

The Most Litigious People on Earth

On Palau, Land Disputes Are A National Pastime

Eighty-four-year-old Klerang Melimerang lives alone in the jungle of Airai State, Palau. She claims her rights to the land on which she lives through seven generations of matrilineal descent, back to "Temtik, the one who first found this land." Klerang's dwelling is an open-air shelter. She bathes in a stream that runs behind the shelter. She tends her taro patch during the day and enjoys the call of birds and stars at night. Klerang's one concession to modernism is a solar panel that powers a single light bulb. She has only one worry—that her legal claim to the land will not be resolved before she dies.

Klerang's case has been moldering in the courts since 1976. Although there are only 18,000 Palauans and land ownership is generally restricted to them, so many real estate disputes exist in this independent nation that a court devoted solely to land claims was established in 1996. Senior Judge Dan Cadra of the Land Court didn't know, when asked, how many cases have already been filed with the court, but he speculates that there are 12,000 yet to be docketed. Mark Doran, an attorney in private practice in the capital city, Koror, estimates that 10,000 cases have been filed and that 20,000 more will be filed; that is, 30,000 cases among 18,000 Palauans. Associate Judge Ronald Rdechor projects that it will take at least three to four more years before all land claims will be filed with the Land Court, and it will take at least 10 years, under the current system, for all the cases to be heard. One of the four Land Court judges was even less sanguine, dryly commenting that "there will always be land fights in Palau. It's the national pastime."

BY JEFFREY S. RASLEY

"Palauans are the most litigious people in the world, when it comes to land," another judge says. Every Palauan I met in the five weeks I spent there is, or has been, involved in real estate litigation.

Land played a major role in the unfortunate colonial history of Palau.

American property law assumes there is a fee title to land, i.e., that property is owned by specific person(s) as set forth in a deed. Palauan clans created no written records of land ownership. Certain areas, like reefs and beaches, were communally controlled by the clan, while residential and cultivated tracts were controlled by individuals and families. When there was a death



Klerang Melimerang, 84, waits to know if she owns her own land.

Germans began taking land from Palauans in 1899 and the Japanese engaged in massive confiscations after they succeeded the Germans in 1914. They were ousted by the Americans at the end of World War II.

The Americans, during the Trust Territory of the Pacific administration, began the process of returning land to dispossessed Palauans. But there is a fundamental conflict in the Anglo-American concept of property ownership and the traditional Palauan understanding of land rights. Anglo-

of an owner, Palauan customs varied as to who would inherit the land rights. Property could be divided up among different family members or even go to someone outside the family. Ultimate authority to determine property rights lay with clan chiefs or "strong members" of the clan.

A written registry of much of the land in Palau, called the *Tochi Daicho*, was created by the Japanese prior to World War II. After the war, the Trust Territory and, later, the Palauan Congress, called *Olbiil Era Kelulau* or,



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'Assault the indigenous no more'

By Reverend Doctor
Elenoa Disusu Ligari-
Sikivou

Impositions of archaic alien political and economic structures, legalistic thefts and lack of transparency in the procedures pertaining to land, sea and geological resources are common assaults on indigenous people the world over. After the 'khurd' is removed, the same could be relevant to the 'larsi' for us here in Fiji.

The examples of the assaults on the indigenous interests are here for the eighteen out of the 32 original nations of 'i taukei' in the Fiji Islands; 51 million of the 200 Naga indigenous tribespeople of India; 67 million of the 55 native tribes of China; six million of Karens, the native tribes of Burma; 1.5 million of Irian Jaya natives in Indonesia; the 2000 of tribal Tamils of Sri Lanka; 29 million Turkic; six million Kazakhs and one million Eskimo tribes in the Soviet Union; 310,000 of the 10 tribal groups of Taiwan; 500,000 of the six tribes of Thailand; 6.5 million of the indigenous tribes of the Philippines; 71,000 of the indigenous Malays in Malaysia; 2.5 million of the indigenous tribes of Pakistan; one million of the native Vietnamese, the Mayans of Guatemala, the Miskitos of Nicaragua, the Palestinians of Israel, the Kurds of Turkey, the Oromos of Ethiopia, the Basques of Spain, the natives of the United States of America, the Maoris of New Zealand and the Aborigines of Australia to tabulate only a few.

Though the styles of attack on the native people vary in different regions, the objectives remain the same, and that is "to break up the native communal land holdings; separate existing ancestral lands; control sea and mineral resources and continue to frustrate the natives, by asphyxiating resources, whilst they suffer and live a life of poverty." These attacks that have continued to be made on indigenous people centuries appear in many guises. The obvious two, are either via legalistic or military means.

For cultural survival, natives who command one third of the world's population resort to resistance of intrusions. In the 200 countries we inhabit, where we live an existence of subordination thereby exposing ourselves, to geopolitical misunderstanding juggernauts and a lifetime of mischaracterised criticisms.

We are not alone for the Indigenous people who are well-versed with International Political Diplomacy can comfortably align with traditional people in 200 other countries and campaign against ethnocide, which is the systematic destruction of indigenous cultures through legalistic or militaristic subordination. If we have chosen democracy — "then democratic should everything be."

The generation 'x' and generation 'y' who make up the majority of the population of Fiji today, yearn for the freedom 'to breathe' and to do so without restraint. We, their own parents' generation, have created 'the vapour that is suffocating these young citizens whom we love.' The onus is with the present guardians of possible policies to 'dot all the 'i's' and cross all 'the t's', thus enabling the 'potentially productive generation' to enjoy living in Fiji with boundless faith and confidence.

Of the 129 military conflicts the world over to date, eighty five (85) have been conflicts involving the indigenous people, seeking to hold off or freeing themselves from their governments, usually the larger governing bodies that have not been sensitive to native interests. The two examples that I wish to mention are the 'Indigenous Fijians' Uprising of 2000' and the 'Irian Jaya Resistance' towards the Central Indonesian Government, that continues to be unsolved today.

Seasoned leadership is after all a display of attained wisdom with effective administrative powers in solving problems for the oppressed, and having the ability to identify all other internalised contingencies related to the inclusives. Indigenous problems and finding political solutions to the problems of these natives, who are true to their nations (Vanuas) by virtue of their birth and cultural heritage, are criticised and branded as extremists, rebels, separatists, dissidents, terrorists or insurgents unfortunately. They are activists with birth rights, and they deserve some respect and authority. On the flip side, indigenous Fijians should be sensitive to the fact that as Christians, we genuinely better solve our problems through traditional diplomacy and not through the obsolete feudal oppressive and tyrannical thuggery.

Under International Law, an indigenous nation comprises of 'people of a

About the Author

The political unrest in Fiji over the years is an old logjam in the river of Fiji's history where pervasive racism has unfortunately been used to camouflage indigenous subordinated differences, says Reverend Doctor Elenoa Ligari-Sikivou.

Mrs Sikivou, who is currently researching for her book called *Subordinated Fijians Are Subservient No More*, left our shores in 1999. Mrs Sikivou, the eldest daughter of the late Raqaidamu Ligari and Adi Walesi Ligari, hails from the Nasawana clan of Wailevu in Cakaudrove. Being a daughter of school teachers, Elenoa spent most of her young life in Vanua Levu and Taveuni. She finished high school at the Lelean Memorial School before going on to USP where she won a Government of India Scholarship to study History/Politics/English in India. Whilst in India, she got married to a fellow student from Fiji, Inoke Sikivou. After the 1999 elections, Mrs Sikivou left for the USA to complete her Masters. She then went on to do her doctorate. Today she is pursuing a second doctorate degree.

common heritage, language, culture, geography and a political system, who have an accustomed desire for comfortable association." There are 3000 recorded indigenous nations in the world, out of which 32 are in Fiji with only 14 operating openly. The British missionaries and visiting American missionaries whose engagements were to civilise and Christianise the inhabitants of 'the islands of the hostile and dangerous warriors, with the beautiful island maidens,' recorded that when they worked amongst the indigenous Fijians from 1835 to 1876, 41 years before the inception of the Colonial Government, there were 32 chiefdoms existing in the island group. People were governed by 'ritual political observance of ancient customs whose ancestral Gods were capricious.' Fijians at the time were said to be living 'in a world of superstitions and sorcery whose chiefly households had tremendous powers of casting spells'.

The missionaries recorded that 'the whites' who were in Fiji as traders, shipwrecked survivors, deserting sailors, beachcombers or escaped convicts from New South Wales (in Australia), nervously squabbled and were suspicious of each other, owing to their imperialistic intentions. They further said, that the Europeans manipulated 'Vanua tensions', in their efforts to stranglehold Fiji's political and economic powers. This remained so until 1874 when the British Colonial Governor, Sir Arthur Gordon sought economic self-sufficiency in planting crops of coconuts, cotton and sugar cane. This led to the need for the introduction of the 'Indian Indentured Labour System' from 1879 to 1919, after which 60,000 Indians were enhancing the economy for the Colonial Government of Fiji. The Melanesians brought in through the Blackbirding trade from the Solomon Islands, Vanuatu and New Caledonia followed. They were employed in the cotton farms that later failed.

For the indigenous Fijian, the collective ownership of resources with no private ownership of land, water and sea rights, minerals, and plant life along with no concept for seeing co-owned land, means no direct inheritance. All produced goods are for use or subsistence value. These subsistence goals have no profit motives due to the little surplus production. Owing to Fiji's steady and slow economic growth, the natives still resort to some levels of barter system to ensure concrete value for what we exchange.

Regarding authoritative *vakavanua* politics, hierarchical chiefs still have a lot of decision-making powers, whilst the non-hierarchical, hardly have any coercive influence. There is no spectrum from representative democracy in the Fijian autocracy, rather there is a direct participatory democracy with recognisable operative political modes of anarchy, communistic and theocratic modes of leadership. There is decentralisation, because chiefly powers reside mainly within their communities.

Vanua laws are transmitted orally with no adversarial processes, interpreted for the individual cases where Natural law are used as basis and criminal law cases are settled through counselling of criminal taboos. A very strong concept of a *vanua* is the collective identity as 'a Nation.' Lineage is mostly matrilineal running along the 'male' line, unless in a few variations where family rights include the female line. Fijians revere the young and respect the old.

Allow me to relate to you an example of the alienation two natives I have known for years shared with me about 'what they had heard in regards to definite whispers of available mineral resources in the vicinity of their *iqoliqoli*. This conversation took place on Thursday, April 24, 2003, outside Fiji.

Mere: Disusu, *yalovinaka*, can you describe the possibilities of the oil finds, or any other minerals in our waters in Fiji?

Disusu: I assume our Fijian territorial waters, where they have already searched for oil, covers almost 1.3 million kilometers squared, containing the two shallow water tertiary sedimentary basins; the Bligh and the Bau Waters

where I remember excavation and drilling teams were in the 80s. Virtually, the Bligh Waters covers approximately 9,500 kilometers squared and the Bau Waters has about 1,600 kilometers squared. These are only presumptions, do not take this info as biblical truth. Why don't you ask your own people back home in Fiji?

Tevita: Who is responsible for the indigenous owners to be advised about what goes on in our traditional vicinities?

Mere: The responsibility lies with you partially as a co-owner and the rest are the prerogatives of the paid authorities. Maybe it is a prime reason for you to go back.

Tevita: I need to make some more money and complete my contract here. That takes me to the end of 2003. Meanwhile, I will do some searching and find out if someone here can help me facilitate some deal that could benefit my *yavusa* community.

Disusu: Tevita, before you do anything, I would advise that you check out the Government regulations related to who owns the minerals that you may find in your *qele* or your *qoliqoli* in Fiji.

Mere: What percentage can landowners claim? What benefits can my *yavusa* and I get?

Disusu: It might depend on who is entitled to be your *yavusa's* legal representative. Certainly he/she is the authority who collects on your behalf, whether it is forest related, fishing, geological, other *vakacaca* or dividend monetary payouts.

Mere: You mentioned the possibility

of oil drilling, would that be similar to the oil drilling in Texas?

Disusu: Not quite. The drilling plants may not be the same, but of course the end product is the means to the end. That is the same. Fiji lies on the same regional play trend of miocene reefs which do produce oil today in Irian Jaya, Indonesia. We also know from the information obtained from SOPAC, that on the same regional play trend there are gas and condensate in offshore Papua New Guinea. We are indirectly blessed, because the Fiji basins have many similarities with the oil and gas-producing, arc-related basins of south east Asia.

Tevita: Do you mean to say that actual deposits of some types of minerals are generated in Fiji?

Disusu: According to SOPAC reports that I have read, source rocks such as oligocene, miocene and pliocene age are exposed on shore in Fiji. They have also encountered these by drilling. There was an oil seep in the Bligh Waters Basin some years ago. Oil and gas shown in these wells provide evidence that hydrocarbons have been generated in the Bligh Waters Basin. The studies already taken in the area indicate peak oil generation to be about 2.6 kilometers below the sea floor. They also say that reefal mounds prograded platforms are indeed attractive targets of exploration.

Mere: What would this bring in terms of monetary gains? Many Fijians within the 'qoliqoli vicinities', do not know the details of what their original God-given resources might entail. Maybe the Governmental regulations could change and have the indigenous *qoliqoli* owners get a percentage of the deals. There are existing oil drilling companies that are co-owned by Fijians. Why can't the Government consider the existing ones to lobby for exploration and drilling when the needs arise?

Disusu: I wholeheartedly support your suggestion. These Fijians in the existing oil businesses have the latest technological equipment that are 'environmental friendly'. They understand the oil business and would avail to the indigenous Fijian *qoliqoli* owners what

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MEDIA FREEDOM: "Our Responsibility"

Wednesday, May 7, 2003, 6.30pm for 7.00pm
at The Fiji Times' Conference Room
(Butt Street entrance)

Guest Speakers:

- The Minister For Information, Hon. Simone Kaitani
- Dr Shaista Shameem, Director, Fiji Human Rights Commission
- Daryl Tarte, Chairman, Media Council of Fiji

Topics:

- The Need For Media Legislation
- The Government's Approach
- The Constitution and Media Freedom
- Human Rights and the Concept of Media Freedom
- The Role of The Media Council and
- The Complaints Mechanisms

The Forum is limited to 80 participants.

Please contact Mere Rauluni on Telephone: 3221 707 to obtain a ticket. Ticket must be presented to ensure admittance

The principal organiser of the Editors' Forum is the Media Council of Fiji and the editors and news directors of the Fiji media.

Upcoming forums: Early June: OUR ENVIRONMENT-"Do We Care?";

Late June: SEXUAL OFFENCES-"What Must We Do?";

Early August: CORRUPTION-"What Can We Do?" and

Early September: EDUCATION-"Invest In Our Future"



Assault the indigenous no more

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existing oil businesses have the latest technological equipment that are environmental friendly. They understand the oil business and would avail to the indigenous Fijian *qoliqoli* owners what they offer here to the Native Americans who own the land where they are drilling. They will be paid a certain percentage accordingly.

Tevita: How much mineral deposits do you think are available in these waters?

Disusu: The SOPAC report that I read indicated that over 20 structural reefal traps have already been identified on seismic lines in the late miocene and pilocene sequences, with estimates of potential unrisks recoverable reserves of 270 million barrels of oil (mmbo) per structure with the possibility that recoverable reserves could increase to over one billion barrels of oil per structure. Limestone turbidite Lobes that have been identified may contain estimated recoverable reserves of 100 to 200 million barrels per structure. If original owners of these resources are considered to be equally benefitting from these deals, and not only the Government and the business owners, the *yavusa* getting half a cent in a dollar will get millions probably

by the end of the day.

Mere: Where do we start here? What do think is the best option my *yavusa* should take because our interests are in the Bligh Waters. My husband's family have interests in the Bau Waters.

Disusu: You go ahead and do your homework regarding rules and regulations for you and your subordinated relatives. I certainly believe that archaic Governmental petroleum legislations should change to include benefits for the indigenous *qoliqoli* owners and indigenous petroleum exploration groups. I also believe that Fijians should be prioritised in the issuance of production licences.

Mere: *Isa, vinaka vakalevu na veitalanoa totoka* Disusu, we will begin lobbying with our GCC, Senate and Parliamentary representatives in Fiji.

Disusu: That will only happen when we graduate out of the subordination and when someone realises 'the withholding realities' suppressing the performances of those who genuinely love Fiji.

The patriotic Fijians of the different racial identities have been listening quietly whilst you have been walking briskly and talking haphazardly.

Let us all unite in prayer for the anointing of a free, happy, peaceful, productive and a financially abundant Fiji.

State

*Fiji Times
16/8/2000*

gives

land

back

THE interim government is speeding up the process of returning unclaimed land held by the state to native owners.

Cabinet yesterday agreed to increase manpower, financial and technical resources in the relevant ministries to return the land to the various tribes who once owned the pieces of land.

A Government spokesman said Cabinet approved to provide additional resources to the Lands Ministry to enable it to complete all technical and administrative arrangements for the transfer of State Schedule A and B land from the Government to the Native Land Trust Board

within the next 12 months.

Two decrees were also approved to amend the Native Land Trust Act to facilitate the transfer.

The spokesman said a lot of work would be required in the transfer process, including close co-ordination with all relevant agencies including the NLTB and the Native Land Commission.

A lot of technical work will also be required in areas such as mapping and surveying.

Field work will include consultation with leasees to explain government's intentions, establish land ownership, and obtain goodwill from all parties concerned.

887 Fiji Times 22/4/2002

Group happy with land deal

By AVINESH GOPAL

Farmers appreciate State's move

AN organisation representing indigenous farmers is happy that Fijian land ownership will increase to about 92 per cent after the redistribution of Schedule A and B lands.

The Fiji Farmers Organisation yesterday said it appreciated the Government's move to transfer

Schedule A and B lands to the indigenous landowners. Organisation's general secretary, Samuela Kautoga said there were a lot of land owning units in the country whose members did not have enough land for their use.

"There are a lot of landowners

but land is not available for their *mataqali* members," he said.

"If the Schedule A and B lands are transferred, then members of the *mataqali* will have some land of their own."

Mr Kautoga said the organis-

ation would decide on what its members would do with the extra land when the transfer is passed.

Indigenous Fijians, who own 83 per cent of the land in the country, are expected to receive more when Schedule A and B lands are transferred to the

Native Land Trust Board.

They will own 90 per cent land outright when the transfer is finalised and the figure excludes freehold native owners.

The Bills to accommodate the transfer of the lands are yet to be passed by the Upper House, which will require a two thirds majority, and at least seven of the Great Council of Chiefs Senate nominees.



Land is our mother, our life and our future

By DAVID STANLEY

ALLOW me space in your private view column to submit my humble contribution. I somehow got a copy of the "Tavuli News" but unfortunately could not get their Website. Otherwise I would have liked to put this in their internet page. What got my eye was the caption on the front page and I quote, "Land is our mother, our life and our future." This is not new, all Melanesian culture have that feeling towards their land.

Malaitans were here since colonial times not to colonize Guadalcanal, nor were they like the Indians in Fiji that were brought there from a foreign country as indentured labourers, or the Pakehas in New Zealand and the whites in Australia, who came to colonize both countries, acquired the land then leased or sold to the populace for development. Malaitans are Solomon Islanders and they are in Guadalcanal because Guadalcanal is a Province of our country Solomon Islands. One country! One nation! Malaitans came to Guadalcanal to work in the various coconut plantations, SIPL, and in industries in and around Honiara and not as land seekers as most have believed. Purchasing of lands and subsequently settling on Guadalcanal is a secondary thing. It came about as a result of two important factors. (a) The landowners themselves sold their land to people of other islands who work on Guadalcanal. So, everybody got onto the band wagon and took it for a ride. Most have purchased land in adherence to the tradition of the people. If the land owners were strict and firm as in other Provinces, nobody would bother to buy land.

Secondary, through marriage. Landownership on Guadalcanal is patrilineal. Males who marry Guadalcanal females by virtue of their culture are expected to stay with their wives to procreate, develop the land and continue the land ownership system on the female side. Most husbands found to their dismay after marriage that the wife and their in-laws could not allow the husbands to return with their wives to their home islands, so the poor men just have to stay on whether they like it or not. They do not marry for owning land as most people think. As a matter of fact the husband does not own land on the mother's side, but the children do. No indigenous Solomon Islands is landless. Be it Malaitans or others for that matter.

I have served on Guadalcanal Province in the Education Division for a good number of years before Independence and after. I could not believe that the Guadalcanal landowners could be so confused to sell their land left right and centre. Not only to Malaitans but to others from other provinces. It was kind of a get rich quick mentality that was so pervasive at that time. That to sell land was a noble course. I used to tell School Committee members around the Province, that they have much to lose if they continue with the practice. The best they could do was to lease their land. It is their children that would suffer in the end.

I talked to parents about the need to help the teachers to provide the best education possible to their children who would become future landowners and leaders of tomorrow of this one nation Solomon Islands. Education is the key. If people from other provinces could become teachers, lawyers, scientists, doctors, businessmen, farmers own and operate business in Honiara, Auki, Gizo, Kirakira etc, etc, you name it, Guadalcanal students could also do the same. Nothing is impossible. I still recall a School Committee Meeting we had at Ghaubata School (CDC) a woman stood up and said without fear, "Algeta man now selem land allway for beer." A similar sentiment was expressed by another woman at a School Committee Meeting we had at Loloato on the Weather Coast.

I also observed during my years of service on Guadalcanal that although land ownership is patrilineal, it's always the men that do the selling and very often, in dubious manner and without the knowledge of the clans. In nearly all transactions females or tribes were never informed or involved at all. Let alone know how the money was used. I can still remember a guy from the plains who used to walk into govt offices, asking officers to buy plots of land at Tere. Bit of what we now call "a con man" It's like everybody for himself.

So, Mr Tavuli News, who are you to fight. No, you should have educated your own people. The province on several occasions in the past has legislated in the Provincial Assembly to stop people selling their lands to non Guadalcanal people. No one obeyed them. Provincial members, members of Parliament and prominent business men were also involved in this land prostitution. Let me give a few examples.

The land east of GP headquarters was given out by a former West Guadalcanal MP. The land opposite the Kukum Police, was sold by a former MP. The land opposite the GP Conference Chamber was given out by the G. Provincial Assembly and the land opposite the main Market was sold by a Guadalcanal businessman who could not afford to pay his daughter's fees in New Zealand. These are just a few examples of beneath table dealings that existed beneath Guadalcanal. You do not have to ask the Guals at that time, they just approach you and ask you to buy their plot of land if you wanted to. That was the practise prevalent then and still continues even now.

I was out at the east end of the Berande bridge with a team of officers from the Ministry of Education and Landowners, scouting for land to build a Provincial Secondary School, for what is now Ruavatu PSS. Had it not for cyclone Namu, the school would have been built there.

On learning that a new site would be sought, one of the principal land owners came to me and offered to sell me a portion of this land adjacent to Gilo School. I looked at him and could not believe my ears. I then said to him, daddy, he was much older than me then, do not sell your land. You have grannies that would someday need this. A month later he came to GP Office, offering the same

land but at reduced price. I refused and frankly told him the same story. But I went a step further. I lectured him. I said to him, your culture and mine on Malaita where I came from, do not sell land. As a chief you are only a custodian. Land does not grow but population does. So please, think.

On another occasion. I went to the Ministry of Lands to find who holds the title of Ruavatu Land so that we could negotiate with them to build the Secondary School already mentioned above.

I met a guy from Barana village at the Lands Dept. I knew him very well. We joked for sometimes then I asked why he was there. He said that he was to meet someone at the Office who was to meet someone at the Office who was interested in buying a piece of land. We talked, then I said to him. The best thing for the landowners of Tandai Land to do was to form themselves into a registered group, (Trustees) get financial help from the Govt. etc and register Tandai Land, demarcate into small plots and lease to the public. Then you will have money or, the then Water Authority to pay into a Trust Fund, and use the money for property development and put the houses on rent. etc. He said to me, "Olgeta big man now savvy. Our big man never help us or think like that. I then questioned him, what kind big man? Our members and our Province. They only live for themselves". he said, smiled and left. I knew what he meant. For I too, had seen the practices of these big men in high places as they steered Guadalcanal Province into the 21st Century.

I was coming home once, from Nubu village after completing a site survey to build a new Primary School. It was getting dark (no buses during those days) not a bridge across the Barande river. At Tere I saw someone I knew, so I gave him a lift. He was and still a principal landowner in the plains. We talked and he told me many things. Then he asked me a question, "How could I get rich?". I laughed and said, I should have asked you that question. I left my Province to come and work. You are better off than me, you have just told me that the land on our right here, west of St Mary airstrip belongs to you, your brothers and your clan, you have a cattle project that is nearly run down and that your tribe is getting money from SIPL annually. My friend, I said, "You are rich already". I wish I were you. What you lack is proper management. You told me that you have registered your land. Well, get a good lawyer and lease your land and your cattle project to good honest and trusted developers etc. and get money every month. With the SIPL money you said your group is receiving, form a registered body, a Trust Fund and use that money to do other development. Build houses and rent them out to town folks. Buy properties in Honiara and put them on rent. In the end you could own whole of Honiara Town. We laughed. Well, he said to me, we just shared the money amongst ourselves and drank them away. I said to him, "Don't ever allow alcohol to ruin you". I dropped him off at his village east of Ngalmibu bridge and came to Town.

I was in my Office in GP

one morning, when without warning a middle age woman burst into my room very, very angry. She asked, "Are you from Malaita"? I said, "Yes." Your people are bad. She retorted, I said, No, Some are bad and some are good. I am one of the good ones. "So, what's wrong"? I asked. She said, "A Malaita teacher at a school near my village fell in love with my daughter and she is pregnant". Well, "It takes two, to tango fair lady", I said to her. "I want the teacher to marry my daughter and to live with us" said the lady. "But the boy might want to take his wife back to Malaita". I said, "No, that's not our custom here. That's Malaita custom. I do not want my daughter to leave us, she would suffer on Malaita." In the end they got married and they are still here in spite of the tension. I met him the other day, and boy, look at the smile on his face.

What I have seen happening in the '70s was that our people here thought that they would get rich overnight if they sold their land, without realizing that the opposite is the truth. It was similar to the logging fever that swept the country in the '80s and '90s.

Buying land on Guadalcanal is not that all rosy. Some times land owners played ticks on the buyers. One example I would like to quote happened in Aruligo some years back. A land owner sold the same piece of land to two different buyers. They bought the land without knowing what has happened. Both were in high spirit and went to Aruligo to clear their newly acquired plot of land. On arrival, they eyed each other, both thought that they were at the wrong place and started to argue. Somehow they had Solomons wisdom and subdivided the plot of land into two.

Being good Solomon Islanders they became good friends afterwards. These two guys were not Malaitans, but they were Solomon Islanders, from Choiseul and Isabel. Thousands of stories like this incident abound on Guadalcanal. In some cases the same piece of land were sold by family members to three or five different buyers. I have observed that they were playing on the ignorance of buyers from other Provinces, to see who could collect more money, or fooled as many people as possible. In some instances land owners would allow the developer to develop the land, until the cocoa or coconut come to fruition then the brother or the uncle of the clan would initiate a land dispute and go to the court of law. These stories were recalled to shed light on how land purchasing were practised on Guadalcanal. Having said this, I must be fair to mention that some land owners are honest and truthful. Equally some Malaitans are fair and honest.

Is it wrong to buy land on Guadalcanal, Malaita or anywhere else in the Solomons.? I do not think so. This is one country, and if land owners want to sell their land, so what? Its up to them. Is it wrong to settle on Malaita, Guadalcanal or Choiseul etc? No, its not, This is one country.

But in selling tribal land, utmost care must be taken. The whole tribe must be aware of the process and the transaction. The pros and cons must be examined, whether to sell, lease or do

neither. Guadalcanal landowners were destroying themselves by not adhering to their culture or listening to the voice of their conscience. They sold land left right and centre. They have no one else to blame but themselves for selling their birthright, their mother, their life and their future.. To chase people, rape and murder people to justify a cause when your own people have created by selling land to other people in the first place does not make sense. The action only amounts to hatred and racist snobbery. It is a crime against humanity.

Let me end it here this way. "Tavuli News", people settle here and bought your land because you have sold the land to them. The pur-

chasing were done in good spirits. Whether the lands were registered or not, they were done according to the custom of the people of Guadalcanal. As indigenous Solomon Islanders and according to the National Constitution they can own land as perpetual estates.

Now to be fair, you have to compensate them. I have read your other articles, on TOL lands and others but they were all childish. I can see dark clouds on the horizon. One which, the leeward-side of Guadalcanal will wake up but the windward-side had taken all their lands. Wait until the sweat of war dries. Then it will return to you 1000 times over.



PUBLIC ANNOUNCEMENT

Red Cross is calling 1st - 6th May 2000.

The Solomon Islands Red Cross Society holds its Annual flag week where volunteers, supporters and friends identified with Red Cross tabards, and tins marked with Red Cross emblems are calling in to Offices, Markets, Factories, Business houses, Hotels, asking for donation form 1st - 6th May 2000.

This happens once a year, and only once. The success of Red Cross calling is vital to our efforts to help the less fortunate in our community. Red Cross touches everybody's lives. The blood bank, our work in time of disasters, disabled children, welfare services and so much more.

Red Cross accepts its responsibilities and can do so much better with the help of all Solomon Islanders. Please give generously to the annual Red Cross Calling Appeal.

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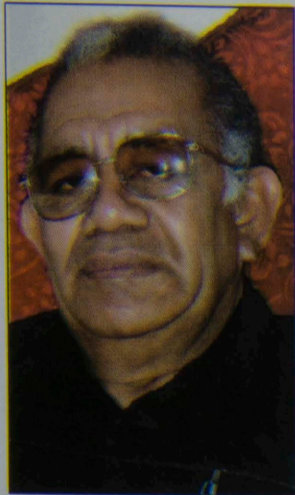
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Interview



continued from page 35

example will not know the people who come from the rest of Tonga to live in Tongatapu. Only the Town and District Officers would know, and they are the ones who would present their case to the noble, informing him that so and so is looking for a piece of land. If the noble then thinks it is possible to give them a piece of land then he would give them a piece of land, with peace in the community still the priority.

The distribution of land by the nobles must be the most difficult task that they are facing today.

Yes, because less land is left for distribution, and there is a lot of internal migration.

Is there a formal policy on how nobles go about distributing land?

The law of course states that town allotment should not be less than 30 poles, and no bigger than 1 rood 24 poles. If it is hereditary land there is an understanding between the noble and the land owner that the land will be distributed to the sons of the land owner first, and if there is any left over then it will be given to someone else who is a willing participant in village affairs.

Do you foresee any change in the process of distributing land?

I think it was 1984 when His Majesty established the Land Commission, and members of this Commission went out and held discussions with people about any concerns that they had about the land. I heard that a report had been compiled and it was presented to the Privy Council, but apparently there were a few things to be ironed out, and that is where it is. There were a number of issues that were addressed by the Land Commission, such as a proposal to reduce the size of tax allotments from eight to four acres and the right of women to own hereditary land.

What is the working relationship between town

and district officers and the nobles?

Town officers are elected by the people, but if one dies before election time then a replacement is appointed from the Prime Minister's office to be acting until election.

How are village affairs administered by the nobles, town officers and village committees?

My personal experience with some of the working committees in my villages is that I remain to be an adviser and leave things for them to organise and run by themselves.

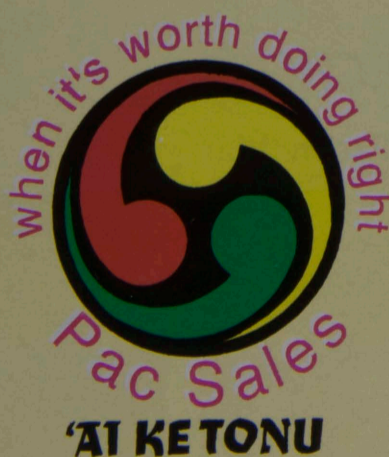
My role is that if there is anything they want in connection with government, or with foreign aid donors then I become involved, but there is a good working relationship between the nobles, town officers and the people.

In other countries they have town and city councils that are responsible for the cleaning up of the towns, and other community activities. Do you think there is a need to upgrade the administration of the town and villages?

That is really how it is administered at the moment, with each village trying to improve their life. But the nobles do not want to interfere and push their own interests simply because they are the noble of the village, but if the town officer and the village committees need help and advice then the nobles will get involved.

What is your opinion with regards to the pigs in the villages. Some people think it is absolutely disgusting to allow pigs to roam freely around the villages, what is your view on the pig issue?

There is a law, regulating the keeping of animals in the main centres of Nuku'alofa, Neiafu, Pangai and 'Ohonua, and there is also a law outlining the right of the police to destroy these animals. But one thing that we should look at is that pigs are one animal that we use a lot for both traditional and religious events. There has been a move to erect 'A fonua, to fence off the residential area in a village from the bush area where people grow their gardens, keeping the pigs away from their gardens, but then pigs destroy the homes. So really the best that could be done is for village committees to encourage people to build pig pens in the town where they keep their pigs. ▲



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MatangiTonga

*How VEIKUNE
Speaker of Parliament*

to the people, as demanded by law, therefore their influence is trickling away. Is there any truth in that?

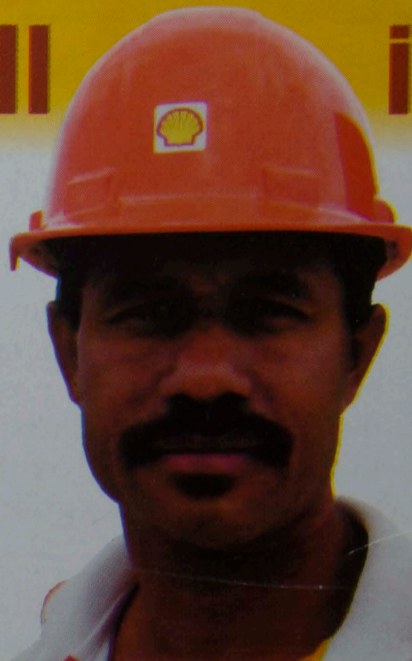
a noble from Vavau

No, I don't believe that, and I will just use myself as an example. My relationship with my *kainga* (relatives) from Longoteme is very good, and the reason for that is that no one from outside of Longoteme owns land in Longoteme. Only people with blood connections to Longoteme own land in Longoteme, and I think it is the same with other nobles and their *kainga*, and that is one reason why the bonds between the chiefs and their people remain strong. If, for example, I were to take a tax allotment in Longoteme and give it to somebody from Vaini, that is the kind of decision that could cause an unfriendly relationship, and keep the chiefs and his *kainga* apart. But if we keep to what has been spelled out in the certificate that was given to us when we were given our noble titles, to maintain peace in the community by abiding by the law and the Constitution of Tonga, if we will keep things that way, our constitution will last another 100 years and nothing will really disrupt our life here in Tonga.

How do the nobles in urban centres such as Ma'ufanga solve the land distribution problem? Are they doing it the same way as you do with Longoteme. How do they do it?

There are nobles who are very close with their Town Officers and District Officers. The nobles in Tongatapu for
continued on page 36

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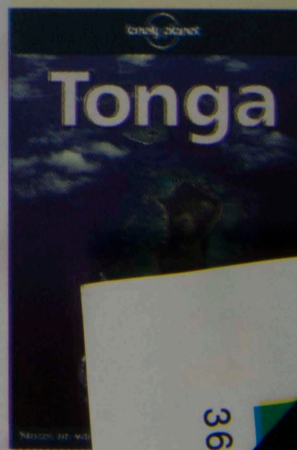
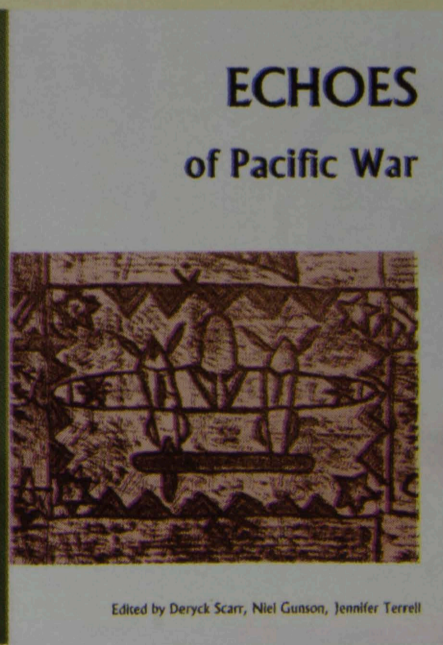
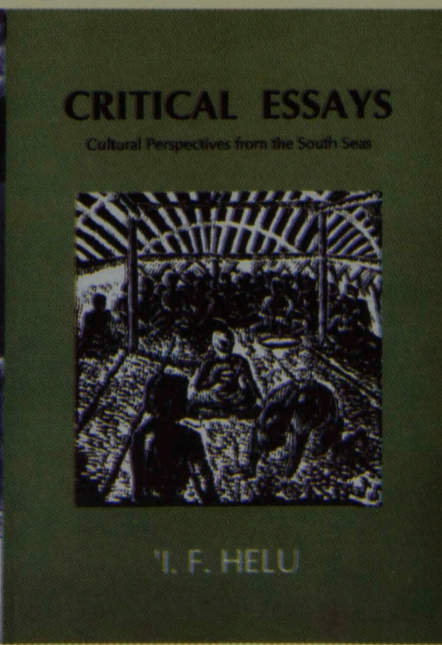
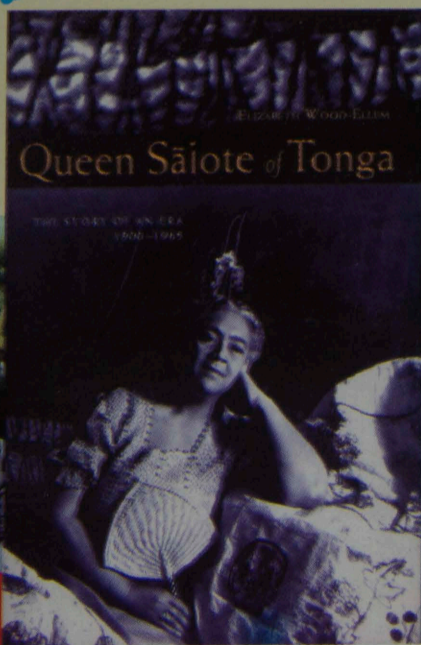
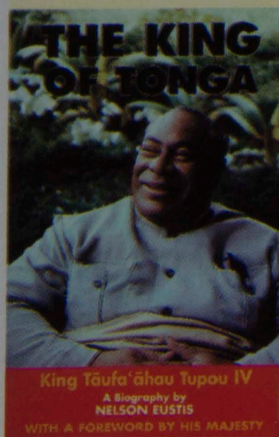
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Published September 2000

Churches meeting in Fiji on indigenous people's issues

An executive member of the Cook Islands Christian Church (CICC) Raututi Taringa will represent the Cook Islands at a regional workshop on "Indigenous Peoples' struggle for land and identity in the Pacific."

The event will be held in Suva, Fiji, from September 11 to 14.

Taringa will join over 20 church representatives from around the Pacific region. The workshop follows in the wake of the constitutional crisis in Fiji and ethnic conflict in the Solomon Islands.

From the workshop the Pacific Conference of Churches (PCC) and the World Council of Churches (WCC) will take a significant step towards consolidating the commitment of

Pacific churches to indigenous rights in the Pacific.

In a press release to Cook Islands News, the Anglican bishop of Polynesia, Bishop Jabez Bryce, said "there are issues which Pacific Island leaders, both church and political, we have been trying to express for many years, but they were sometimes hard to articulate".

The workshop is one of a series conducted throughout the world by the WCC's Indigenous Peoples' Programme which is intended to encourage the churches of the Pacific to increase their involvement in, and advocacy for, indigenous issues.

UNDERScoreD

The current situation in Fiji has underscored the importance

of these issues for the churches.

"It was made harder because we were, for so long, conditioned by the colonial period. But now we have the opportunity to talk about these issues; we are able to speak freely," said Bryce who is also one of the eight presidents of the WCC.

Also joining Taringa in travelling to Fiji will be CICC General Secretary, Willie John.

John told CINews that he will also leave for Fiji at the end of the month for a executive preparation meeting. The meeting is for the set up of the programme for the PCC General Assembly which will be held in Rarotonga in 2002 for the first time. John will be away for a week. — *Tara Carr*

C.I. NEWS 11/9/2000

NATION

'Coal power stations bad for gas project'

AUSTRALIA'S Industry Minister Senator Nick Minchin has warned that coal-fired power station projects approved by the Queensland State Government "could jeopardise" the US\$3.5 billion (K11.29 billion) PNG to Queensland gas project.

Senator Minchin made the remarks in an interview published in the Australian Financial Review (AFR) at the same time as the joint Australia-PNG communique welcomed progress made on the project during the past year.

The AFR noted that the backers of the gas pipeline venture believed there was insufficient energy demand to support both the PNG pipeline and three new coal-fired power stations in Queensland.

Queensland's Deputy Premier Jim Elder said the state government had not received word about the level of support the Australian Government might provide for the PNG gas project.

Meanwhile, Australia's Environment Minister Senator Robert Hill has said that the coal-fired power projects would make it difficult to meet greenhouse gas reduction targets as stipulated in the Kyoto Protocol.

Dr Clive Hamilton of the Canberra-based Australia Institute was also quoted by the AFR as confirming that.

Lawyer claims proof of anti-Skate plot

THE LAWYER representing Opposition Leader Bill Skate has revealed court documents that he claims contain proof of a conspiracy to undermine a duly elected leader as well as a threat to his life and those of his close associates.

By ISAAC NICHOLAS

Lawyer Alois Jerewai said yesterday that the names of people contained in the court documents have been submitted to the police for further investigations.

He broke with tradition to hold a news conference to comment on an affidavit that is subject of a running court case.

Mr Jerewai called for separate investigations into the allegations, saying they were serious.

He revealed at the news conference that a writ of summons, filed

in the said affidavit will be the subject of evidential proof in that particular proceeding, the statements are so serious and threatening towards the life of a former prime minister and a prominent leader of this country that an independent criminal investigations by the police criminal investigations division is warranted," Mr Jerewai said.

He called on the Police Commissioner to immediately instigate investigations into this threat.

Mr Jerewai also called on the PNG Law Society to take the lead in strongly condemning acts that undermine leaders and the very integrity of leaders.

In the light of the allegations,

Mr Skate appealed to his supporters to remain calm and let the law take its course.

The former prime minister, who claims to have been subjected to death threats in the last two years, was unhappy that his body guards have been summoned to "explain how they got a security vehicle" to better protect him.

"I challenge the Police Commissioner to ask all the former Prime Ministers how they got their security vehicles and where those vehicles are now," he demanded. "I am not a threat to society, and it is only fair that I am given my entitlements (as a former prime minister and Opposition Leader)."

Highlanders jittery over Lae land issue

The National 14/3/2000

By PETER KORUGL

TENSION is high in Lae between Highlanders and Morobeans over the issue of land.

The Highlanders, mainly in settlements, fear that they may be the next target if the current dispute between Lae Bottling Industries, owned by Engan Mathew Minape, and Maus Blong Morobe Association headed by provincial administrator Ainea Sengero, spill over.

The row over the granting of land lease to the Lae Bottling Industries reached a new height on Friday when the Morobeans called for the repatriation of Highlanders from Lae and the cancellation of the lease in dispute.

A police unit was deployed in the main business district to maintain order and other units were placed on full alert, a police spokesman told The National.

Talk of a possible clash between a Highlands group and Morobeans gained momentum last week when Lae Bottling Industries started work on Allotment 67, Section 2, otherwise known as the Independence Park.

The company had removed the Amelia Earhart Memorial Plaque, relocated the old wartime machine gun and employed men who chopped the tress and cleared the bushes on the cliff side.

Governor Luther Wenge stepped in and called a public forum.

In a petition to the Government, the Maus Blong Morobe Association said the manner in which some portions of land were allocated to certain individuals and companies were questionable and an investigation was needed.

The association further described as "totally wrong and unfair" the deal in-



Lae residents listening to Mr Wenge during the public forum yesterday.

volving the awarding of the lease for Allotment 80, Section 2, Allotment 67, Section 2, and Allotment 19 and 20, Section 46 located at Eriku.

The association pointed out that the Provincial Physical Planning Board had recommended against the application

from Lae Bottling Industries.

The association demanded that an official probe be conducted into the manner in which Lae Bottling Industries acquired the land.

"We the Morobeans by blood feel that we have been harassed and cheated

on our own land.

"We want to warn those concerned that we will destroy any property put up in the portions of land (involved in the) controversy until the problems are resolved amicably," the petition to the Lands Minister concluded.

NATION

Lawyer: K1.3m given to Singirok was a gift

ABOUT K1.3 million (US\$450,000) given to Major General Jerry Singirok was not intended to be a bribe, lawyer Moses Murray submitted yesterday to the Leadership Tribunal sitting in Port Moresby.

He said the money was given as a gift and should not be linked with the allegations of bribe.

Mr Murray stressed that the money was returned during the Los Inquiry a few years ago as it rightly belongs to Sandline International's chief executive Tim Spicer.

Referring to the first allegation made by the State, Mr Murray pointed out that the Major Gen Singirok took the money for safekeeping for nine months.

"It is an attempt to link the inducement to the gift. There

By TIMOTHY KWARA

was also no abuse of Defence Force procurement procedures as the financial matters were handled by the Defence Secretary," he said.

Mr Murray told the Tribunal that there is no evidence that Major Gen Singirok had asked for the funds.

The prosecution submitted that Major Gen Singirok did not deny receiving K68,000 from J&S Franklin.

Deputy State Prosecutor Francis Kuvi reiterated that

Major Gen Singirok did not seek an exemption from the Ombudsman Commission prior to accepting the monies from J&S Franklin.

Mr Kuvi said as a leader, Major Gen Singirok was required by law to furnish an annual statement of returns.

Mr Murray had earlier submitted that a leader can make an annual return at a later date and there is provision in the law for it.

The State also alleged that the proforma invoice from Unicorn International may have influenced the Defence Force Supplies and Tender Board to approve the payment to Unicorn.

Mr Kuvi also submitted that three of the allegations were

proven to the required standard and the Tribunal should have no problem in finding the suspended Commander guilty of misconduct in office.

He added that for the fifth allegation, there is no provision in the Leadership Code for a leader to publicly apologise or rectify his or her wrongful conduct.

The Tribunal will now study the submissions presented yesterday by both sides before it makes a ruling on the five allegations against Major Gen Singirok.

The Tribunal headed by Justice Moses Jalina will hand down its decision on Thursday morning.

Kaputin queries PNG-Australia treaty's future

By HARLYNE JOKU

FOREIGN Affairs Minister Sir John Kaputin has questioned what lay ahead of the A\$300 million (K570 million) Development Cooperation Treaty signed between PNG and Australia last year, and the focus of Australian aid to the country.

At the PNG-Australia Ministerial Forum last Friday, Sir John noted that the treaty turns the last corner from budget support to project and program aid.

It aims to provide greater flexibility in aid delivery through the new Incentive Fund, which will allow both private and public sector organisations access to funding from Australia.

However, Sir John said, the reality was that unless Australian aid was focused on areas of real need and flexible in the ways its was used, the road ahead would not open up the possibilities it could and should.

He said the PNG government has identified four key objectives for this year's Australian development program:

- Strengthening governance;
- Improving social indicators;
- Building prospects for sustainable growth; and
- Consolidating the peace process in Bougainville.

He said in every case, the objectives themselves are not the problem but the way in which the program addresses them often is.

"This includes the need for more focus, so that the



Sir John ... Aussie aid must focus on real needs

ment cooperation still include procedures so complex and closely tied to Australian commercial interests that the real benefits to PNG are only a fraction of the amounts that appear to be spent," Sir John said.

He said that at a meeting with some of his ministerial colleagues and heads of government agencies a day before the forum, some of them said with regret that the strings attached to Australian aid, the purposes for which it can be used, and the rigidity with which it is often applied, meant Australian funded aid projects often produce quite minimal medium and long term results.

Australian Foreign Affairs Minister Alexander Downer in response said 64 per cent of goods and services purchased under the Australian aid program are purchased in PNG.

"We think it is right to move away from budgetary aid, over which we have no say or no control, to program and project aid which is more transparent and accountable.

Lining up ...

Buses are queuing up at the old bus stop under the overhead bridge at Four Mile. The reason: construction work has begun on the new bus stop. Contractor Curtain Brothers says the construction would take up to six months. Nationalpic by EKAR KEAPU



'Australia in contact with World Bank, IMF

AUSTRALIAN Foreign Affairs Minister Alexander Downer said Australia has kept in constant contact with both the IMF and the World Bank in order to assist PNG with its current economic difficulties.

PNG," Mr Downer said.

"We know from our own experience that reform is never easy, that inevitable there are vested interests which oppose reforms."

approving a loan forthcoming in May.

In a joint communiqué signed between Australia and PNG last Friday, PNG thanked Australia for its support in re-engaging the

Proposed tribunal is needed

A PROPOSED legislation to set up a special Appeals Tribunal to deal with chiefly title disputes sounds reasonable.

It should offer aggrieved parties an opportunity to appeal against decisions made by the Native Lands Commission on the rightful chiefly titleholders.

Today, those who want to challenge the NLC decision can only do so in court. It takes up the court's time and the proposed Tribunal should relieve the overloaded High Court of these cases.

This is not to say that the new arrangement takes away the freedom of the individual or group to challenge a Tribunal's decision in court afterwards.

Disputes over chiefly titles are nothing new. In fact, there has been a marked increase in cases in at least the past decade, from the traditional village heads to the more senior positions in the confederacies.

For example, in 1990, there was a dispute over who should be traditionally installed as the Ka Levu of Nadroga (high chief of the Nadroga Province) after the late Ratu Manuelli Louvatu Vosailagi died. The

THE Fiji Times

EDITORIAL COMMENT

NLC decided, after months of talks between differing clans, that it was to be held by Bulou Eta Vosailagi.

There is a dispute pending in the courts on who is the Tui Nadi (high chief of Nadi) after a group disagreed with the NLC's ruling.

Then there is the uncertainty over who should be installed as the Vunivalu of Bau, the paramount chief of the big Kubuna confederacy, to succeed the late Ratu Sir George Kadavulevu Cakobau, who passed away in 1989.

Many chiefly titles in villages and districts around the country remain vacant today because of differ-

ences among the kingmakers.

While in ancient times there were fewer disputes, and differences were settled through bloody inter or intra-clan battles, third parties such as the NLC and courts have now become the final arbiters.

Whatever they decide is final, even if the decision is not acceptable to others. Obviously, this breeds ill-will and rebellion within some communities.

Many wish that the Fijian community set-up today is less complicated, styled more like the British monarchy where clear lines of succession are followed.

The problems today have apparently arisen from the greed for money (clan leaders receive land rents and royalties every six months) and the hunger for power. Both have diminished respect for traditional leadership and clouded the thinking of the people.

It is an unfortunate development in the traditional Fijian set-up. As such, the need for the NLC, Tribunal and courts have become increasingly important.

LETTERS

General elections

SIR - I would like to thank our parliamentarian James Ah Koy for donating a set of rugby jerseys to each of the nine *tikina* in Kadavu.

In 1992, it was \$500 to each village for their churches.

As this seems to be a pre-election norm for the Honourable Jim, I urge Government to make national elections an annual event for only then can we be richly blessed.

ISIRELI QEREA
Suva.



manly possible eliminated altogether.

A MASILACA
General Manager
Penang Mill.

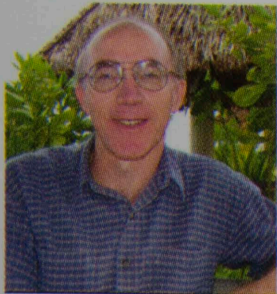
Sea ordeal

SIR - I write in reaction to your front page article (FT 23/7).

My concern lies with paragraph three of the article which sensationalises the whole event and is inaccurate and misleading to put it mildly.

Obviously a vehicle broke its lashings and overturned as shown in your photograph, although the vessel did not develop a "threat of sinking".

LETTER FROM MAJURO



BY GIFF JOHNSON

Land Rentals

Is Compact Two Fair?

Negotiations Leave Islanders Irked

Marshall Islands Compact negotiators say they believe the United States government has issued its best and final offer for Kwajalein missile range rental payments. Kwajalein leaders say the U.S. rental offer—at \$4 million less than their demand—isn't enough. The issue has sparked a huge internal debate that threatens the new, 60-year missile range agreement worth about \$2.3 billion.

In both the Federated States of Micronesia and the Marshall Islands, Compact negotiators realize that they can't get a nickel more out of U.S. negotiators. For the FSM, U.S. control of spending power coupled with a low financial offer has led prominent politicians to call for FSM Congress rejection of the Compact. In the Marshall Islands, Compact negotiators say that they were prepared to sign off on the Compact were it not for last-minute U.S. demands to amend immigration provisions.

But the negotiations with both the Marshall Islands and the Federated States of Micronesia have been one-sided affairs with the U.S. refusing to come through with funding that, for it, is truly a drop in the bucket. Both island governments have used U.S.-supported Asian Development Bank economists to develop economic plans for the next 20 years of Compact funding—and then, ironically, the U.S. has refused to provide the level of funding that these economists say is bottom-line necessary.

The problem is more acute in the FSM, where the bottom-line position is \$84 million but the U.S. final offer is \$76 million a year. The Marshall Islands is seeking \$36.6 million per year and the U.S. "final offer" is about \$34 million.

The U.S. is also taking control of fi-


nancial decision making through an economic management committee in which it will command a three-to-two majority.

The U.S. government, which spends \$100 million per missile test at Kwajalein can't find an extra \$3 or \$4 million annually in its defense budget for Kwajalein rent? Or for the FSM or Marshall Islands governments? It's not credible.

What the US is telling the Islands is clear: The Cold War is over so the islands are of greatly reduced military value. The Marshall Islands and FSM did not use the money they received properly in the first Compact, so they're going to pay a price.

In Compact One there was neither the time nor the impetus for serious economic development. Political and strategic considerations—terminating the U.N. Trusteeship, keeping the Russians out of the Micronesian area—took top priority in the 1980s. Now there appears to be an incentive for economic development, but if the governments are forced by U.S. Compact funding policies to drastically reduce services and employment at the outset of Compact Two, will serious development be possible?

The U.S. is unwilling to provide a few million dollars more to its staunchest of allies, but it is spending tens of billions of dollars to attack Iraq, and planning to inject billions more to put Iraq back together again.

A one-way relationship is not what the first Compacts of Free Association intended. But clear away the rhetoric and that's the view from Washington: Take it or leave it. And Washington is counting on the two nations' inability to do the latter. 

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OCEAN FORUM



Attentive...delegates at the Ocean Forum in Suva.

SEA OF INDICATORS

SPREP's Takesy's ocean wealth list

SINCE A LOT OF THE PACIFIC OCEAN IS A VAST empty space, apart from heaving waves, cruising seabirds and a cruising whale or two, the true value of it is not that obvious.

Asterio Takesy, the director of the South Pacific Regional Environment Programme (SPREP), produced some indicators of what the ocean is worth.

The entire area of the Pacific Ocean is 155.557 million sq kilometres or 28 percent of the Earth's surface.

Pacific Islanders own about 30 percent (about 32 million sq kilometres) of all the area of the world's 200-mile zones.

They have less than 600,000 sq kilometres of land distributed between about 200 islands and about 2500 low ones and 75 percent of it is Papua New Guinea's.

Their sea area is more than 50 times bigger than their land area. Of the region's 7 million

people, 70 percent live in Papua New Guinea. Some populations are rising by as much as four percent a year while some are shrinking by one percent.

Generally, all the region's town areas are fast growing ones. Kiribati's capital, urban Tarawa, in 2000 contained 43 percent of Kiribati's 86,000 people; the density in 2003 of 2330 people per sq kilometre is one of the world's highest rates.

For the islands, high populations usually cause bad pollution of the immediate coastal and ocean areas.

The Pacific Ocean allows low-cost sea transportation between East and West. It has extensive fishing grounds, offshore oil and gas fields, minerals, including so far untapped deep sea minerals, and sand and gravel for construction.

The Pacific's role in affecting the world's

weather is still not fully understood but there's little doubt it affects the entire global climate

In the early 1990s the South Pacific Commission estimated that the region's annual coastal fisheries catch was about 108,000 tonnes with a market value of about US\$262 million if it was all sold.

It's probably a lot higher now.

Pacific Islanders each produce an average of about 15 kg of marine stuff a year; take away 3 million inland Papua New Guineans and the figures jump to about 27 kg.

Around 80 percent of the inshore catch is for feeding the family and about 20 percent is sold.

These figures don't include shrimp farming and pearl production, together earning more than US\$100 million.

The Pacific Islands tuna fishery is the world's largest with 1.89 million tonnes caught in 2002, of which 500,000 tonnes came from the Philippines and Indonesia.

Pacific Islanders collect only about an estimated US\$60 million a year for selling fishing licenses to foreigners. That's only five percent of the catch's landed value.

By the end of 2002, about 3000 islanders were working as local tuna catchers and 5500 others were ashore with fisheries related jobs.

So far, due to lack of financial viability, inappropriate technologies and perhaps not enough research, deep-sea minerals are essentially untapped.

There's no doubt that there's a lot of minerals lying on the floor of the Pacific. Using thermal gradients (differing temperatures and different depths), it might be possible to generate power.

While tuna is the only oceanic fish stock now caught commercially, there could be valuable deep-sea fish and invertebrates, like squid.

The Pacific's beauty sells tourism.

Finally, bio-prospecting has interesting potential. Some valuable compounds are being extracted from sea life already for medical and other purposes. Much more of the like could be awaiting discovery down there. □

Land
Lorenz Collection

although bringing in useful revenues.

The mine with the smoothest history has perhaps been Lihir, at whose centre stood a red, jagged, oxidised rock known to the 7000 Lihir islanders as the Ilaia—the place where many believe their souls would enter the next world.

Painted on the side were the sombre words Matan Kanut (“Gate of Spirits”). The Ilaia might be seen as a metaphor for the development trade-offs inevitable when a people who have felt isolated for decades suddenly find “progress” within their grasp. The Ilaia itself has long been milled. In such societies, said Colin Filer and Richard Jackson in their impact study on Lihir, landowners were originally primarily owners of “knowledge.”

But “if they have since come to be defined as owners of land, that is partly because land has increased its value, while that of traditional knowledge has been eroded.” In much of PNG, the lack of adequate educational input has left land, held communally, as the sole asset.

These enclave projects were described by two-time prime minister Paias Wingti as “PNG’s engine for growth.”

New Age El Dorado

At the Seville World Expo in 1992, PNG promoted itself as the “New Age El Dorado of the South Pacific.” But all that glitters...produces few jobs, and governments have yet to find the missing link between resource wealth and sustained, broad-based growth.

Decently administered services would probably come closest to this great goal. But typically, when he became Finance Minister for the third time in 1992, Sir Julius Chan said: “I don’t want to be a mechanic any more, minding the nuts and bolts. I

am prepared to take risks, a bold step to revolutionise the whole economic structure.”

The enfant terrible politician John Kaputin was in 1979 (four years on from independence) charged with failing to file company returns. He was then Planning Minister. Somare’s Justice Minister Nahau Rooney—her husband Wes, an Australian, was later shot dead, back home in Manus—wrote to the public prosecutor about the Kaputin case, and also to the chief justice about a deportation case involving a Guyanan academic, urging intervention.

As a result Rooney was herself jailed for contempt. Somare let her out using the Cabinet’s power of mercy, and most of the senior law officers quit, many leaving PNG. The great game of unseating governments was on. Okuk smelt blood and battered against Somare, but it was Somare’s former Finance Minister Chan who finally finessed the parliament and won power in 1980.

The father of the nation, unthinkable, was deposed. The genie of political ambition for one and all was out of the bottle; politics became the prime route to wealth, and politics soon became the economy too. Soon Somare’s Pangu party colleagues were vying for succession.

His first inclination was to shock his long-term associates and back a young Highlander, Paias Wingti.

But Somare held on too long, Wingti quit the party, and soon enough he took his first—and initially impressive—spin as PM. He was a breath of fresh air, a direct speaker, apparently with a good understanding of business.

But ultimately the same paralysis gripped all of PNG’s leaders. They had no patience for the prime but uncharismatic task of delivering services. Instead, they focused their efforts on seeking the holy grail, the Next Big Thing that would solve every problem

Scene Three

The most extraordinary story I have ever covered was found 3000 metres high in PNG, in 1988. There, 10,000 Highlanders were clawing a billion kina of nuggets from the muddy slopes of Mount Kare.

On the way up, I had encountered Sydney accountant Ron Mealing at the Plumes and Arrows Inn, just outside Mount Hagen. He had hoped to enter the gold field as a buyer but gave up: “It’s very, very wild up there,” he said, shaking his head. “I realised Western rules do not apply here.”

Another Sydney-based syndicate had unwisely advanced money to Papua New Guinean gold buyers, but they did not return the advances. A well credentialed Australian “collector” was dispatched to recoup the situation, but he failed to make the anticipated impression on a people toughened by constant tribal fights, and himself retreated.

At the site of the gold haul, which I reached by helicopter, air was comparatively peaceful. There was little tension in the air, just an ancient, palpable, almost sacred preoccupation with getting rich the quickest way known to man. Many diggers carried bows and arrows and knives, but they were principally used in optimistic hunts for the occasional possum, cassowary or tree kangaroo to supplement their terrible diet.

Biscuits are sold for K2.50 each in a “market” area of flattish mud, frozen chickens for K150, Coke cans for K12.50. Prostitutes arrive with the chickens by chopper.

The focus of attention is a section about a kilometre square near the top of a gently sloping, grassy valley, now knee-deep in mud tanks to tropical rains and incessant gold panning and sluicing.

On the day I am there, local MP Tom Amaiu, who has a connection with the area through one of his four wives, arrives with a load of trade store goods, carrying a flare gun for safety.

Card games are under way everywhere, adults bidding in thousands of kina, the many children, in hundreds.

Buyer Rex Kekaip weighs a nugget, tunes in on his short wave radio to the BBC world service and waits for the London metal prices to come up.

When they do, he brings out his calculator and offers K12,000 cash. The digger considers the price and decides to hang on to his nugget for now.

Back in Mt Hagen, the Toyota dealer is struggling to keep up with demand. He describes how an eight-year-old boy comes in to the showroom and asks to sit in a top of the range four-wheel drive vehicle. They humour him. The next day he comes in, pays K50,000 cash and asks his uncle to drive it out.

Bill Searson, then Minerals Secretary, whose father Joe prospected in the area in 1950, before marrying a PNG woman and settling down in Port Moresby, said some in the industry were nervous about the unruly turn of events at Mt Kare. “Personally,” he said, “I’m clapping for joy.”

Nauru communications cut off

CANBERRA, Aug 17 - The tiny South Pacific island nation of Nauru is without communications after disgruntled landowners cut off the nation's telecoms centre, Australian officials said on Thursday.

A spokeswoman for the De-

partment of Foreign Affairs and Trade (DFAT) said the telecommunications centre on Nauru, 4000km northeast of Sydney, was one of several government installations taken over by different groups of landowners.

But she dismissed reports in

the Australia media that former President Rene Harris had made a power grab to oust current President Bernard Dowiyogo, who was re-elected in April.

"This is part of a landowner dispute that has been ongoing since December 1999 when all government land leases on the island expired," the spokeswoman told Reuters. "The Nauru authorities are working on resolving the problem through the courts. There is nothing to indicate that a power grab is under way."

The traditional landowners are demanding the government pay them rent allegedly owed to them from these occupied lands. They took over the telecommunications centre on Thursday.

With a population of just over 10,000, Nauru is one of the world's smallest republics, with its phosphate exports giving it one of the highest per capita incomes in the developing world.

Australian Foreign Minister Alexander Downer said there was no sign the landowner dispute in Nauru had been fired up by turmoil in South Pacific neighbours Fiji and the Solomon Islands.

"It is not so much a broader political problem but just some grievances that some particular landowners have. I don't think there is anything more to it or less to it than that," Downer told reporters. —Reuters

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King Size Golden Series Ensemble

normal price ~~\$1999~~

promo price **\$1399**

base & mattress

Queen Size Golden Series Ensemble

normal price ~~\$1599~~

promo price **\$1099**

base & mattress

Single Size Golden Series Ensemble

Leases end, farmers lose cane

SEVENTEEN farmers have been told not to harvest their sugarcane after the grace period to their agricultural land lease expired before the crushing season began this year.

And 300-400 farmers in the Northern Division have been advised to harvest all standing crops before the season ends because their grace period ends soon.

The effort and the hard work of the 17 farmers in Lagalaga and Wainikoro has been wasted and nothing can be done about it, the Native Land Trust Board says.

The farmers were told that the Fiji Sugar Corporation would not accept the harvested cane because it now belonged to the landowners and the Native Land Trust Board.

NLTB regional director Emosi Toga said affected farmers were given one year to harvest the cane and prepare to move off of the land before the grace period expired.

"We can only sympathise with them but there's nothing we can do," he said.

Mr Toga said farmers whose crops have not been harvested and grace periods had ended should leave their crops alone.

"It's the law, it is clearly outlined under the Agriculture Landlord and Tenant Act and they should abide by it," he said.

Mr Toga said the NLTB, on behalf of landowners, was applying for cane contracts from the Sugar Tribunal to have the crops harvested before the crushing season ended.

Money from the harvested crops are expected to be given to the landowners.

Har Bali, 68, of Lagalaga said the directive was unfortunate and farmers were once again victimised.

Mr Bali, now a cane cutter, owns 280 tonnes of standing cane which he says he will not harvest after being told the FSC would not accept the crop.

He said farmers should be allowed to harvest the last of their crops before the landowners take back their land.

Byas Chand said the Government should intervene and allow them to harvest their crop.

"We are appealing to the Government to help us and the FSC to look into the problem," he said.

Mr Chand said they had worked hard on their farms and had not expected to be told not to harvest their crops.

"Where will we get money for food, for the education of our children and lives in general? They should allow us to at least harvest our sugarcane before taking away the land," he said.

However, Mr Toga said landowners should not be blamed because farmers were given more than enough time to prepare to move out when their grace period expires.

"What can we do about it? If their crops are not harvested then that is entirely their fault," he said.

Farmers said the board had given them forms to apply for residential leases because agriculture land leases would not be renewed.

INSIDE TODAY

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TV Guide,

FEATURE

more, or less

Fiji Times

25/9/99

LAND is most probably the single-most important asset of the Fijian.

It is part of his very being.

Without the land the Fijian is nothing.

From the land he derives a living.

On this land he build his home and accommodates his neighbours.

It is a gift which can be given to close relatives.

The land is the Fijian.

It is part of his blood.

Little wonder, then, that it is such a touchy subject.

Little wonder, then, that it is so difficult for him to let go of this.

It's a little like taking a rope, climbing a tree and then hanging yourself.

For other races the Paraquat bottle offers an alternative.

How long will it take for the non-indigenous Fiji Islanders to realise just how sacred the land is to the iTaukei?

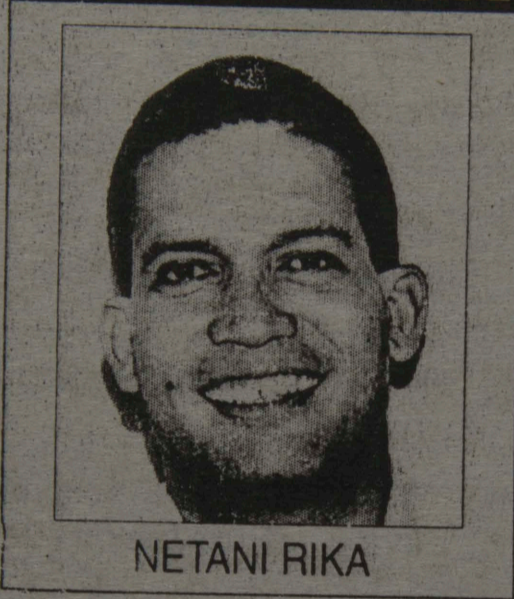
For more than 100 years we have lived together yet we do not bother to find out about each other.

Mahen and Co. have made their promises to the farmers.

These must now be met. And that means paying \$28,000 to each displaced farmer.

The farmers knew at the beginning of the lease that there was every like-

ON THE BRIGHT SIDE



NETANI RIKA

lihood the agreement would not be extended. That is the very nature of a leasehold agreement.

It runs out in the end.

And so what do you do?

You make arrangements before, that's right, before the lease expires.

The average Fijian believes that if you give an Indian an inch he will take a mile.

Give him a hectare and he'll want a province.

If you are so good as to give him 99 years for a lease he'll want it on a freehold title.

And he'll give you a rotten deal.

To be fair, this is not true of every member of this immigrant race.

However the Government's actions on ALTA so far have only served to give credence to the Fijians' belief.

On top of that comes the fact that the Farmer's Coalition, sorry, the National Farmers Union

Wait, we'll start again.

The People's Coalition has suggested a payment of \$28,000 to displaced farmers.

This week Tups — the acting prime minister — says Fijians should get \$10,000 if they decide to farm their land.

Isn't that generous?

After being paid next-to-nothing rent for years and the farmers making money off the land everybody is paid.

But the farmer gets 28 grand and the landowner 10.

This is supposed to be fair?

For a Government which promised equal opportunity and fair distribution of wealth this is a joke.

Get it right Mahen.

There is only one way to be fair and to solve ALTA.

When the leases end remove the farmers.

Resettle them on State land with the option to buy.

Let the Fijians farm their own land.

And don't pay either group a single cent.

Unless you want to give it from your own pocket.

Landowners seek owner Council wants land law review

Reports by
MARGARET WISE

NADROGA landowners want ownership rights to all foreshore lands and mineral resources extracted from land that belong to them.

And, endorsing the wishes of the landowners, the Nadroga Provincial Council has called on the Government to review all legislation governing ownership of these two issues.

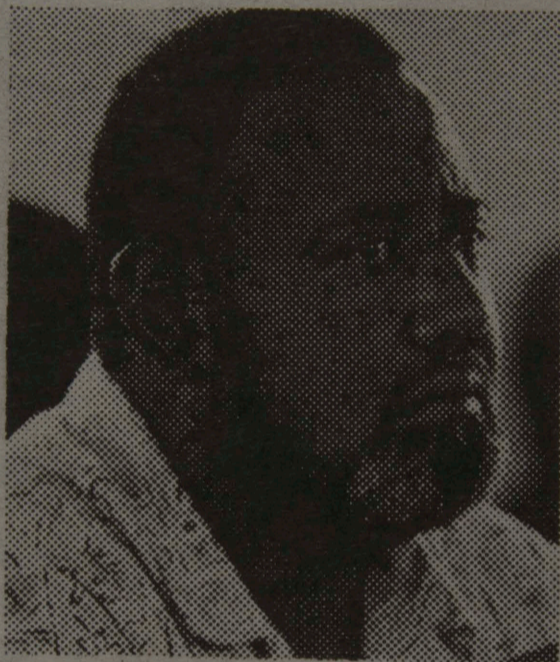
They want a review to allow the transfer of these rights to the landowner.

The resolution emerged amid concerns over the manner in which government "chose" to handle matters affecting indigenous interests.

Council deputy chairman Kaminieli Burogolevu said they fully supported the position of the Native Lands Trust Board and had faith in "its judgement because it was specifically set up by Ratu Sukuna to look after the landowners' interests".

Delegates said they could not understand why landowners should be deprived of owning and directly benefiting from resources "that rightfully belong to us".

"It is my land and I don't understand why government should come in and



Qarikau

issue licences to investors and claim ownership over something that is found on my land. It is just not right and not fair," one delegate said.

The concerns raised against government at the two-day meeting were many and included:

- The delay in the return of Crown Schedule A and B lands. GCC chairman Siviveni Rabuka and Native Lands Trust Board general manager Maika Qarikau told the meeting that all land falling under these two categories were originally native land;

- Government's lack of consultation with Fijian institutions. That several laws affecting Fijians and native land were being introduced without prior consultation or input from institutions established to

serve and protect the interest of Fijians.

The legislation identified include the Sustainable Development Bill, Freedom of Information Act, Constitutional Amendment Bill, the Affirmative Action and Social Justice Bill, Code of Conduct, and the proposed establishment of a Land Use Commission;

- The bypassing of NLTB on issues affecting native land. And this includes government's latest attempt to bring the LUC concept and mahogany forest sale before the GCC when it meets at the end of the month.

As advisers to the GCC on matters relating to native land, the feeling was that the issue should have been taken to the NLTB first; and

- The revelation that all NLTB records would be subject to the Freedom of Information Bill.

Landowners felt the Bill should apply to the central government and other authorities that were funded by taxpayers.

These were the institutions that were accountable to the people and the landowners felt the Bill would be invading on the privacy as it meant subjecting to public scrutiny, land dealings between landlord and the tenant.

Fiji Sun 24-11-2007

Don't touch landlords

A stern warning has been issued to the Interim Government against trying to force the use of native land.

Viti Levu Resource Landowners Association president Ratu Osea Gavidi was reacting to the proposed land reform announced by interim Finance Minister Mahendra Chaudhry.

"We are not going to allow the Interim Government or the Native Land Trust Board to develop our land," Ratu Osea said.

He said they had no faith in the interim Prime Minister Commodore Voreqe Bainimarama-led interim government.

Former Opposition leader Mick Beddoes said any changes in land legislations could only be made by Parliament.

This was his reaction to the new land reform.

The land reform appears under the People's Charter and Mr Beddoes said this had no legal basis.

Under the reform, the Ministry of Lands will make sure better access to land and improving utilisation as identified below: -

- Review ALTA and recommend legislative and institutional arrangements that will enhance constructive dialogue, cooperation as well as better access to and more effective and productive utilisation of land for the mutual development of landowners and tenants as stakeholders;

- Identify suitable land for commercial and agricultural developments and mechanisms for facilitating ready access and systems for sharing information on land development strategies;

- Recommend leasing and rent fixing approaches that will be fair



and just and enhance security of tenure; and

- Recommend measures to provide land for housing and sustenance for displaced families and communities

Fiji Cane Growers Association general secretary Bala Dass said ALTA could only be amended by Parliament with the support of two thirds of its members.

This also applies to any change in land legislation, he said.

On the new rent, Mr Dass said Mr Chaudhry had misguided the farmers as he was not firm.

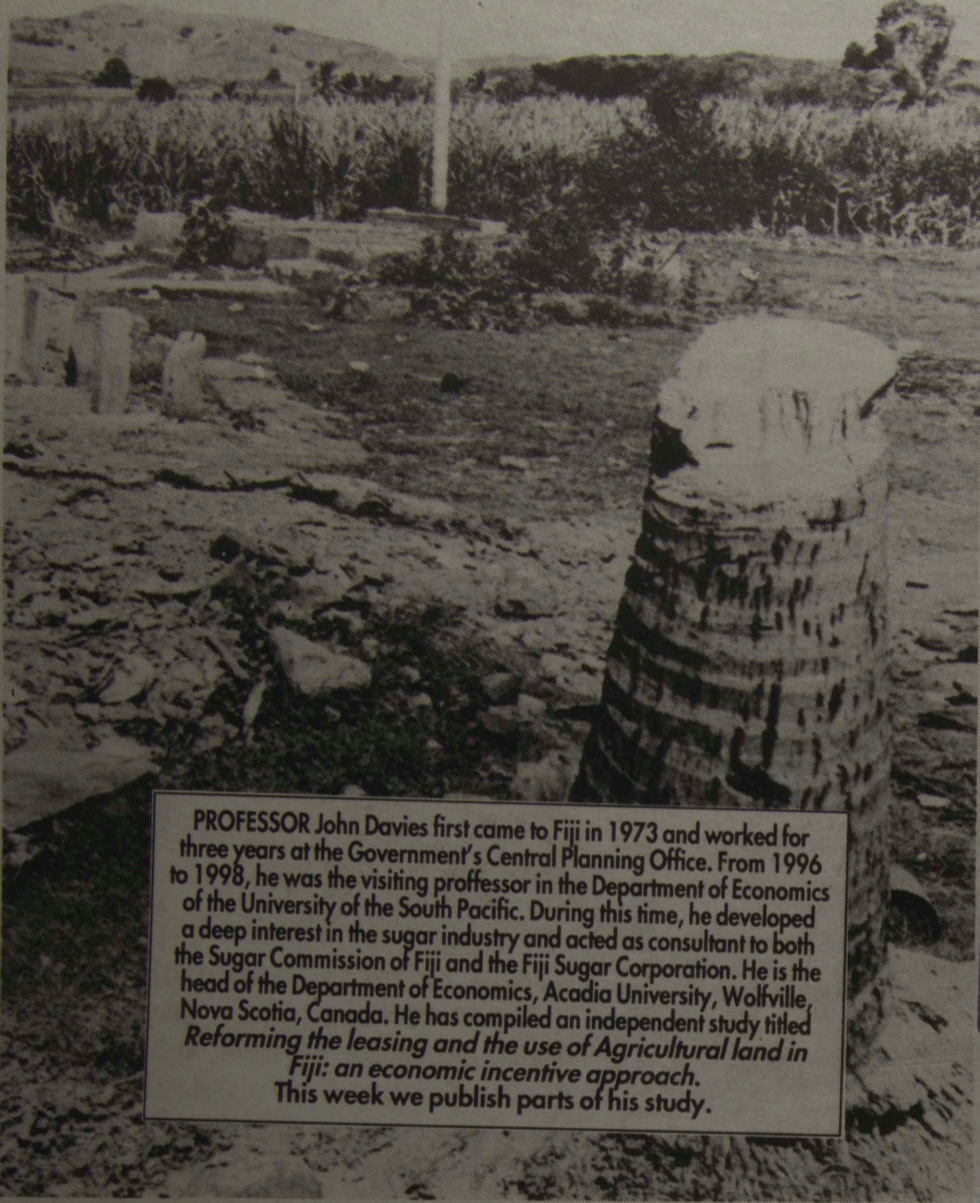
Last year, he rejected ALTA amendment because he wanted land rent to be decided by the tribunal.

The Fiji Labour Party had submitted to the parliamentary ad hoc committee on land that it wanted ALTA retained and that land rental system be based on up to a maximum of 10 percent UCV

Under ALTA, rent can be disputed through the Land Tribunal whose decision will be final and in most cases favoured the tenants.

Mr Dass said Mr Chaudhry was now changing tune again.

NLTB general manager Semi Tabakanalagi was in a meeting and could not make a comment.



PROFESSOR John Davies first came to Fiji in 1973 and worked for three years at the Government's Central Planning Office. From 1996 to 1998, he was the visiting professor in the Department of Economics of the University of the South Pacific. During this time, he developed a deep interest in the sugar industry and acted as consultant to both the Sugar Commission of Fiji and the Fiji Sugar Corporation. He is the head of the Department of Economics, Acadia University, Wolfville, Nova Scotia, Canada. He has compiled an independent study titled *Reforming the leasing and the use of Agricultural land in Fiji: an economic incentive approach*. This week we publish parts of his study.

Land woes bigger than they appear

IT would be difficult to underestimate the magnitude of the problems relating to the use of agricultural land in Fiji.

Likewise, it would be difficult to understate the intractability of these problems — of exactly how difficult it has proven to be to discern an enduring solution.

And it is not through lack of effort. Each government since independence, as well as the colonial regime before, has had no choice but to grapple with the land issue.

Their failure to reach an acceptable solution has resulted in the human tragedy currently unfolding with the expiry of the Agricultural Landlord and Tenant Act (ALTA) leases.

The displaced tenants, wondering where to go, what to do; the landowners, incredulous that until now no one had planned for the expiry of leases, and offended over the consternation that seems to accompany any actual exercise of their constitutional rights as landowners; and others, in between not knowing quite what to say.

But in contemplating previous policy failures one must be tolerant.

For in the land we have the conjunction of economics, politics, history, sociology, ethnicity, law, tradition, and even spirituality.

Land effectively distils and volatilises all that is actually and potentially flammable in the nation state of Fiji.

It must be treated with caution. The very combustible character of land doubtlessly induces a desire to stay well away from it.

This is equally dangerous. The pressures that have been building over the last generation, if ignored, or if bottled up for yet another, could well prove too much to contain. The creation of an enduring policy safety valve, therefore, is absolutely vital.

Despite the heated sentiments that appear almost daily in the press, the conditions at the present time are particularly appropriate for the creation of such a much needed policy safety valve.

The goodwill evinced in the creation of the 1997 Constitution still remains, peaceful. Its society and body politics is thankfully free of radical elements. The timing, then, is right and the opportunity must be seized.

This study is motivated by a belief that many stakeholders whose livelihood directly, or indirectly, depends on land, and many individuals who are in a position to influence policy, have not fully appreciated the economic realities that cumulatively and qualitatively have been changing landowner behaviour — in particular, the increasing desire of individual *mataqali* to be free to determine the disposition of their lands.

Not only has this left the nation, by and large, unprepared for the expiry of ALTA, but it has also induced a widespread, but quite probably erroneous belief, that solutions to the land problem may lie in an extension, or a mere modification, of the legal and policy status quo.

However, in this study it is suggested that the interests of the principal stakeholders — landowners and tenants — along with the health of the economy as a whole, can only be properly served by a land policy that takes to its very heart the economic incentives that shape and influence the behaviour of individuals.

Accordingly, the objective of this study is to develop a land tenure policy explicitly oriented around economic imperatives.

While this approach was selected with the particular view of remedying the specific problems generated by Fiji's unique land tenure system, it is important nonetheless to recognise that,

"A massive transformation of land man-

agement is occurring worldwide from being located in institutions for "public" decision making to a substantially greater degree of "privatisation" of land management. The moving force behind the privatisation of land management is the politico-economic decision to establish dynamic market economies!"

Thus, in experiencing pressure for greater and more sustainable agricultural productivity, and the need to solve the unexpected social and economic side effects relating to its land tenure legislation, it is important to recognise that Fiji is not alone.

Conditions in Fiji are unique, but the category of its land tenure problem is not. Accordingly, the study looks at what lessons Fiji may learn from the rest of the world. Specifically, the study identifies the national interest regarding agricultural land as being served by the creation of an institutional mechanism that will enable leasing transactions to be based on the informed consent of both landowner and tenant.

In the process, leasing arrangements will be mutually beneficial to both parties. And with intelligent, mutually beneficial contracts, the potential for discord will be considerably, if not totally, discharged.

The market is proposed as the mechanism that can most expeditiously promote this result. A market orientated land policy has the further advantage of removing the dangerous ingredient of politics from leasing transactions.

With respect to rents — the lynch-pin of any leasing transaction — the study contends that within the context of mutually beneficial contracts, and given the magnitude of the tenant community, the national interest requires the identification of a rental structure that simultaneously provides the maximal incentive to the landowner to lease out his land, the maximal incentive to the tenant towards sustainable productivity, and rewards the tenant with a demonstrably fair share of gross agricultural proceeds.

A structure that achieves these precise objectives, which reconciles the seemingly opposing interests of landlord and tenant, is identified within the study.

The study also recognises that land policy in Fiji is not just about leasing. It is also about the desire of some *mataqali* to resume cultivation of their ancestral lands. The study analyses the opportunities and the pitfalls present in this desire, so that again, informed consent can drive the decision.

The other side of this coin is the need for a policy to mitigate the hardship suffered by tenants whose leases expire; to prevent the homelessness and financial losses currently associated with lease non-renewals.

In the background to all the above are the twin economic concerns of efficiency and equity. It is contended that the market solutions proposed in this study offer the best guarantee of the kind of land use that will safeguard the interests of the economy in general, and sugar, in particular.

Likewise, the market solutions offered, when combined with the suggested modest regulatory constraints, serve the interests of equity; and, in the process, promote friendly relations between landowner and tenant.

Of course, one can only hope to arrive at an acceptable policy if the real problems and fears of each party are clearly recognised.

Each must know that their concerns have been explicitly taken into account.

Equally, it would be foolish to advocate a major change in policy without demonstrating the weakness of the status quo.

It is important to recognise that Fiji is not alone. Conditions in Fiji are unique, but the category of its land tenure problem is not.

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