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Week 11

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L. F. <sup>course</sup> file

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## Absentee Land Holders

Absentee land holders are increasing in nearly every Ni Vanuatu society today. The rate of this increase varies from one island to another. On Ambae, it is more like a third of all the young people have left home, mostly to the urban centres of Port Vila and Luganville. There are also about 100 Ambae migrants in New Caledonia plus a few working on foreign going vessels.

A lot of the absentees left home in search for employment. Others, mostly students left home to study and having accomplished their aims, find that their qualifications don't allow them to work at home thus remained in the towns or countries where their careers lead them to. Many from this same group though may not be so well off in terms of qualifications but having been acquainted with the bright lights of the towns, decided to remain. Most Ambae migrants in Vila and Luganville make it a habit of going back at least once every two years. Others who are civil servants go home every year, thus strengthening ties between their families in respect to land rights at home during their absence.

For workers in New Caledonia, many return home for short visits after periods of 10 to 15 years while a few others plus their children never return and will probably <sup>may</sup> never return in the future. So for it is not possible to predict whether or not the absentee land holders especially those who have been away from home for more than 15 years, would return in the future. Many such migrants have access to land in on the island or in the country where they work where they

either built or bought themselves homes and  
settled down.

In perspective of the number of years spent away from  
home, most absentee land holders still feel  
believe they have rights to land back home. Their  
eagerness to retain these rights were mainly because  
of the dangers which may lead to losing their identities  
as Tambue (man Ambae) or as Ni Vanuatu. Relatives  
of absentee land holders take charge of their  
land and properties and contacts are usually made  
between the two groups to ensure any work or  
development carried out is approved by the absentee  
land holders.

Children of absentee land holders living  
abroad may still acquire rights to their  
father's land in Vanuatu provided they still  
considered themselves as Ni Vanuatu. If for  
some reasons they (the children) decided to give up  
their Ni-Vanuatu citizenship and acquire citizenship  
of the country in which they settled, then their  
rights to land previously held by their absentee  
parents are no longer valid. This does not rule  
out the fact that they could still return to  
visit the lands from which they originated  
though their rights would by then have been taken  
out by the relatives back at home.

Continuous migration to Luganville and  
Port Vila by young Ambae people resulted  
in the low production of cash crops as well  
as produce from the gardens. The old and  
very young children left behind could not  
cope with the amount of work that needed  
to be carried out. Work forces in most  
villages have dropped by about 50%.

Perhaps the only solutions to the problem would be:-

- I. To control the drift to the towns by the young population. Only those employed in towns would be allowed to leave. The rest should remain and work the land.
- II. Stand authorities or chiefs to pass legislations regarding the use of land, i.e. if an absentee land holder is absent for more than 10 years, thus no production was obtained from his land, the rights should be removed and given to another person who may be capable to making good use of the land.
- III. The government should assist in preventing the drift to towns which later lead to the problem of absentee land holders by providing vocational centres and other activities so as to involve the young population thus preventing them from leaving home.

# Land Registration

Land registration carried out in Vanuatu prior to Independence in 1980 was of free-hold titles. There were mainly huge areas of land used for plantations as well as land in the urban centres sub-divided for residential purposes. By law those registration no longer apply today since all land in the country now is owned either by the custom owners or by the government. There is provision however for registration of leases in the new Land Lease Registration Act, yet to be gazetted and put into practice. This therefore means all land previously registered as free hold titles prior to Independence must be registered again under the land lease registration act as leasehold land.

visited is used with a ... will be either ... back ... back ... ck ... from ... from ...

All land leased in Vanuatu from Independence onwards must be registered when all arrangements at the Registry office are fully organized. Before registration takes place the land intended to be registered must be surveyed accurately and the plans showing the exact boundaries are produced. Together with the registration documents, they should be kept at the Land Record Office. Copies of the plans showing the boundaries will be made available to the lessee and the lessor so that they could maintain accurate checks on their boundaries should disputes arise in the future.

plans are actually part of the lease (stapled to it)

... led to the French government purchasing an area of land near the mining site and re-settled the Wallisian community on it.

Any land previously surveyed and plans submitted during the previous registration may not require another plan, provided the land concerned had not been altered in size or extended. A lot of land in the two urban centres fall into this category. There are others too whose previous owners have not re-apply though they were registered when first obtained as free hold. In this circumstances, the applicants of the said land if approved would have to go through all procedures of registration as if the plots had not been registered before.

So far there is no provision in Yama for custom owned lands to be registered although a lot of custom land owners have demanded that their land be registered. Before any such land could be registered, all disputes or claims over the land must be settled whether through courts or by customs. There is nothing worse than registering land that is disputed and may later have to be cancelled. When the law permits registration of custom owned land, there would be high number of land owners who would go for it however I wonder whether the owners concerned would eyes afford the survey and registration fees. That is, if the rates remain as they are at the present.

... led to the French government purchasing an area of land near the mining site and re-settled the Walisian community on it.

In perspective of the Land Lease Registration Act being passed by Parliament which will soon come into force, I have list down here the following recommendations which should have been considered seriously when drafting the Act, or to be taken into account when proposing any more legislation regarding the registration of Land in Vanuatu and the overall administration of the Land Registration Office.

- a) The land registration system in Vanuatu should be simple and efficient.
- b) The legislations guiding the registration of land to be simplified and if possible in a language that is understood by the majority, (Bislama).
- c) The Registration office to be decentralized to the Local Government Authorities in the future so as to be more ~~ass~~ accessible to the people.
- d) Encouragement <sup>is</sup> needed for Ni-Vanuatu students to undertake training to be surveyors and Land Registry Officers, to effectively carry out this important tasks.
- e) Survey and registration fees to be kept to

Some of land existing is impossible to accurately into Bislama!

... caused in operation. This uncertainty led to the French government purchasing an area of land near the mining site and re-settled the Wallisian community on it.

a minimum and affordable by an ordinary land owner.

f) All rights and boundaries of registered lands to be safe guard and protected by law.

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Re-settlement of Wallisians in Forani.

During the sixties at the establishment of a Manganere mine at Forani on the island of Uvea, both skilled and semi-skilled workers were needed to work at the mine. Workers were recruited from many islands of Vanuatu as well as migrants from Wallis plus a few from the other French territories from in the Pacific.

The Wallisians which formed about a third of the work force were recruited through the French Administration of the then New Hebrides. Unfortunately I wasn't able to find out terms of their contract to come and work here, however it was obvious that a lot have left either to New Caledonia or Wallis Islands at the close of the mine in the earlier seventies.

There were several Wallisians who did not leave the country. Most although may not be working, remained at Forani. There were several attempts to re-open the mine again by another company however due to the high cost of operation and continuous low manganere price, it wasn't possible to keep the mine at full operation. Nevertheless the Wallisian families who were left behind continued to remain at Forani and engaged in gardening on land owned by the company.

In the meantime, the French Administration who was responsible for bringing the Wallisians to Vanuatu began to realize that the Wallisians at Forani were not secure as far as land was concerned now that the mine had ceased its operation. This uncertainty led to the French government purchasing an area of land near the mining site and re-settled the Wallisian community on it.

Having acquired the land, the Wallisians re-organized themselves following their own land tenure systems. The land was used mainly for small scale farming since they were still given the rights to live in the old living quarters at the mine.

This re-settlement scheme though carried out officially by the French government in the early seventies, is still recognised today by the Vanuatu government. Since the Wallisians are not nationals of Vanuatu, it is still not clear as to how long their rights to the land purchased would last. I can only assume that since the Constitution stated clearly that all land is returned to its indigenous custom owners at independence, they (the Wallisians) should be treated as other foreign or land owners in Vanuatu hence go through the normal procedures to have the land cleared.

As far as citizenship is concerned, I think the Wallisians should be given the right to choose. Should they choose to become nationals of Vanuatu and if allowed by law, I feel that they should be given full rights to the land & thus be considered as rightful owners. Lease arrangements would only be applied if they wish to acquire any more additional land.

galley possible

So far the Wallisians have considered themselves as Efate islanders and have contributed much in all forms to the islands festivities and important occasions. At least they have not isolated themselves from Ni Vanuatu people thus gaining a lot of respect which obviously helped strengthen the good relationship with the neighbouring villages and Efate as a whole.

Land Problem in Luganville.

Being the only town and administrative centre in the northern half of Vanuatu, hundreds of islanders flocked into Luganville seeking employment, visiting friends or just experiencing a different kind of life. Most people who came to Luganville seemed to like the life in town so a lot of them decided to stay. Those who were lucky enough to find work, ~~with~~ finally managed to buy land as free hold land from foreign land owners who first acquired land in Luganville, sub-divided it and then sell it again at a much higher price. Those who acquired land built homes most of which are of semi-permanent materials, and settled.

As travelling became easier between the islands and more job opportunities offered in the town, more people drift in to Luganville though most of them haven't the slightest idea as to where to settle or what sort of life there was in the town. It was so for this reason that there are so many poor housing areas i.e. temporary structures built throughout the town especially in Chapuis, Suakuta, Pump Station, Solway and Mango areas. There's also an increase in social and economical problems due to unemployment as

the number of jobs available is far less than the rate of migration into Luganville.

- Most of the land used were not fully owned as free hold title prior to Independence as full payment had not been made. These payments came to a halt at Independence when all land was declared to be returned to their original custom owners. This change somewhat created confusion to the people concerned as their previous rights to their individual plots have now lapsed and they were told to re-apply for the same plots if they wish to remain on them.

- Applications were lodged to the Luganville Urban Land Corporation, acting on behalf of the rightful custom owners of land in Luganville, yet to be identified. It is the policy of the Urban Land Corporation that all persons who wish to acquire land in town, whether or not he had previously bought the said land, must apply through their office. Leases may only be signed when the applicants have fully filled all requirements requested in the lease contract forms. The leases given are for a period of 50 years.

The question that arises is - What happened to the sums of money previously spent when buying

off the land as free hold title? Would this be reimbursed by the Urban Land Corporation and the owners compensated for the improvements they have carried out on the land? After all the Urban Land Corporation ~~is~~ would be collecting rents and lease payments from the same people who first acquired the land as freehold title and later as lease holders. In this respect, I consider it not being fair on NiVanuatu indigenous who have bought off land from its custom owners or foreign owners but had to go through a normal procedure of leasing the said land like any other person who may wish to acquire land in Town for the first time. Better still, the Constitution should have allowed NiVanuatu to buy or sell land as they wish among themselves but restricted foreigners to lease land under the same conditions laid down today.

At this stage it is still confusing to the people of Luganville as to who is responsible to what in the Town. There are in existence the Luganville Urban Land Corporation (LUCAN) and the Luganville Municipal Council (LMC) whose functions might not be similar but in some ways, going towards the same goal, i.e. to develop Luganville Town to such a degree thus enabling its residents to live in harmony.

Obviously LUCAS is more concerned with the administration of land in the Town however every aspect of development planned by LMC seem to be tied up with land. It is therefore logical to have the two bodies to amalgamate and work towards achieving their common goal. This would cut the costs of running 2 separate offices as well as reducing the number of employees. With the large sums collected by LUCAS from rent and leases, some proportion of it may be used to finance the long list of development projects planned for the Town but have not been carried out due to shortages of funds experienced by LMC.

The new body to be would then proceed to plan and implement further projects for the betterment of Luganville. In this way, the leasees in the Town would be sure that their money is being spent properly to finance worthwhile projects which would benefit the whole population of Luganville.

Public land rights

During the colonial days the Condominium, the French and the British administrations acquired quite a lot of land, some of which covers huge areas throughout the islands. Only a small proportion of the land acquired was used for the construction of schools, hospitals, clinics, airports, residential purposes, etc. The rest of the land was left not being developed. The Commonwealth government of Australia also during the same period acquired 25,000 acres of land in various islands of Vanuatu, most of which was developed into plantations. So as not to be considered as part of Vanuatu's foreign land occupiers, the land acquired was handed over to the Ni Vanuatu people in 1973 being vested in a "Land Trust Board" whose function was to further use the land for the benefit of the people of Vanuatu.

In all, a total of 263,260 acres have been acquired, with the French administration leading having acquired 237,000 acres, followed by the Australian Government with 25,000 acres, the British administration with 753 acres and finally the Condominium administration having acquired the least of 523 acres.

Up until Independence, all the land acquired by the various governments mentioned, though might not being used, was still rightfully owned by them.

In the day of Independence, all state land which in this case all land owned by the previous 3 administrations plus that vested in the Land Court board, was declared as public land vested in the government to be used for the benefit of the people of Vanuatu.

In some islands, particularly Santo, where much of the state land was located, a lot have been used by the indigenous population to settle on, plant cash crops, cattle farming and gardening. Most of the people concerned did not realize that the land they have been using have been acquired from their forefathers through payments in terms of Tobacco, metal tools, grog, clothing and other necessary items during the old days. I could not see how Land officers would go about explaining this fact to the people concerned, that the land on which they have settled for many decades was not theirs and that it is now belonged to the government of Vanuatu as

public land, as required by the Land Reform Regulation of 1980. Surely there would be hot arguments and possibly clashes over the issue if the government which wishes to take back the land and do not recognize the rights claimed by the indigenous people concerned.

I would recommend that for any land in the Republic though may be considered legally as state or public land but is being used by the natives of the island concerned for over a period of 20 years, the said land (or rather the parts being used only) should be transferred to the people using it without having to pay any charges for it. After all the people who use the land are probably descendants of its custom owners who might have left it after a warfare or after it had been claimed by either of the 3 administrations.

For all public land still not being developed the government should make known its legal rights over it and then hold it for any future development project that may be suited to it or it could use it to re-settle Ni Vanuatuans from overcrowding islands.

In a way, I think the Vanuatu govern-  
 ment is lucky in that the former adminis-  
 trations and the Australian government have  
 have acquired so much land in the part  
 which is now solely the the Vanuatu govern-  
 ment's property and could be used leased to  
 any person (s) or used for any development without  
 having to confront any custom owner over the  
 said land.

HOW INDIVIDUAL, HOW COMMUNAL? INDIVIDUAL OWNER-OPERATED FARMS, PLANTATIONS, COOPERATIVES, COMMUNES AND STATE CORPORATIONS. - NARUKU COMMUNITY FARM - AMBAE.

The Naruku Community farm is situated on East Ambae. The plantation was originally owned by Mr. James BREUSCH. The British Government after independence when land was made to return to its custom owners, compensated Mr. James BREUSCH and handed back the land to the custom owners of right. The compensation included the plantation (Coconut), 500 heads of cattle and the sleeping houses and other existing houses like a copra dock and other store houses.

Since the compensation was made by the British Government, the Tolovene Community decided to have the properties registered in the Community's name. The committee was then set up for the project planning and implementation of plans. The formation of the committee was established in 1980. For the period of 1981 and 1982 there was no proper administration of the farm. The community only went into the plantation to make copra when they needed money and also at times when they had big feasts, they killed cattle for their ceremonies. As a result, the community did not arrive at their goals as they did not make any profits.

The number of the animals decreased greatly because the fences were <sup>not</sup> well maintained and over two years of continuous killing, the farm ended up with less than 100 heads of cattle. Some of the killings of the animals were done in the sense of stealing. This, I mean to say that some people were going through fences in the bush, killing animals without the permission of the farm manager. Another failure was that some people in the community expected too much for their labors. In other words, they did little work and asked for more money. This selfish attitude led the farm or the work on the farm to be ill-giving. The Village people would not offer their free time so as they could work on the farm in order to improve the farm.

#### Financial Help or Support.

The Community has vested the residential houses and the storage houses to the Vanuatu Cooperative Federation and the Agricultural Department and with the money they collect monthly, they maintain the farm with. In practice the project needs more money in order to function well. As well as the financial support, the farm also lacks good working tools. The farm needs some financial support, proper manpower (Administration mainly) and good working tools. In order to upgrade the standard of farming and administering the farm, with the help of the Agricultural Department, a local person has been sent a plantation management course, expecting that when he returns from Vila he is going to look after the farm. Also through the Northern District Agricultural Development Scheme for Rural Areas, the F.O.F. is releasing some fund to help develop the

the project. The Agricultural Extension Service staff are now preparing to assess with the administrations of the money given for the area. Hopefully the project will grow better than it was due to the fact that problems are now being identified and that needs would be met easily. It is also the hope that better administration will mean better teaching for the people and everybody thinks that eventually the people with good concern for better economical developments will work cooperatively in order to achieve their goals.

### ● Evaluation Part.

The farm of this native large scale farming registered under one community's name is the first of this kind to have been tried out in Vanuatu. The farm demands a lot of the villagers' time to offer free services in order to make up with the improvement services. Since individual people could not offer free help in <sup>the</sup> to get the farm function well, it is necessary that the farm manager should seek help from other outside body and in this situation, the Northern District Agricultural Department is in the right position to help. The following are the reasons for the illgrowing of the farm.

1. Not very much help given by the villagers because each person too, at home has his own farm, many Coconut plantation or Cocoa or Cattle raising. This can bring limitation to the amount of time he could offer freely.
2. Secondly that the farm did lack proper administration, financial and working tools.
3. That most people were only interested in day to day

P.T.O.

income but could not wait for the long term planning before getting any reward from their work.

This is the sort of thing that contributed a lot to the failure of running the farm productively.

In order to get the farm productively it would be better if the committee of the farm works well with the agricultural extension service in they would receive technical advice and the plantation manager who is now in training. They should see too that the farm manager uses the money provided by the E.D.F. properly. Finally they should identify all problems causing the weak administration of the farm well before continuing with the project. Perhaps they should also consider their individual human attitude in connection with the operation of the farm. I imagine that should only the people concerned want to use this farm as their instrument the village traditional unity of people they apply their concern seriously in the act of working together as a team. The end products of the farm activities show whether or not the people had been or are doing the job well.

ABSENTEE LANDHOLDERS: WHAT RIGHTS SHOULD ABSENTEE HOLD FOR HOW LONG?THE PROBLEM OF ABSENTEE LAND HOLDERS ON MEVELAVA.

Mevelava island is situated in the far North of Vanuatu. It is one of the most populated islands in the group. Since 1960's many of the Mevelavans migrated from that island to Gaua island, next to Mevelava which has enough land and the population is low.

Like on other islands, traditionally, the people who migrate away to Gaua still keep land rights on Mevelava. Physically Mevelava is the most hilly island in Vanuatu with much land covered with rocks. The people there use much of the land for food rather than for cash crops. With the fast rate of births which means fast growing population, the land, regardless of its quality for large agricultural projects, ~~land~~ becomes more demanding for food growing. This means that those who still living and working on Mevelava need land for food growing and small scale agricultural cash crops growing. Other domestic needs also require land products, some of which may grow wild like trees for houses, stones, bamboo etc. etc. Recognising these needs, indicates that at moment the Mevelavans living on Mevelava need more land in order to satisfy each individual needs.

The traditional land tenure on which the lives of the Mevelavans were and are founded does not

Allow for other people to establish their permanent uses of land. Sometimes through traditional arrangements land users use land belonging to the migrated people. Using land under such conditions is not very encouraging because often the land user does not decide on what sorts of crops he has to plant on the land. Cash crop planting is not permissible. Any crop planting must be done with the consent of the owner of land right.

Such system as being introduced that all people who have migrated away from merelava still keep land right limits the needs of land of the people living on merelava today. This traditional land policy has been in practice for many generations and today many people think, especially those who are migrating away from merelava, such policy as highly recommended by traditional views should always be the system of using land on merelava.

Disadvantages.

With the fast growing population on the island of merelava people are now beginning to experience life problems caused by land shortage or shortages. Because of this system, there is limitation to the movement of many people who need land. They only use other people's land for growing food crops but not for cash crops. This has resulted in the fact that, the island produce for export

Very low and this also limits shipping services to the island which bring goods to the people. Like anywhere else in Vanuatu, as well as local food people buy their imported food supplies from the trading vessels, <sup>going</sup> to the island. Poor shipping services also affects the island internal institutions, i.e. schools, churches, Local Government Council, dispensaries and other existing institutions on the island. People need to maintain these institutions function well and there are great needs to do so, with the individual family's needs which is caused by the shortage of land and the restriction on the inheritance of land rights, people living on Merelava produce only enough to meet other demands i.e. school fees, tax payment while in all many people experience difficulties in all requirements. Many people complain that the people who migrated away but, <sup>still</sup> maintaining land rights given to them through inheritance method, slows down the aspects of island developments.

People living on Merelava say the system needs to be changed because it is unfair to them that they the migrated people do not pay taxes to the island local Government Council, they still maintain their land right. Most people think it's sensible that only those who pay taxes to the Merelava island Government Council should have land rights on the island. Some relatives of the migrated people say they pay taxes on behalf of their

atives migrating away and this protects their  
relatives' land rights. (4)

### Advantages.

Many Menelavans like other Ni Vanuatuans do not fully understand or lack skills of using land to make business but they enjoy the knowledge of knowing their place of origin. The language they speak identifies geographically where their grand parents came from and which traditional trips they belong to. The migrated Menelavans bought land rights from their old people on Menelava through tradition method and this confirms that the land is theirs and until now they feel belonged to Menelava island through this important channel (land right being inherited).

### Recommendation.

In accordance with the fast growing of population I recommend that those people have migrated away and found enough land to maintain their family's living should not claim land rights on Menelava or their land rights should be transferred to other relatives who need more land. The people who have migrated to towns but due to the new by introduce land law where land within the urban area where land has to be leased. Those who cannot afford their living because of this land lease hold policy should keep their land rights on Menelava, expecting that one day they will return home.

MERELAVAN RESETTLEMENT SCHEME ON GAUA

The resettlement of the Merelevans on Gaua came into being in the Colonial time, dating back to 1967 and onwards. The reason was that Merelava island itself is hilly and the land is too rocky for use. People who wanted to make big farms of cash crops ~~the~~<sup>were</sup> not able to make it. The Government ~~Agents~~ District Agents (Fr. & Bri.) in the Colonial days persuaded the people to leave Merelava and move to Gaua where there is land, enough for everybody. There was no official arrangement made by the Government (Fr. & Bri.) but on their own initiatives those who have some cultural links with the Gaua people moved back to resettle on Gaua.

The beginning of the movement was unofficial but it was permanent in the cultural sense. That is to say that the resettlement was firstly accepted on the traditional point of views. The fact that Merelava island was getting short of land and could not withhold the fast growing of the population was well understood by the natives of Gaua, hence it was traditionally reasonable that some people should resettle on Gaua. In the year 1967 some families from Merelava began to move.

LAND ON MERELAVA

Traditionally every family has land rights and all have enough to eat. The traditional boundaries which were made by the grand parents of the parents living today remain the same and everybody is still ~~following~~<sup>following</sup> those boundaries. Until today everybody has enough for food crops. Because of that everybody has enough food though the Merelava population is greatly increasing. The traditional system of subdividing land had been defined in such a system that everybody has chance to have land for gardening when it is time for gardening. So, for so long people have been using their land in this way for the purpose of growing food crops.

The need for more land as experienced by the Merelavans came into existence when the department of Agriculture was established by the Colonial Governments (Fr. & Bri.) in 1964. The Government officers (Agricultural officers) in those days travelled all over the New Hebrides preaching that everybody should grow crops and feed cattle for cash. When the Merelavans began to respond to the message, at once they experienced land shortages. Following that the Merelavans began by having individual arrangements to go to Gaua where there was enough land to buy some lands and begin to set out cash and food crops. Though the Governments (Fr. & Bri.) didn't make any official arrangements on the resettlement scheme, they were informed of the shifting of people to Gaua. This unofficial resettlement scheme remained unofficial though it was made with the consent of the Colonial powers.

I think one need to say that during 1967 onwards or in the complete Colonial days there was no proper medical services on Gaua and the people who resettled for the first time suffered a great deal with Malaria and other forms of sicknesses. They lived in poor houses made from local leaves and other bush materials. They got their water supplies from the creeks and sometimes from the spring water found by the sea coast. So the shortage of land as viewed from the agricultural points of views on Merelava created a lot of consequence in adjusting to another environment in such a way that is very historical which infact caused some lost of lives as a result of poor medical services and transport difficulties in getting the sick people to the hospital in Santo or Vila.

#### PRODUCTS OF WORK AFTER THE RESETTLEMENT SCHEME

Several years after the resettlement scheme the migrated people became well established. They set out gardens and built houses and cleared bushes. The social services have improved a lot. At the moment there are Schools, Churches, dispensaries and teleradios for communications.

The greatest thing which happened after all was the native people found it surprising when they learned that the migrated people were developing the land faster than them. Today the migrated people sell food crops and animals to the real native people of Gaua. If one was to talk in terms of economical points of views, he would realize that in future more agricultural produce would come from the Merelava community resettling on Gaua. The fact that proves that the Merelavans are working hard has been seen in the action that, the Merelavans are observing the pattern and the wishes of the reality of the new system of Vanuatu's developments is to work for the economical independence, hence in this respect agriculturally the Merelavans on Gaua are implementing the message.

In comparison <sup>is</sup> the land which is held by man Gaua is less developed than the land which is held by man Merelava. In the Country's economical view man Merelava has proved himself to be responding to the Agricultural message hence the Agricultural and Lands Ministry's officials have arranged to get the Government to recognize the Merelavan resettlement scheme as an official one. The ceremony of recognition and acceptance was performed on 10th of September, 1982 in the presence of the Minister of Lands & Natural Resources. Below is the Quotation as the report made by the Minister of Lands & Natural Resources to witness the ceremony of Recognition and Acceptance of Merelava people to resettle on Gaua.

" QUOTATION "

'On Friday 10 September 1982 at Kaska Bay on the island of Gaua within the Banks, an important custom ceremony took place in which exchange of custom gifts were made between chiefs and the community of Merelava on the one hand, and the chiefs and population of Gaua on the other hand. Jimmy Roy (who at the time was the General Secretary for the Island council of chiefs of Gaua) was the spokesman for the Merelava chiefs and community, and Barnabas Harris (who at the time was the custom Information officer) was the spokesman for the Gaua chiefs and the population.

The gift presented by the Merelava community included a female pig and string of traditional money with certain leaves symbolising peace and respect. The Gaua chiefs on their part, made a presentation of a male pig together with the same leaves (of peace and respect).

The significance of the ceremony was the recognition and the acceptance by the Gaua chiefs and population of the Merelava community which had for the last thirty (30) years or so been living on this particular part of the island of Gaua. Both Roy Jimmy and Barnabas made speeches to this effect. Both stressed the importance of respecting customs and living together in peace and unity and the need to work together for the good development of the island of Gaua.

I as the Minister of Lands & Natural Resources for the Government of Vanuatu was present at this ceremony to witness the event. Accompanying me at the time of ceremony was John Star, Lands officer and John Morrison Willie, the Agriculture Extension Officer. I was satisfied that every thing was done in a manner appropriate to the customs of the two Communities involved. I made a speech emphasising the importance of mutual respect peace and unity for the people of Gaua.

The occasion ended with a big kaikai together. The actual number of the Merelava Community involved in this deal was 514 people.

....4/....

I approved that the ceremony was valid in custom of the area and should be accorded the highest honour and respect by the people of Banks and the Government of the Republic of Vanuatu.'

*of the Constitution*

This event justifies article 72 of chapter 12 on Land where it says,  
"The rule of custom shall form the basis of ownership and use of Land in the Republic."

In the traditional concept, the buying of Land was already made in accordance with the Gaua custom rules of Land buying and each Land seller and each Land buyer had accepted each other. The above mentioned event as witnessed by the Minister had been performed, perhaps to justify the Western concept of Land Selling and buying. Hence the Government of Vanuatu now recognises this resettlement scheme as being official though the Government did nothing financially to resettle the Merelava people on Gaua who were needing Land then. Today the Vanuatu Government recognises this resettlement scheme in its fullness ie. Socially, agriculturally, economically, traditionally, officially etc. etc.. This gives investments on Land by Merelavans their safeguard in the land tenure system and to ensure that needed investments are secured.