

LAND TENURE: MAJOR ASSIGNMENT - JAPIN TARI

LAND TENURE IN PRECONTACT DAYS IN VANUATU
WITH CHANGES WHICH TOOK PLACE ON
NARUGU PROPERTY

Introduction:

In this paper I will first in general terms talk about the Land Tenure Systems in the precontact times, in the colonial periods and the present land policy in the country from which in chapter 12, section 71 of the Constitution of the Republic it states "All lands in the Republic belongs to the indigenous customs owners and their descendents".

Then more specifically I will look at the Narugu property a formerly alienated land on the east side of Aoba Island. How the land was used during the precontact times, how it was first acquired by the first settlers and how it was worked during the colonial periods with the subsequent changes of the leaseholders up to the pre-Independence days. Then I will talk about the changes that took place on the property following the return of the property to the local Lolovinue Community. And compare what had actually been done on the property during and after the Independence to what had been originally planned for jointly by the Government Agricultural Department and the Natives.

LAND TENURE IN PRECONTACTS

Traditionally Ni-Vanuatu valued land so much that it was everything their whole life depended on. They needed land for all aspects of their livelihood, for settlements, gardenings, huntings, ceremonial feastings, traditional worshippings and ^awhole range of other things. How they acquired, used and distribute rights to land had not changed very much in principle compared to the presents days practices. From various sources it was learnt that land rights were traditionally held in groups. Usually these rights were held by tribes, cl~~aim~~men, and family groupings. There were some individual ownership of rights to land but these existed only at certain groups levels. The Chief may own rights to certain pieces of land individually.

Acquiring rights to land were determined by various social relationships and obligations. Inheritance of rights to land from the father by the son or sons was the most common form which follows the patrilineal lines. Other common methods then of acquiring rights to lands were through fightings wars and performing the neccessary tasks required upon deaths of some important men who did not have sons or daughters to inherite land rights from them.

Through disputes were known to have been quite frequent over land boundaries and other social problems, land used itself then was in a very small seale indeed. Crops were planted in gardens around the settlements only for the consumption requirement of the population of the villages. Most people lived inland away from the coast in Villages with populations averaging seventy to about three hundred at the most in most islands of Vanuatu. As there were no roads connecting faraway settlements, exchange of goods then of foodstuff were not usually practiced. This was one reason why people did not grow more than they required to consume.

THE PRE-COLONIAL PERIODS

When the first foreign settlers arrived about 1850's they bought up small patches of land along the coasts. Set up ~~as~~ trading stores and made small gardens at the back of their stores. Some were successful and some were not and some years latter had to sell away to others and moved elsewhere. Then more settlers moved in acquiring more lands from the natives. The means they sometimes used were known to have been very unreasonable. Most of these lands however were first cleared to plant coconuts, though other cash crops such as cottons, coffe, and cocoa

were tried to be grown, coconut was to be proved by far the most successful crop due to the climatic conditions in Vanuatu and easy access to markets.

The arrival of the foreigners had great effects on the natives. Most of them regarded these white settlers initially as their enemies, so tried not to make friends with them, few believed these were some sort of source of ~~wealth~~^{ON} ~~advantage~~[^] for the islanders so tried to understand the white settlers methods. Those natives who lived in-land started some form of trade with the white settlers. These were in form of exchanging certain pieces of ^{more} land for items such as stick tobacco, matches, bottles of whiskey, bush knives, axes, clothing etc. The introduction of these western items hit the native in various forms. Some enjoyed drinking liquors turn out to be lazy and those handworking lot benefited from the use of metal tools. This changed the traditional land tenure system as far as land use was concerned. The use of metals speeded up the working time for cutting one's gardens, or building one's houses. This meant that alot more time were spent on other daily life activities such as new fishings technics, hunting and practising new fighting skills.

THE COLONIAL PERIODS

The establishment of the French and British Joint Naval Commissions ~~for~~ which composed of Naval officers was welcomed by the planters as most of the traders were of French and British National. This meant that their interest could be secured and could lead to ~~future~~[^] ~~ing~~[^] their activities in the local ^{people's} lands. The primary function of the commission was to protect the nationals of the two countries anyway.

When Britain and France finally established the Condominium in 1906, one of their main aims was to secure the rights of the foreign settlers to Ni-Vanuatu lands. And to encourage the western system of land tenure while totalling negleting the traditional land tenure systems of Ni-Vanuatu. Eventhough they finally made a stop on land alienations in the country, all the policies relating to land practices and usages were based on the western model. Capitalist type of country Vanuatu was planed to become. Labourers were obtained locally and after alot of problems between the Ni-vanuatu and the planters, overseas labourers were obtained to work on the hugh coffee and copra plantations. ^{in stead} Some of the worker were imported from places like Vietnams and other Pacific Islands as Wallis and Futuna. Individual ownership of rights to land become apparent in large scale first during the colonial periods. This was not understood by the locals initially, until when some of them were even, shot or killed for walking through one of the trader's claimed property.

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This was not regarded or understood to be an offence, because according to the Ni-Vanuatu own laws about land everybody had certain rights to any land around them, whether nearby or faraway from settlements.

Despite the 'cons' about the duals land tenure system of the two colonial powers, their presence in Vanuatu along with traders accounted for some changes in the whole land tenure aspects. These were improvements, communication between various parts of the country was becoming easy. Transport of goods was better, understanding of natives from one island to the other was improved, the educating of natives were all added to the change in land tenure systems.

Food productions increased because of the demands from other islands community with large population. This would not have been possible had there been not improvement to communication by sea or air.

Because more food crops were planted so more unused lands were utilized. So in effect, the locals continued to handle their land matters on the traditional land tenure systems while the two colonial powers were happy to see their established capitalist rule of land tenure. All the way along the two powers had not at any time sat to study the Ni-vanuatu idea about land nor its traditional land tenure systems.

So the two quite extreme form of land tenure system were carried on all through the life of the condominium. The natives continued the traditional ways with some slight changes while the imported one were pursued by the traders and other migrants into Vanuatu

Then revolution struck, when the political parties started voicing concerned about the current running of the country, one of the 'reforms' called for was to take place in the land tenure systems. So that following the breakthrough by the political parties with the colonial powers for a political independence of the country the whole idea of continuing the western model on land tenure systems halted.

The land policy was then, changed, upon the drawing up of the country's constitution in which it states that all lands in the Republic were to belong to the traditional customs owners and their descendents upon independence.

THE NARUGU LAND

Narugu comprises an area of about 2,000 acres of Seacoast, small ragged hills and large fertile land. Ideal for farming food crops. It is situated on the east side of Aoba Island. In the precontact days part of the land was used by the traditional owners for settlement and gardenings. The tiny passage out into the ocean was used by the natives of most of the surrounding area for loading and unloading their goods after sea trips on pig trading with the Maewo people. In those olden days, the natives used it to launch their canoes to travel to Maewo and sometime to Pentecost on pig trade with the people from the two islands. This form of trade still exist today, and aluminium boats (motor) are used for the business. Like most natives of other islands of the country, the community of Narugu depended on subsistence farming, fishing and hunting, for their living. During these periods there were no roads connecting different village in that areas of the island, so that trade or social connections with others from other settlement were almost none. Land disputes and other social problems existed but methods of solving these was easier and effective then. The chief of the area presided over the cases and usually settled these without much problems.

ACQUISITION OF NARUGU LAND BY FOREIGNERS

The original ownership group of the property was headed by chief Mbui. It was Mbui who sold the land to two foreigners. David Reid and Thomas Cooper. The occasion took place in May 1894. Eventhough this occured some thirty years after the periods when first settlers arrived in the country it was one of the first foreign settlement on Aoba. However ~~after~~ same five years later the deed was transfered to the name of Burns Philp and Co Ltd whose offices were in Sydney. Between 1894 and 1898 another purchased of a portion of land later to be included to the Narugu property by George Nordui from three natives called Weremere, Werelava and Arusing. A transfer was made again between George Nordui and J M Nicols in 1915. After surveys were done on the property another transfer of ownership was made between J M Nicol and Kerr Bros Ltd in 1916. The property was held for a long time in the

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name of Kerr Bros Ltd, though we have not records of actual work in the property. Richard Hoffman known by the locals as Dick Hoffman initially established his business at Lombaha some kilometers away from Narugu. He acquired the property from Kerr Bros Ltd in 1932. His first move was developed a freehold portion of the land. He cleared the bush and planted coconut, set up his trading store, small gardenings. He remained on the property until Mr Stanley James Breusch arrived in 1954. James Breusch initially arrived as a church missionary who later became a trader and established his trading store at Longana District, not far from Narugu. Breusch had close business dealings with Hoffman and has established close social ties with him that their friendship ended upon the death of Hoffman who left the freehold portion of the property favour of Breusch in his will. Breusch then made formal application for the leasing of the land. In the agreement late in 1954, the external Affairs office in Canberra stated that in accordance with articles 26 (1) of the protocol and article 5 of the rules of the Register of Titles to land a term of three years was required within which rentals would be 10cents per 50 acres, after which, 96 years extension lease would be provided. The lease rental would be one penny per acre per annum, conditional to improvement on the land by the lease, spending not less than ten shillings per acre.

With the above obligations, Breusch felt inclined to start developing the property from 1954 to 1959. After which further letters were exchanged between the Institutions concerning improvement on the property which eventually confirmed everything legally in Breusch's favour.

Initially Breusch set up and improved the trading store which sold everything in demand in the areas and other luxuries items. He dominated for a long time the buying of copra in the area, which went into the extent of forbidding others copra buyers, from doing business with the natives from the areas of his influences.

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He set up a cattle fence on the leasehold property while improving the freehold land. Constantly he improved the fencing enlarging it each time. The number of his cattle heads increased steadily. He did almost everything on the property any trader would have inclined to do except planting of coconuts. There was a small coconut plantation on part of the property which yielded approximately ten tons of copra a year.

Breusch continued to improve the property by building a large copra and cargo dock, a bulk store and other auxiliary houses including a large comfortable house for himself on the leasehold property. Running of the property continued very well with the local labour force working for him on full time basis. He established a good social contact with the local community who often turn to his help in times of needs. This continued ~~strong~~^{fringed} relationship lasted until very recently when political parties voiced concerned about the mal-practices in the Government Systems of which land tenure was amongst those questioned. This was the period the Lolovinue showed hatred attitudes so tried to stop further land activities by Breusch. They initially reacted by pulling down Breusch's newly built cattle fencing in ^{the} bush land. According to the records Breusch understood he was right about his activities but the local people didn't understand or misunderstood the deal right from the beginning i.e. when the buying of these lands took place. This incident happened in 1966 and from then ~~on~~^{on} Breusch was restless about his security at Narugu and the Security of his rights to the land usage there, thus constantly seeking advice from the two colonial powers, from then onwards. Advices supplied by the two powers did not satisfy Breusch in that by this time almost all around the ~~community~~^{Country} the natives were demanding the return of their lands from different alienators. And what was more worrying was the talks about the possible countries' ~~get~~^{get} independence from the two colonial powers. Due to Breusch's falling health amongst other reasons decided to get rid of the property in 1977. After much talks between various parties, the land trust board, (set up by the colonial powers) British Government, ~~and~~ the Commonwealth Government of Australia and the Lolovinue Natives, Breusch eventually agreed to a suggestion by the

Government for the returning of the property to the local community, for which he was to be paid compensation for the development on the property .

HANDING BACK OF NARUGU PROPERTY TO LOLOVINUE COMMUNITY

Prior to the handing back of the property to the Lolovinue people, there were much argument about the use of the land in future. Since the British Government was funding the compensation, Cost of the property, officials from the British Residency felt it was necessary for some Government participation in the future use of the land. Then joint plans were made between the Agricultural Department and the Representatives of the local Community. Some of the projects planned for execution about the return of the property were Community Abattoirs, large Scale Co-op farming for local consumption overseas aswell, improve methods of cattle raisings, establishing forestry station on part of the land, extending the current bulk store building to serve several co-operatives and private business man. Most of the projects were to ran with Government help in capital and technical help as these two were the areas of weakness lacked by the natives. Labour force was to be provided by the local people. All seemed very insterested at the first place. On the part of the local community a seven man committee of the property was set up to play the roll of planning and deciding on the use of the property and initially implementing the decissions. This did not go very far.

The handing back of the property was in 1979 to the Lolóvinue Community. Up to now the only project ever got off the grand ^{ere} ~~was~~ some planting of young trees for the forestries plantation and the Community Abattoir.

The coconut plantation which was at one time carefully looked after was now reverting to bush. The clean freehold area no longer cared for, that grass had grown so tall everywhere. Houses on the property were deteriorating, and fairly few cattle still roamed the hugh deteriorating cattle fences. Plans of communal work in the property by the locals never happened once. Several people I

interviewed about the comunal working system on the property they said they never had a chance to work together. Some complaint that the Communittee was not effective and could not command the majority feelings about group workings. Others said they did not cut the copra because there were falling prices in copra market. The planting of the forestries was possible through arrangement and planning by the Agricultural Department. Locals working alongside the Agricultural monitors were paid daily wages, which I think is not a good start for any industry established on the property. The locals ought to provide free labour for any projects asisted by the Government. This would help to speedily pay off the hugh outstanding bill which the Government provided for the compensation of the property.

The abattoir with its monthly ^{Slaughter} ~~slaughters~~ of food ^{bullocks} ~~bulksellers~~ is not very encouranging on business terms. Already there were shortage of cattles for slaughtering at ~~that~~ rate, unless private individual were willing to sell their bullock to the Abbatoir, there won't be bullocks for slaughter.

One of the biggest cause for the set back of the development was the lack of technical skilled. There were no one in the community qualified to manage such a well developed property. The seven man committe were made up of people of chiefly ~~titles~~ and had no basic training to know properly what ought to be done on any developed property such as Narugu. There was luck of capital too. Though there are ~~institutions~~ readily available to assist in small type projects such as those planned for Narugu, none of these Lolovinue people know enought to sort such financial assistance.

To conclude, the property was handed back after several years of careful development and has since been deteriorating rappidly, that almost all those I interview to how they viewed the falling standard of the property, ~~none~~ of them gave any hints of concerned for the property. This clearly indicated that they (Ni-Vanuatu as a whole) joint together in all cases to retake their lands from foreign traders mostly developed and once getting grips on these lands, retired from continuing the working thus allowing most properties to revert to bush and unmanageable areas.

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