid a solid foundation for emerging Cook Islands land enthusiasts.

The following section examines the role of the Cook Islands Land Court.

2.5 The role of the Cook Islands Land Court

The role of the Cook Islands Land Court has evolved over time, with its current mandate encompassing land matters described on the Ministry of Justice website as “...managing the national land processes and records...” (Ministry of Justice, 2025, “About the Ministry”). While the Court’s contemporary land processes are discussed later in this section, it is first necessary to consider the historical basis for its establishment. This provides a clearer understanding of the circumstances that reshaped customary land tenure into the system seen today. Importantly, although land reform in the Cook Islands appeared to arise from local concerns, it was also significantly shaped by New Zealand’s colonial interests.

The main responsibilities of the Land Court when it was first established were to:

- Resolve land disputes and record who owned land through a registration of titles system based on an application process where genealogy was central (Gilson & Crocombe, 1980; Campbell, 2002).
- Reduce chiefly powers over land as the authority of the chief judge superseded the Ariki. Through the Land Court, the resident commissioner who was also the chief judge proceeded to restrict chiefly authority over land (Gilson & Crocombe, 1980).
- Increase the commercial productivity of the land available to Cook Islanders by “...individualising title and freeing the unga (commoners) from the control of the chiefs” (Arutangai & Crocombe, 1987, p. 60). The social and economic status of the commoner became a major issue when the Land Court was established, and it became necessary to distinguish between the relative rights of commoners and titleholders (Crocombe, 1964).
- Identify land surplus to Indigenous needs to lease to Europeans to generate income through cash cropping. Gilson and Crocombe (1980, p. 119) pointed out that to incentivise agricultural development, the Resident Commissioner persuaded the Ariki to tax idle land, demand landholders to fence their properties, and to guarantee the leasing of

vacant lands to Europeans. Few Ariki were willing to do this, so the Resident Commissioner found other means to diminish their mana.

Although land reform in the Cook Islands appeared to emerge through local processes, its development was closely tied to New Zealand's colonial interests in formalising, regulating, and administering land. As a New Zealand colony, land policy was driven primarily by economic motivations (Gilson & Crocombe, 1980; Scott, 1991). Economic development, specifically agricultural expansion was the central aim of New Zealand's Prime Minister at the time, Richard Seddon, who viewed the Cook Islands Land Court as the key mechanism for facilitating this progress (Gilson & Crocombe, 1980). Consequently, early land reform was designed to support agricultural production, and traces of this legacy remain visible in contemporary land processes.

To further its economic aims, the colonial administration established governance structures that worked in favour of European settlers. Authorities adopted a system in which land remained owned by Cook Islanders but was leased to Europeans. As Syed and Mataio (1993) note, the registration of titles was intended to encourage leasing by providing secure tenure and incentivising cash-cropping. These arrangements enabled European farmers to export produce to New Zealand, and by 1906 more than 1,400 acres of Rarotonga's land had been leased to Europeans. This is an extensive proportion given the island's 5,226 acres of arable land (Syed & Mataio, 1993, p. 37).

In later decades, the leasehold system continued to reshape land use and economic development. By assigning monetary value to leasehold interests and enabling leased land to serve as security for borrowing, the system expanded landholders' access to capital (Crocombe et al., 2008). This financial leverage opened the way for significant tourism-driven development. As a result, increasing areas of land shifted toward commercial purposes, particularly accommodation, amenities, attractions, and related tourism activities (Cook Islands Tourism Corporation, 2025).

Across the Cook Islands today, land administration varies considerably. Of the fifteen islands, nine fall under the jurisdiction of the Ministry of Justice, which oversees land administration, governance, and formal legal processes (Pascht, 2011). Three islands

remain uninhabited and operate under wildlife reserve arrangements with their own governance structures. The remaining three islands of Mangaia, Mitiaro, and Pukapuka maintain their distinct customary land tenure systems without judicial intervention. As a result, development on Rarotonga occurs within a formalised and legally regulated land system that contrasts sharply with islands where land is governed solely through customary practices and local authority.

The Ministry of Justice, through its Land Division, administers land matters under a wide and complex suite of legislation, including the Constitution, the Cook Islands Act 1915, the Property Law Act 1952, the Land (Facilitation of Dealings) Act 1970, and the Leases Restrictions Act 1976 (Marshall, 2018). Each statute imposes distinct requirements and procedures, creating an intricate and often overlapping regulatory environment. Navigating these frameworks makes the Ministry's role both demanding and multifaceted (Marshall, 2018). Understanding these jurisdictional and legislative distinctions is essential for contextualising how different forms of land tenure function across the Cook Islands.

The next section outlines the specific types of land tenure on Rarotonga.

2.6 Types of Land tenure

Almost all land (95-99%) in the Cook Islands is subject to customary title (Commonwealth of Australia, 2008; PSDI, 2021). The nine islands where land falls under the jurisdiction of the Ministry of Justice in the Cook Islands is divided into two categories: customary land (uninvestigated land) and native freehold land (investigated land). Land in the Cook Islands cannot be bought or sold, except to the government for public purposes regardless of whether the land is registered as native freehold title or is managed under customary practices (Crocombe et al., 2008).

Under the native freehold title system, only a native of Cook Islands Māori descent and their children are legally allowed to own specific areas of land (Marshall, 2018). The court initiated the registration of land in individual names and required that each identified section be surveyed and converted into a numbered freehold title (Syed & Mataio, 1993, p. 54). Most readily accessible and valuable land on Rarotonga was

investigated and therefore registered as native freehold title from 1902 (Crocombe et al., 2008). The registration of lands in the Cook Islands took over 90 years with lands still being investigated and determined well into the mid-1990s (Atanraoi & Crocombe, 1995).

A key feature of land tenure in the Cook Islands is the system of shares. Each family member holds a certain number of shares in a block of land, typically reflecting the size and branching of their family line. This means that members of larger family lines must divide their allocated shares among many descendants, while those from smaller lines divide the same share among fewer people, effectively receiving a larger portion. As a result, the distribution of shares has become increasingly important in determining land rights, claims, and ownership in the Cook Islands (Crocombe et al., 2008). Exclusive rights to native freehold land are granted through two main forms of tenure through occupation right or leasehold, which are explained further in Figure 5.

This research focuses on leasehold interests, currently the most common form of land tenure and a key mechanism enabling tourism development. A leasehold interest occurs when native freehold land, typically owned collectively by multiple family members is leased to an individual or business (Matysik & Marshall, n.d.). Leases can run for up to 60 years, after which the land and any improvements revert to the landholders unless the lease is renegotiated. Renewals are common, and commercial leaseholders often begin renegotiation when approximately 25 years remain (Schulze et al., 2021).

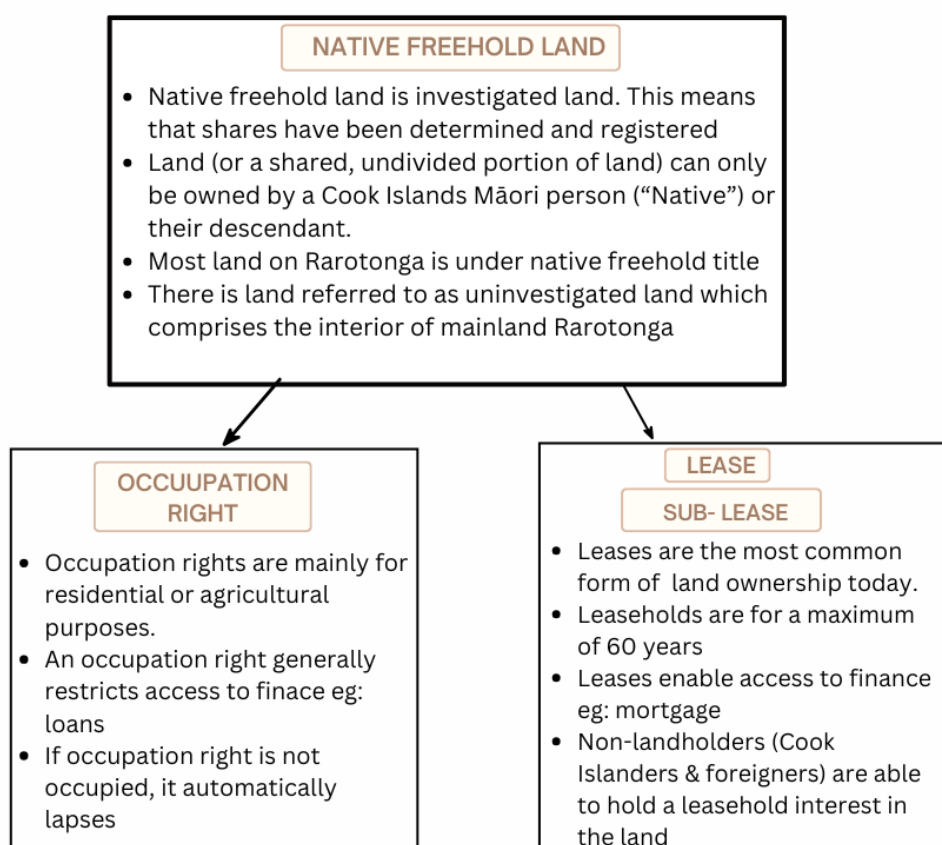
The leasehold system allows both Cook Islanders and non-Cook Islanders to use native freehold land without altering the underlying ownership, which may involve numerous landholders (Schulze et al., 2021). It also provides landholders with flexibility, enabling them to sell or mortgage their leasehold interests for the duration of the lease. Importantly, leases allow individuals or businesses without ancestral ties to hold interests in land owned by others, paving the way for tourism development and attracting foreign investment (Marshall, 2018).

Figure 5 breaks down the categories of land and different types of tenure in the Cook Islands (Marshall, 2018). An occupation right is generally granted to a relative (s) who

co-own the land to occupy for residential and/or for agricultural purposes with the conditions of the order set by the Land Division at the Ministry of Justice (Marshall, 2018).

Figure 5: Types of tenure under Native Freehold Land

TYPES OF TENURE UNDER NATIVE FREEHOLD LAND



By: Sieni Tiraa

2.6.1 Access to land

Access to land in the Cook Islands is fundamentally shaped by family collectives who hold rights to the title. These co-owners play a decisive role in determining

how land is used, including who may occupy a parcel and the size and location of plots allocated to individuals. The Ministry of Justice's Land Division plays a key role in overseeing land decisions, generally requiring collective agreement among co-owners before occupation rights, leases, or other forms of land use are approved, thereby reinforcing the central role of family consensus (Syed & Mataio, 1993).

Preferences between occupation rights and leases are also influenced by practical and financial considerations. Crocombe et al. (2008, p. 166) note that people with blood rights often favour leases, even though they can be complex and costly. This is largely because banks no longer lend against occupation rights, favouring leases as the only viable form of security. Leases also offer greater flexibility, as the land does not need to be utilised or developed within a set timeframe. In contrast, an occupation right requires the holder to occupy or develop the land within seven years or risk cancellation. Once approved by the court, a leasehold interest is considered secure (Crocombe et al., 2008).

The banks in the Cook Islands include the Bank of the Cook Islands (government-owned), the privately owned Australia and New Zealand banking group (ANZ), and Bank of the South Pacific (BSP), all of whom lend readily for financially viable purposes. The most common reason for lending is for housing, followed by small commercial developments (Crocombe et al., 2008). When borrowers default, the family holding rights to the land must be offered the first opportunity to purchase the lease before it is sold externally (Marshall, 2018). While this measure aims to protect family interests, it also requires substantial capital upfront, which can result in the lease passing out of the family for the remainder of its term.

Loan defaults were particularly common during the mid-1990s economic crisis, when the Cook Islands' economy collapsed, and the public sector was reduced by 60% between 1996 and 1999 (Dixon, 2025). The resulting mass emigration and population decline contributed to a rise in mortgagee sales, often to expatriate residents (Crocombe et al., 2008). This period marked another significant

turning point in the country's land and economic landscape, shaped largely by external economic forces.

Taken together, these historical and structural conditions underscore the pivotal role of land tenure in shaping development outcomes. By creating pathways for investment and land-based economic activity, the system has laid the foundation for tourism development to expand. This leads into the next section, which examines how land tenure structures on Rarotonga operate in practice.

2.7 Foundations of Tourism Development

Frederick Moss, the first British Resident for the protectorate, announced in a prophetic statement in 1896:

The Cook Islands are no longer alone. They are now linked on to the rest of the world, and people will come from other places seeking to buy your land. Sooner or later you or your children will be consumed by a thirst for money with which to buy many things. Then you will sell the land and spend the money, and you and your children and your people's children will be reduced to practical slavery, because you will all be obliged to work for other people and take such pay as they may be willing to give.

Captured in Te Torea weekly newspaper (as cited in Scott & CITC, 1991, p. 55).

In a way, this statement foreshadows the present era of globalisation and the effects of commercialisation through capitalism. It sets the scene for this section which reveals the events that have enabled and accelerated tourism which has led to many opportunities but also many challenges. As tourism is the leading economic driver for the Cook Islands, an examination of the conditions that unfolded to facilitate its growth is required.

There are two major events in the Cook Islands that signalled significant population changes and the growth of tourism. The first is the opening of the international airport on Rarotonga in 1974 which provided an easier option for migration in and out of the Cook Islands. This increased accessibility led to a drastic decline in the resident population, as many migrated to New Zealand (Wright-Koteka, 2006). At the same time, however, the number of visitors expanded rapidly and with the establishment of

regular air services, the Cook Islands developed a stable tourism market (Government of the Cook Islands, 2022).

The second event was the fiscal crisis mentioned earlier, which led to the extensive restructuring of the Public Service from 1996-2001 (Wright-Koteka, 2006; Government of the Cook Islands, 2022; Dixon, 2025). In response to this, the Cook Islands Government was required by external actors such as the New Zealand Government and the Asian Development Bank to implement a “socially disruptive Economic Restructuring Program (ERP) in return for a financial rescue package” (Dixon, 2025, para 2). The adoption of the ERP marked a period of significant transition which resulted in a migration loss of approximately 25% of the Cook Islands resident population across the five years (SPC, 2005 as cited in Dixon, 2025).

A total of ninety-nine specific reform measures was adopted by the Cook Islands Government in an attempt “to restructure the economy to conform with the neo-liberal goal of reducing the role and scope of government and empowering the private sector” (Dixon, 2025, para 6). For example, many public entities were corporatised including the former Tourism Authority which transitioned to the Cook Islands Tourism Marketing Corporation in 1998. This was done in a bid to reduce regulatory barriers to growth for the private sector (Private Sector Development Initiative, 2021). Consequently, the pace of tourism development rapidly accelerated as a direct result of the deregulation process.

Notably, the economic programme of cash cropping in the early 20th century was directly shaped by New Zealand’s influence. Similarly, the adoption of neoliberal ideologies in the Cook Islands reflected New Zealand’s embrace of neoliberal policies during the mid-1980s (Phelan, 2015). Indeed, the influence of New Zealand remains deeply embedded reflecting the two countries’ close ties and shaping the foundations of tourism development for the Cook Islands. This profound influence provides a segue for the following section, which examines the relationship between tourism development and land tenure.

2.8 The relationship between tourism development and land tenure on Rarotonga

The relationship between tourism development and land tenure on Rarotonga has been dynamic, as landholders continue to navigate the pressures of tourism investment alongside the preservation of customary land tenure systems. The Pacific Resort, Rarotonga model is a notable example of the long-term impacts that can emerge from taking an alternative approach to conventional commercial land arrangements. Rather than leasing their land for fixed rental payments, the Taiinu Landowners Incorporation took an unprecedented step of entering into a joint venture partnership with the developers of the Pacific Resort, Rarotonga. In return, the landholders were given early shares in the resort from its establishment in 1987, where their equity gradually grew over time into a majority ownership at present (Pacific Resort Hotel Group, 2025).

This model positions the Pacific Resort Hotel Group as one of the pioneering examples of sustainable and locally grounded tourism development in Rarotonga and the wider Cook Islands. It showcases how collaborative ownership structures can create long term benefits for both investors and landholders. Nevertheless, even with the significant opportunity's tourism offers to landholders, local businesses, and the wider economy, there are several challenges that continue to shape the evolving relationship between land tenure and tourism growth on the island.

Indeed, this very growth, driven largely by tourism, supported the country's graduation to high income status in 2020 (Henderson, 2025). While this marks an economic milestone it also means that the country became ineligible for most traditional official development assistance (Henderson, 2025). Importantly, the growth driven by tourism signals more than economic prosperity as it has also contributed to significant social and environmental changes that influences daily life on Rarotonga. In particular, this research conveys how tourism development has changed land use, impacted the environment and altered the livelihoods of local communities, while also highlighting the role of land tenure in shaping financial institutions and foreign investment.

Tourism development on Rarotonga has grown exponentially in a largely unmanaged way, intensifying environmental pressures and social challenges on an island already constrained by limited land availability. A report on visitor arrivals prepared 15 years ago identified three major environmental concerns associated with this growth: solid waste, water supply, and liquid waste (Evans, 2011).

First, increasing visitor numbers have placed significant pressure on landfill capacity. Second, tourism growth has outpaced water storage capacity, causing frequent shortages for residents and highlighting the need for upgraded infrastructure and expanded rainwater harvesting. Third, the expansion of visitor accommodation has strained sewage systems, with inadequate septic tanks reinforcing the urgent need for upgraded installations, trained personnel, and coordinated enforcement of sanitation standards (Evans, 2011). In response, Evans (2011, p. 16) recommended a fifteen-year moratorium on new visitor accommodation, to be reviewed as supporting infrastructure improved. Fifteen years later, this recommendation has never been implemented, contributing to the land tenure pressures and environmental impacts that now influence tourism development.

More recently, concerns have been raised about the underlying growth model that drives tourism expansion, particularly on Rarotonga where increasing visitor numbers have undermined social cohesion and environmental health. According to a study conducted by Becken et al., (2025) visitor volumes appear to be approaching, if not surpassing, the island's carrying capacity, a situation that became especially noticeable during the rapid expansion period before the COVID-19 pandemic from 2015-2019. During these years, pressures on the natural environment and local infrastructure intensified, and although cultural impacts were less prominent, the island's increasing reliance on migrant labour was identified as a significant issue (Becken et al., 2025). Taken together, these developments reveal how rapid tourism growth has deepened existing vulnerabilities, making it more difficult to manage land sustainably, and placing additional strain on local communities, while also exacerbating long standing complexities within Rarotonga's land tenure system.

Figure 6 shows two aerial shots of the Muri region, well known as a prime tourism area on Rarotonga due to the pristine beach and motu (islets).

Figure 6: Aerial shot of Muri, Rarotonga from 2005-2025.

Muri, 2005



Muri, 2025



Consequently, the spike in short term rentals has limited the availability of long-term rentals for residents. The increased demand has driven the prices of long-term rentals up, a phenomenon experienced globally in heavily dependent tourism destinations (Mikulić et al., 2021). Specifically for the Cook Islands, a ‘community attitudes towards tourism’ survey captured in a time series spanning across four years (2016-2019) revealed that 2019 was the most challenging year to find long term rentals. This was primarily due to property owners opting to rent their accommodation as short term for more money (Milne, 2022). Coincidentally, the year 2019 had the highest visitor arrivals, 171,550 recorded across the four years (MFEM, 2019).

From an investment angle on land tenure in the Cook Islands, the Pacific Private Sector Development Initiative [PSDI] that was commissioned by the Asian Development Bank stated that “Land ownership constraints are an impediment to tourism investment” (PSDI, 2021, p. 6). Tourism growth has meant that more people are trying to obtain land, and the fragmentation of title has led to multiple landholders on parcels of land restricting the agglomeration of development sites (PSDI, 2021). Another notable feature is the high interest rates for commercial loans of up to 10%. A Cook Islands banking report revealed that the high interest rates reflect the added risk from the land tenure system. This is broken down into four components as identified by Schulze et al. (2021, p. 2),

1. Certainty of title, meaning if land interests are not properly identified and agreed upon, a lease can be challenged and voided, leaving the bank’s security with no value.
2. The diminishing value of leases as security as time passes reduces the value of the security held and what can be recovered.
3. The market for lease re-sale is restricted on residential property buyers reducing the market for lease sales and lowering the value recovered in mortgagee sales.
4. The time and cost of selling a lease

Consequently, the high local interest rates are a concern for the Cook Islands Government, and they see this as a constraint on the nation’s economy. The recommendation made by the banks was to standardise the process of obtaining

consents of landholders to ensure faster and easier sales of leases that provide security over loans. Yet, despite the Cook Islands Government's agreement in principle, no significant changes were made to the land laws to make transferring leases less complex and costly (Schulze et al., 2021).

This further underscores the complex and challenging nature of the Cook Islands land tenure system, even for governments who may prefer not to interfere with customary land rights, at the cost of enabling economic growth. While the limitations of land tenure for tourism development may be viewed as restrictive, it can also be viewed as a relief from the fast-paced development that consequently places significant strain on the people and environment. The following section situates the discussion more broadly around the navigation of tourism development and land tenure, particularly customary practices in other Pacific Island Countries.

2.9 Tourism and land tenure across the Pacific

Debates over land tenure are often framed around a tension between customary systems and statutory models of ownership. While customary tenure arrangements are widely recognised for their social benefits and contribution to equity, their relevance has been questioned in development contexts that prioritise economic growth through efficient, individualised, and market-oriented frameworks (Maxwell & Wiebe, 1999; Stumpf & Cheshire, 2019). These perspectives tend to position statutory tenure systems as more compatible with private investment and economic expansion.

However, a growing body of scholarship has challenged this dominant narrative. Rather than viewing individualised tenure as the sole pathway to development, recent research highlights how a plurality of tenure forms can generate meaningful social, economic, and cultural benefits. This is particularly evident in contexts where customary land tenure remains deeply embedded in local livelihoods, governance structures, and cultural identity (Antonio & Griffith-Charles, 2019; Becken et al., 2025; Crocombe & Holmes, 2014; Fuentes, 2021; Rice, 2020; Scheyvens et al., 2020; Stumpf & Cheshire, 2019). Bryant-Tokalau (2017) contributes to this reframing by emphasising that land-based development outcomes are shaped not simply by tenure form, but by how land, business, and social relationships are negotiated within specific cultural and

political contexts. Her work challenges assumptions that formalisation alone unlocks development, instead foregrounding the importance of locally defined priorities and relational governance.

These debates are especially relevant in the Pacific, where tourism development has expanded differently across the region and land tenure is widely recognised as a key factor shaping development outcomes (Bryant-Tokalau, 2017; Scheyvens & Russell, 2009). Tourism now constitutes a major economic sector in countries such as Vanuatu, Fiji, Tahiti, the Cook Islands, and Samoa, encompassing diverse models ranging from foreign-dominated resort developments to locally owned and community-based enterprises (Scheyvens & Russell, 2009). Yet, despite tourism's growing economic significance, the ways in which customary land tenure systems intersect with tourism development remains a relatively unexplored but critical area of research (Movono et al., 2018).

Across the region, customary land tenure systems are closely tied to identity, social status, cultural continuity, and community wellbeing. These deeply relational land systems often conflict with standardised development models that treat land primarily as a commodity for tourism infrastructure and investment (Stumpf & Cheshire, 2019). Land is commonly understood through both economic and relational lenses, with commercial use negotiated alongside obligations to kinship, place, and collective authority (Bryant-Tokalau, 2017; Dixon, 2025; Horan, 2012). Understanding how Pacific communities navigate these tensions is therefore critical to assessing the sustainability and equity of tourism development in customary land contexts.

As such, Pacific nations seeking to sustainably grow tourism face tensions between large scale private investment, genuine community participation, and the constraints posed on Indigenous entrepreneurs by limited business experience and access to capital. These pressures reveal the importance that land tenure plays in shaping equitable and sustainable tourism futures (Scheyvens & Russell, 2009). For example, Scheyvens et al. (2020) demonstrate through their case studies in Fiji, Papua New Guinea and Samoa how customary tenure is not a hindrance to economic progress, rather, it can strengthen cultural continuity, support local enterprise, protect the environment, and meet the socio-economic needs of Indigenous communities. They reinforce that customary land

holds intrinsic value as a foundation for self-determined, inclusive, and sustainable place-based development. Given the complexities of land use and investment in the Pacific, it remains essential to protect and uphold Indigenous land rights (Bryant-Tokalau, 2017; Scheyvens et al., 2020).

Similarly, a study by Stumpf and Cheshire (2019) in Micronesia drew related conclusions. Their findings revealed that foreign investors often underestimate or ignore the cultural significance of land, leading to failed resort projects in places such as Yap when local landowners would resist proposals that “...they felt was unlawful use of land inherited in trust to the villagers...” (p. 967). The importance of understanding customary tenure processes is essential for tourism planning so that communities are not severely impacted. The impacts of tourism accommodation development can lead to profound ecological and cultural shifts as shown in another case study in Vatuolalai, Fiji (Movono et al., 2018). Movono et al. (2018) revealed that large-scale tourism development can disrupt totemic associations, reduce access to ancestral lands, and weaken traditional social structures, reinforcing the critical nature and value of understanding customary tenure processes when planning tourism.

Stumpf and Cheshire (2019, p. 968 - 969) argue that sustainable development cannot rely solely on standardised institutional models typically promoted by external agencies. Instead, they emphasise the need to draw on deeply embedded informal institutions, which are often more effective in guiding land use decisions and producing successful outcomes. Therefore, this study concluded that sustainable tourism in Micronesia should be grounded in existing local land systems, leveraging culturally embedded informal institutions rather than imposing Western style land reforms (Stumpf & Cheshire, 2019).

This section reveals that there is a complex interplay between customary land tenure and tourism development across the Pacific, but that these things can work well together. The examples illustrate that tourism ventures are more successful when they acknowledge and respect customary tenure practices that underpin Indigenous relationships to land (Bryant-Tokalau, 2017; Rice, 2020; Scheyvens et al., 2020). When tourism development aligns with these long-standing cultural principles, establishments are able to build stronger partnerships with host communities and

significantly improve the long-term sustainability and shared benefits of their operations.

Summary

This literature review has navigated the contested ideas on land tenure across time and space. I started by examining customary land tenure in the broader Pacific and then focused on Rarotonga. I then redirected course to explore the terrains of the dual systems of governance which gave rise to the discussion on the invention of custom. The course then turned to investigate the role of the Cook Islands Land Court followed by the explanation on the types of land tenure structures including, importantly for this thesis, the lease system. This provided an avenue to lay the foundations of tourism development and the relationship between land tenure and tourism development currently on Rarotonga. It concludes by drawing on examples from across the Pacific to situate Rarotonga within a broader regional frame, showing that careful navigation of customary land tenure and tourism development is needed across the region.

In summary, customary land tenure has evolved significantly. Although, custom remains contentious as it is highly dependent on one's interpretation of culture, there are dominant customary themes that reveal that custom still has an important place within the Cook Islands context. Nevertheless, the imposition of the legal system signified a shift in power dynamics that has re-shaped land tenure practices profoundly. The role of the Cook Islands Land Court played a pivotal role in transforming custom through its entanglement with the legal framework in what we see today as a dual systems approach. Though the leasehold system was created to lease surplus land to European settlers for cash cropping, its legacy continued as it facilitated the next wave of development through tourism.

The tourism industry began to gain traction once the international airport was established, consequently also leading to resident population decline due to outward migration. Tourism's growth was also enabled by the introduction of neoliberal policies as a direct result of the fiscal crisis of government in the 1990s. While tourism has undeniably generated substantial economic benefits, its socio-cultural and

environmental costs are mixed, particularly given the largely uncontrolled nature of the industry and the rapid pace of land-based development.

There are currently gaps within the literature on land tenure in the Cook Islands in relation to tourism development. The reports on the implications of tourism development are almost twenty years old with limited to no material on its impacts on land tenure across the past five years on Rarotonga, particularly post-Covid 19. In the post-pandemic period, much of the emerging discourse and available resources take on an investment driven perspective, reflecting a strong push to stimulate economic recovery and growth. Within this context, land tenure has increasingly been framed as a constraining factor to achieving sustained and progressive development. Ongoing pressures remain to align policy and practice with the dominant development paradigm, which prioritises economic expansion and market-oriented progress.

Rather than treating land tenure simply as a barrier to development, this thesis seeks to understand how it has shaped tourism development in Rarotonga over the past twenty years from the perspective of landholders themselves. This focus is important because the historical circumstances that produced dual systems of land governance have long generated tensions, particularly during periods of rapid economic expansion, when those less able or willing to adapt may be placed at a disadvantage. Yet, despite these structural constraints, landholders continue to exercise power and agency in ways that influence development practices and outcomes. These dynamics of power and agency are explored in greater depth in the following chapter.

Chapter 3: Power and agency in land tenure: Understanding the layers of the land

Introduction

The Cook Islands, like many islands in the Pacific, was traditionally organised on the basis of different social levels or hierarchies (Atanraoi & Crocombe, 1995; Commonwealth of Australia, 2008; Crocombe, 1964). Before European contact, the hierarchies underpinning the principles of customary land tenure involved power dynamics based on historical and cultural settings. However, the dynamics of the pre-colonial time were not entirely harmonious; oral histories reveal power structures with extreme cases whereby many chiefs reigned with violent force (Crocombe, 1964). In those times, the paramount chiefs and their sub-chiefs had central Mana and control, with communal existence being crucial to the livelihoods and survival of the collective (Crocombe, 1964; Crocombe & Holmes, 2014). To this day, there are undercurrents of this traditional system through customary approaches that have shaped land outcomes.

However, the missionary era followed by the colonial period, led to a major shift in power dynamics, establishing dominant hierarchies and foreign systems of governance that significantly altered and transformed traditional power structures (Crocombe et al, 2008). This period led to considerable shifts in land tenure and shaped power relationships that continue to influence contemporary land tenure issues in the Cook Islands. Economic development was the impetus of the colonised government to individualise land title. The theoretical concepts used in this research recognise the ways in which historical circumstances have shaped today's power structures.

The main theoretical framing for this work is post-structuralism as it seeks to understand relationships which are central to the aim of this research. Post-structuralism and postcolonialism intersect in many ways and are bodies of theory which both question simple mainstream Western ontologies (ways of knowing the world). Although these theories differ in ways which are explored below, they are essential to this investigation and must be discussed together, particularly when examining power and agency. In addition, when seeking ways forward for land and tourism development in the Cook Islands, I draw on the concept of 'a pluriverse of

possibilities' from post-development literature, and aspects of this approach will come through in the following chapters. This is especially relevant as respondents share their suggestions for an improved approach to land tenure and tourism development.

The following chapter will firstly outline the core tenets underpinning post-structuralism, postcolonialism and post-development. Secondly, it will examine the intersection between post-structuralism and postcolonialism in the Cook Islands context, with an emphasis on power and agency. Subsequently, this chapter brings together key concepts originating from post-structuralism thought to gain a better understanding of the relationship between land tenure and tourism development. This chapter concludes by reflecting on the value of a culturally embedded framework grounded in 'akapapa'anga, demonstrating how it enhances understanding of the intersection between an actor-oriented approach and development interfaces within the context of Rarotonga. In doing so, it highlights the contribution of these concepts to understanding the dynamic relationships shaping land tenure and tourism development in the Cook Islands.

3.1: Cultivating theory

3.1.1 Post-structuralism theory

To begin the discussion, the main points constituting post-structuralism theory are outlined before turning to postcolonialism. The philosophy and literary theory of post-structuralism emerged in the 1960s following a structuralist critique of language, representation and the assumption that meaning is fixed. One difficulty in understanding this theory is that there is no one single definition but is best understood through the diverse contribution of the body of thinkers associated with post-structuralism (Williams, 2005). Relationships between human beings, the world and the practice of making and reproducing meanings are central to post-structuralism theory (Popan, 2025; Rae, 2020 Williams, 2005).

Post-structuralism posits that power is closely tied to knowledge, truth and subjectivities. Power determines what counts as knowledge, and this, shapes people's identities, discourse and how realities are understood (Rae, 2020).

Power and meaning are context specific and constantly changing, determined by the evolving nature of relationships. It rejects the idea of stable, overarching systems of definitive truths posited by structuralists (Feder, 2011; Miller, 1990; Rae, 2020). Instead, post-structuralism moves beyond fixed structures reinforcing that social relationships are more flexible and intricate. As such, culture and meaning are seen as interconnected, fluid and shaped by historical circumstances (Popan, 2025).

Michel Foucault, one of the early key influential thinkers of post-structuralism theory, focused on the relationship between power, knowledge and discourse. He maintained that power is not held by individuals but circulates across society as a whole (Miller, 1990). Foucault suggests that discourse and systems of knowledge defining what is normal, true or acceptable serve as mediums through which power circulates (as cited in Miller, 1990). Consequently, in the context of land tenure in the Cook Islands, today's systems are deeply influenced by earlier colonial frameworks, such as the establishment of the Land Court on Rarotonga (Pascht, 2011). The colonial Land Court introduced new ideas regarding land ownership. As these ideas became accepted as normal or true ways of managing land, power shifted from customary-based systems towards legal frameworks created by the colonial government. In this regard, the discourse surrounding how land should be owned, registered, and inherited became a powerful mechanism through which colonial authority continued to influence land tenure long after the Land Court was established.

However, Foucault also argues that institutions such as the Land Court, while appearing to hold power, should instead be understood as sites where power relations are organised, reinforced, and made visible. In this sense, institutions do not originate or possess power but channel and operationalise it through the discourses and practices they structure (Miller, 1990). Foucault further asserts that the diffusion of power depends on the active participation of individuals. People do not merely obey power; they enact and reproduce it through their everyday choices, behaviours, and acceptance of prevailing norms (Miller, 1990). This continual participation makes power more stable and pervasive, as it is

sustained not only from above but also collectively through the actions of many. This idea underpins the rationale and lays the groundwork for the adoption of ‘akapapa’anga; a culturally embedded, actor-oriented approach, which will be explained further in 3.2.2 and illustrated in figure 7. Building on this, the next section is framed around the key attributes of postcolonialism theory.

3.1.2 Postcolonialism theory

Like post-structuralism, postcolonialism is difficult to define succinctly. Postcolonialism theory emerged in literary studies in the 1970s around the core notion that colonialism and imperialism still fundamentally shape our world today. According to Jazeel (2018) there should not be one fixed definition of postcolonialism. Rather, it must remain flexible and open to new ways of thinking and living addressing ongoing inequalities created by colonialism. Simply put, postcolonial theory examines the on-going effects of colonialism and the complicated power dynamics during and after the formal end of this period (Christiansen, 2021). Most importantly, postcolonial theory considers how the experience of colonialism has led to certain ways of thinking. Jazeel (2018, p. 1-2) highlights the impacts of colonialism on knowledge production,

“Postcolonialism is a cluster of perspectives and interventions that interrogate what we think we know, urging us to explore more carefully the historical production of that knowledge.”

Postcolonial theory investigates history, especially from the perspectives of those who suffered its effects in order to actively transform the present out of the clutches of the past (Young, 2016). As Young (2016, p. 4) summarises,

“The postcolonial does not privilege the colonial. It is concerned with colonial history only to the extent that that history has determined the configurations and power structures of the present”

In summary, postcolonialism examines the deeply rooted impacts of colonialism on power relations, identity and the ways communities resist ongoing colonial conditioning. Young (2016) reinforces that the postcolonial world is not defined by a single, uniform condition but consists of diverse contexts in which large structural forces such as global capitalism intersect with lived experiences. This reveals that postcolonial realities unfold differently across regions, shaped by the

specific histories of conquest, resistance, and negotiation that preceded them. This is an important feature to highlight of the postcolonial theory as it helps explain how the legacy of colonialism continues to influence the Cook Islands today in ways that are specific to its own history and circumstances.

The next section extends this theoretical foundation by turning to post-development theory, offering another lens for examining how global structures interact with local systems.

3.1.3 Post-development theory

Post-development theory emerged from the critique of post-structuralism in the 1980s and is the most recent of the three theories drawn upon in this study. Escobar describes its characteristics as the “Re-valorisation of vernacular culture” (Escobar, 2025, p. 20) through the process of strengthening the value of local knowledge systems, traditional practices and customary approaches. Post-development focuses on autonomy and self-determination, empowering local communities to shape their own development trajectories rather than conforming to external solutions. The theory deconstructs mainstream development ideology of universality by embracing a pluriverse of possibilities in favour of recognising diverse cultures, knowledge systems and ways of life (Escobar, 2018).

Mainstream development paradigms focusing on economic growth are described by post-development scholars as exclusionary for many people, cultures and religions. Kothari and Klein (2023) claimed that these paradigms “continue to create disparities, undermine notions of unity, and frustrate attempts to achieve social justice” (p. 102). Post-development thus rejects dominant western economic frameworks by seeking alternatives to development by reimagining life beyond growth. This can be grounded in a bottom-up approach where empowerment, autonomy and locally led components are central tenets to this paradigm shift. While post-development focuses on seeking alternatives to development, the next section looks at the intersection of post-structuralism and postcolonialism in the context of the Cook Islands.

3.1.4 The intersection of post-structuralism and postcolonialism in the context of the Cook Islands

Post-structuralism and postcolonialism are closely connected, particularly in their critique of Western dominance, including the presumption of fixed and universal truths (Hiddleston, 2010). Both theories intersect by focusing on discourse, knowledge production and their ability to challenge dominant power structures that are historically and culturally conditioned (Hiddleston, 2010). The Cook Islands, as a former colony of New Zealand, continues to bear the impacts of colonialism today. The annexation to New Zealand in 1901 and the rapid imposition of the Cook and Other Islands Land Titles Court in 1902 infiltrated the present power structures (Pascht, 2011).

On the surface, the Cook Islands celebrated sixty years of self-governance in what we know as the post-colonial era. When you scratch beneath the surface, the contested nature of postcolonial theory comes to light: the effects of colonialism were all-encompassing and severe, so despite its formal end, many characteristics of colonialism are still apparent today (Young, 2016; Christiansen 2021). One example is the dual legal framework in which land tenure operates, signifying power imbalances. While custom plays a critical role in the dual systems framework of Rarotonga, the legalised governance structure of the colonial era has primary authority as the statutory entity. Importantly, the imposition of the Cook Islands Land Court during the colonial governing system from 1901 was not determined by the Cook Islands Māori people (Crocombe & Holmes, 2014). This highlights how the imposed dominant knowledge system continues to influence the system to this day. In essence, this dominant discourse has repressed custom in many ways.

One of the key roles of the Land Court was to increase commercial productivity by seeking to individualise land title to Cook Islanders (Crocombe et al., 2008). Postcolonialism can be seen through the harmful effects against humanity as a product of the dominance of economic power from the global north over the global south (Young, 2016). Legalising land through the postcolonial court process contributed to a significant shift away from customary approaches to

land (Crocombe & Holmes, 2014). Indeed, the intersection of postcolonialism and post-structuralism becomes clear when we can start to see how the colonial era shaped power dynamics through legislation impacting discourse and knowledge systems. When tourism development is added to the mix, it becomes evident that land tenure in Rarotonga, along with the multitude of meanings attached to it, is far more dynamic and layered than it first appears.

The assembling of land for global investment reveals how land has different meanings to different people (Li, 2014). Post-structuralism can help unravel the different facets and complexities that shape the relationship between land tenure and tourism development on Rarotonga. According to Li (2014, p. 289) land “uses and meanings are not stable and can be disputed.” Li highlights (2014, p. 590) that diverse actors are involved in assembling land as a resource. For the context of Rarotonga, these actors can include landholders, tourism developers, land agent, Land Court administration staff, financial institutions representatives and others. These actors have different views on the ontology of land, its affordances, and how humans should interact with it (Li, 2014, p. 590).

Li also suggests that others may conceive of land through the lens of governmental nationality, a concept drawn from Foucault that refers to the state’s role in optimising the health and wealth of the greater population (Li, 2014). This dynamic is evident in the Cook Islands, where ongoing disputes over Crown Land used for public services like airports and state buildings reveal how government authority has generated tension, given the complexities surrounding land exchange. These conflicts ultimately show that land carries profoundly varying meanings for different people.

The intersection of these two theories provides a useful and relevant approach to unpack the dynamic relationship between land tenure and tourism development. The addition of post-development will help with suggested improvements as relayed by participants of this research. Post-development, post-structuralism and postcolonialism intersect through their examination of knowledge systems linked to power and agency, setting the stage for the following discussion.

3.2 Power and Agency dynamics within Land Tenure

“Power is everywhere; not because it embraces everything, but because it comes from everywhere.” (Foucault, 1990, p. 93).

The omnipresence of power is emphasised further by Foucault’s widely used statement: “a machine in which everyone is caught, those who exercise power just as much as those over whom it is exercised” (Foucault & Gordon, 1980, p. 156). From this perspective, power is not something individuals possess; Foucault views power as a network or field of relations that shapes people from the very beginning of their social existence (as cited in Williams, 2014).

My discussion and use of the concepts of power and agency build on post structural theory. Knowledge is intimately linked to power, and each society has its own regime of knowledge. Lindstrom (1990) draws on Foucault’s ideas in a Pacific context, suggesting culture functions as a system for managing information. In this view, power comes from producing, controlling, and sharing knowledge. Those holding important knowledge maintain their authority by deciding what counts as legitimate knowledge in societies where most discourse is oral and governed by rules about who can speak, what they can say and when they can say it.

“The compass of island conversation circumscribes a social order; the content of conversation sustains a culture; the duration of conversation is history; the discursive rules and conditions of conversation, which work to limit who can converse thereby making the practice of conversation unequal, bring into being relations of domination among people who talk together (Lindstrom, 1990, p. 10-11)

Foucault argues that power shapes what counts as knowledge, and that knowledge, in turn, reinforces power (Williams, 2014). This aligns with Lindstrom’s (1990) view that knowledge is a valuable resource and that sharing it creates and maintains power relationships. Post-structuralism links power and knowledge by arguing that discourse - habitual ways of speaking, the patterns we follow, and the codes we use - is the means through which truths and knowledge are constructed. As a result, power is exerted through discursive structures, practices, institutions, and knowledge systems (Poorghorban, 2023).

Both power and knowledge are inseparable to the composition of an individual. Therefore, the individual's capacity for agency and freedom is conditioned by discourse which is ultimately linked to knowledge and power (Poorghorban, 2023; Lie, 2007). People's understanding of themselves and their perceived capabilities are always influenced by the discursive environments they inhabit.

Additionally, agency and power are intrinsically linked. While agency refers to the ability of individuals or groups to act independently and make their own free choices, power determines its limits according to factors such as knowledge, resources and their capacity to act (Long, 2001). In general terms, Long (2001, p. 16) describes agency as the capacity of actors to process social experience and devise ways of coping with life within the constraints of their available knowledgeability and capability. Simply, agency is a person's ability to act within the limits set by the knowledge they have access to.

Lindstrom's (1990) research in Tanna illustrates this dynamic clearly, showing how people gain or lose agency depending on their position within the island's knowledge system, specifically, whether they can produce knowledge, control its flow, or participate in the conversations that determine what counts as truth. This analysis is particularly relevant for the Pacific context, highlighting that agency cannot be understood solely in terms of an individual's knowledge or capability. Rather, he shows that agency is produced through social interaction and is shaped by one's position within networks of relationships, power relations, and cultural expectations. This perspective emphasises agency as relational and culturally situated, aligning with the approach taken in this thesis. Throughout the thesis, agency is used to emphasise that actors are not passive recipients of structural forces; they actively interpret their situations, negotiate constraints, and pursue strategies that shape land tenure outcomes in their everyday lives.

As highlighted, the synergies between power, knowledge and agency are reinforced, produced according to their specific regimes depending on their cultural make-up and rationale (Lie, 2007; Long, 2001). Drawing on Marilyn Strathern's 'Indigenous theory of agency' highlights how notions of agency are construed according to their specific context (as cited in Long, 2001). As such,

this research examines notions of power and agency from the perspective and nuances of Rarotonga Māori.

As one example, at the start of any land meeting, the individual must introduce themselves, a process known as *Tuatua aka'aravei'anga* (introductions) (Wichman, 2024). This process helps the members to understand each other's place, and relationships to one another, particularly how they connect to the land in question. Introduction helps one to gain insights, shape perspectives, relay interests and intent, and, most importantly, assert power through knowledge of *akapapa'anga* and confidence through discourse, highlighting power brought into exchanges from the outset.

The next section introduces *‘akapapa'anga* as a culturally embedded framework, grounding theoretical perspectives in the lived realities of Rarotonga Māori. Situated broadly within a post-structuralist perspective, this approach applies *‘akapapa'anga* to illuminate how an actor-oriented approach intersects with development interfaces in the context of this research on Rarotonga. Consistent with post-structuralist thinking, actors are understood as relational and dynamic rather than fixed or purely rational, shaped by overlapping identities, values, and lived experiences (Popan, 2025).

This framework enables a deeper examination of how individual practices are influenced by social relations, networks, and external forces, while also recognising how actors exercise power and agency to reshape land tenure and development outcomes over time. The section begins by outlining the actor-oriented approach and the concept of development interfaces.

3.2.1 Actor-oriented approach and the development interfaces

Only by capturing the experience in something like its fullness will we be able to say anything meaningful about how a given economic system influences those who constitute it and maintain or supersede it (James Scott as cited in Long, 2001, p. 13)

The actor-oriented approach is a dynamic approach to understanding social change (Long 2001, p. 13). Hebinck et al. (2015) proclaim that “at the core of this view lie central issues concerning livelihoods, organisational capacities and discourses, and intervention practices” (p. 5). Simply put, it deals with individual agency and how it is culturally constituted and practiced within different settings.

The application of an actor-oriented approach reveals different patterns of social organisation resulting from interaction, negotiation and social struggles. Long (2001, p. 13) notes these interactions take place between various actors, including those not present in given face to face encounters but who still influence the situation, affecting actions and outcomes. For example, most Cook Islands landholders live abroad but significantly impact land tenure. This highlights the concept of the development interface, which looks at how development processes play out in terms of these structure-agency tensions.

Lewis et al. (2003, p.546) highlight that actor-oriented approaches examine how people actively generate, contest, and reinterpret the meanings of development through everyday practices. This draws attention to similarly complex and often competing interpretations held by those involved, highlighting how its significance varies across different actors and contexts (Lewis et al., 2003). This perspective also emphasises how individuals are shaped by social pressures that encourage certain ways of thinking and acting.

At the same time, this study seeks to understand the patterns of knowledge that actors draw upon and the extent to which they have the capacity to act within a given setting. However, this capacity should not be understood as unconstrained. Rather, actors exercise a form of circumscribed agency, where their ability to act, negotiate, resist, or adapt is shaped by wider social, political,

institutional, economic, and historical forces. This is particularly important in development contexts, where actors may navigate externally driven interventions while also drawing on their own knowledge systems, relationships, and aspirations. The development interface therefore refers to the points of interaction, negotiation, and contestation between different actors in the development process (Long, 2001). In this sense, agency is exercised within structured limits, but these limits do not eliminate the possibility of creativity, adaptation, or resistance.

This concept helps bridge the gap between structural analysis and actor-oriented research (Lie, 2007). Combined, they enable closer examination of the dynamics and power relations that emerge where different actors meet and interact. According to Long (2001, p.191), the “development interface entails an acute awareness of the ways in which different, possibly conflicting, forms of knowledge intersect and interact.” In this sense, development is described as an arena of struggle, where actors negotiate, compete, and manipulate one another across multiple interfaces (Hebinck et al., 2015, p. 5). From an actor-oriented perspective, analysis focuses on how diverse social constructions of ‘reality’ are formed, contested, and reshaped through these interactions.

While the actor-oriented and development interfaces offer a valuable analytical lens for understanding actor interactions and power relations, it is strengthened when grounded in locally embedded ways of knowing and relating. This approach is introduced through ‘Akapapa’anga as a culturally embedded framework in the following section.

3.2.2 ‘Akapapa’anga: A culturally embedded framework

Drawing on Pacific ways of knowing, Meo-Sewabu (2016) applied an agency-oriented approach to examine the experiences of Indigenous Fijian women. She developed and employed a culturally embedded agency framework, highlighting how their action is shaped by cultural systems, everyday practices, and the values of the Vanua (land). Rice (2020) extends this perspective by applying a culturally embedded agency lens to explore how Fijian landholding entrepreneurs exercise agency as they work within customary land practices and engage the wider

economy. In this context the focus is on how Fijian landholding entrepreneurs draw on what they already know through customary knowledge, kinship systems, spirituality and land-based practices to navigate development pressures, integrating customary knowledge systems with economic knowledge systems.

The culturally embedded agency framework aligns with the actor-oriented approach, which emphasises social actors as knowledgeable and capable agents who interpret, negotiate, and reshape development processes from within their own cultural and experiential frameworks (Long, 2001). Both Meo-Sewabu (2016) and Rice (2020) demonstrate that individuals do not passively absorb external economic pressures but actively mediate these forces using culturally grounded ways of knowing and being. From this perspective, culture is viewed as a source of agency.

Applying a culturally embedded framework to examine agency from this perspective would be relevant and useful (Meo-Sewabu's, 2016). This is shown through the research where Cook Islands land tenure sits at the centre of a dynamic field of meanings. Land brings together diverse actors who hold distinct understandings of what land is (its ontology), what it can or should do (its affordances), and how people should interact with it (Li, 2014). Li (2014, p.590) argues that the full range of actions and meanings attached to land cannot be understood if it is defined solely as ownable property.

The power dynamics and exchanges of knowledge between these actors are illustrated in Figure 7. This representation draws on the actor-oriented approach and is further shaped through a culturally embedded framework. In this study, the framework is explained through Akapapa'anga, the cornerstone of Cook Islands Māori society (Powell, 2021). Akapapa'anga informs societal organisation, underpins connections to land, defines rights and responsibilities in its management, and shapes relationships among family both within the Cook Islands and across the diaspora (Government of the Cook Islands, 2021).

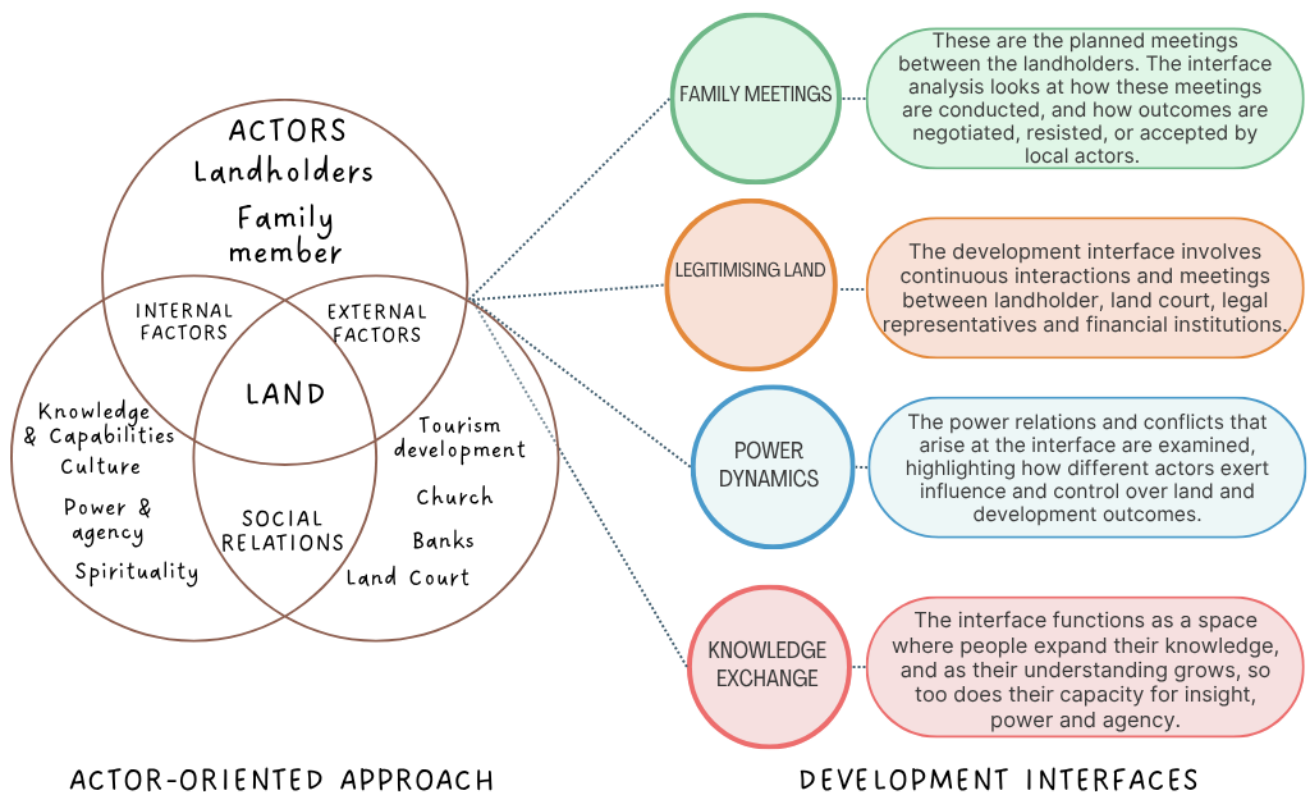
By focusing on these aspects, the utilisation of a culturally embedded model and the development interfaces provide a comprehensive framework for understanding and analysing land and development processes in the Cook Islands from the perspective of the actors involved. This approach helps trace the social implications of these processes to be able to analyse the production, dissemination/utilisation and transformation of knowledge (Long, 2001). Further discussions are provided in chapter 6 by applying the findings to the intersection of this dynamic approach.

Figure 7 below presents the overarching culturally embedded framework that applies Akapapa'anga to illuminate the intersection between an actor-oriented approach and development interfaces in the context of this research on Rarotonga. Akapapa'anga positions culture as a source of agency, showing how Cook Islands Māori landholders actively shape land and development processes. It centres landholders and family relationships, drawing on kinship, customary understandings, spirituality, and land-based knowledge systems, all of which contribute to the expression of power and agency.

While these factors have been adapted to reflect the unique nuances specific to Rarotonga, it is important to acknowledge that they are not exhaustive, remaining dynamic and evolving over time. While other actors play central roles, this approach has focused on the perspectives of the landholders and their navigation of land and development outcomes.

Figure 7: 'Akapapa'anga: A culturally embedded approach

'AKAPAPA'ANGA: A CULTURALLY EMBEDDED APPROACH



BY SIENI TIRAA

The framework illustrates how internal cultural factors intersect with external institutions such as legal systems, finance, and development pressures within dynamic development interfaces. These cultural and institutional forces are enmeshed with social relations, rather than operating in isolation, and together shape the conditions through which development is negotiated and experienced. These interfaces are sites of negotiation, power relations, and knowledge exchange, where development outcomes are contested and reworked. Through 'akapapa'anga, land is understood as relational, enabling a culturally grounded analysis of agency, power, and change.

Summary

Mou I te ko, mou I te 'ere. Kia pukuru o Nga vaevae, kia Mokora o kaki.

Hold on to the spade and hold on the rope. Anchor your legs like a breadfruit tree and keep your neck flexible like that of a duck.

This proverb encourages a balanced approach to life reiterating the importance of working the land and taking responsibility for resources. The broader meaning relates to being grounded in cultural heritage and principles while also remaining flexible and open to others' views.

Land in the Cook Islands is highly complex. To explore the relationship between land tenure and tourism development, this theoretical framework acknowledges both the contextual and multifaceted nature of these relationships. Within a culturally embedded approach, attention is given to the everyday practices and decisions people make, shaped by the interplay of social relations, cultural expectations, obligations, and the conditioning factors framing lived experience.

By using power and agency as the analytic lens, this approach reveals the nuances of the diverse actors involved, particularly those driving and shaping processes of social change. Actors such as landholders actively negotiate external economic pressures through culturally embedded practices where culture serves as a source of agency. They are not merely passive recipients of these conditioning forces but actively respond to and work through these pressures using their own cultural practices, values and knowledge systems. Their agency enables influence over societal norms and values, creating space for future agency.

The use of a culturally embedded approach through 'akapapa'anga as the overarching framework where the actor-oriented and development interfaces intersect offers greater insights into the prominent and interchangeable knowledge systems that shape practices and ultimately influence power and agency. This analysis makes visible the evolving trends and patterns emerging at the micro level, revealing how these can accumulate and shape outcomes at the macro level over time. This approach remains relatively underexplored in the Cook Islands context.

Additionally, this approach supports the research objectives: **Objective B:** Explore the influence that land tenure has had on tourism development from the perspective of

landholders on Rarotonga and **Objective C:** Explore the influence that tourism development has had on land use and land tenure from the perspectives of landholders on Rarotonga. Viewed together, these illustrate how the framework provides insight into the ways that the different actors' interactions and negotiations have reshaped land tenure outcomes at the development interface level.

The spade is needed to plough through the layers of the land, and the rope is required for a firm grip on such a bold undertaking. A careful excavation of the relational dynamics is required to gain a clearer and more nuanced understanding of what is truly unfolding. Only through this deeper insight can we set a proper course ahead for a voyage into the realm of a post-development pluriverse of possibilities.

Chapter 4: Examining the land through a Cook Islands' lens

Introduction

Stories go in circles. They don't go in straight lines. It helps if you listen in circles because there are stories inside and between stories and finding your way through them is as easy and as hard as finding your way home. Part of finding is getting lost, and when you are lost you start to open up and listen.

(Tafoya as cited in Wilson, 2008, p. 6).

This notion is similar to the stories shared in the Cook Islands. As shared by a Cook Islands participant in Powell's (2021, p. 80) thesis, "I'll tell you a story and then by the time the story gets to the end, the stories change. Names are forgotten and names are changed." For a matter as important as land, it is vital that the stories captured are framed using a context-specific lens the people and land are familiar with; one that brings forward their truths through their lived realities. Reflecting the significance of this culturally grounded approach, the late Dr Jon Jonassen shared that, "The world view of a Māori from the Cook Islands is unique, dynamic and interspersed with personality and culture" (as cited in Powell, 2021, p. 67).

In the Cook Islands, land connects families and yet, it is also seen to be dividing families. The physical boundaries, land maps and individualised title reflecting the internal family fractures often, perpetuating self-gain at the cost of the communal. The dualistic governing system coupled with tourism development have added to the changes that we see with land tenure today. As such, it is essential to use a research methodology that considers the way in which Cook Islands people have integrated customary knowledge with introduced knowledge.

I have thus sought out a Pacific research methodology for the research to provide greater meaning and significance from an Indigenous worldview (Suaalii-Sauni, & Fulu-Aiolupotea, 2014). Accordingly, the methodology that I consider most fitting for this research is 'Akapapa'anga. 'Akapapa'anga, known to most Cook Islanders as the recitation of one's genealogy, offers a culturally grounded framework that guides the direction of this research. 'Akapapa'anga will be discussed further in the next section.

Wilson (2008) shared that methodology refers to the theory of how knowledge is gained (p. 34). This is linked to the different views of reality and how knowledge is produced to shape these realities. Simply put, if we assume there is one true reality (ontology), then there should be one way of examining this reality (methodology), which leads to the truest form of knowing (epistemology). With this view in mind, methodology asks: “What’s the best way to learn more about this reality?” (Wilson, 2008). Vairoletti (2006, p. 22) explained the danger associated with applying a universal lens to collecting and analysing data to construct new knowledge. He argues that by doing so the assumption is that all Western, Eastern, and Pacific knowledges have the same origins and construction.

This chapter starts by describing how ‘akapapa’anga, in its fullness, shapes this research design. I also draw on similar Indigenous frameworks and explain how ‘akapapa’anga is a useful and fitting research methodology for this context, applying six key features distinct to and aligned with the nuances of the Cook Islands. Following from this contextual lens will be the use of Kai Vānanga as a Cook Islands research method and its description. To finish, I will reflect on how the fieldwork went in practice, and then explain the data analysis process. The next section explores the research design process through ‘akapapa’anga, positioning it as a culturally grounded approach that reflects the non-linear, circular movement of stories.

4.1 Akapapa’anga: A lived research methodology

‘Akapapa’anga ara tangata is used by Māori people of the Cook Islands to describe the act of sharing and documenting their firsthand experiences and genealogies (Powell, 2021). As Māori of the Cook Islands, when you introduce yourself for the first time, the following questions are generally required.

Ko’ai koe? Who are you?

No’ea mai koe? Where are you from?

This is to verify who you are and where you sit within ‘Akapapa’anga ara tangata (the genealogical chart) (Wichman, 2024). ‘Akapapa’anga ara tangata will be expressed in this research as ‘Akapapa’anga.

“Me e piri’anga to’ou na roto I te papa’anga, e tika’anga to’ou! (Wichman, 2024, p. 24).

If you have a connection through your genealogy, then you have a right!

This statement is often used in connection to links to land through genealogy. However, Powell (2021) explains that ‘akapapa’anga extends beyond merely one’s genealogy. Powell (2021, p. 39) points out that ‘akapapa’anga has the potential to mend fractured relationships within families over land by regaining “perspective on our relationships with each other and the ‘enua (land), a shift from difference and division toward distinction and community.” Therefore, in line with Vunibola and Scobie (2022), ‘akapapa’anga can be understood as countering the extractive logic of colonial capitalism by reaffirming relational accountability to people and the ‘enua, and by restoring collective belonging over division and individual accumulation.

Although there is limited literature specifically addressing ‘akapapa’anga as a methodology, the research of Cook Islander, Dr Emma Powell (2021) serves as a pivotal reference point, with other budding Cook Islands scholars such as Wichman (2024) and Tairea (2024) building from her work.

Powell (2021) describes ‘akapapa’anga as difficult to define as it would undermine its mana (authority) to impose linear descriptions to its practices and philosophical possibilities. Nevertheless, she emphasises that ‘akapapa’anga is about establishing and making sense of relationships. Tairea (2024, p. 19) reinforces this meaning as he describes ‘akapapa’anga “as an embodied relational ontology.” Powell (2021, p. 41) explains that ‘akapapa’anga is the “cornerstone of Māori society and is about understanding how each person connects with one another and to the enua (land) including the evolving nature of relationships.”

“Akapapa’anga is about understanding that everything and everyone has a place in the Māori world. Our obligation, our responsibility and our inheritance are to experience the wonder and benefits of its practice” (Powell, 2021, p. 79).

In Chapter 3, I adopt a culturally embedded theoretical lens informed by ‘akapapa’anga to examine the relationship between actor-oriented approaches and development interfaces. By situating the theoretical framing within ‘akapapa’anga, I demonstrate its capacity to be framed within a theoretical framework and function as a research

methodology grounded in Cook Islands ways of knowing and being (Meo-Sewabu, 2016; Rice, 2020).

Wichman (2024, pp. 45–47) identifies four methodological applications of ‘akapapa’anga, to which I add two more. Although these do not capture its full nuance, they illustrate its centrality in the Cook Islands worldview and affirm ‘akapapa’anga as a cultural framework, a lived tradition, and a valid research methodology (Wichman, 2024). The paragraphs to follow explain Piri’anga, Akono’anga Māori, Vaerua and Peu Māori in detail including two areas that I have included, ‘Enea and Tangata, to contextualise and explain the methodology for this research.

It is important to note that in most cases, these elements cannot be considered in isolation, as they are interconnected and collectively, they form ‘akapapa’anga. ‘Akapapa’anga as will be shown through these key areas are relational embodied and grounded in land, language and community which are all vital parts of Indigenous epistemologies (Tuhiwai-Smith, 2021). It positions this research in a way that reflects and upholds the epistemological and ontological realities of the participants who are all connected to the land as landholders through their tupuna (ancestors). To start, piri’anga or our connections to one another is explained.

1. **Piri’anga** refers to relationships that includes the individual and collective belonging to a reciprocal network (Powell, 2021; James et al, 2012). Piri’anga encompasses relevance, relationship, and connection, forming a core element of how Māori understand their place within social, cultural, and land-based networks. All Māori are communal people, both kin and non-kin, and these layered relationships shape their identity and responsibilities. Because piri’anga requires mutual acknowledgement and support, members of the same collective are expected to respond to one another in meaningful and appropriate ways. Piri’anga is not static; it is sustained through ongoing practice and lived engagement and experiences (James et al, 2012).

It frames how belonging is shaped across generations and provides a culturally grounded way to examine relationships between people, land, and external forces such as tourism development, the church, and the Land Court.

These relational dynamics are central to my use of an actor oriented, power agency lens, which reveals how piri'anga is maintained, negotiated, or disrupted among different people. As land is held by the communal, the family dynamics become central to negotiating land rights and asserting land claims, while maintaining relational ties. Piri'anga becomes central because at its core it prioritises relationships and in the Cook Islands context directly affect how individuals can engage with and exercise agency within land settings.

2. **Akono'anga Māori** – “the way in which we learn and practice being a Māori” Jon Jonassen (as cited in James et al., 2012, p. 9). Akono'anga Māori like 'akapapa'anga holds intrinsic value for Cook Islands people as it shapes our way of seeing, knowing, and being. The dynamic nature of Cook Islands people often reflect their land tenure systems as it forms part of Cook Islands identity and is often described as unique and complex (Crocombe, 1964; Pascht, 2011). Within the theoretical framework, akono'anga Māori encompasses internal cultural and knowledge systems that guide practice and behaviour. These internal factors, as expressed through everyday actions, contribute to how people interpret their relationships with land and how land-related outcomes are understood.

In the Cook Islands, many expressions include land such as the following powerful statement shared by a *Mataiapo* (chief).

“Taka'i koe ki te papa enua
Akamou i te pito enua
A'u i to'ou rangi.

As you step onto the surface of the land
Fasten the umbilical cord
Carve out your world”

Puati Mataiapo as cited in (James et al., 2012, p. 9)

This expression by Puati Mataiapo describes culture as an umbilical cord and an essential link that binds individuals to their Ipukarea (homelands). Culture becomes real and meaningful through lived practice, continually shifting and shaping the people who live it every day. These practices are influenced by levels of knowledge, priorities in values, and specific personal or collective

circumstances and context (James et al, 2012). Akono'anga Māori is crucial in land matters because it requires an understanding of Te Reo Māori (language), historical narratives, land names, connections and the subtle nuances that surface in land discussions. Together, these elements shape what it means to be Māori and inform how land is understood, valued, and protected.

3. **Vaerua** (Spirituality)

Vaerua forms a central part of Cook Islands Māori ways of knowing and being. It refers to their shared spiritual worldview, values, and traditions that shape how Cook Islands Māori understand life and relate to their surroundings. It includes ideas about what is Tapu (sacred), social roles, and the importance of inclusion within the Matakeinanga (tribal community), ensuring that no one is left out or marginalized. There are areas that are designated for sacred sites such as the Marae and certain lands with historical and environmental significance.

For most Cook Islands Māori people, they associate land and everything in and around it as being connected with the creator. From the arrival of the missionaries over two centuries ago, there are churches planted in all the villages of Rarotonga of various denominations of the Christian faith. All the land that the churches are on today was given in good faith by our Ui Tupuna (ancestors). Recognising this, it is important to acknowledge Vaerua in a way that reflects the diverse spiritual practices within 'akapapa'anga that ultimately influence power, agency and shape practices and thus action.

4. **Peu Māori are known as** cultural practices, customs and protocols. It is deeply grounded in 'akapapa'anga and directly informs how land matters are understood and negotiated in Rarotonga. Within land negotiations, cultural practices become methodologically significant. Drawing on my experiences attending multiple land meetings, it is evident that the practice of Peu Māori requires decisions to be reached through majority consensus, a process that reflects how power is collectively exercised within families and communities. The deeper one's understanding of Peu Māori, the greater their ability to navigate these custom-based spaces with confidence and agency. Such knowledge not

only shapes how individuals participate in discussions but also influences whose voices carry weight, how authority is recognised, and how outcomes are negotiated within the dynamics of land matters.

5. 'Enea (land) and Tangata (people)

'Enea is shaped by the diverse people who engage with it, each bringing their own understandings of what land is, what it can or should do and how people should interact with it (Li, 2014). 'Enea has a different meaning for a landholder in comparison to a foreign investor for example. As Li (2014, p.590) points out, reducing land to merely individual property obscures the wider set of meanings, responsibilities, and practices that communities attach to it. This research involves interviews with landholders on Rarotonga, some of whom are also tourism operators. It examines how these landholding operators use their existing cultural knowledge, such as piri'anga, akono'anga māori, vaerua and peu māori to navigate development pressures. 'Akapapa'anga is used as the wider relational framework that brings these cultural understandings into conversation with economic knowledge systems.

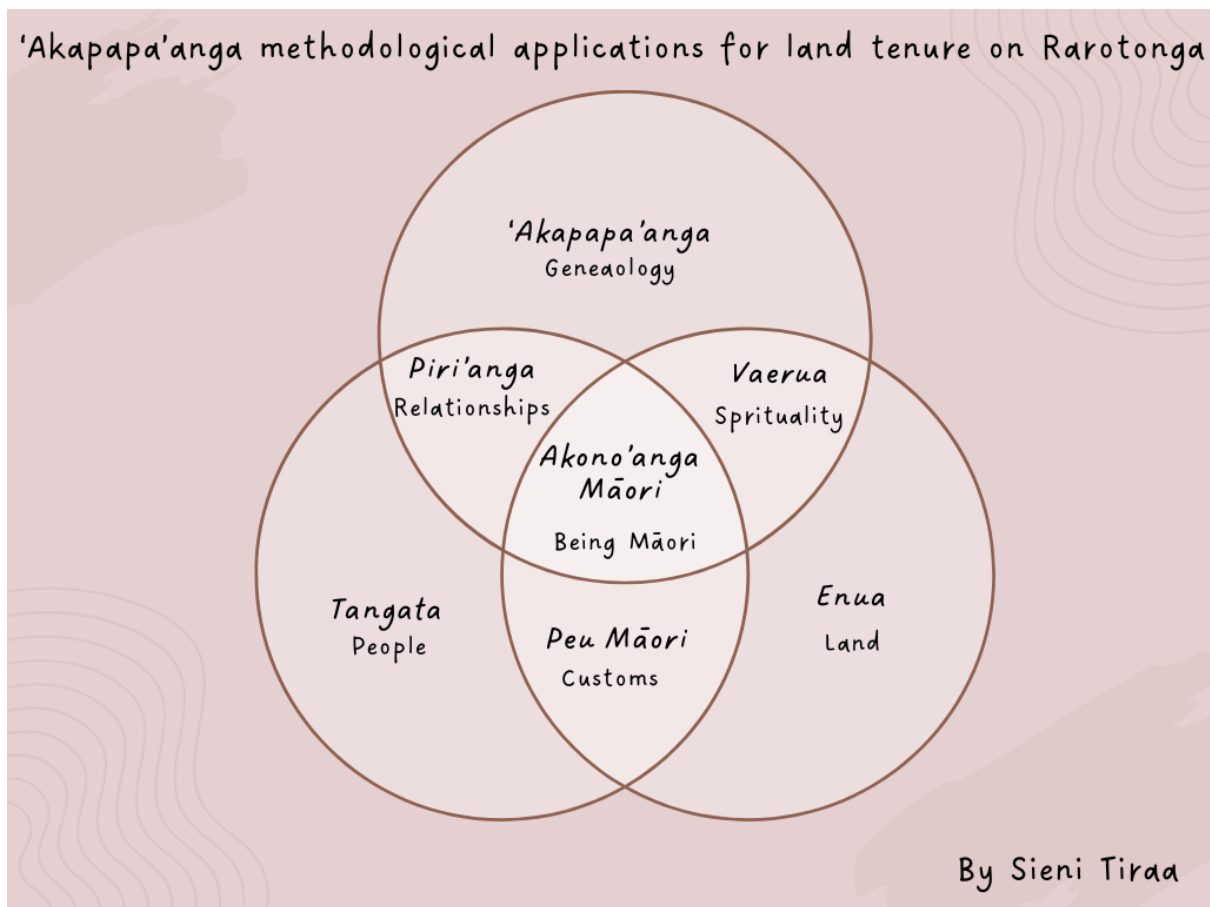
Viewing 'enea through the lens of 'akapapa'anga as something lived rather than simply held aligns closely with the direction of this research. As this research is concerned with the dynamic relationship between 'enea and tangata, incorporating both as key components of the framework is essential. Although, development is influenced and shaped by many factors, it is primarily driven by people. Within this context, land remains central in shaping the development that unfolds as well as the interactions, negotiations and practices that occur at the interface level.

Figure 8 provides a contextualised version of the framework by including Tangata (people) and 'enea (land) to Wichman's (2024) methodological applications as central areas to this specific research. "Akapapa'anga functions as the overarching research methodology at the top of the diagram. At the centre sits akono'anga Māori, acknowledging Māori epistemology and ontology as the foundation of this approach. From akono'anga Māori emerge piri'anga, vaerua

and peu Māori, highlighting key components of Māori ways of knowing, being, practicing and relating. 'Enua and tangata follow, illustrating how land and people act as the primary agents through which relationships, meaning, and identities are continuously shaped. The circular arrangement of the elements reflects their dynamic, evolving, and non-linear nature.

Figure 8: Akapapa'anga methodological applications for land tenure on Rarotonga.

(Source: author, inspired by Wichman, 2024)



The next section will explain the Cook Islands Māori method that will be used for this research through Kai Vānanga. The recent work of Cook Islander, Valery Wichman (2024) serves as a pivotal point for this Cook Islands Māori research method.

4.2 Method: Kai Vānanga

Ka kai te uavare o te ui tupuna

The literal meaning of this Cook Islands proverb translates as, ‘to eat the spit of your ancestors.’ Figuratively, its meaning shifts with context, but within this research setting I apply the following meaning: to listen carefully and consume, digest what is shared, and to embody these stories so that they may live on through this work.

Kai means to eat, partake or consume and vānanga is defined as ‘talking or conversing.’ Wichman (2024) explained that the combination of kai with vānanga signifies importance that elevates a mere discussion to one beyond the natural into the spiritual, philosophical and epistemological domain (p. 50). While Kai usually refers to "food" or "eating" in a physical sense, pairing it with vānanga which relates to discourse or discussion adds Tapu (sacredness) to the term. However, Wichman (2024) takes vānanga further by describing the steps used in the vānanga process including elevating this concept through kai vānanga. In the context of Rarotonga, kai is often linked to physical nourishment, whereas mānga more accurately refers to earthly sustenance.

Vānanga is a term that has transitioned from colloquial language among the people of Rarotonga to a term reserved for formal settings (Wichman, 2024). Although vānanga holds cultural importance, it hasn’t been deeply studied in academic research. One of the few Cook Islands practitioners to explore it theoretically apart from Wichman is Pouarii Tanner (2018). Tanner (2018) created a vānanga research model that revealed how using a practical approach through research helped gather better information during vānanga sessions with people of Rarotonga. This model also encouraged group discussions about Pacific identity and cultural ownership, sparking deeper conversations.

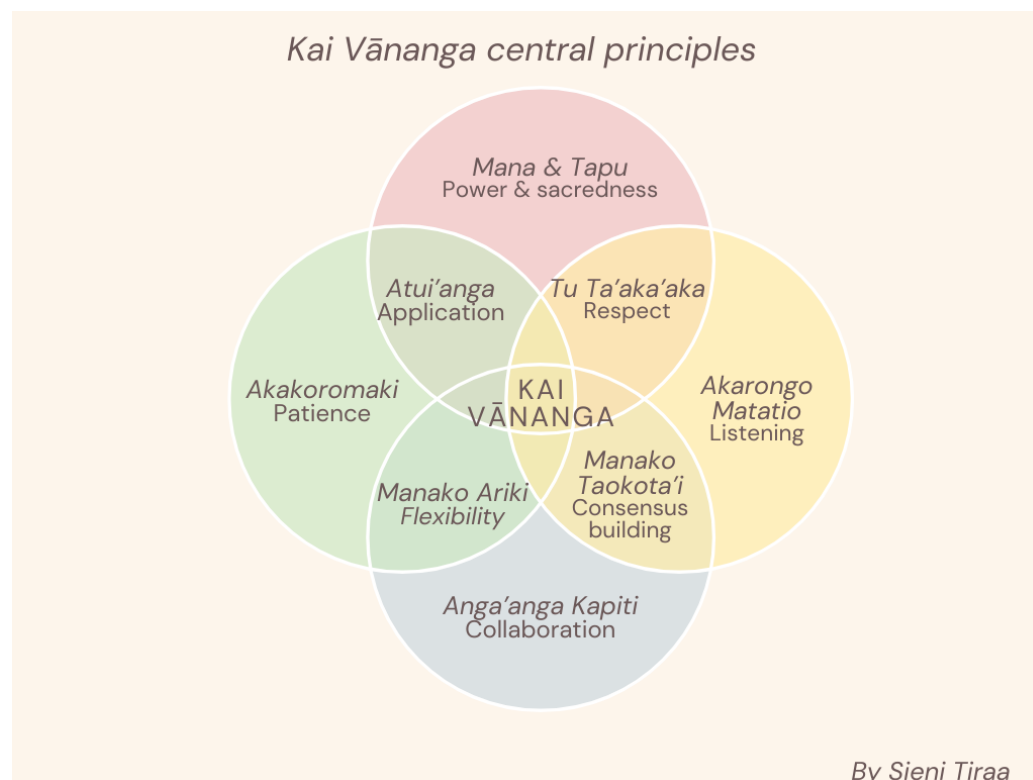
Thus, kai vānanga goes beyond ordinary conversation, transforming it into a sacred exchange filled with mana (spiritual power and prestige) and tapu (sacredness). This shift highlights the deep-rooted connection in Cook Islands Māori culture between sacred dialogue and spiritual upliftment (Wichman, 2024). Although this method shares features with semi-structured interviewing, which is a common approach for gathering qualitative information as highlighted by Stewart-Withers et al., (2014, p. 63),

it is fundamentally different. Its distinction lies in how it aligns with ‘akapapa‘anga. Unlike Western critical thinking, which often separates objectivity from emotion and relational responsibility, Indigenous critical thinking is grounded in ancestral and further generational accountability. Knowledge shared through a Māori lens is listened to, absorbed, and captured in ways that honour the cultural process through which it is given, ensuring it is not extracted by held within relationships.

Figure 9 below presents the principles of kai vānanga as developed by Wichman (2024, pp. 52–53). These principles guide how information is both received and interpreted within the research process. During kai vānanga, the knowledge shared is grounded in mana and tapu which are concepts that reinforce power, sacredness, anchored in custom and culture. As such, any engagement with this knowledge must be approached with the utmost respect. This respect is demonstrated through practices highlighted in the principles themselves, including patience, flexibility, attentive listening, consensus-building, and collaborative engagement.

Figure 9: Kai Vānanga central principles.

(Source: author, inspired by Wichman, 2024)



Grounded in the overarching ‘akapapa‘anga research methodology and supported by a culturally grounded theoretical approach, it was essential that the research method itself reflect Māori ways of engaging with Māori knowing and being. For this reason, kai vānanga was chosen. Its culturally embedded principles ensure that Māori landholders’ perspectives remain central, honoured, and authentically represented throughout the research process.

These principles are not prescriptive and are not assigned to a particular stage of Kai Vānanga as it shifts depending on the situation. For example, there is a process of scheduling Kai Vānanga with people and flexibility and respect must be honoured as timing is crucial. Being cognisant of the fact that people in the Cook Islands have many commitments within their families, community and professional lives and thus their time to partake in this research is highly valuable. Therefore, being flexible and adaptable to changes is one way of honouring this space and will be elaborated further within the research in practice process in section 4.4.

Indeed, with discernment and wisdom, most, if not all these principles and others will provide guidance in the process of kai vānanga. These principles can also be applied to the ethical process of conducting kai vānanga research discussed in the following section.

4.3 Ethics and positionality

There is no universal set of rules to follow for research ethics, however a long-term noble aim does not justify being negligent or ignorant about the way in which research is conducted (Laws et al., 2003). Banks and Scheyvens (2014, p. 199) recommend that researchers should be familiar with professional codes of ethics but also state that ethical decisions tend to be reached on an affective rather than intellectual basis. While ethics from above such as institutional processes have some value and must be adhered to, what is most important is ethics from below such as those who are directly involved in or impacted by this research such as the local communities (Banks & Scheyvens, 2014).

Ethics from above ensured that I can applied Massey University’s *Code of Ethical Conduct for Research, Teaching and Evaluations Involving Human Participants* (2017) to test the soundness of my research planning. This formal ethical process was extended through

my application for, and approval from, the Cook Islands ethics committee, which affirmed the importance of meeting both institutional and local ethical obligations. The ethics from below ensured that the stories and experiences shared by respondents were captured and reflected in a manner that revealed their intended purpose. This is why a Cook Islands culturally embedded approach through ‘akapapa’anga and kai vānanga is essential in this setting, as explained in the previous section.

University ethics review systems can provide a significant learning process whereby budding researchers can also unpack their ethical intentions (Stewart-Withers, 2016). The Massey University’s Code of Responsible Research conduct (2015) offers valuable insights around the principles of research integrity and guidance on research integrity such as honesty in presenting research goals and intentions. This is to ensure that there is a clear understanding and expectation between researcher and participant. For a topic as important and sensitive as land, it is essential that I am transparent from the start about the research aim as not to set false expectations that this work could fix the land issues of the country.

Building relationships in research is important, especially in a Pacific context. Tuhiwai-Smith (2021, p. 138) explains that, “Respectful, reciprocal, genuine relationships lie at the heart of community life and community development.” The Massey University Pacific Research Guidelines and Protocols (2017), meanwhile, highlight respect for relationships as a key principle. Similarly, the Cook Islands guiding Vaerua Okotai (Ethical Principles) for research is underpinned by two core values (Cook Islands Government, 2022). These are Tu ‘Oa’oa (reciprocal relationships) and Tu Ta’aka’aka (respect). Granted the importance of institutional ethical processes, the priority for me was that I first familiarise myself with the ethical research guidelines of the nation in which I sought to conduct the research.

On that basis, it would be irresponsible of me not to remain mindful of my positionality as an insider researcher and of my standing within the community. Positionality requires acknowledging one’s location in relation to the research and recognising how this may influence various aspects of the process (Stewart-Withers et al., 2014). In this case, my background working for the national tourism office is widely known in Rarotonga, and

this familiarity may shape how participants respond during kai vānanga. As such, this knowledge could influence the information that they share with me. Therefore, I needed to consider how my positionality could influence the process and the outcome of the research through the process of reflexivity.

According to Stewart-Withers et al. (2014, p. 62), “reflexivity is the process of reflecting on self process, and representation...”. Thus, in addition to my practical background in the tourism sector, I mentally noted that my age and thus the perspective of mapu (youth) status could be the greatest factor to affect the way participants answered my questions. In the Cook Islands, you can still be viewed as a mapu (young) all the way into your 40s. The topic of land in the Cook Islands is a serious matter and the perception is that only those of Atu ‘Enua (landholder) status who have dealt with ongoing land matters would clearly understand the nuances surrounding land matters on Rarotonga.

In the next section I share how the use of the Cook Islands research methodology and method went in practice.

4.4 Akapapa,anga and Kai Vānanga in practice

As a Cook Islander researching a topic that resonates strongly with identity, I was able to experience how Pacific (Cook Islands) led research privileges Pacific (Cook Islands) perspectives and ways of knowing (Mafle’o et al., 2024). One of the most challenging aspects of this research was deciding who to initiate Kai Vānanga with, as I have access to many people in my community. I therefore needed to establish clear parameters once I reached twelve people who were willing to participate. I was acutely aware of biases and as a result, I focused on diversity by approaching current landholders of different genders, a range of ages and from varying areas of Rarotonga. These landholders tended to be over 40 years and had considerable experience with land matters which offered diverse insights and perspectives.

As I will elaborate further in Chapter 5 the theme around land and its association with sovereignty emerged and I believe that this played a critical role in people’s willingness to contribute to this research. They recognised the value of their input as evidence to the vital nature of maintaining and strengthening land sovereignty for Māori landholders. Everyone that I approached was willing to contribute towards this research and share

their experiences but securing time was challenging due to their many commitments in the community. Kai Vānanga with each person took between 40 minutes to three hours. However, I secured twelve participants: seven women and five men. Every one of them was a landholder except for one participant, who was selected because they had many years of institutional knowledge in the infrastructural development space.

Mafale'o et al.,(2024, p.4) underscores the importance of relationships and reciprocity in the Pacific as these networks and connections are described as social capital that is “deeply rooted in a cultural context, while also being intergenerational in nature.” As noted earlier, there was a clear process involved in scheduling kai vānanga, and this required a high degree of flexibility. Although I had set aside one month for fieldwork, I had already spoken with key individuals in the community several months beforehand about the possibility of their participation. As a result, many were already expecting that I would approach them once I returned to begin the conversations. In this way, I relied heavily on my relational networks, which are central to how engagement unfolds in the Cook Islands.

Given that people often hold multiple commitments, I anticipated that some individuals might be unable to participate for various reasons, ironically, many of these reasons were land-related. This made it essential to approach the process with understanding, adaptability, and a readiness to adjust plans when circumstances changed. During kai vānanga, sessions frequently extended beyond an hour, as expected, so I allowed generous time for each conversation. While reciprocity was enacted in small ways, such as purchasing coffee, the deeper reciprocity of this work is long-term and will continue to unfold as the outcomes of the study are shared back with the community. Ultimately, these practices through mutual trust, faith, and respect for the interconnectedness of people, their time, experiences, links with land and their cultural, community and spiritual commitments underpin the essence of ‘akapapa’anga.

My safeguard and quiet confidence throughout this journey rests in my ‘akapapa’anga (genealogy) and my deep connections to both people and place. Acknowledging who I am and where I come from has been essential. Because I grew up on Rarotonga, I understand the setting and people well and this helped me to resonate with their lived

experiences and how it could be interpreted. Through ‘akapapa’anga I was able to engage with diverse opinions, perspectives, and experiences regarding land tenure and tourism development. My ties as a Māori of Rarotonga fostered a sense of ease during kai vānanga on the dynamic and often controversial topic of land tenure. Listening to the worldview of Māori and interpreting their perspectives through a Māori lens has made a significant difference in the analysis of this work. It has been a privilege and an honour to be entrusted with their experiences, knowledge, and wisdom. As such, I have devoted myself to capturing and analysing their experiences and realities in a genuine and reciprocal manner that brings credibility and justice to this collaboration of scholarship. The next section will discuss how meaning and interpretation was given to the stories shared with me through the process of data analysis.

4.5 Making sense of the stories through data analysis

I used a qualitative approach to interpret and understand the shared stories. As Stewart-Withers et al. (2014, p. 60) explain, qualitative research is well suited to exploring complex social phenomena, enabling researchers to identify meaning and gain new insights that deepen understanding of an issue. Through the process of transcription, I became close to the raw data and would listen and re-listen to recordings to ensure that I captured it properly. From then, I was able to identify patterns and group ideas into thematic areas. Making sense of the knowledge and information shared with me was by far the most challenging part of this thesis due to the importance of ‘doing right’ by the people who shared their stories and perspectives as part of this work.

Stewart-Withers et al. (2014) describes the analysis of qualitative data as challenging due to the enormous number of hours involved. In my case, Kai Vānanga were listened to carefully, selectively transcribed and then read through in detail to identify key points and themes, often more than once. I would like to add that the pressure of interpreting the information given in a genuine and meaningful way was paramount to me due to the obligation of maintaining accountability to these relationships. Eight guiding questions (See Appendix A) were posed to twelve participants to explore the relationship between land tenure and tourism development. The responses were organised under three key thematic areas that reflected the focus of the guiding questions. These headings provide

a structure for interpreting the participant's experiences and perspectives, while the associated sub-themes capture the specific issues, tensions, and meanings raised within their responses. The three thematic headings and sub-sections are outlined below:

5.1 The dualistic systems of land tenure

5.1.1 The dichotomy between the dual systems of land tenure

5.1.2 Contested terrain leading to ambivalent experiences

5.1.3 Scarcity-driven decisions

5.2 Impacts of land tenure on tourism development

5.2.1 Land tenure enabling tourism development

5.2.2 The ambivalent nature of land tenure: A saving grace, yet a daunting process

5.2.3 The development interface at the customary level

5.3 Tourism development shaping land use and land tenure

5.3.1 Tourism contributing to the commodification of land

5.3.2 Changing land use: Tourism and the redefinition of productive land

5.3.3 The impacts of using land for tourism development

Indeed, accountability to my community was a primary consideration, thus it was essential that the design of this research including the forms of analysis be reflected in a manner of its truest form to serve those who gave their time and knowledge. Mafale'o et al. (2019, p. 5) reinforced that "researchers must be cognisant of Pacific-Indigenous research paradigms, including how knowledge, values, reality and methods are culturally informed." As Shawn Wilson (2008) discloses in the abstract of *Research is Ceremony*, "Relationships don't just shape Indigenous reality, they are our reality."

An example of how relationality operates in practice, and how it is lived through 'akapapa'anga, can be seen due to the timing of this research. Kai Vānanga took place following a significant and controversial investiture for the Makea Nui title. This timing influenced the respondents' responses as the investiture example was used to draw on their own personal reflections and how it connected with the research at hand. They connected their own experiences and own understanding of historical context to this investiture drawing on knowledge systems of custom that are rooted in the practice of 'akapapa'anga.

Summary

As an emerging Cook Islands Māori researcher, this research places my ancestors and communities at the centre within this ontology, a sentiment shared by other Indigenous scholars (Tecun et al, 2018, Tuhiwai-Smith, 2021). Throughout this chapter, I outlined how ‘akapapa‘anga shaped every stage of the research process from selecting kai vānanga as a culturally grounded method, to drawing upon relational networks to guide engagement, timing, and willingness to participate. I described the importance of flexibility and responsiveness, knowing that participants’ availability is influenced by communal responsibilities, particularly those connected to land. I also highlighted how shared cultural knowledge allowed conversations to flow naturally, with meaning often conveyed implicitly through our mutual understanding of place, practice, and genealogy. Above all, the process was guided by respect, reciprocity, and care, ensuring that the knowledge entrusted to me was listened to, absorbed, and carried forward in ways that honour the people and the land to whom it belongs.

I conclude this section with Meyer’s (2001, p. 141) resonating words, “It is a discussion of place and genealogy. It is a way to navigate the shores of what is worth knowing...and how that information helps us maintain our sense of community.” As I journey through the lands of this research, the resounding question that pushes its way to the forefront of thought is, how will this information serve my community? This ultimately becomes my personal central motivation. This community-centred motivation is held alongside critical reflexivity. Rather than romanticising culture or place, I remain accountable to the complexity of participants experiences, including tensions, contradictions, and ambivalence within the data.

Chapter 5: Navigating the ambivalent relationships between dual land tenure systems and tourism development

Introduction

In Rarotonga, as in other parts of the Pacific Islands, relationships to land are not defined solely through legal structures, but through lived practice. Through the lens of ‘akapapa’anga the lived practice on land from the ways the land is used, inhabited, and cared for across the generations are shared by the participants of this research. It is through this lens that I am able to capture the themes that emerge from this research, as all the participants connected present day issues of land tenure and tourism development to deeper cultural principles. It is within this wider context that the insights shared in this chapter should be understood.

*“...customary practice is if you're burning your fires, you're using the land - you have ownership...” **Mama G***

In Aotearoa New Zealand, Māori law states that a principle of occupation is called ahi kā which translates as ‘keeping the fires burning.’ Similar to Cook Islands Māori custom, this practice affirms that continued use of land signals active connection and, therefore, ownership (Taonui, 2017). Ahi kā referred not only to the symbolic presence of fire but also to the practical, everyday activities that demonstrated that people were living on and actively using the land. These fires were kept burning for cooking food, heating water for bathing, light at night, and carrying out communal tasks. The rising smoke served as a clear and public indication that people lived on, depended upon, and cared for the land. Maintaining these fires therefore showed sustained occupation, fulfilling both cultural and legal expectations of connection to land.

The findings presented in this chapter reveal the complex and evolving relationships between land tenure and tourism development in Rarotonga over the past two decades. The following sections outline the three thematic areas, along with the interconnected sub-themes. These thematic areas are the dualistic systems of land tenure, the influence of land tenure on tourism development, and the ways tourism development in turn shapes land tenure. Together, these areas provide insights to addressing the central aim

of this research, to understand the relationship between land tenure and tourism development in Rarotonga and the changes that have unfolded over the past twenty years.

5.1 The dualistic systems of land tenure

In all my conversations, it became evident that the present cannot be understood without illuminating the past, revealing deeper insight and acknowledgement of the current situation. As mentioned earlier, during the time of this research, a significant investiture had taken place of a major chief line in Te Au O Tonga (region of Rarotonga). This major chief lineage had been without a title holder for over thirty years, so it was a momentous event. Everyone who used the investiture in their account, would also emphasise the links between the titleholder and access to title land thus greater mana (power) through resources.

This investiture was highly contested as there was considerable opposition to the person who was being invested as the title holder within their Ngāti (tribe). Several references were made to this investiture by research participants to highlight the significance of custom in this contemporary setting. These references also mentioned how family feuds could get in the way of a unified approach and thus the need for the high court to intervene to decide on the matter at hand.

These reflections not only revealed how deeply embedded custom remains in contemporary land matters but also pointed to a broader tension that underpins many of the findings in this research. This tension becomes particularly evident when contrasting the customary approaches to land tenure with the postcolonial legal governance structure administered through the Land division at the Ministry of Justice. The dichotomy between the dual systems creates contested terrain. This, in turn, has shaped the emergence of the three key sub-themes.

The first sub-theme explores the dichotomy between customary approaches and the postcolonial Land Court system. Building from this, the second sub-theme examines the ambivalent experiences of navigating these dual systems. The third sub-theme considers how land scarcity influences decision-making within this complex governance landscape.

5.1.1 The dichotomy between the dual systems of land tenure

A clear dichotomy between customary practices and the postcolonial legal system emerged across all participant accounts. Participants also frequently mentioned that both systems have struggled to remain relevant in contemporary contexts. As was emphasised by Mama G, *“It needs to be updated to be relevant for today.”* These challenges have contributed to ongoing tensions, as participants consistently highlighting the contrasting foundations, values, and modes of decision making embedded within each system, many of which have not evolved to suit current needs. These differences were often described as structural rather than just procedural. As one respondent explained:

“There is a very big difference. Customary is based on our aroa (love) and blood lines and our ties and our families. The other one is based on money, commercial, financial gain for financial purposes – that’s the stark difference, there’s no two ways about it.

If you were my own daughter, would I sell you my piece of land? No, I will pass it down to her because that’s our customary way. And all my lands, if I’m a title holder goes back to the family. And through the court, legally it’s yours and you can do whatever you like with it and sell it off” Tama T

These reflections point to a fundamental divergence in how land is understood. The common understanding amongst participants is that under custom, land is relational, intergenerational, and inseparable from family ties. While under the legal system, land was framed in individualistic terms, with rights vested in private ownership rather than as a collective. For many participants, these competing logics form the basis of the longstanding tension that underpins the dual system of land tenure in the Cook Islands.

Another participant reinforced the historical depth of this divergence, noting that the Land Court has operated alongside customary practices for over a century:

“Put it this way, how long have we been in Land Court? Since 1901. A lot has changed in terms of Land Court as well as customary land practices and understanding between families.” —Maine M

Over time, these systems have had to co-evolve which has reshaped how families understand and navigate land tenure. Participants described this evolution as complex and layered, resembling the dynamic and perplexing papa’anga (genealogy) of the average Cook Islander today. The dual system has not only created two pathways for

determining land rights but has produced an intricate interface where custom and law interact, overlap and at times conflict.

To draw a clearer distinction, participants often referred to the three islands of Mitiaro, Mangaia, and Pukapuka which do not fall under the jurisdiction of the Land Court system and instead rely on customary practices to manage their land matters. Some participants made these comparisons to highlight how the reliance on the court system for people in Rarotonga has contributed to community and family divisions, whereas islands governed by custom were perceived as operating more peacefully.

One participant shared the following:

“See if you look at Mangaia, Mitiaro and Pukapuka, they don't have anything (Land Court system) and they never fight - they don't - you don't see them going in court and yelling about everybody, which is really sad - and this [Land Court] is what has caused a lot of problems” **Maine T**

Again, there was a perceived greater sense of peace under customary governance, particularly where strong practices were maintained through unilateral decision-making by traditional leaders. The following statement reveals how the customary structure contributes to this perceived sense of harmonious relationships and peace. It points to a contrast with the customary systems of the three islands and the court-based processes in Rarotonga.

“My thoughts on customary is when you look at Pukapuka, Mitiaro, and Mangaia they are still under the traditional leadership, similar to what we have back in those [former] years but now the court system here, we are all fighting in court.

Whereby these three islands - it's only the 3 chiefs¹ - they make the decisions and if there's a dispute then they make the ruling and if they agree on whatever ruling they're going to say or put in place then that's it, end of story. Whether it's going to change - I don't think so - I think they want to keep it that way - it is fair and there hasn't been any major hiccups” **Papa W**

Indeed, while custom was, at times, conveyed by some respondents in an idealised manner, others offered a counter perspective by emphasising its limitations and potential risks. For example, Tama P noted the vulnerability of individuals who

¹ This participant is referring to the island of Mitiaro, noting that while each island relies primarily on customary land tenure, the governance structures vary between islands.

challenge or do not conform to the unilateral decisions of the Aronga Mana (traditional leaders), highlighting the associated risks stemming from limited protective mechanisms:

“...there's actually no security. What if the Chief fell out with you if you voted for the other party - what if you decided that you were gonna vote this party and the chief didn't like that - they wanted all the village to go this way, and you decided not to, then you don't have security because there's no Land Court there - it's still with the chiefly structure” Tama P

Similarly, Papa S reflected on the potential abuses of the customary system, noting that chiefs could dispossess families of their land regardless of their genealogical ties or long-standing occupation on the land:

“When I talk about customary management system of land there is a bad side - where the Ariki can just kick people off the land regardless of their family status or the children that they have. They have nowhere to go, even having occupied the land for so long.

And today it cannot happen like that - it should not happen. Because people can trace their papa'anga...those were some of the customary practices that are gone - so there are some bits of our customary practices, not to bring it back or not to preserve it. Only the parts [of custom] that serves people Papa S

Building on this dichotomy, participants expressed a pragmatic acceptance of the dual system's coexistence. Despite these differences, there remains a sense of acceptance that, although the two systems may not operate seamlessly together, both are nevertheless fundamental to land tenure practice in Rarotonga. As one participant reflected:

“Well, we have to work with the process - the Land Court - because of our affiliation with the Crown [and] because of what Gudgeon² did in the early 1900s, we base our genealogy on the original landowners from 1901, not from before. Those records are sealed...” Papa D

However, despite the acceptance of this system, it has given rise to the contested terrain of land tenure. This contested terrain sets the stage for the next sub-theme which explores the ambivalent experiences that participants have encountered when navigating between the dual systems.

² Colonel W.E.Gudgeon was the British resident on Rarotonga from 1898-1900 and resident commissioner 1901-09 (Scott, 1991, p. 70), played a central role in driving the establishment of the Land Court system as chief judge.

5.1.2 Contested terrain leading to ambivalent experiences

These ambivalent experiences emerged as the dichotomy between the dual systems produced contested terrain, at times intensifying under the pressures of tourism development. Many participants also described the legal processes of the Land Court as having greater authority than customary processes, often asserting dominion in ways that reshaped traditional decision making. One example of this is shown in a statement by Papa W:

“Yes, in a way because of the contending laws that are in place. What are we following? Customary or the papa'a [European] way? In Raro, it's the papa'a law yet before that, customary [approach dominated]”

The conflicting nature of the two systems was frequently illustrated through participants comparisons of what customary practices entail versus the processes and conditions of the Land Court. In many accounts, this contrast was explained through examples of land use and physical presence on the land. As Mama G described,

“...customary practice, if you're burning your fires, you're using the land - you have ownership. Me topa koe na te ara [when you stray from the road i.e. when you leave] you kind of lose those rights.

In terms of the court system, the tenure system that we have, it's your share of the pie regardless of where you are, and I think today, there's a rude awakening because we are now realizing how scarce land is becoming...” **Mama G**

Building on this perspective, another respondent drew attention to how this ambivalent relationship between custom and the legal system is further exacerbated by several contemporary factors, including decreasing land availability and the significant proportion of Cook Islanders (landholders) now living overseas. Many participants referred to landholders residing abroad and noted that they were often perceived as having stronger familiarity with the legal system, perceived by respondents as reflecting the contexts of where they were based.

At the same time, they were also viewed as having limited engagement with customary practice, which depends on living on the land and maintaining communal and relational obligations. These practices are deeply grounded in lived, local experience. As Tama T observed, *“They’ve come with a clear understanding on how the legal system works but*

not the customary practice.” This growing disconnect contributes to a gradual shift in how land matters are approached.

While the court process cannot be bypassed, customary practices such as tracing genealogy and engaging in collective decision-making within families have traditionally played an essential role. Yet several participants observed that these practices are increasingly being set aside in favour of the formal legal pathway, particularly when those involved have limited grounding in customary norms. As a result, this perspective highlights that the communal, dialogue-based approach that once anchored dispute resolution is becoming less important, replaced by a growing reliance on the court system. As one participant explained:

“But customarily we [would] always call each other to have a talk, you know and that's the worse of it. [These days] not a lot of people like to talk, so they don't do that, they bypass all of that, it's very common and that's [due to] the court process”
Maine M

Indeed, if customary principles were the primary basis for determining land rights, landholders living overseas would, as outlined by Mama G be considered to have weakened claims due to their physical absence from the land. However, the legal system asserts their entitlement regardless of location, thereby securing their ownership. Viewed from this angle, it becomes clear that the two systems carry different meanings and expectations for landholders on Rarotonga. Additionally, the value placed on each is often expressed through power dynamics that shape how land rights are understood and exercised.

Drawing from this point, participants frequently highlighted the difficulty of distinguishing between custom and the legal system, noting that interpretations of custom are often influenced by external sources. Therefore, participants themselves would often conflate custom and the legal system with external judges playing a pivotal role in shaping how custom was interpreted and applied. Accounts such as the one below reflect the intertwining nature of the dual systems, its interdependent nature and the differing ways they are understood:

“For those of us who still subscribe to the old customary ways of land - we also understand the formalities of shares in land, but we also understand how one acquired land and how we acquired those shares is because of the genealogy

*So, what I've found now - the customary practices and the way we used to do things - it still applies but it depends on the judge at the time and their understanding or reading of the laws and how that applies" **Maine M.***

This observation reinforces an earlier point under customary practice where connection to land is grounded in both papa'anga and occupation, the fire lit on the land, underscoring the centrality of these elements in establishing one's rights. In Rarotonga, where the island is small and tenure arrangements are widely known, such connections are generally understood within the community. However, the Land Court system requires formal proof of identity and lineage, regardless of these customary and communal understandings, as shared in the following account:

*"...but then into the legal system - they look at it [genealogy] and...then you gotta come and prove who you are - which you do...and then somebody comes and contests it and then it becomes a big as issue, an expensive issue to try and prove your right onto this land or prove what your connection is and sometimes you can be so short of it [proving yourself] because maybe number one, you can't afford the lawyer or a land agent to represent you or, number two, they can't understand the system" **Maine T***

The dissatisfaction with the Land Court process was common amongst the participants as it evoked feelings of inferiority, unfairness, inequality, helplessness, exasperation and resignation. On the other hand, there were also instances where the court was perceived as exercising equity by using custom. Maine M.H described a case centred on land shares³, where a smaller lineage with larger recognised shares was repeatedly denied access to land by a larger family line. While the smaller lineage held stronger customary entitlement through shares, majority-based decision-making favoured the numerically larger family, enabling them to block access. In this situation, the judge ruled in favour of the minority line, recognizing their customary rights through papa'anga:

*"The court actually intervened and used their equitable arm if you like, to say no, i'm gonna right this wrong and acknowledge that you can't deny somebody - again the papa'anga [genealogy] is important, again, that's custom" **Maine M.H***

Experiences of both insecurity under custom and fractured families within the legal framework highlight the challenges of operating under dual systems in the Cook Islands. These examples demonstrate that both systems offer benefits as well as

³ See Chapter 2, page 32 for more information on land shares

constraints from the perspectives shared. The following remark provides a holistic summary of these dynamics:

“Custom remains relevant when a critical mass of on island tribe/family members are aware of the customary distributions and discussions. The fun starts [sarcasm] when this critical mass of siblings and cousins dies out and the replacing generations can’t recall land meeting discussions of this nature, and begin to resort to the legal structures to govern their decision making” **Mama V**

Overall, both systems remain integral to land tenure in the Cook Islands, yet each is fraught with tensions. Participants described a clear dichotomy between custom and the Land Court. However, participants’ descriptions revealed that the dual systems are at times conflated, at other times viewed as distinct, yet ultimately operate in an interdependent manner. This dynamic reinforces the ambivalent struggle to reconcile custom with the legal framework in contemporary practice. Participants often attributed this struggle to several factors, one of the most significant being the scarcity of land, which is discussed next.

5.1.3 Scarcity-driven decisions

The scarcity of available land was raised by several participants as a leading factor in driving decision making around obtaining land that is more in line with the legal process. For instance, Mama V said that you could be entitled to the land through the Land Court but through custom, you (or your line) are not meant to go on that land due to past oral agreements. Papa D made the same reference when he shared the story of two brothers who made a pact where one would stay on the lands in Arorangi and the other would settle the lands in Tupapa. This pact was made through an oral exchange but not recorded in court. Once the brothers passed away, the force of these agreements diminished, but the grievances continue, driven by tensions that emerge when customary practice is abandoned in favour of the legal system in response to modern pressures.

At present, these past agreements are being contested, with the scarcity of land being a leading contributing factor. The scarcity of land leaves little room for personal agency and as result, people tend to choose the option that best serves their individual needs. Increasingly, this means turning to the Land Court process.

As a result, decision making around the acquisition of land using the dual systems is often vexed. This is shown as participants revealed that land is generally acquired through customary processes to oblige the family and then the legal system for legitimisation purposes. However, if there is opposition through the customary avenue then the legal means through entitlement and shares would be used which ultimately supersedes custom but often, at the cost of a divided family.

Participants repeatedly highlighted ongoing family disputes in the courts, reinforcing how decisions are increasingly being influenced by land scarcity and economic pressures. Some noted that the divide between governance structures has enabled systems that prioritise individual gain, often at the expense of family unity. These tensions set the context for the following discussion, which turns to how land tenure affects tourism development.

5.2 Impacts of land tenure on tourism development

This research reveals that land tenure plays a significant role in shaping tourism development. While, land tenure is a broad and complex topic, respondent accounts narrow the focus to the dual systems and patterns of land use. In this instance, their perspectives show a divide with some seeing land tenure as enabling tourism, others restricting it, and some as both. The following section examines all these outlooks. As Papa W reflects, the theme is far from straightforward:

“It’s hard to answer that one. Yes, in a way it [land tenure] has restricted and no because people still build on their own land - because, why not, I do what I want to do” Papa W

5.2.1 Land tenure enabling tourism development

Of the twelve landholding participants in this study, eight are directly involved in the tourism sector, including four who manage and operate their own short-term rentals on family land. This demonstrates how the land tenure system enables local participation and, in turn, shapes the form of tourism on Rarotonga. As a result, tourism remains largely small-scale, family-operated, and spread across the island, rather than being dominated by large, foreign-owned resorts.

While the current tourism landscape reflects the ways in which land tenure supports local involvement, participants shared that these patterns are connected to deeper

historical processes dating back to the period when agriculture was the main economic driver. Many respondents recalled that from the 1950s through to the late 1980s, agriculture was the Cook Islands largest source of income, both for export and for subsistence. During this time, the agricultural industry played a significant role in shaping landholding practices, particularly through mechanisms such as occupation rights, as reflected by Tama T in the statement:

“The Occupation right i te tuatau i mua i oronga [The Occupation right that was given in the past was]...for the purposes of planting oranges - citrus was our big export and in order for you to get a loan from the Co-op which was a Government entity to buy your seedlings you needed the land to be under occupation right to make sure, it is yours.

In that way they could give you the subsidy and they will help you with planting and that was the Government scheme back then” Tama T

Participants also agreed that today, the most common way people acquire rights to use land is through leasehold. Lease arrangements are especially important for non-landholders who are those who do not have any ancestral links to Rarotonga. This is because leases provide the only means of holding or occupying land for a set period. Respondents noted that leases provide a key platform for people to secure finance, whether through selling the lease or using it to obtain a mortgage. This reflects the growing importance of capital and development in influencing land use decisions.

In contrast, to concerns about individualisation and financial pressures, some participants described experiences in which tourism development provided benefits for landholders who were able to organise and manage their land collectively. As Mama V explained:

“Having multiple landowners on prime land good for tourism development, encourages sharing of details relating to the process of the tourism developer’s interest, and landowners’ possible gains” Mama V

This perspective highlights how tourism can support shared benefits when landholding groups cooperate effectively. However, as the next sub-theme outlines, having multiple landholders can also create challenges, illustrating some of the limits of the land tenure system, particularly in the context of large-scale tourism development.

5.2.2 The ambivalent nature of land tenure: A saving grace, yet a daunting process

While the land tenure system was regarded by some as a saving grace in that it restricted large scale tourism development, navigating it in order to commence tourism development was also perceived by others as being a slow and daunting process at times. It was seen to slow large-scale development due to complex land tenure arrangements requiring extensive negotiations and collective consent, and this was viewed by participants as a potential deterrent for external investors. While the collective decision-making process was viewed as supporting inclusion, it was also seen as prolonging development timeframes. Many respondents pointed to the lengthy, costly and emotionally draining process of acquiring land. As Tama P observed,

“I think land tenure has enabled it [tourism development] but there's all these processes that you have to go through, which slows things down a bit.”

Several participants noted that the long and challenging procedures often discouraged people from pursuing land acquisition, particularly if they were not supported well in the process. This support was expressed in the form of family support, dual system knowledge constraints, limited relational networks, language barrier and lack of resources, namely capital. As a result, some landholders, particularly younger generations, would leave the island, feeling despondent as they could not see any viable future without access to land. Yet, for others, these restrictions were seen as a safeguard, slowing the pace of tourism development which is highlighted in the statement by Mama V:

“...our land tenure system has been a saving grace sometimes in the restrictions imposed by succession of many landowners and the hold up in some tourism development initiatives” **Mama V**

However, Mama V also describes the downsides to the lengthy decision-making process in the following account:

“Consensus may be hard to achieve, and back dealing can happen, leading to some landowners wheeling and dealing [with] the use of savvy legal land practitioners that know how to weave their way through this situation.” **Mama V**

These accounts reflect a broader tension described by respondents, who viewed the land tenure system as both enabling and restricting tourism development. On one hand, it

fosters communal decision making and creates local participation in the tourism industry while creating barriers for larger scale foreign tourism development. On the other hand, land tenure was also viewed as a slow, confusing, and at times prone to unscrupulous behaviour, making it an emotionally draining process often deterring people from proceeding. Both perspectives are discussed to reveal the ambivalent nature of people's experiences of land tenure on tourism development, emphasising the complexity of land tenure in this context. These varied perspectives provide a timely transition into the next theme, which examines how tourism development, in turn, has influenced land tenure.

5.2.3 The development interface at the customary level

The material discussed within each interface domain as illustrated in figure 7 reflects a combination of insights shared through this research and my own long-standing personal experiences and observations from engaging with land matters on behalf of my mother and uncle. On this basis, I describe each aspect of the development interface from the four domains shown in figure 7 in Chapter 3, page 60: family meetings, legitimising land, power dynamics, and knowledge exchange.

Family meetings: These planned meetings between the landholders who are also family are held for matters concerning land rights and claims. Tourism development as an external factor is highlighted when the landholder is requesting a piece of land through leasehold for a tourism venture, a common theme in the research. The interface analysis looks at how these meetings are conducted, negotiated, resisted or accepted by local actors. At this juncture, social relations are important and so are internal factors such as knowledge of te reo (Māori language) and genealogy. The findings revealed that there are challenges for those landholders who do not fully grasp the protocols around land meetings, particularly if they did not grow up on the island. Their reliance on family members who live on island becomes crucial for the success of their land right claims and requests.

Legitimising land: The assertion of ownership rights, securing legal recognition and gaining access to finance are all part of legitimising land. This involves a lengthy process of negotiations with family, countless interactions with the court administration and

legal entities including negotiations with financial institutions. Again, social relations are integral as the process generally moves faster based on who you know or most importantly who you are connected to. Negotiations that enable greater access to resources such as legal advice or capital are highly beneficial and require a level of interaction with commercial and external market knowledges.

Power dynamics: The examination of power dynamics that arise at the interface reveal how different actors exert influence and control over land and development outcomes. Here, I provide a personal example of a common pattern in land meetings where I have observed the power dynamics through strategies at play. For the most part, whoever takes the lead within a land meeting sets the tone for whether the other family members agree or object to the land request. This first move gives them the chance to provide the background context as to their reasoning for their patoi (object) or ariki (agree) to the applicant's request. This move is a measure that is generally replicated by the other landholders based on how convincing their argument was. Additionally, the chairperson who convenes the meeting is supposed to remain neutral, but at times [respondents noted that] they have influenced the outcome of the meeting. This may be because the land applicant or family member helping them is the person who organises the chairperson and secretary to convene the family meeting which can also create bias.

Knowledge exchange: The whole process of acquiring land is a learning experience and although each encounter with land at the development interface may differ, there are many insights that will contribute towards increasing one's knowledge and hence capacity to act. Here, oral histories are exchanged and though the stories may differ slightly among individuals, they usually have a common customary principle associated to it. For instance, many meetings I have observed the claim of land rights based on the occupation of a former direct ancestor. Though the person claiming the land may not occupy the land themselves, their claim to it is strengthened by the fact that their deceased grandparents or parents occupied, planted and/or cleaned the land. These stories are central for understanding context, strengthening historical relations and providing meaning to situations where links are drawn. Through the process of storytelling a rich and enlightening history helps establish an enhanced awareness which in turn offers new knowledge to actors and thus power and agency to navigate in

different settings. Having outlined the development interface at the customary level, the chapter moves on to examine landholders' perceptions of how tourism development has shaped land use and land tenure.

5.3 Tourism development shaping land use and land tenure

Today, tourism has replaced agriculture as the main economic driver for the Cook Islands and thus tourism-related economic pressures have long shaped decisions around land tenure. In doing so, the subsequent themes highlight the shifting land values, changing land use practices, and growing implications such as concerns about the displacement of future generations of landholders as scarcity intensifies with the pace of development on Rarotonga. One participant succinctly captured the extent to which tourism development has reshaped the landscape, especially in Muri, a major tourist hub on the island:

*“Given that tourism is the biggest driver in our country. Obviously without land, tourism can’t progress. One of the major components of tourism is land and the impact of tourism on our country as a whole, socially, economically amongst our people is a huge impact. You go to Muri and how do you get to Muri Beach? There’s only one road – maybe two down to Muri Beach. That’s an example of how that has changed and the consequence.” **Tama T***

At the end of the latter statement, the participant highlights that tourism development in Muri has restricted public access to the beach, leaving only one or two roads available to the community to get to a lagoon that was once easily and widely accessible. This shift also points to the first sub-theme that was highlighted by participants around the commodification of land.

5.3.1 Tourism contributing to the commodification of land

As one participant noted, in the geographical setting of the Cook Islands, the closer you get to Rarotonga, the less value is placed on customary practice. This shift highlighted the gradual erosion of customary practices and the corresponding move toward the commodification of land. This was reflected in the following statement by Papa S, who contrasted the strength of customary practices in the outer islands with the increasing trend towards land as an asset in Rarotonga:

“In terms of customary - you can't talk about land tenure in the Cook Islands without acknowledging the people of Mitiaro and Mangaia that's 100% customary and the closer you get to Rarotonga, it gets more modern.

When you come to Rarotonga, there's pockets of [customary practices] that exist but now - it's [the land] considered more an asset, commodify it. Customary management still exists, the closer you come to Rarotonga [but] it's diminishing. I think, wherever it exists now, we need to preserve that” **Papa S**

Building on this point, participants described a growing tendency to treat land as a commodity or asset, reflected in experiences like the one below:

“...money talks - you got the money they'll sell it [the land] to you - they'll sell it to you for a truck. Which is sad. That truck will only last you five or ten years if you're lucky - but then, what are you gonna do then? No house - lands gone. I think sometimes, like, when you sell your land, you lease it, you're only left with peanuts of that land” **Maine U**

The findings indicate a shift in how land is valued, with increasing emphasis on its transactional and market-based functions. This not only changes land values but also reshapes how both intangible and tangible value systems are understood.

Participants often highlighted that the meaning of land on Rarotonga has changed over time. Mama V summarised this shift as involving “*Monetary returns for lease period surrender*” demonstrating how land is now more frequently viewed in financial terms. Participants would also refer to current practices such as leasing land for income or goods like trucks, as well as earlier exchanges where land was traded for items like whisky or nails. Many respondents felt that this represented a move away from seeing land as a deep connection to heritage and identity, toward viewing it as something that provides individual, tangible benefits. This growing shift was often expressed with loss and sadness, as captured in Tama T's reflection:

“Losing the values of what our generation had and the generation before us had – losing sight of our traditions and customs because they are too absorbed with making money through tourism. Losing sight of the reasons why the land is here, the reason why the land is called that.

[knowing] the history of our land – to me that says a lot about yourself as a person, and how you came to be there, why that land is called that land and why your family is on that particular land, because every land has a piece of history on it” **Tama T**

Other respondents also provided a perspective that was in contrast to this movement toward individual gain, where some families continue to practice more collective

customary aligned approaches to land. In these families, decisions about land especially when tourism development is involved are made together, and any financial or social benefits are shared among the wider group rather than kept by a single landholder. Maine M offered an example of the approach within her own family:

“Some families have divvied up blocks of land to be the only ones that just benefit you know whereas our family, we take a collective approach especially if it's a big tourism venture or accommodation thing - it's something that we can all benefit from...” **Maine M**

In this case, a collective approach means that the whole family participates in discussions about leasing or developing land, and the advantages, such as income, employment opportunities, or improvements to shared assets are distributed across the family. This point on a collective approach was also reinforced in the following account:

Where a land holding unit has been able to organize their parcels of land responsibly for example via partition orders etc...opportunities to invest their land via leases to developers can be fruitful with conducive goodwill and rental conditions benefiting everyone in the partitioned parcel” **Mama V**

This contrasts with other situations described by participants, where land is divided into smaller portions so that only one or two individuals receive the benefits. Further, the statement below marks a shift towards a hopeful stance for the next generation. The benefits for all at the communal level are at the core a customary feature.

“...take care of it [the land] because it is there for their benefit and the benefit of their children - above all, if they [future generation] could see, the way this land came about and for them to inherit and above all they should always remember our forefathers, the landowners of the land and how they inherited this land - to keep that going and not spoil it, enjoy it and share it. Ensuring that it's beneficial for all” **Papa W**

As respondents highlighted, customary principles emphasise that allegiance is not to the land itself but to the wider tribe, and through this collective bond, to the land. In this sense, benefits of the land are distributed across the matakeinanga (a settlement). This communal position contrasts with emerging individualistic values; a tension conveyed in Tama P's reflection on mana (power):

“I had no Mana when I arrived - I'm just a lawyer and the Mana was in having land using land growing crops, feeding pigs and then when something happens in the village, you provide for that event, like a hair cutting or an investiture or a funeral. But once I got my law career going...I had economic Mana” **Tama P**

This account highlights the shift from traditional forms of mana, rooted in communal land use and cultural obligations, toward economic mana associated with professional success and financial capacity. This notion of economic mana aligns closely with tourism development, where land is increasingly valued for its economic potential.

The ways in which this market economy-based environment is reflected on how the land is used is the focus of the next section.

5.3.2 Changing land use: Tourism and the redefinition of productive land

Rarotonga has a tourism-oriented economy and as a result tourism development opportunities have driven land use. Historically, as was mentioned by several participants, the motivations to obtain land were for planting purposes. It was widely acknowledged among respondents that the Cook Islands' earlier shift toward an agriculture-based economy was influenced by New Zealand, as its former colony. Land acquisition is now more closely aligned with economic opportunities created by tourism. It is suggested that this shift was also influenced by New Zealand as noted in the following account:

"Now, the big economic benefit is tourism. New Zealand influenced [us] to open the airport in 73 I think it was because they saw this as an economic opportunity. It's so beautiful [here] you know like, when the papa'a (European) used to come up here to work they would go, wow, it's like a gem. And [with the airport] our people left and tourists came in and things started changing from then and it's accelerated in the time I've been here" **Tama P**

This broader economic influence reveals how external forces have continued to shape local interactions with land. There was broad agreement among participants that land should be actively used rather than left idle. For many of the participants, tourism offered a viable economic opportunity to utilise the land, particularly sections that would otherwise remain undeveloped and overgrown. At the same time, some noted that using land for tourism was seen as one of the few feasible avenues available in the current economic climate, further reinforcing its appeal. These shifts illustrate how tourism, together with mounting economic pressures, is redefining contemporary understandings of meaningful and productive land use. Mama G captures this shift, noting how survival needs and financial obligations have reshaped land use priorities:

“The focus is on how many houses or little units [to rent to tourists] can we put on there [the land], then a family home. We’re just trying to survive, because we know, we have tourists who are coming, and we are able to service them to pay off that debt. I think it’s out of necessity more than anything” **Mama G**

These changing priorities reflect broader transformations in why people seek land today. The motivations for acquiring land have evolved alongside shifting values, with land increasingly viewed as a site for commercial and individual gain aligned with the market economy. Papa S illustrates this shift:

“When you look at the reasons why people need land or want land - the reasons have changed too because before look after the matakeinanga or our family unit and now its individual, commercial, now people are wanting land to build tourism properties” **Papa S**

Tama P shared that “...it’s like tourism was the driver of using the land quickly too and we ended up having eight houses in the space of three years.” Using eight short term rentals as an example, this statement reveals the swift and significant shift occurring in tourism development for some individuals. While respondents acknowledged the opportunities created by tourism, particularly the ability to make use of land that might otherwise sit idle, they also reflected on the broader consequences of these changes.

Several participants noted that these patterns of land use risk weakening customary practices, as economic pressures and incentives increasingly take precedence. Others observed that as land becomes more commodified, intergenerational access and community cohesion may be placed under strain, creating further tensions between cultural priorities and market demands. Together, these concerns reveal the complex implications of shifting land values, land use and an evolving tenure system. These impacts are explored in greater detail in following section.

5.3.3 The impacts of using land for tourism development

There was such an overwhelming response to the impacts of tourism development on land use that a section needed to be dedicated to outlining the main concerns raised during Kai Vanānga. These concerns ranged from the conversion of planting land that threatens food security and food sovereignty, to tensions between local ownership and foreign investment, the erosion of traditional practices, rising environmental risks, the displacement of future generations and the risks associated with using land for loans.

a. Tourism development impacting food security and food sovereignty

Many respondents shared nostalgic recollections of a time when fertile inland planting land was plentiful, highly valued, and central to food security and diversity. This was often shared in stark contrast to today's landscape, where tourism development increasingly encroaches on prime agricultural land. Participants reflected on how this shift has led to growing reliance on imported produce, price hikes on domestic crops due to increased demand from tourists and tourism operators, reduced agricultural crop diversity and changing lifestyles. Several respondents reflected on the broader consequences, including a vicious cycle of health challenges such as an increase in non-communicable diseases and obesity. As one respondent lamented:

“All the agricultural land has been taken up by building, for what? Air bnb's for houses - so we are importing foods. All valuable, good farmlands [are] being used up. People [are] wanting to build. We don't grow our own food anymore, we don't have the oranges, we don't have the kumara – what we eat, we depend on New Zealand [for, like] cabbages, potatoes” Tama T

Another participant highlighted how rising land pressures directly affects affordability, crop diversity, and the availability of land for growing food.

We [are] getting less and less agriculture land and you can see the prices of the watermelon now. Before you can buy a big watermelon for \$10, now it's \$40 - \$50 for a 8 kilo watermelon, why? Because there's not enough land to plant the watermelon and whatever land is available, you've got tomatoes on it, you got other stuff, you got maniotia [arrow root], you got kumara [sweet potato] and not enough land” Papa D

These reflections show that changing patterns of land use are closely tied to broader issues of food security and food sovereignty in the Cook Islands. As these pressures intensify, they have growing implications for people's livelihoods, and their overall health and wellbeing. Beyond food systems, respondents also raised pressing concerns about who benefits from tourism development, and how ownership and thus control over land are increasingly contested. The following section explores these dynamics of local ownership and foreign investment in greater depth.

b. Challenges presented by foreign investment

Foreign investment is often viewed as a source of capital, expertise and development opportunities for local communities. However, in the Cook Islands, the long-term sustainability of such ventures relies heavily on the continuity and stability of relationships between landholders and investors. The dynamics of this relationship are especially significant because shifts in land ownership can compromise the stability of an investment. These risks are heightened when the distribution of benefits between parties is uneven. This fragility is captured in the following reflection:

*“The rule of the landholding (landlord) group in the relationship with the developer will change over time. There is no doubt about this. The incoming landowners may not be conducive to the conditions of their elders who have passed on and the relationship with the developer could sour to the harm of the property and investment on the land” **Mama V***

Conversely, comparable tensions can arise when leadership changes on the developer’s side and the incoming managers do not sustain a constructive and respectful relationship with the landholder(s). Some respondents described extreme cases where such breakdowns in relationships ultimately led to the deterioration or destruction of property. This perspective reinforces the reality that agreements negotiated with one generation of landholders, or even with a particular set of developers, are not necessarily secure. Shifts in leadership, priorities, or management on either side can unsettle arrangements that once appeared stable. Changes in landholders or management can alter expectations and relational dynamics, sometimes undermining partnerships that were once harmonious.

These shifting dynamics were also evident in discussions about the financial value of land in the tourism sector. While many respondents acknowledged that the rapid growth of the short-term rental market had created meaningful financial gains for some landholders, others emphasised a contrasting reality. Several participants observed that foreign investors were often the primary beneficiaries, while landholders themselves struggled to retain meaningful

control over their land. This tension became particularly clear in conversations about the difficulties of reclaiming land once leases expire.

Participants noted that returning land to local ownership was rarely straightforward, as the conditions embedded in lease agreements often created significant barriers to reclaiming land. In particular, the mention of revolving or perpetual leases by a few respondents signalled the notion of continual external control. Mama G captured this frustration vividly:

*“Another thing with regards to our land tenure is, we almost have revolving leases, you know. What good does that do? For example, look at the Edgewater ok, tourism wise, how many of our locals have given land, where in the lease it says they have first right of refusal to buy back the property - where they gonna have \$20 million to buy it back, otherwise it rolls over. I think at some point, there's got to be an end to it, who is getting the money from that? Where is the money going? **Mama G***

The revolving lease concept, as Mama G suggests, undermines local sovereignty by placing landholders in a cycle where control is continuously deferred. Similarly, Papa D, emphasises the broader implications for economic independence:

“...the issue is on the land tenure - is how do we get our land back? We need to get it back so that we own the hotels so that we can make our own money, so that we can be on the buffet, not eating the crumbs...we own the buffet”⁴
Papa D

Such statements reveal a deep desire among respondents for autonomy over land that allows landholders to decide how land should be used and to fully benefit from its economic potential. This desire for greater land autonomy was a recurring theme and was often accompanied by calls to reduce reliance on foreign investment. Papa S expressed this aspiration clearly, revealing the ambivalent nature of land tenure in the Cook Islands by highlighting both pride in the system and disillusionment with how it transpires in reality:

“...we are proud of the fact that we can say that nobody can buy land over here because most countries there's freehold and you can just buy land and property - but we have this advantage that nobody can buy land outright,

⁴ This comment links to the famous early book on Pacific Island tourism: Samy, J. (1980) 'Crumbs from the Table: The Workers Share in Tourism.' In F. Rajotte. (ed.) Pacific Tourism: As Islanders See It.

only a lease and it comes back and that's what we sing out around sovereignty in our own land.

We still own our land but in reality, that's not the case, it's not fully the case. A lot of our land, we've lost control of like these revolving perpetual leases, so in a way we don't control it anymore and if we don't control it we don't fully benefit from it so I think any reform in the future must make reality the fact that we own the land and we benefit from it" Papa S

While foreign investment has contributed to development opportunities in the Cook Islands, participants also pointed to underlying tensions and complexities that raise concerns about long-term sustainability and land autonomy. In response, respondents consistently expressed a growing desire for economic sovereignty, alongside strong confidence in the emerging generation of landholders and their capacity to control, manage, and operate tourism enterprises independently. Foreign investment, once seen as central to tourism growth, was often described as increasingly less necessary, with participants arguing that local people now possess the skills, knowledge, and resources to act as tourism developers in their own right.

Beyond economic concerns, respondents also indicated erosion of traditional practices and the increasing environmental risks associated with tourism. This is elaborated further in the next section.

c. *Erosion of customary practices and increasing environmental risks*

Another notable outcome of changing land-use patterns is their influence on customary practices. Several respondents observed that livelihoods have gradually shifted away from planting and fishing toward what are perceived as more modern lifestyles. They drew a direct link between the growth of commercial and residential developments and the loss of cultural practices, particularly those tied to the land.

Stories were shared about earlier days when environmental conditions and cultural practices supported regular shellfish gathering, spearfishing, crab hunting, and planting according to arāpō (lunar cycles) and tidal movements. Participants noted that these activities have become less common, in part due to changes in the physical landscape and shifting practices. They explained that this has also contributed to a loss of knowledge systems connected to customary

practices that relied on continuous interaction with the land. As Tama P reflected, “it’s only when I got my hand dirty that I appreciated the land and the connection to the land,” emphasising how deeply these practices are tied to being physically present on and with the land. This emphasis on hands on interaction with the land also draws attention to the growing pressures that limit the nature of such engagement and connection.

Increased tourism and wider development were described as contributing to reduced undeveloped and available land, with flow-on effects for surrounding ecosystems and resource-gathering spaces. Mama V reflected on how these changes are visible in everyday landscapes:

“...there are no crab sanctuaries along Vaima’anga’s beach front - the taro bed trenches we used to swim and canoe in have filled and become shallow and often dry in a year, when they used to be always full of water. The mountainside of the back roads are filling up with homes and they will keep pushing inwards, changing practices, development, changing land uses, easier living and growth” **Mama V**

The changing landscapes not only impact on traditional practices but also increase environmental risks. Several respondents raised concerns about the destruction of ecologically significant areas, such as wetlands, which play a vital role in sustaining communities. Maine J described the impact of tourism development on one such site:

“...I come from the perspective of the physical land, that impact, say changing the land itself, for example like, Nautilus [a hotel] was a wetland, its now, no longer a wetland so that’ll impact on the village – because that wetland doesn’t exist anymore” **Maine J**

Together, these reflections highlight how development pressures have eroded cultural practices and altered significant environmental ecosystems. This impact reinforces the broader challenges of environment degradation and land scarcity, with repercussions that raise significant concerns for the next generation of landholders on Rarotonga. These concerns lead directly into the focus of the next section.

d. Displacement of future generations: landless in paradise?

Another key point raised during Kai Vanānga was the growing trend among landholders to obtain several commercial land leases in order to benefit from the tourism boom. While most participants reflected on this as an opportunity for landholders, there were a few respondents who expressed serious concerns about its long-term impact. In practice, these leases were frequently used to develop short-term rentals often without contributing back to the Ngāti (major lineage) who also held rights to the land. As Maine M explained:

*I can just get this lease and then build [tourism accommodation] on it and not even pay anything back...when you say, you should pay some money back to your family, [I can say] no, that's my lease. **Maine M***

Here, Maine M highlights how leaseholders can legally operate commercial ventures without any obligation to share returns with wider family members. Maine M points to the resulting tensions among landholders, where some individuals profit from inherited lands while others with equal lineage rights do not seem to receive any benefits. At the same time, several respondents noted that these internal dynamics are less pressing than the broader issue of reclaiming lands tied up in long-term leases to foreign interests, suggesting that attention should be directed toward addressing these seemingly perpetual or revolving leases discussed earlier in sub theme B.

Beyond the landholder tensions, several respondents noted that leases were able to be subleased⁵ to anyone including foreign investors through real estate businesses, which one participant described as a form of “land grabbing.” These practices raised broader concerns about how land was being acquired and managed, with respondents warning that the current trajectory would ultimately exclude future generations from their ancestral lands. The dire concern of becoming “landless in paradise” was captured in the following reflection.

*“If all available land is consumed today, future Cook Islanders will be locked out of their ancestral lands, unable to access space for housing, agriculture, or cultural practice. Future generations may end up being homeless” **Maine J***

⁵ See figure 5 on page 34 for an overview of types of Native Freehold Land

The growing momentum toward commercial leasing on multiple blocks of land, whether for local or foreign benefit, was consistently linked to broader issues of land tenure. The accumulation of leaseholds risks excluding future generations from access to their ancestral lands, posing serious threats to customary practices, community wellbeing and long-term sustainability.

e. *Risks of using land for credit*

The findings pointed to the risks associated with using the land as collateral for the banks. Several participants spoke about family members who had lost the leasehold of their land to the banks due to defaulting on their loan repayments. They often spoke about the vulnerability and realities of households having to manage their debt and their finances. However, as the family who have a vested interest in the land are always offered the first right of refusal to purchase the leaseholds back, a few participants had used this process to ensure the land was brought back into family hands.

Another key concern that emerged was the inheritance of debt rather than land. One respondent, when asked about the main challenges facing future landholders answered:

“Managing debt - because a lot of these leases are still in debt - the parents have died and still in debt, the generations coming up will inherit debt, not land but debt. I think that's something that we need to be aware of.” **Maine M**

This statement reveals the growing reality that younger generations are increasingly burdened by financial obligations they did not create. Additionally, it underscores a collective responsibility of the wider family to safeguard family land from passing into external ownership. Where it is within their means, families unite their resources to purchase the leasehold, thereby securing the landholding for future generations.

Summary

This research has revealed the many facets that shape the relationship between land tenure and tourism development in Rarotonga over the past twenty years. The findings are organised under three thematic areas: the dualistic systems of land tenure, the

impacts of land tenure on tourism development, and the ways tourism development shapes land use and land tenure. These areas reflect the framing of the guiding questions and the associated sub-themes capture common threads of thought, lived experience, and points of tension raised through participants' responses.

What becomes clear is that beneath these themes lie deeper currents of power dynamics that determine who benefit and who is excluded, generational grievances that echo across families and communities, and mounting concerns over the pace and scale of uncontrolled tourism development on Rarotonga. These insights reflect present day conditions and concerns that resonate among landholders on Rarotonga. The findings reflect the political environment of the Cook Islands, where the conversation around land tenure remains deeply controversial. As noted at the outset, this inquiry was never going to be a light endeavour. Kai Vānanga with people in the community is sacred, as is our 'akapapa'anga and connection to the land. The severity of the issues demanded careful treatment, and the results presented here highlight the gravity of those in-depth conversations through Kai Vānanga.

Yet, the results chapter is only part of the story. To fully understand the implications of these findings, we must now shift towards interpreting the findings. The following discussion chapter engages with theory and broader Pacific scholarship to examine the dynamic changes identified in the results, and to assess how these findings align with, extend, and contribute to existing debates.

Chapter 6: Theory from the ground: The intersection of land, tourism and people on Rarotonga.

Introduction

Recent Pacific scholarship highlights that customary land tenure systems are not static, but are continually negotiated and reshaped through changing social, economic, and political conditions. More recent analyses emphasise that pressures on customary land stem not only from formal land reform agendas, but also from the expansion of market economies, increased population mobility, and the growing demand for land-based commercial activities, including tourism (Bryant-Tokalau, 2017). Rather than framing customary tenure as inherently resistant to development, this work stresses the importance of understanding land as a deeply relational resource, embedded in culture, identity, kinship, and everyday livelihoods.

Bryant-Tokalau (2017) argues that development initiatives often falter when they focus narrowly on legal certainty or formal tenure reform, without recognising the centrality of customary governance, local decision-making, and collective agency. Her analysis shows that sustainable commercial use of customary land is most successful when development occurs ‘in context’ that is, when it aligns with local social structures, values, and long-standing practices of negotiation and exchange. Importantly, secure outcomes do not always depend on the formal registration of land, but on maintaining relationships, trust, and locally recognised authority structures.

Debates over the role of customary land in development have nevertheless endured for decades, generating ongoing political and philosophical tensions regarding its economic potential, flexibility, and perceived constraints (Scheyvens et al., 2020). These debates remain highly relevant as Pacific Island nations continue to balance external development pressures with aspirations for locally defined and culturally grounded pathways.

The Cook Islands, like many Pacific nations, are not exempt from these dynamics. Development processes, particularly tourism continue to reshape the use, value, and

governance of land held under customary tenure, often bringing customary practices into tension with formal legal land systems. In Rarotonga, the coexistence of customary principles and statutory land frameworks creates a complex terrain in which land decisions are negotiated, contested, and re-interpreted over time.

This chapter interprets the findings of this research in relation to customary land tenure practices in Rarotonga and wider Pacific debates on land and tourism, drawing on the expanded literature review presented in Chapter 2 and the theoretical framework outlined in Chapter 3. The discussion begins by examining the intersections between customary land and tourism, before turning to legal land tenure and tourism development. It then brings these perspectives together by exploring how dual tenure systems operate in practice, before considering how tourism has reshaped land values, meanings, and relationships. Finally, the chapter addresses the overall aim of the research by reflecting on the evolving relationships between land, tourism, and people over the past twenty years.

6.1 Me topa koe na te ara⁶: The intersection between custom and tourism

A growing body of research shows that customary land tenure in the Pacific requires carefully designed, livelihood-focused development approaches that recognise the central importance of land and tenure for Indigenous peoples (Rice, 2020; Scheyvens et al., 2020; Stumpf & Cheshire, 2019; Vogt, 2019). In contrast, reports produced by external organisations often promote land-reform agendas that undermine customary tenure by prioritising foreign access to land as a precondition for economic development (PSDI, 2021; Schulze et al., 2021).

Nevertheless, substantial evidence demonstrates that customary tenure can support positive tourism outcomes, particularly when development aligns with local values, aspirations, and governance structures (Pickering, 2017; Scheyvens et al., 2020; Stumpf & Cheshire, 2019). The findings of this research reinforce the view that customary land tenure in the Cook Islands produces ambivalent experiences for landholders, while also

⁶ Me topa koe na te ara: used in Cook Islands land settings to suggest that when you stray from the road i.e. when you leave your lands, the rights may be taken over by others who have remained.

functioning as an enabling force for tourism development. These dynamics are explored through four key areas that emerged from the study.

6.1.1 What tenure enables: form, scale, and distribution of tourism benefits.

Firstly, customary tenure does not simply constrain development, it shapes what develops and who benefits. On Rarotonga, participants described how tenure arrangements have channelled tourism towards small scale, locally owned ventures. Cook Islands Tourism Corporation figures indicate that of 658 total tourism properties, 572 were holiday homes underscoring the prominence of small, family run accommodation (Cook Islands Tourism Corporation, 2025). In such contexts, benefits generally circulate through customary obligations within families and communities (Antonio & Griffith-Charles, 2019; Scheyvens et al., 2020). However, in the Cook Islands this pattern is increasingly complicated by landholders who live abroad and develop short-term rental properties on family land. This raises questions about the extent to which economic benefits continue to flow to resident family members and the wider community.

Secondly, participants described specific cases where customary structures facilitated tangible benefits for landholding groups. When landholders were able to organise collectively and manage their land in coordinated ways, tourism ventures could yield both economic returns and strengthened group cohesion (Antonio & Griffith-Charles, 2019; Scheyvens et al., 2020). A notable example is the Pacific Resort Rarotonga, where the landholders entered a joint-venture partnership with developers and, over time, became majority owners, a case previously outlined in Chapter 2 (Pacific Resort Hotel Group, 2025). This demonstrates how customary groups can use their land rights to maintain authority over access to land for tourism development, allowing them to negotiate partnership arrangements that prioritise long-term ownership, local benefit, and collective gain over short-term rental income.

Thirdly, the research shows that culture itself operates as a form of agency with landholders increasingly drawing on their customary rights and knowledge to leverage land for tourism ventures. Several participants highlighted a stronger desire to retain the full benefits of the land. In doing so, they actively exercise the authority afforded to them as landholders, indirectly shaping the nature and direction of tourism development on Rarotonga. This shift has influenced who initiates new developments and on what terms. Together, these principles tend to limit large-scale alienation and, in most cases, support steady, small-scale development.

Customary knowledge and relationality are centred on ‘akapapa’anga, which provides a culturally embedded framework for negotiation and decision-making among landholders, grounded in their roles as caretakers and custodians of the land. As illustrated in Figure 7, applying ‘akapapa’anga as a culturally embedded framework reveals how Cook Islands Māori landholders actively exercise agency to shape land and development processes.

Through kinship obligations and customary understandings of land, ‘akapapa’anga influences how development is framed, resisted, adapted, or accepted. Over time, these culturally grounded practices can reshape norms and open up new possibilities for action, both for landholders themselves and for future generations. In this way, ‘akapapa’anga demonstrates how communities draw on culturally embedded forms of knowledge and authority to engage with development on their own terms. By doing so, they sustain continuity and exercise agency despite ongoing tourism-driven pressures for change, consistent with Lindstrom’s (1990) analysis of knowledge as a source of power and control. While ‘akapapa’anga offers a shared cultural framework for engaging with development, this research also shows that its meanings and applications are inconsistent, varying significantly across individuals and family groups.

This research revealed considerable variation in how participants understood and mobilised ‘custom,’ highlighting its subjective and contested nature and the ways these differing interpretations shaped experiences of tourism development. For some participants, custom was associated with values of fairness, emotional

connection, and collective responsibility. Others, however, viewed custom more critically, describing it as a source of insecurity, inconsistency, or exclusion. These contrasting perspectives reflect the inherent complexity of custom, as participants drew on historical practices, comparisons with other islands in the Cook Islands, and contemporary interpretations specific to Rarotonga.

Because understandings of custom were not always the same, its role in tourism development and its capacity to coexist with the legal land tenure system also varied for different groups and places, producing different outcomes in how land access, decision-making, and benefits were negotiated. These variations reflect the evolving character of custom and its close relationship to genealogy and land relationships on Rarotonga (Campbell, 2002; Crocombe & Holmes, 2014; Pascht, 2011). Building on the previous discussion, the changing nature of custom has shaped how people understand, trust, and participate in customary land tenure processes. These shifts affect landholders' confidence, expectations, and interpretations of custom, particularly as customary authority is increasingly required to operate alongside tourism development pressures and formal legal systems. This discussion sets the foundation for the following section, which examines how the legal land tenure system intersects with tourism development.

6.2 'Enua tei retita ia⁷: Navigating legal land tenure and tourism

Formal and individualised legal avenues grew alongside the government's ambitions for economic development, creating processes compatible with market-based investment and commercial certainty (Antonio & Griffith-Charles, 2019; Gilson & Crocombe, 1980; Maxwell & Wiebe, 1999; Scott, 1991). The establishment of the Cook Islands Land Court was driven largely by colonial ambitions for economic expansion, driven by the desire to formalise land rights to support the agricultural export industry (Gilson & Crocombe, 1980). Participants described the Land Court as a process Cook Islands families have navigated for more than a century, noting that the expansion of a global tourism market encouraged greater reliance on native freehold title⁸ through leasehold for tourism

⁷ This refers to land that has been registered and under native freehold title, thus subjected to the legal land tenure system.

⁸ Refer to figure 5 in Chapter 2 on page 34

purposes. Similarly in four islands across the Federated State of Micronesia and Palau, people routinely navigate between customary and formal institutions, with tourism investment often aligning with formal legal frameworks (Vogt, 2019; Stumpf & Cheshire, 2019).

Building on this, respondents noted that the legal system is increasingly becoming the dominant pathway for land dealings. A recurring issue raised in this context was the concept of land shares. Participants expressed differing views on whether land shares should be understood as a customary practice or as a mechanism introduced through the legal system. While some regarded shares as embedded within customary tenure, the literature suggests that the system of shares was originally formalised through legal processes (Crocombe, 1964; Crocombe & Holmes, 2014).

One implication of this evolution is a dynamic interplay between communal decision-making based on consensus and rights defined through mathematically apportioned shares. As highlighted by participants, although members of smaller family lines may hold proportionally larger land shares, decision-making processes that rely on majority consensus often privilege numerically larger families. This enables larger lineages to dominate governance through numbers alone, potentially overriding share-based entitlements and restricting access for smaller lines despite their stronger land share claims. In such instances, respondents highlighted that legal mechanisms were used to restore fairness.

Participants linked the growing turn toward legal engagement to intergenerational change, the prevalence of landholders living in the diaspora, increasing land scarcity, and declining familiarity with customary processes. In this context, law itself operates as a form of agency, with individuals selectively invoking legal avenues when customary mechanisms stall or fail to support their claims (Antonio & Griffith-Charles, 2019). However, this shift also carries consequences, as increased reliance on legal pathways can reconfigure power relations, reshape customary governance dynamics, and further entrench legal authority over relational land practices and familial kinship.

Participants described how reliance on legal instruments can reorder authority within landholding groups, reshape identities, and alter the meanings attached to land. Communities adapt their practices to navigate a system that does not always reflect their values, even as they continue to draw on cultural logics to interpret and justify decisions (Campbell, 2002; Crocombe, 1964; Pascht, 2011; Stenberg, 2017). Across the region, more land rights are being turned into formal documents that banks, developers and courts recognise (Antonio & Griffith-Charles, 2019). This creates benefits through increased certainty and easier access to loans but also creates risks where some people may be left out and power imbalances can increase (Antonio & Griffith-Charles, 2019; Bryant-Tokalau, 2017). The next section examines the dual systems in practice where governance conflicts, power plays, and inequities coincide.

6.3 Dual systems in practice: governance, power, and inequity

In the Cook Islands, customary approaches and the legal framework are entangled, producing a dynamic relationship between the two systems (Crocombe & Holmes, 2014). As such, participants revealed that the version of “custom” practised in everyday life and the version operationalised within the court setting have frequently diverged. Participants contrasted collective, relational customary processes with an individualised, genealogy-driven legal process. Atanraoi and Crocombe (1995) explain that while local custom has continually adapted in everyday practice in the Cook Islands, it has not been formally revised in state law.

This inconsistency can create tension, as the official legal framework may not reflect how people apply custom on the ground. Furthermore, the legal recognition of customary land in the Cook Islands has been described as loosely representing customary tribal hierarchies, but in practice it incorporates imported legal constructs that many consider misalign with local ontologies (Crocombe, 1964; Stenberg, 2017).

To build on this point, some respondents also viewed the absence of a codification of custom as a protective measure to preserve custom from formal modification. This perspective aligns with what Crocombe and Holmes (2014) highlight, that the process of codifying custom is itself a Western construct, one that risks fixing or altering principles that have traditionally been flexible and context-specific. From this view,

keeping custom outside formal legal codification helps maintain its adaptability and protects it from being reshaped through external legal frameworks. Nevertheless, the operation of these dual systems has produced ambivalent experiences for landholders, who inevitably encounter both as part of the land-tenure process in the Cook Islands. This ambivalence is especially visible with the leasehold system, the primary link to tourism development.

While leasing remains the primary mechanism linking customary tenure to tourism development, participants noted that it can also produce uneven power dynamics. One respondent, for example, described “back-dealing” by savvy land experts that excluded the wider collective from decisions when consensus was difficult to achieve. The behaviour was connected to a lengthy, complicated tenure process with heavy procedural burdens, which created openings for side deals. Comparable patterns are documented elsewhere in the Pacific, where government capacity constraints and demanding lease requirements enable some actors to bypass collective processes in favour of individual agreements (Antonio & Griffith-Charles, 2019).

Within this context, participants frequently raised concerns about ‘revolving’ or ‘perpetual’ leases, which they viewed as a particularly consequential outcome of these negotiated arrangements. Although formally temporary, such leases can effectively alienate land over extended periods, amounting to de facto alienation in practice (Antonio & Griffith-Charles, 2019; Vogt, 2019). Participants observed that those with the time, expertise, and financial resources to navigate formal procedures and to selectively engage customary forums were better positioned to shape lease outcomes. As a result, views of the tenure process were mixed, with some valuing the certainty and avenues for recourse it provides, while others perceived a gradual reduction in collective control and communal benefits.

Across the interviews, consistent themes highlighted clear distinctions between how participants understood custom and how they perceived the legal land tenure system. Customary land tenure was commonly described as grounded in collective decision-making and communal obligations, reflecting the interests of the *Ngāti* through occupation, physical proximity to land, and respect for traditional knowledge and ancestral agreements. These understandings closely align with pre-European land

tenure principles on Rarotonga documented by Crocombe (1964), as discussed in Chapter 2.

In contrast, the formal legal land tenure system was widely viewed as individualistic and often driven by self-interest, relying on formal and costly procedures that legitimise claims primarily through genealogy. Participants also noted that legal processes and documentation are predominantly conducted in English, creating barriers for Cook Islands Māori. Under this system, land entitlements including shares in land are determined by genealogical connection regardless of residence or participation in land stewardship. These perceptions align with scholarly accounts of the Land Court's original role in modernising and commercialising the Cook Islands through the formalisation of land tenure (Gilson & Crocombe, 1980; Scott, 1991; Stenberg, 2017).

Participants described the dual tenure systems as daunting, slow, complex, and emotionally draining, while others viewed them as an important safeguard that, when respected, protects collective rights and ensures negotiated consent. This range of experiences highlights how the effects of land governance are uneven and highly context-dependent (Antonio & Griffith-Charles, 2019; Bryant-Tokalau, 2017). Together, these perspectives illustrate a persistent tension between a relational, collective understanding of land grounded in custom and an individualised, genealogically defined system embedded in state law.

Nevertheless, while the Land Court is commonly viewed as an institution for formalising land ownership and establishing procedures for determining rights to land, respondents emphasised that Cook Islands families have not simply remained passive recipients of the legal land-tenure system. Instead, they continue to engage with and reinterpret the system, using it strategically when it aligns with their interests or when matters move beyond their control. For instance, participants noted that the legal system has increasingly become a tool for resolving longstanding disputes, particularly within clans experiencing major internal conflict. The frequently cited Makea Nui investiture in earlier chapters, and the Land Court's role in adjudicating competing claims, illustrates a growing reliance on legal recourse as a means of rectification. Yet respondents shared that this reliance does not imply acceptance without scrutiny. Landholders simultaneously challenge legal processes by drawing on cultural values and genealogical

knowledge to assert their own understandings of land, and in some cases, when dissatisfied with Land Court's decisions, have pursued legal recourse through the Privy Council in the United Kingdom.

These dynamics highlight the negotiated character of land tenure, aligning with postcolonial analyses that emphasise how communities navigate, adapt to, and contest conditions and processes inherited from colonial rule (Christiansen, 2021; Jazeel, 2018; Young, 2016). At the same time, these findings resonate with post-structural perspectives that emphasise the fluid and continually shifting nature of meaning, illustrating how landholders redefine, reinterpret, and re-articulate land relations through culturally grounded practices (Popan, 2025; Rae, 2020; Williams, 2005).

Understanding these interactions and the patterns that emerge becomes especially important when considering how tourism depends on, and intersects with, the same contested land-tenure landscape. Development encounters involve both the interaction of different actors and the meeting of diverse and often competing forms of knowledge (Long, 2001). In this context, a development interface lens is particularly useful, as it highlights where these actors and knowledges come together, interact, and shape practices and outcomes on the ground.

6.3.1 The tourism-land tenure interface on Rarotonga

The findings suggest an interface in which tourism engages both customary and legal systems to negotiate access, secure leases, and legitimise development activities. While decision-making typically begins within customary forums, it often shifts into legal arenas to resolve disputes or formalise agreements (Antonio & Griffith-Charles, 2019). Yet the consequences of these processes are felt most deeply within customary systems, where social and cultural impacts are concentrated. This is because customary spheres are where rights and obligations are negotiated, inter-family tensions are managed, and economic pressures intersect with cultural expectations (Scheyvens et al., 2020). These dynamics help explain why tourism ventures tend to align more readily with formal legal instruments, viewed by many as providing clarity and certainty, even

as their use simultaneously reshapes customary norms and expectations (Stumpf & Cheshire, 2019).

Figure 10 illustrates the development interface on Rarotonga by showing how tourism interacts with land tenure and the island's dual systems. Land tenure sits at the centre, operating through both customary approaches and the formal legal framework. Positioning these systems on either side highlights their coexistence and the ways they overlap, intersect, and at times conflict. The research shows that tourism development engages with both systems to negotiate access, secure leases, and legitimise development activities, while families connected to the land continually shape and reinterpret these systems in response.

In practice, actors such as landholders, developers, and government agencies draw on different practices within each system, from customary, relational interactions at community gatherings, household visits, and land meetings to formal Land Court processes involving applications, lease agreements, and legal appeals. Figure 10 builds on the 'Akapapa'anga culturally embedded framework from figure 7 on page 60 by visually translating its actor oriented approach into the tourism land tenure interface on Rarotonga. It shows how landholders' culturally grounded agency operates within, and is shaped by, the often uneven interactions between customary tenure, legal systems, and tourism development pressures.

Figure 10: The tourism-land tenure interface within the dual systems on Rarotonga

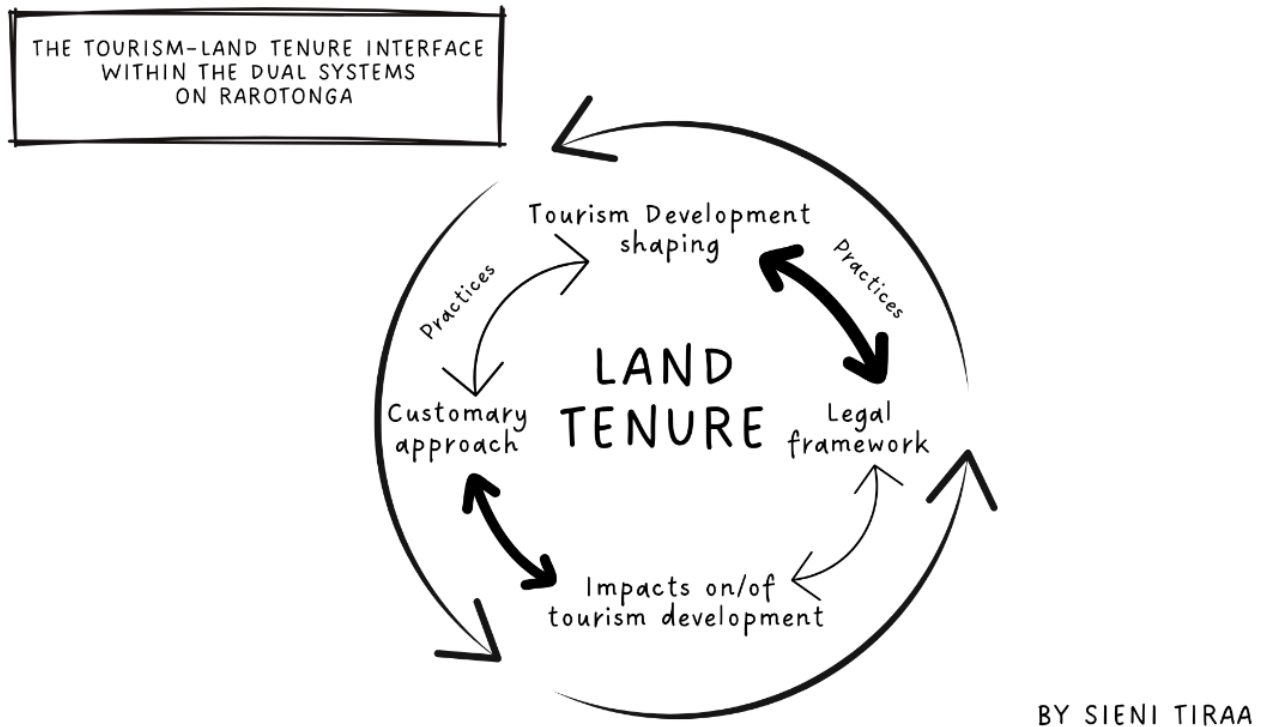


Figure 10 illustrates the uneven relationships between tourism development, the legal framework, and customary tenure that emerged strongly in the findings. The thicker arrow between tourism development and the legal system reflects the stronger alignment between tourism-led ventures and legal forms of tenure, which often increases reliance on court processes to secure land access or resolve disputes. Conversely, the thicker arrow toward customary approaches shows that the impacts and pressures by tourism are felt most strongly within customary systems, as this is where land related decision making begins at the development interface. As a result, customary systems operate simultaneously as both a foundation and a constraint, shaping development possibilities while being reshaped and sometimes stressed by tourism demands. Together, these dynamics demonstrate the intricate nature of land-related decision-making on Rarotonga within the tourism landscape. They also highlight the need to

examine more closely how tourism development reshapes land values and practices which is explored in the following section.

6.4 Tourism development reshaping land values and practices

This research revealed that tourism development has contributed to a significant reframing of land on Rarotonga, from a site of identity, family and collective continuity to an increasingly economic and investible asset. Viewed through a tourism lens, respondents described land as something that can now generate income, be leveraged for development, and provide pathways into small-scale entrepreneurship. This shift aligns with broader regional debates in which customary land is increasingly mobilised for economic purposes in response to new market opportunities and state development pressure (Bryant-Tokalau, 2017; Scheyvens et al., 2020).

6.4.1 Lease-based development and market participation

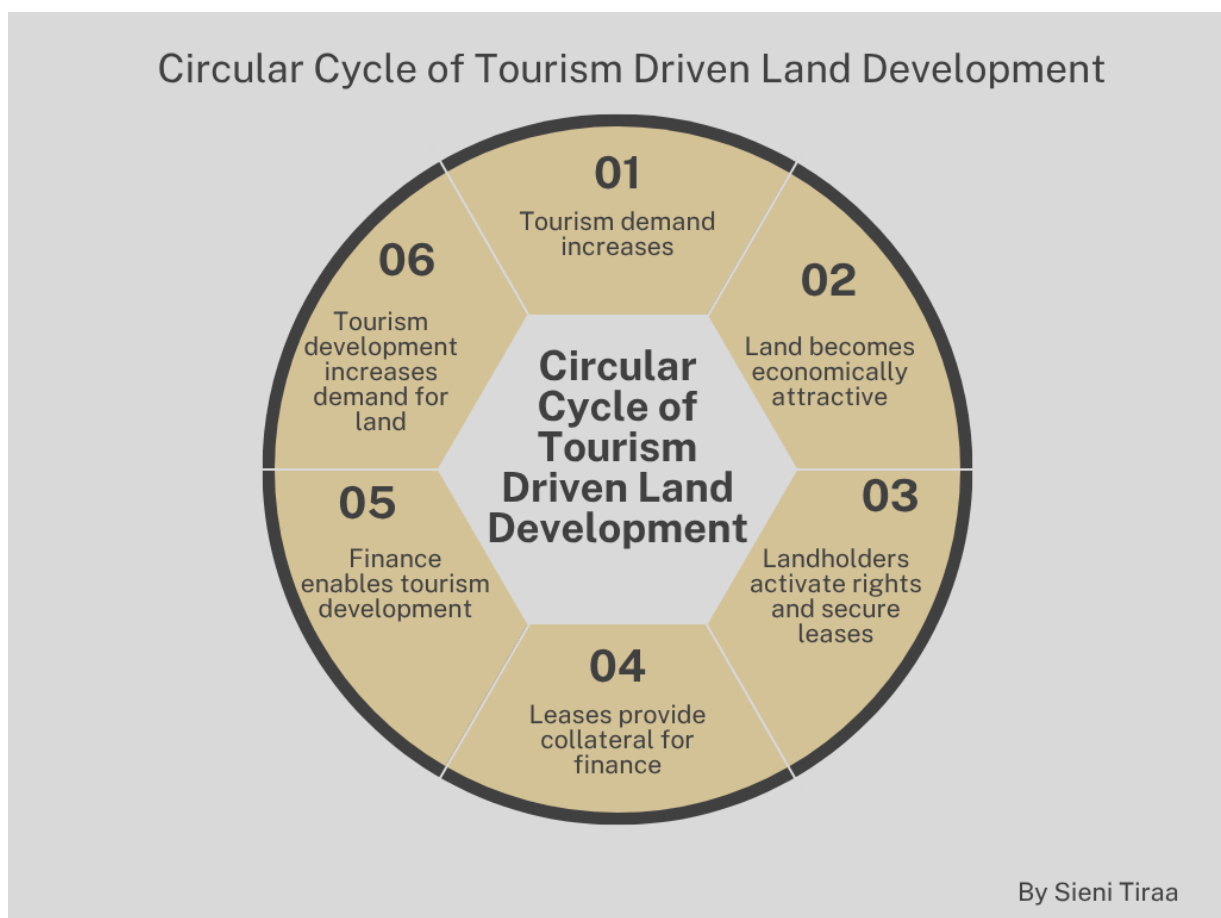
Respondents linked the acceleration of development to the growing use of leases as formal instruments for accessing finance and entering the tourism market. Once the lease is approved by the Land Court, typically for the maximum of 60 years, it is regarded as a secure instrument and therefore eligible for bank lending (Crocombe et al., 2008). Leasehold interests are now routinely accepted by banks as collateral, and this “bankability” of land was repeatedly identified as a catalyst for growth in short-term rental accommodation. As respondents explained, increased access to finance has encouraged landholders to secure leases and develop rental units, directly feeding the rapid expansion of this accommodation segment on Rarotonga.

Financial institutions have responded to the growth of the tourism sector by making loans more readily available, particularly for developments they assess as financially viable (Crocombe et al., 2008). At the same time, the monetary value of land has increased particularly in certain areas such as the foreshore, leading more landholders to activate their rights in order to benefit from these emerging opportunities. The perception among respondents was that banks favour tourism-related commercial loans over residential ones because tourism revenue

is viewed as more secure, with visitor numbers and forecasts providing confidence that investments will be repaid.

This dynamic emerged as a recurring pattern among respondents, reflecting a reinforcing cycle in which tourism demand stimulates land leasing, commercial leases enhance access to finance, and improved financial eligibility enables further tourism development as shown in figure 11.

Figure 11: Circular Cycle of Tourism Driven Land Development



Rather than a fixed or deterministic sequence, the cycle operates differently across contexts and over time, shaped by local land tenure arrangements, customary decision-making, and negotiated relationships between landholders, tourism operators, and financial institutions.

As a result, its progression is influenced by social relations, power dynamics, and shared understandings of land and development, consistent with a post-structural view of development as fluid and context-dependent (Popan,

2025; Rae, 2020; Williams, 2005). In practice, the cycle may accelerate, stall, or be disrupted by regulatory constraints, social relationships, or fluctuating tourism markets.

Within this context, land is increasingly positioned not only as a cultural and identity-based resource, but also as an investible asset within a rapidly expanding tourism economy, giving rise to tensions highlighted by environmental calls for a moratorium on development that foreground questions of landholder agency, environmental sustainability, and tourism-led growth (Evans, 2011).

6.4.2 Assembling land as an investible resource

These developments reveal a deep shift in how land is being classified and acted upon. In Li's (2014, pp. 589–593) terms, land's resourceness is assembled, not given. Legal and technical instruments commonly discussed in land matters for the Cook Islands, such as registration of titles also known as ROTs, deeds of lease, survey maps, block files, minute books, record books and boundaries operate as inscription devices that render land legible, divisible and suited for investment. By distinguishing legitimate users, bounding parcels, and translating customary interests into forms recognisable to financial systems, these devices make land investible (Li, 2014). Yet land's material and cultural affordances complicate this process. As Li (2014, p. 589) notes, "land is not like a mat" it cannot be rolled up and removed. Land is life-giving, ancestral and spiritually loaded. When development logics override these meanings, the assembly of land as a resource can reorder authority, intensify exclusion, and provoke social and cultural pushback (Stumpf & Cheshire, 2019).

Consequently, many participants expressed ambivalence toward the growing shift to short-term rental development. While the economic opportunities created through this transition were welcomed, participants described the shift as having implications for both landholding families and outside actors. However, the transition also generated heightened risk and a sense of loss, particularly as land moved from symbolising ancestral identity and continuity toward producing individual, tangible economic returns.

These concerns were further intensified by the rapid pace of development and a perceived disconnection from the land, alongside uncertainty about what such changes might mean for the natural environment on which tourism itself depends.

Taken together, these findings highlight an evolving set of values around land, where intrinsic and relational connections are increasingly being overshadowed by more tangible, monetary considerations. Participants noted that non-monetary values such as piri'anga (relationships), kinship, and community interaction are often undervalued within this shift because they do not translate easily into economic terms (Scheyvens et al., 2020). This transformation was widely perceived as weakening the relational and custodial obligations historically associated with land, particularly those expressed through community reciprocity and shared responsibility.

Participants also raised concerns that as land use intensifies to meet tourism demand, environmental care may be deprioritised, placing additional strain on ecosystems that are central to both cultural wellbeing and the tourism economy. The following section explores these changes and their implications in greater detail.

6.5 Land, tourism and people relations and the key changes across twenty years

As tourism's growth has reshaped land values, the relationship between land, tourism and people has simultaneously become more dynamic, negotiated and complex. Respondents highlighted how actors actively engage with tourism development, exercising agency while navigating the constraints of both customary and legal systems.

6.5.1 Power, agency and the intersection of knowledge systems in land and tourism governance

Tourism has become a key arena through which power and agency are negotiated and expressed in contemporary Cook Islands society, particularly on Rarotonga. Decisions about land are made within a dense relational and institutional landscape that includes kopu tangata (family members), Ngāti (clan networks),

legal representatives, the Land Court administration, financial institutions, and tourism stakeholders. Within this landscape, power and agency are shaped by an actor's social positioning, access to knowledge systems, available resources, and engagement with governing institutions. As illustrated in Figure 7 and informed by Meo-Sewabu's (2016) culturally embedded, agency-oriented approach and Long's (2021) actor-oriented framework, respondents' experiences reflected a clear interplay between land process, development outcomes and agency. These experiences demonstrate how social position, knowledge, resources, and institutions shaped their capacity to navigate land tenure and development processes.

This negotiation of power and agency occurs within intersecting knowledge systems that draw simultaneously on customary and market-based logics. As Dixon (2025), drawing on Gudeman (2001), suggests, the Cook Islands economy can be understood as hybrid, encompassing a relational realm grounded in kinship, reciprocity, and cultural obligation alongside a market realm driven by commercial exchange and entrepreneurial opportunity. These realms are not separate, but interwoven, requiring landholders to operate across both. Drawing on Vunibola and Scobie (2022), this hybrid space is not just a place of exchange, but also a space where tourism development can intensify the extractive pressures of colonial-capitalism, requiring customary practices to protect what Indigenous peoples value, including land, relationships, and collective wellbeing. Decisions about land for tourism development are therefore frequently negotiated at this intersection, where customary expectations of collective responsibility must be balanced against individual aspirations and economic opportunity. It is within this hybrid space that ambivalence commonly emerged, as landholders navigated tensions between maintaining social obligations and engaging with tourism-led development.

These intersecting knowledge systems are embedded within a parallel intersection of governance arrangements. Tourism development on customary led approaches on land increasingly relies on hybrid governance solutions that draw from both legal and customary authority. Pickering (2017) describes this as

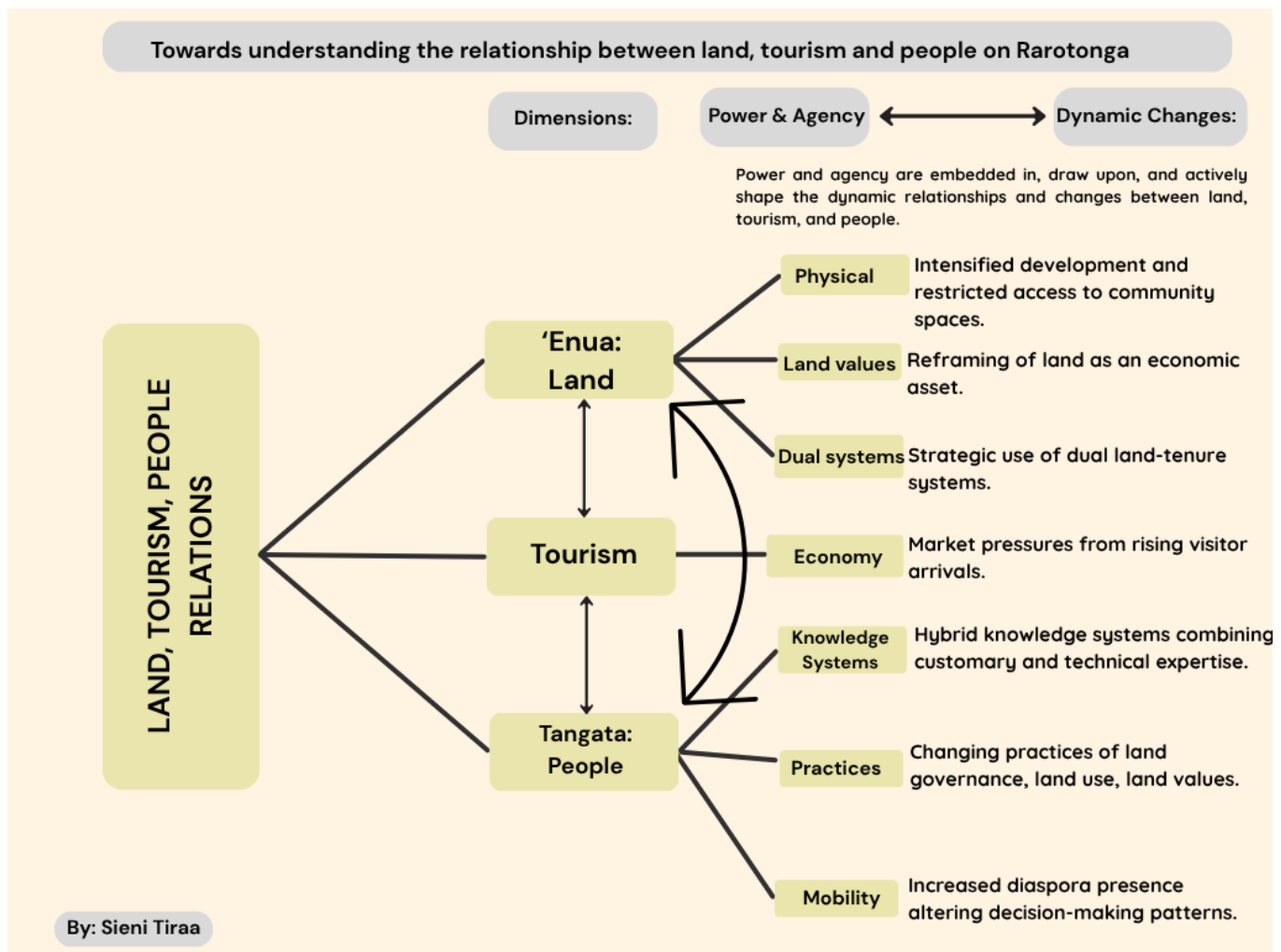
a “middle way” approach in Pacific land tenure scholarship, where formal instruments are used to support, rather than replace, customary systems. In the Cook Islands context, Crocombe et al. (2008) demonstrate that land administration already depends on the coexistence of customary leadership and formal mechanisms such as leases and occupation rights. Similarly, Antonio and Griffith-Charles (2019) argue that effective development on customary land tenure systems requires governance structures that integrate customary decision-making processes with formal legal systems to reduce conflict and enable development while retaining communal ownership.

Together, these intersecting knowledge and governance systems shape how landholders understand land, exercise agency, and pursue tourism development. They help explain why power is unevenly distributed and context-specific, and why development outcomes vary between families and land blocks. These intersections also provide the conditions through which changing patterns of land tenure and land use are produced, as landholders continually negotiate between customary authority, family tensions, legal frameworks, and market pressures in their everyday practices, dynamics explored in the following section.

6.5.2 Changing patterns in land tenure relations

Over the past two decades, several notable shifts have reshaped how land, people, and tourism intersect in the Cook Islands. Figure 12 offers a conceptual model illustrating how these dynamics unfold across physical, social, cultural, and economic dimensions. It positions tourism at the centre of a multidimensional system in which tourism both influences and is influenced by changing land-tenure arrangements, customary practices, global market pressures, and shifting forms of mobility and knowledge. The diagram underscores that power and agency operate across this interface, shaping how landholders’ access, negotiate, and transform land in response to tourism development.

Figure 12: Towards understanding the relationship between land, tourism and people on Rarotonga



Below I elaborate further on the seven key dynamic changes as shown in figure 12:

1. **Physical:** Increased tourism infrastructure to meet visitor demand has intensified pressures on land, leading to environmental degradation and restricted access to community spaces such as beaches and coastal areas (Evans, 2011; Leslie, 2008).
2. **Tourism's influence on land values:** Viewed through a tourism lens, 'enua is increasingly framed as an economic asset, creating a shift from identity-based valuation to market-oriented valuation. This is a dynamic also observed in broader Pacific contexts (Bryant-Tokalau, 2017; Stumpf & Cheshire, 2019).
3. **Dual systems:** Customary and legal systems operate in a dynamic relationship of 'competitive complementarity,' with individuals and groups shifting between them as interests, personalities, and constraints evolve, an observation

consistent with dual-system analyses in Pacific tenure scholarship (Pickering, 2017; Stenberg, 2017). There is a growing reliance on legal instruments; the practical need for clarity and enforceability have led many to prefer formal legal processes when negotiating leases or asserting land rights ultimately impacting custom and relational links. This pattern is consistent with regional patterns of land tenure (Antonio & Griffith Charles, 2019; Commonwealth of Australia, 2008; Stenberg, 2017; Stumpf & Cheshire, 2019).

4. **Economy:** Land tenure increasingly responds to market shifts, as growth in visitor arrivals intensifies demand for tourism amenities, shaping both land-use decisions and development trajectories (Cook Islands Tourism Corporation, 2025).
5. **Knowledge systems:** The evolving interplay between the dual systems of land governance and formal development expertise produces a hybrid knowledge system that directly influences the types of tourism ventures that emerge and the power dynamics that surround them (Antonio & Griffith-Charles, 2019, Scheyvens et al., 2020).
6. **Practices:** As practices evolve, the form, scale, and governance of tourism developments adjust to align, at least partially with local values, obligations, and aspirations (Crocombe et al., 2008).
7. **Mobility:** Diaspora influence has increased significantly, with over 80,000 Cook Islanders residing in New Zealand and many more in Australia, meaning that a majority of landholders now live offshore (Connell, 2005). This distance alters how families participate in decision-making, affects communication, and challenges the maintenance of customary obligations (Crocombe et al., 2008).

This framework draws on and aligns with Figure 7 on page 60, which emphasises how actors draw on different knowledge systems and institutional resources in situated ways. It also resonates with post-structural and postcolonial analyses in which meaning, authority, and practice are continually contested, re-defined and applied. Together, these dynamics illustrate how the land-tourism-people interface on Rarotonga is shaped by ongoing renegotiation across knowledge systems, governance systems, and socio-economic aspirations.

Summary

This chapter shows that, on Rarotonga, the dual land-tenure systems coexist in a relationship of competitive complementarity. The discussion has illustrated how tourism both depends on this dual-system interface and actively reshapes it, as landholders, families, developers, and institutions move between customary and legal pathways to pursue different goals and respond to different constraints. In doing so, the findings reveal that land-tenure relations are not static but are continually reworked through hybrid knowledge systems, shifting power relations, changing land values, and evolving governance practices.

At the same time, the patterns that emerged indicate that tourism development aligns more closely with the legal land-tenure system. As shown throughout the chapter, this creates ambivalent experiences and gives rise to tensions that carry significant implications for the relationships between land, tourism, and people on Rarotonga. While there is no straightforward solution to these complexities, this discussion provides a stronger foundation for understanding the nature of these tensions and for considering responses that are more grounded in the lived realities of landholders on Rarotonga. The final chapter draws together these insights and presents the overarching conclusions of this research.

Chapter 7: Te ‘enua e tona ki katoa | The land in its entirety

*“I love being connected with the land and connection to my grandmother, cos she planted the lands that I’m now on - I remember her. I got the vaerua (spirit) on the land. One time I was up there [on the land] and it started raining and I had a vision of my whole family all picking oranges and I asked my uncle and he said oh yea that's what we used to pick, but I got a vision of it. It's only when I got my hands dirty that I appreciated the land and the connection to the land, and there's a spiritual side, that, if we don't maintain that for our children, the land won't be as meaningful. I think that's really important, get your hands dirty” **Tama P***

This quote encapsulates the deeply relational, spiritual, and intergenerational meanings of land, illustrating how working the land is a lived practice through which ancestral connection, identity, and responsibility are experienced and sustained.

When I moved back home after living abroad many years ago, my grand aunt, Mama Aruru, shared a similar message with me: “Sieni, you need to get your hands in the land and get your hands dirty.” Navigating the relationships between people and land has been both challenging and revealing, a process I liken to ‘akapapa’anga - reciting my lineage six generations back to the point at which land titles were first registered. Engaging with this history compelled me to dig deep, carrying my reflections to my great-great-great grandfather and imagining how he might have navigated the original investigations of title for the land that his descendants (me and my family) now occupy and hold a vested interest in. These reflections reaffirm how the past is neither distant nor settled, but remains deeply present continuing to shape, inform, and guide land relationships and decision-making into the future.

Conclusion:

Although the changes associated with tourism development are broad and far-reaching, this research narrowed its focus to land tenure in Rarotonga and its ambivalent relationship with tourism development. In response to the first research question, this thesis examined the dual systems of land tenure, namely customary approaches to land

governance and the legal postcolonial Land Court system. This demonstrated that land is not only managed through formal legal processes, but is also embedded in familial kinship, cultural obligation, collective responsibility, and ancestral connection. The research showed that these dual systems influence tourism development in both enabling and constraining ways, creating opportunities for economic participation and local benefit while also producing challenges through contested ownership, fragmented decision-making, and the complexities of formal legal processes. In response to the second research question, the study explored how tourism development has reshaped land use and land tenure, particularly by shifting land from a symbol of ancestral identity and continuity toward a source of individual and tangible economic return. Overall, the thesis demonstrates that the relationship between land tenure and tourism development is not one-directional, but reciprocal, contested, and shaped by the ongoing negotiation between customary authority, family deliberations, the Land Court system, economic opportunity, and responsibilities to land and community.

This research set out with the bold aim of understanding the relationship between land tenure and tourism development and the changes that have unfolded across twenty years. However, the findings demonstrate that current dynamics cannot be understood without recognising the longer historical trajectory of land governance, shaped by missionary influence, colonial land administration, and the establishment of the Land Court. These legacies, intensified by neoliberal development strategies following the mid-1990s fiscal crisis, have significantly reshaped customary tenure and positioned tourism as a central economic driver.

Across the Pacific, research consistently shows that development models prioritising economic growth can destabilise customary land systems and place strain on social relationships (Antonio & Griffith-Charles, 2019; Bryant-Tokalau, 2017; Scheyvens et al., 2020; Stumpf & Cheshire, 2019). The Cook Islands now sit at a critical juncture, where unchecked tourism development risks compounding these pressures (Becken et al., 2025). A central finding of this research is the predominant use of legal tenure mechanisms to facilitate tourism development, alongside the emergence of a self-reinforcing cycle in which tourism expansion drives increased leasing, leasing facilitates access to finance, and finance enables further tourism growth.

This pattern is increasingly complicated by a significant number of landholders living abroad who develop short-term rental properties on family land. This raises questions about their engagement with customary practices, collective decision-making, community obligations, and the uneven distribution of benefits within landholding families. As a result, this cycle has reshaped how people value land, as it is increasingly understood as both an ancestral and relational space and an economic asset, placing new pressures on customary systems, governance practices, and intergenerational relationships (Bryant-Tokalau, 2017; Li, 2014).

Contributions and implications of the research

This research contributes to Pacific land and tourism scholarship by applying a culturally embedded, actor-oriented framework (Long, 2001; Meo-Sewabu, 2016) grounded in ‘akapapa‘anga (Powell, 2021). By centring Cook Islands ways of knowing and being, the study demonstrates how culture operates not merely as context but as an active source of agency and decision-making. In doing so, it challenges deficit-based narratives that frame customary tenure as a barrier to development or portray tourism impacts as externally imposed, instead revealing how landholders actively negotiate development within hybrid economic systems that combine reciprocity, obligation, and market engagement.

There was strong agreement among participants that land reform is necessary. The findings emphasise the need for deeper engagement with customary land principles, closer scrutiny of their contemporary application, and urgent attention to the ongoing fragmentation of land ownership and entitlements. In relation to tourism, participants highlighted the importance of examining lease agreements with foreign investors, particularly the effectiveness of provisions intended to safeguard landholder interests. These concerns point to the need for more inclusive, transparent land and tourism governance, especially around leasing, access to finance, and dispute resolution.

Within this context, calls for tourism moratoria (Evans, 2011) highlight a key tension between environmental sustainability and landholder agency. While restrictions may alleviate ecological and infrastructure strain, they would also constrain autonomy in a tourism sector dominated by small-scale, family-run enterprises. For many landholders,

tourism remains one of the few viable means of exercising economic agency on family land. Limiting development without providing alternative pathways risks further marginalisation and, in some cases, the loss of leasehold interests through loan default, even as such measures aim to protect the environments upon which tourism depends.

These findings carry important implications for land governance, tourism policy, and development planning, highlighting the uneven effects of legal and financial systems on landholders. Viewed through a post-development lens, the research affirms the value of local knowledge, everyday practices, and customary governance systems marginalised through colonial and modern development processes. Amid growing pressure to balance economic growth with sustainability in the Cook Islands (Becken et al., 2025), it underscores the importance of recognising land as more than an asset to invest in.

Consistent with the growing Pacific land-tourism scholarship (Antonio & Griffith-Charles, 2019; Bryant-Tokalau, 2017; Scheyvens et al., 2020; Vogt, 2019) the findings call for development pathways that respect customary governance, strengthen collective agency, and protect the cultural and environmental foundations upon which community wellbeing and tourism depend. In doing so, the study contributes to wider debates on how Pacific societies can pursue development on their own terms while engaging with a globalised economy.

While land tenure in the Cook Islands remains a deeply sensitive and politically fraught domain, it is precisely within these contested spaces that meaningful transformation becomes possible. Engaging with land in its full cultural, social, and political complexity opens pathways towards a more just, resilient, and self-determined future, grounded in the re-recognition, restoration, and affirmation of local knowledge, everyday practices, and customary governance. Only through this deeper insight can an appropriate course be charted; one that moves beyond singular development trajectories that navigates toward a post-development pluriverse of possibilities guided by, and accountable to, the aspirations of Rarotonga Māori communities.

Appendices

Appendix A: Tetai au ui'anga no Kai Vānanga – Guiding research questions for discussion

1	In your experience, is there a difference between customary approaches to land and that of the Land Court processes?
2	What has been your experience with customary processes to land and the legal framework through the Land Court?
3	From your experience, has tourism development impacted on land tenure? Land tenure meaning – shaping the way land is used, rights of land allocation, meaning of land to individuals
4	From your experience, has land tenure impacted on tourism development? The level in which tourism development is restricted or supported by the governing structures ie: customary approaches and legal (Land Court) approaches
5	From what you have seen, has there been a change in land use and practices over the last 20 years? a. What do you think about these changes? b. Do you think that they are aligned with customary approaches to land tenure?
6	From your experience, do you think that the influence of tourism development on land tenure has had a mainly positive or negative impact on customary/communal land systems?
7	What do you think the main challenges will be for the next generation of landholders?
8	Do you think that land reform is needed? If so, what do you envisage this land reform to look like?

Appendix B: Cook Islands Research Permit



COOK ISLANDS RESEARCH COMMITTEE

OFFICE OF THE PRIME MINISTER
PRIVATE BAG, RAROTONGA, COOK ISLANDS

Phone +682 29454

Email: research.secretariat@cookislands.gov.ck Web: <https://www.pmooffice.gov.ck/>

File ref: 510.3
Letter no: 16-025

20 May 2025

Ms Sieni Tiraa
Masters' student
Social Science
Massey University
New Zealand

Kia Orana Sieni,

RE: APPROVED RESEARCH APPLICATION

I am pleased to advise that the National Research Committee has granted approval for your research titled "Tuianga Tuatau: Changing Times: Selling customary land to fuel tourism development? Navigating Rarotongan Māori Land tenure issues." 2 June 2025 – 30 June 2025.

Enclosed is your research permit issue # 16/25

The following conditions listed below have been imposed by the National Research Committee

- The researcher complies with the Cook Islands Immigration, Seabed Mineral Authority, OPM (Marae Moana), Te Marae Ora, Ministry of Transport, Ministry of Marine Resources and National Environment Services requirements
- The researcher provides a preliminary report to the Office of the Prime Minister at the earliest
- The researcher provides three (3) hard copies + one (1) e-copy of the final output generated from this research to the Office of the Prime Minister by December 2025.

Appendix C: Massey University Ethics Approval



29/04/2025

Dear: Sieni Tiraa

Re: Low Risk Notification - 4000030621 - Tauiaanga Tuatau: Changing Times: Selling customary land to fuel tourism development? Navigating Rarotongan Māori land tenure issues

Thank you for submitting a low risk notification for your research/teaching/evaluation.

This email is to acknowledge receipt of the low risk notification and to inform you that the details of your project have been recorded in our database for inclusion in the annual reports to the Health Research Council Ethics Committee (HRECEC) and the Massey University Research Committee (URC).

You may proceed with your research, though it is advisable to provide a couple of weeks before commencing, as all low risk notifications are checked for completeness and clarity by a Research Ethics Advisor. You may be contacted if your application is incomplete and/or further clarification is required.

The low risk notification for this project is valid for a maximum of three years.

Please notify me if situations subsequently occur which cause you to reconsider your initial ethical analysis.

If a sponsoring organisation, funding authority (e.g., the Health Research Council) or a journal require evidence of ethical approval from a Human Ethics Committee (with an approval number), you need to complete a full Massey University Human Ethics application to be reviewed and approved by one of our Human Ethics Committees. Applications must be submitted and approved prior to the commencement of the research.

Please note that travel undertaken by students must be approved by the supervisor and the relevant Pro Vice-Chancellor and be in accordance with the Policy and Procedures for Course-Related Student Travel Overseas. In addition, the supervisor must advise the University's Insurance Officer.

If you have any concerns about the conduct of this research that you want to raise with someone other than the researcher(s), please contact the Research Ethics Office, email humanethics@massey.ac.nz.

Please include the following statement on all public documents (e.g., information sheet, consent form) related to your project:

This project has been evaluated by peer review and judged to be low risk. Consequently, it has not been reviewed by one of the University's Human Ethics Committees. The researcher(s) named above are responsible for the ethical conduct of this research.

If you have any concerns about the ethical conduct of this research that you want to raise with someone other than the researcher(s), please contact Massey University Human Ethics by email: humanethics@massey.ac.nz.

I wish you all the best in your research, teaching or evaluation activities and appreciate your thoughtful consideration of ethics principles and practices.

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