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TONGA

The system of land tenure which has existed in the Kingdom of Tonga since the last decades of the nineteenth century is of more than passing interest to those concerned with land-holding systems and the agrarian problems of the Pacific Islands, for in many respects this system differs quite significantly from the land tenure systems of other parts of the South Pacific. There are two particularly distinctive features of the Tongan system. The first is the legal provision that every taxpayer (i.e. every male Tongan aged sixteen years and over) is entitled to a tax allotment of just over eight acres for gardening and a small town allotment on which to build his house. The second is the fact that land rights are granted solely to individuals and in law are not shared with kin groups such as the extended family or with the tribe or village community. Such features, and others to be described later, raise a number of questions. Firstly, does the present system differ significantly from that of the pre-European past, or was the traditional Tongan system also different to that found in neighbouring territories? Secondly, how effective is the system in actual practice, and does it provide a sound basis for agricultural development? Thirdly, are changes necessary to cope with the land problems raised by the rapid growth of the Tongan population? The following sections will attempt to provide an answer to these questions.

The 150 islands which form the Kingdom of Tonga are scattered over some 450 miles of ocean in Western Polynesia, and with a total land area of only 256 square miles they support a population of about 78,000 persons. There are no minerals, the Kingdom's only natural resources are the soil and the surrounding reefs and seas, and the economy is overwhelmingly agricultural. Over 90 per cent of Tongans live in the three main groups of Tongatapu, Ha'apai and Vava'u, where the islands are of raised limestone formation. The surface of Tongatapu is flat or very gently undulating and as in all the islands of this type there are no permanent streams. The islands of Ha'apai are small, low and scattered, while those of Vava'u are

higher and have a terraced appearance, with stretches of level to undulating land at different heights separated by moderate to fairly steep slopes. All the raised limestone islands have been covered by a layer of volcanic ash and the soils are therefore much more fertile than those derived only from coral limestone, and a very high proportion of the total land area (over 80 per cent) is suitable for cultivation, although a small part of Vava'u is too steep for gardening. The main soil type is a fertile loamy to clayey soil, termed kelefatu by Tongans, which covers most of Tongatapu and Vava'u and much of Ha'apai. The other main type is tou'one, a sandy and less fertile soil found at low elevations near the sea. Although present in all islands of raised limestone formation it is proportionately most important in some of the low small islands of Ha'apai, where it has a significant effect on the pattern of land division. On Ha'afeva (see Figure 1), for example, most landholders have their holding in two separate roughly two-acre sections, one of kelefatu and one of tou'one. Elsewhere in the raised limestone islands local variations in land quality are not sufficient to affect land tenure.

TRADITIONAL LAND TENURE

An understanding of the traditional land-holding system of Tonga is necessary if one is to answer the first question raised earlier, but unfortunately such an understanding is not easily reached, for much more research remains to be done, and the evidence so far available is inadequate and sometimes conflicting.

The smaller social groupings of pre-contact Tonga were fundamentally kinship groupings. The basic unit was the household or 'api', which generally consisted of a married couple, their unmarried children, any married sons with their families, and perhaps one or more other relatives as well. Descent was usually, although not always, reckoned patrilineally, and a number of households whose members considered themselves to be related by descent through males from a common ancestor formed a lineage or kainga.^x The kainga was headed by an 'ulumotu'a', who usually held an

x The correct term for this group in pre-contact Tonga is uncertain, and today Tongans use the word famili, from English, or matakali, which is presumably of Fijian origin.

hereditary title as matāpule, foha or tehina^x to the chief. Since

x The matāpule are the chief's attendants and spokesmen; foha and tehina are minor titles under a chief.

membership of the kainga was generally reckoned through the father, and since residence on marriage was usually with the parents of the husband, the members of the kainga lived mostly in the one area.

Several kainga together formed the group subject to the authority and control of a chief. One of these kainga was the lineage of the chief himself, while some or all of the others were believed to be related to him by descent from a common ancestor. However, some kainga were founded by outsiders who attached themselves to a chief, often as matāpule (Gifford 1929: 140-41). A group of related titled chiefs formed a ha'a and claimed to be connected by descent from a common ancestor. The ha'a was partly a kinship group, in that its chiefs considered themselves to be related to each other and to most of the people under them, but it also had the character of 'a political association of people around a lineage core' (see Nayacakalou 1959:95). On Tongatapu the ha'a evidently formed rough but not completely exclusive territorial units.

The broad features of this pattern of social structure were reflected in the land tenure system, but there are some significant aspects of this system on which interpretations of the evidence available differ. Some evidence suggests that the Tu'i Tonga was the nominal and the chiefs the actual owners of the land, and the commoners simply tenants at will (see Gifford 1929:174-75, Nayacakalou 1959:94-97 and Beaglehole 1941:19) but such terms as 'owner' and 'tenant' must be suspect when applied to a Polynesian culture. Other evidence suggests a pattern resembling that found in neighbouring territories, where land rights were held by social groups but were vested in the titled head of that group. Gifford, for instance, notes that land once granted, whether to chiefs, matāpule or commoners, remained indefinitely in the family of the original holder (see also Martin 1818: II: 91); Waldegrave and Radcliffe Brown record that the Tu'i Tonga could not dispossess a chief (Waldegrave 1833:185 and Williamson 1924: III: 266); and the evidence of contemporary informants

suggests that it would have been unusual for a kainga to have lost their land except through warfare (see also Williamson 1924:III:231). It was also noted earlier that the kainga and the group headed by a chief were basically kinship groups and occupied fairly distinct areas, and several recent but knowledgeable informants maintain that in old Tonga a chief allocated land to the various 'ulumotu'a under him, for their people to cultivate and live on, and that a man therefore obtained the use of land through his kainga, and not as a direct grant from his chief as is the case in the present system. A possible example of this pattern can be seen in Figure 1. The first map of Niutoua, in eastern Tongatapu, shows the pattern of land division around 1910, and the landholders at that time can be grouped into three kainga, each occupying a particular part of the land.^x One kainga was headed by the former chief of the area and the others

x The crosses mark allotments held by persons not belonging to the same kainga as the rest of the landholders in that area.

by his two matāpule.

FIG. 1 Land division: some examples

The pattern of land-holding within the kainga also needs to be mentioned. Most of the evidence suggests that in times of peace people lived in extended family groups scattered over the land (e.g. Orlebar 1833:49), and almost all contemporary informants state that allotments were held by the heads of these families, with married sons working the lands of their fathers and not holding allotments of their own as at present. Individual tenure, in the opinion of the writer, is therefore a recent development.

The evidence briefly presented above suggests a land tenure system in which the various social groups had definite land rights of their own. Yet there is little doubt that in Tonga these rights could be over-ruled by the chiefs, their power over land being much more extensive than in, say, Samoa, and a chief could allocate land even against the wishes of its hereditary occupiers. However, he was expected to take the interests of his people into consideration, and to act in consultation with the matāpule, tehina and 'ulumotu'a under him (see also Williamson 1924:II: 470-80 and III:119-21). Ultimate ownership of land was considered to belong only to the Tu'i Tonga, and the position of a chief seems to have been more that of a ruler of an area and its people than that of a landlord.

THE DEVELOPMENT OF THE PRESENT LAND TENURE SYSTEM

While the exact nature of the traditional land tenure system remains somewhat indefinite, the development of the present system, particularly as it exists in law, can be traced with a generally greater degree of certainty. The first major change came in 1852 when George Tupou, finally established as the ruler of Tonga, claimed all the land by right of conquest and told a meeting of the leading chiefs that 'No person has any title to lands in these Islands except by grant from the Government' (Amos, 18th November 1852), a move evidently designed to limit the power of his rivals. This claim was strengthened and brought into conformity with traditional Tongan feeling in 1865 when the remaining powers of the Tu'i Tonga were conferred on Tupou by the chiefs. The year 1852 also saw the introduction of the important principle that land could not

be sold to foreigners, although the leasing of land was permitted, under government control. By 1872, if not earlier, this prohibition was extended to cover all sales of land, whether to Tongans or to foreigners.

Other developments in land tenure resulted from a combination of missionary advice and persuasion, particularly from the Rev. Shirley Baker (a Wesleyan missionary who later became Premier), the King's own desire to elevate Tonga into the ranks of the civilized nations, and the need for government revenue. The 1862 code, which set the commoners free from forced labour and compulsory contributions to their chiefs, also stated that '...the chiefs shall allot portions of land to the people as they may need, which shall be their farm, and as long as the people pay their tribute, and their rent to the chief, it shall not be lawful for any chief to dispossess them...' (West 1865:434). Baker later claimed the credit for this provision, explaining that his aim had been to ensure that those required to pay taxes had the means to earn the necessary money (Rutherford 1966:), and this would seem to be the origin of the idea that each taxpayer is entitled to an allotment of land.

While the Constitution of 1875 elaborated and refined these principles, it also made provision for the granting of estates to the chiefs. Since 1852 all land had legally belonged to the King, and unoccupied land had come under the control of the Crown rather than the chief of the district in which it lay. Between 1875 and 1882, however, Tupou appointed a number of chiefs and matāpule as virtual landlords of districts, in most cases of the districts they had traditionally controlled, and gave them the power to lease areas of land to their people and, with the approval of Cabinet, to foreigners, with the rents being paid to the holder of the estate. The Constitution appears to have been the work of Baker, but the reasons for the change outlined above can only be surmised. Rutherford (1966:) suggests that 'The creation of a nobility was probably a move by Baker to enlist the support of the more powerful chiefs...', and there is little doubt that the political stability of the Kingdom was improved by giving both the King's main supporters and the highest ranking of his opponents secure and comfortable positions in the new order. Tupou himself also

stated at the opening of Parliament in 1875 'You are aware that the law of Tonga was up to this day that the whole of the soil of Tonga belonged to me; but this did not appear to me to be just and we have made an Ordinance as follows:- The estates really belonging to the chiefs of our land shall be theirs, and they and their descendants shall hold them forever' (Hunter 1963:2). However, some chiefs were not granted estates,, many areas remaining under the control of the King, and although the present holders of these chiefly titles are still respected for their rank they are now of minor importance, and their functions are purely ceremonial. The 'ulumotu'a, the heads of the various lineages under a chief, also lost position, for while in the traditional land tenure system they appear to have had some function in the distribution of land, under the Constitution control over land allocation on the hereditary estates was vested solely in the estate-holders, with individuals receiving land as a direct grant from their chief.

The 1875 legislation relating to land was in several respects incomplete, and when Baker became Minister of Lands in 1880 it was reviewed and a number of additions made and incorporated in an Act of 1882. This Act established the right of each male Tongan of tax-paying age to be granted a town allotment and a tax or bush allotment by the holder of the estate on which he lived. Tax allotments, which were to be inheritable in the male line, were to be 100 fathoms square, or eight and a quarter acres, except in western Tongatapu and in Ha'apai where they were to be only 50 fathoms square because of the greater density of population, a provision which was deleted by a later Parliament. Within each estate land was to be set aside for the title-holder and for his matāpule, but the provision for special holdings for matāpule was also later removed.

By 1882, therefore, the basic principles of the present land tenure system had been established, and major changes in the law since then have been few. In 1891 the Government was made responsible for the granting of allotments and the interest of the estate-holder was largely limited to receiving the rent, a change which appears to have been made by Basil Thomson (who was sent to Tonga by the British Government after the deportation

of Baker in 1890) in an attempt to reduce the power of the nobles over land (Thomson 1894:230). However, in 1915 estate-holders gained the right to be consulted before allotments were granted on their estates by the Minister of Lands.

There have also been changes in the regulations relating to the size of allotments. The Land Act of 1927 made provision for the grant of twelve and three-eighths acres of garden land to those men willing to forego their town allotment. This was an attempt both to stimulate agriculture by settling people on their farms, and to encourage those in densely settled parts to move to more sparsely populated districts. Little came of the provision, however, only 23 applications being received up to 1934, when the scheme was enlarged to permit grants of 15 acres. Although several estates on Tongatapu were laid out in 15 acre holdings population growth has led to all but one being re-subdivided into eight and a quarter acre allotments, and a recent amendment has reduced the area that can be granted under this provision to ten acres.

Finally, there have been some changes in the estates. In 1882 hereditary estates (tofi'a) were granted to 36 title-holders, 30 of them being nobles and six of them matāpule who, although given estates, were not made nobles. Any land not granted to a noble or matāpule ma'u tofi'a became the estate of the King, but in 1891 Tupou apparently handed over most of this land to the Government (Thomson 1894:231). Two more nobles were created and granted estates by Tupou II and one by Queen Salote. There are thus at present several types of estate: Royal estates belonging to the King, Royal Family estates held jointly by the Royal Family, hereditary estates belonging to the nobles and a few matāpule, and Government estates under the direct control of the Minister of Lands. About 60 per cent of the population lives on hereditary estates.

Having outlined the development of the present land tenure system as it exists in law we may now attempt to answer the second question raised at the beginning of this chapter, and assess the effectiveness of this system as it exists in actual practice. The following sections will discuss the acquisition and holding of land, the distribution of agricultural land

between households and individuals, and the question of individual tenure and its effect on agricultural production. Because of limited space the discussion is largely confined to Tongan-held agricultural land.

ACQUIRING AND HOLDING LAND

Probably the commonest and certainly the easiest way to acquire land is through inheritance. However, land cannot be willed and the heir to an allotment is determined by precise rules laid down in the Land Act. On the death of a landholder his widow is entitled to a life interest in her husband's town and tax allotments, but she loses this right if she remarries or is found by the Land Court to have committed fornication or adultery. This latter provision is occasionally used but in recent years actions based on it have rarely, if ever, been successful (see Hunter 1963: 109-10).

If there is no widow the land passes to the deceased holder's eldest son, or if he is also dead to his eldest son, and if there is no male heir through the eldest son then the land passes to the next eldest son or his male heir and so on. If there is no heir through the sons an unmarried daughter may hold the land for her lifetime, or until she marries or is proved in the Land Court to have committed fornication. Several unmarried daughters may hold jointly. If there are no daughters the succession passes to the deceased holder's brothers and their sons or, failing these, to the brothers of the deceased holder's father and their male heirs. No person may inherit land if he already holds an allotment of the same kind as that to which he is entitled as heir, but where the heir is a son or grandson of the deceased holder and already has land he may choose between his own allotment and the inherited allotment. Should there be no heirs the land reverts to the estate-holder or the Government, depending on the type of estate. Only legitimate sons may inherit, and only in very rare cases is an allotment divided between two heirs. These rules of inheritance do not necessarily follow Tongan custom. For instance, succession to an allotment cannot be traced through a female, and the son of a daughter of a deceased holder has no claim to the land of his mother's father, although succession to an hereditary

estate can be claimed through females. In actual practice, however, where there are no heirs through males the Minister and estate-holders usually allocate the land to the nearest other relative. A study of land acquisition in two villages showed that in one village an allotment had passed from a widow to her brother's son, there being no claimant from her husband's family, while in the other village six of the 48 landholders interviewed had gained their allotments from their mother's relatives.

With large families common it is obvious that many men will not be able to inherit land, and for them the only way of obtaining an allotment is to acquire one that is vacant. However, over the last two or more decades this has not been easy. In the more densely populated parts of Tonga all allotments have been occupied for some time, while in other districts the survey and subdivision of the land has not kept pace with the growth in the number of taxpayers. Up till 1957, in fact, only 2,564 eight and a quarter acre allotments had been marked out, although there were then about 12,000 taxpayers, and in the less densely settled areas where allotments should have been available much of the land remained in customary holdings of about ten to thirty acres in size (as is shown in the 1910 map for Niutoua in Figure 1). Since 1957, however, most of the remaining areas of Tonga have been subdivided by the Cadastral Survey, and the allocation of the new allotments will be described later.

The process of acquiring a vacant allotment has also been made more difficult by the fact that here the provisions of the law become entangled with matters of social structure and custom. Land cannot be acquired simply by applying to the Minister. On hereditary estates an applicant will approach the estate-holder or his representative for permission to use and register a tax allotment, having prepared the way with gifts of food. If there is land to spare the applicant will most likely be allowed to garden it, but will be told to apply again for registration in a year or so. One reason for this delay in approving registration has been to ensure that the applicant intends to work the land and shoulder his responsibilities to the village. All too often, however, estate-holders have delayed registration for reasons of position and personal advantage. Since the Emancipation of

1862 the chiefs of Tonga have lost most of their power over their people, but those granted estates still have a strong control over the allocation of land. Logally they have the right to be consulted before allotments on their estate are registered by the Minister, which in practice means that a person seeking land must get a form of approval signed by the estate-holder before applying to the Minister. And while by law the objections of an estate-holder to the grant of an allotment can be overruled by the Minister, few villagers would go to him with a complaint against a noble and, even if they did, the Minister apparently does not force registration if the estate-holder still refuses to give his approval. Some estate-holders appear to use this control over land allocation both to demonstrate that they still have power and as a way of maintaining their position. Delaying registration, and threatening to expel those using unregistered allotments, are effective means of ensuring that those hoping to get land, or those with sons or other close relatives hoping to get land, will conform to the wishes of the noble and provide food and other gifts on the appropriate occasions. In some cases even money has been demanded, and paid, before registration was approved.

Many estate-holders have therefore been reluctant to see their estates subdivided and the land fully allocated and registered, for although registration with its security of tenure does not at present seem to have much effect on the way in which people bear their burdens, it does reduce the effective power the estate-holders have over their people. This is probably the major reason why the survey and allocation of allotments has taken so long, and it is significant that before 1957 almost the only areas in eastern Tongatapu that had been subdivided into eight and a quarter acre allotments were the Government estates.^x A further reason is perhaps

x On a Government estate the process of obtaining land has generally been less difficult, but in recent years most of these estates, especially in Tongatapu, have had few vacant allotments.

the fact that in the less densely settled areas many of the existing landholders have in the past also been opposed to subdivision, for if a landholder did not have enough sons or other male relatives to take up all the allotments into which his customary holding was divided some of the land

would pass out of his family's control.

The last three years, however, have seen a near revolution in land allocation, the stimulus coming from the Royal Family and the Government. In 1957 a New Zealand firm was awarded a contract to complete the subdivision of tax allotments in the Kingdom and by 1962, when the Cadastral Survey (as it was termed) finished its work, only Niuatoputapu, Niuafu'ou and some of the smaller volcanic islands remained unsurveyed. The allocation of the new allotments has been unnecessarily delayed, perhaps for the same reason as suggested above, but by the beginning of 1966 most of the allotments in Tongatapu, and about half of those in Vava'u, had been granted, and it was hoped to allocate the rest within the next one or two years.

The allocation of the new allotments has been done village by village, and the holders of the pre-existing customary holdings have usually been given the right to allocate some or all of the new eight and a quarter acre allotments into which their land has been subdivided, although their nominations are subject to the approval of the estate-holder, if on an hereditary estate, and of the Minister. Most of the new allotments have therefore gone to the sons and other male relatives of the old landholders, but some allotments have been left for the estate-holder or Minister, and sometimes the old landholder, to allocate to non-relatives. In a rough sample of allotments on two hereditary estates on Tongatapu it was found that 77 per cent had been granted to relatives of the old holders. Where land has been granted to non-relatives some estate-holders have largely chosen people who by descent belonged to the village, while others have been more willing to allocate land to people who have settled in the village in the hope of eventually getting an allotment, although this has sometimes caused resentment on the part of local people left without land. In the sample mentioned above 29 per cent of the allotments in one village had been granted to newcomers compared with only ten per cent in the other, and in the latter village probably a higher proportion of the local people given allotments were boys under 16 years.

For his tax allotment a Tongan pays an annual rent of eight shillings

direct either to the Government or to the estate-holder. On many hereditary estates, however, the title-holder does not collect this rent in money, but instead calls for contributions of food and other materials needed for particular occasions, and these contributions may well amount to considerably more than eight shillings in value in any one year.

Eviction from a registered allotment is rare, and provided a landholder complies with the requirements of the law he has completely effective security of tenure, for all cases for eviction must be heard by the Land Court. Ejectment may be for failure to pay rent, for not maintaining the allotment in the average state of cultivation for tax allotments in the district, for abandoning the allotment or for not planting or tending the 200 coconut palms required by law. In recent years cases for eviction have only been brought on the grounds of failure to pay rent, and as the law gives landholders the opportunity to pay within three months of the judgement very few people have actually lost their land. Security of tenure is therefore very much greater under the present system than it was in the past, both for those with a registered title to their land and for those with only a customary claim. The Land Court has on several occasions held that registration is not the only test of ownership (Hunter 1963:104-106 and 121-125), and where a person occupies land which is considered to be his by customary right and which has been held by his family for some time his position is fairly strong. It is only those who have been given permission to use land to which they have no customary right, with the possibility of registration later, whose tenure is particularly insecure and who therefore most need to keep the favour of the estate-holder.

THE DISTRIBUTION OF LAND

The only way to study the pattern of land distribution in Tonga is to study individual villages. A number of village studies have been carried out the last fourteen years and some of the results are set out in Table 1, which shows the percentage distribution of households and, for six of the villages, of taxpayers, according to the acreage of land held. It should be noted that these households differ in composition from those of the past; today an extended family grouping is only occasionally found, particularly

in Tongatapu, and most households consist of a nuclear family or a nuclear family and a few unmarried relatives. The figures in Table 1 show that the distribution of land between both households and taxpayers is distinctly uneven, and differs markedly from the pattern which should result from the provisions of the Land Act. In only one village did over half the taxpayers have eight acres of land, their legal entitlement; in most villages a large proportion of households and taxpayers had no land at all, while in some a number of taxpayers held more than eight acres. The pattern of land distribution also varied from village to village.

TABLE 1: Some Examples of Land Distribution

Village		Percentage . distribution of households and taxpayers by acreage of land held ¹											
		0	1-3	4-6	7-9	10-12	13-15	16-18	19 and over				
Ha'avakatolo 1962	H ² T ³	18	9	9	27	16	-	6	15				
		45	4	9	22	7	-	4	5	4			
Ha'akame 1962	H T	31	-	2	49	2	2	7	7				
		55	-	1	37	3	1	-	3				
Nukunuku 1960	H T	30	-	1	51	2	1	14	1				
		51	-	1	44	1	-	3	-				
Vaini 1962	H T	36	-	-	32	-	-	11	21				
		41	-	-	29	-	-	3	7				
Niutoua 1962	H T	3	-	-	66	-	-	31	-				
		18	-	-	82	-	-	-	-				
Ha'ateiho 1957	H	25	-	-	58	-	-	10	7				
'Uiha 1952	H	9	10	41	24	9	4	2	1				
Ha'afeva 1966	H T	43	10	28	12	7	-	-	-				
		61	8	29	2	-	-	-	-				

1. To the nearest acre
2. Percentage of households
3. Percentage of taxpayers

Sources: Ha'avakatolo, Ha'akame, Vaini, Niutoua and Ha'afeva, field survey by writer; Nukunuku, field survey by R.G. Crocombe; Ha'ateiho, Nayacakalou 1959:104; 'Uiha, Koch 1955:120-21. The figures for Vaini, Niutoua and Ha'afeva are based on sample surveys.

The major reasons for these variations in land distribution and for the lack of correspondence between law and practice in the holding of land are the uneven distribution of population (an unevenness which does not correspond with variations in agricultural productivity), the incomplete subdivision and allocation of allotments discussed in the previous section,

and the fact that there are now more taxpayers than allotments, a problem which will be discussed in a later section.

In areas where population densities are comparatively high (about 500 persons per square mile and over, as in western Tongatapu, around Nuku'alofa, in most of Ha'apai and in southeastern Vava'u) most holdings have for some time been less than eight acres, and even so there are many more men entitled to land than there are allotments for them to hold. In these districts no attempt has been made to divide the land into allotments of the statutory size, because to have done so would have involved the dispossession of many landholders; surveys have therefore simply defined the existing boundaries except where allotments proved to be more than eight and a quarter acres, and most holdings are from three to six acres in size. The typical pattern of land distribution in these areas is shown in the figures for Ha'avakatolo (western Tongatapu) and Ha'afeva and 'Uiha (Ha'apai) in Table 1. In Ha'avakatolo (see Figure 1), on an hereditary estate, the shortage of land is eased by the fact that some men have allotments on nearby estates. Furthermore, since few allotments in Ha'avakatolo are registered there has been nothing to prevent some men from acquiring two or even three bush allotments, with a total area of over eight acres: the head of one household, for example, had inherited a registered eight acre allotment from his father, but also held an unregistered three acre allotment given to him by the estate-holder, although this is contrary to the intention of the law.

In Ha'afeva the pattern of land distribution is complicated by the fact that in 1966 no less than 40 of the 91 persons who held land on the island (some of whom were widows) had moved either temporarily or permanently to the other parts of Tonga. Their land was left in the care of others, and consequently many households had the use of allotments other than their own. The pattern of land distribution which resulted is shown in Table 2. Land is usually left in the care of relatives and is not necessarily given to those without land of their own. Thus despite the fact that at the beginning of 1966 there were more holdings on Ha'afeva than there were households, nearly 20 per cent of the households still did not have control over an allotment.

TABLE 2: Land Distribution, Ha'afeva, 1966¹

Percentage distribution of households by acreage of land held or looked after							
	0	1-3	4-6	7-9	10-12	13-15	16 and over
Land held	43	10	28	12	7	-	-
Total land held or looked after	19	5	33	27	12	2	2

1. Based on a sample of approximately half the households in the village.

To what extent Ha'afeva is typical of other islands in Ha'apai is difficult to determine. From the estimate made by the Governor of Ha'apai in 1964 that approximately 15 per cent of tax allotments in the group were held by non-residents (Report of the Premier 1964:47) it would appear that the proportion of absent landholders in Ha'afeva is somewhat higher than the average, but several informants indicated that the pattern on Ha'afeva was still reasonably similar to that on several other islands in the group.

In areas of more moderate population density (about 300-400 persons per square mile) the pattern of land distribution on estates which have been fully subdivided is shown in the figures for Ha'akame, Nukunuku and Ha'ateiho. Here most households have either eight acres or no land at all, although in Ha'akame several taxpayers hold twelve-acre allotments and a block of 33 acres is held as a lease by the only man of rank in the village. Where the population density falls to about 200 persons per square mile or less the pattern on subdivided estates is represented by the figures for Niutoua in eastern Tongatapu (see Table 1 and Figure 1), where only three per cent of the households in 1962 were without land. Yet even here about 18 per cent of the taxpayers had no land, because one-third of the registered allotments on the estate were in fact held by people who lived in other settlements, mostly either in Nuku'alofa or in other villages in eastern Tongatapu. Where subdivision and allocation of allotments is not complete, however, the proportion of taxpayers and households without land is very much higher, as is shown in the figures for Vaini in central Tongatapu, where in 1962 about one-half of the estate was still in customary holdings. The

recent allocation of allotments has significantly altered the pattern of land distribution on this estate, but has had little or no effect on the other villages discussed above.

The significance of this unequal distribution of land between individuals and households, however, needs to be carefully assessed, for the borrowing of land from relatives, friends or estate-holders is common. It is fairly easy to obtain the use of land for growing short-term and largely subsistence food crops, even in densely settled areas, although many men claim that it has become more difficult in recent years. Where land is borrowed from a relative often no direct return is made, but when borrowing from others it is customary to give part of the crop, such as a basket of yams, to the landholder.

For most people obtaining the use of land for cash cropping is generally more difficult, and while it would be hard to find a family short of food simply because it could not borrow enough land for gardening, there is some evidence that households without land have significantly lower cash incomes than households with land. Borrowing for cash cropping has also become more difficult over the last two years, for with the improved market for bananas landholders have expanded their own plantings and are less willing to lend their land to others, particularly for periods of more than one or two years. And in Tongatapu it is today not unusual to find people having to pay for the use of land for cash cropping, although the renting of land without Cabinet approval is illegal. In fact some of the more enterprising and large-scale banana growers and market gardeners, who can afford to pay rent and to contribute food crops and pigs to the estate-holder or landholder, have little difficulty in obtaining the use of land, but their tenure is insecure and unprotected by law. Land cannot be borrowed for planting coconuts, a long-term cash crop, and palms on an allotment are the property of the landholder, regardless of who planted them. A common practice for those without land, therefore, is to obtain permission to collect one or two cart loads of coconuts for copra making from the allotment of a relative or close friend, and for this no return is given. Another arrangement sometimes found, especially between non-relatives and

where the landholder lives elsewhere, is for the cash received for the copra to be shared half and half. Despite these arrangements, however, a survey undertaken by the writer in four villages in Tongatapu showed that in 1961 the per capita cash crop income of households with no land (£T 9.2) was only half that of households with eight acres (Maude 1965: 155-56). Yet only a few of the landless men interviewed throughout Tonga seemed to experience any real hardship from land shortage; most considered their income sufficient for their essential needs and some with energy and enterprise had higher cash incomes than many men with allotments of their own. A few men in Ha'apai and Nuku'alofa with large families to support, however, did appear to feel some pressure.

The extent to which the land shortages discussed above have been alleviated by internal migration, and the effect of the land tenure system on population movement, also need to be briefly considered here. In theory the Tongan system should have encouraged the movement of people from areas of land shortage to the more sparsely populated districts, for although an estate-holder may legally refuse a person belonging to another locality permission to reside upon his estate, he cannot prevent such a person holding an allotment there unless the Land Court rules against the grant in question. Some migration to obtain land has in fact taken place over the last few decades, mainly from Ha'apai to central and eastern Tongatapu, but for the reasons mentioned in the previous section it has not always been easy to obtain land in the areas where allotments should have been available. Furthermore, in practice acquiring land on an hereditary estate has usually been more difficult for a stranger to a village than for a local man, for while an estate-holder has a responsibility towards his own people this does not necessarily extend to others, and many people still feel that the lands of an estate should be reserved for the people who traditionally belong to that area and should not be given away to outsiders. For instance, mention was made in the previous section of the preference given to local people by some estate-holders in the recent allocation of allotments. Consequently in all the villages for which figures are available the proportion of men without land is much higher amongst in-migrants than

amongst those who belong to the village by birth (Maude 1965:118-19, Nayacakalou 1959:111), and the difficulty and uncertainty of obtaining an allotment has probably deterred some men who might otherwise have migrated from the densely settled areas. At the same time there has not been much opportunity for those who have allotments in these areas, but who have moved elsewhere, to exchange their old holdings for new ones (an exchange which is provided for in the Land Act) and so make land available for others, as should have happened in the case of Ha'afeva discussed earlier.

The main direction of migration within Tonga in recent years, moreover, has been towards Nuku'alofa and other parts of Tongatapu, where the opportunities for earning money and the better educational facilities have been more important attractions than the possibility of obtaining land. People have been much less interested in moving to 'Eua and to western Vava'u, where land has been the only attraction (Maude 1965: 81-86, Walsh 1965:188). Thus internal migration has only partly led to a better distribution of land amongst the population; it has had only a small effect on the land tenure problems of the densely settled areas, while amongst the rapidly growing population of Nuku'alofa a large proportion of the households are now landless. In a sample survey of households in Nuku'alofa Walsh found that only 49 per cent had a tax allotment on Tongatapu, sometimes on estates some miles from the town, while another six per cent had land elsewhere in Tonga (Walsh 1965:63).

LAND TENURE AND AGRICULTURAL PRODUCTION

So far the Tongan land tenure system has been discussed in terms of the allocation of land, but it also needs to be assessed in terms of the way in which land is used. In particular, one needs to consider whether this system, with its individual title to land and security of tenure, has proved a satisfactory basis for cash cropping, and whether it has fostered the development of independent smallholders free of some of the problems found with more traditional systems of land tenure in other parts of the South Pacific.

Cash cropping in Tonga has been largely confined to coconuts and bananas,

but there is no indication that land tenure has been a factor in the non-acceptance of other crops. The early stages in the development of the present system were apparently marked by an increase in cash cropping, for Rutherford (1966:) quotes the opinion of Maudslay that the 1862 code, by increasing the commoners' security of tenure, greatly stimulated the planting of coconuts. From 1887 onwards the trend in copra production can be followed from the export statistics. Between 1887 and 1912 the mean annual per capita exports of copra increased from 0.27 tons (1887-90) to 0.54 tons (1908-12), a level which was maintained, apart from the period affected by the hurricanes of 1912 and 1913 and by World War I, until 1930. However, the writer has found no evidence to indicate whether this increase was a result of the 1882 revision of the land law.^x

x It may be noted here that there are several references to the planting of coconuts having stopped in the first decade of this century (because maladministration of land matters by the King and the estate-holders made people feel insecure in their tenure), which suggests that previously planting had been common. On the other hand, the registration of allotments does not appear to have begun until 1898, and registration on a significant scale did not begin until about 1915.

In recent years, on the other hand, the incomplete subdivision and allocation of allotments has been one factor restricting the further planting of coconuts, and is therefore one reason for the present low level of per capita copra production. Many parts of central and eastern Tongatapu, and of 'Eua and Vava'u, are only sparsely planted in palms, and in central and eastern Tongatapu it would appear that people with large customary holdings have tended to plant up only part of their land, while men who have moved to these districts and been given a plot to garden have not wished to plant coconuts until they felt their tenure was secure. On several Tongatapu estates visited during field work, where the land had been subdivided before the recent survey, the systematic planting of coconuts had only begun after the subdivision and allocation of allotments, and in eastern Tongatapu in 1956 the mean per capita production of copra was 0.48 tons on estates in which most or all of the land had been subdivided into eight and a quarter acre allotments, and 0.39 tons on estates in which most of the land remained in larger customary holdings, although these means are based on too few villages for the difference between them to be statistically significant.

The recent allocation of allotments in Tongatapu and elsewhere (together with the Coconut Replanting Scheme which began in 1965) should produce a marked increase in the area planted in palms, and in the opinion of some Tongans the allocation has already had an effect on cash cropping, for they believe it has facilitated the recent expansion in banana planting by providing more growers with a secure tenure. There are therefore grounds for concluding that when properly applied the land tenure system does provide a good basis for agricultural development.

One limitation of the Tongan system, however, is its lack of flexibility. For a variety of reasons many men find eight and a quarter acres insufficient, but because of the shortage of land it is now difficult, if not impossible, to obtain the ten or twelve acre allotments provided for in the law, and there is no unallocated land left for leasing. Consequently land borrowing by those who already have allotments of their own is common, and land use by no means coincides with the tenure of land. However, borrowing is not always a satisfactory solution to the problems of the more energetic farmers, for as mentioned earlier the borrower can usually only obtain the use of land for a short period and is therefore restricted to short-term crops. While the more enterprising therefore tend to be hampered by the land tenure system, the lazy are protected, for at present the Government makes no attempt to enforce the provisions in the Land Act requiring landholders to cultivate their allotments and plant coconuts, despite the fact that many holdings are not properly cultivated.

Land borrowing, whether by those without allotments or those needing extra land, may also restrict the lender's control over the use of his holding, for despite individual tenure requests from close relatives and friends for the temporary use of land are difficult, although not impossible, to refuse, and such requests are not necessarily made only to those who have land to spare. Social obligations of this nature also restrict the independence of the farmer in other ways familiar to the student of the South Pacific. For instance, relatives and friends may request a load of coconuts, a few baskets of tubers, or cash, and consequently men trying to increase production generally find their efforts hampered by the demands made

upon them. Such obligations continue to be honoured partly because of tradition, sentiment and the prestige gained by the giver, but also because they still fulfil their essential function of ensuring the security of the individual and his family. Marriages and funerals also involve obligations of kinship and friendship. A study of the literature on Western Samoa and Fiji, and the comments of Tongans who have lived in Samoa and Samoans who have lived in Tonga, does suggest that the Tongan farmer may be able to achieve a slightly greater degree of independence, without having to contract out of his society, than is the case in the neighbouring territories, and for this the system of land-holding is probably largely responsible. At the same time, however, individual tenure in Tonga has not produced fully independent farmers, for social obligations still restrict the individual's control over his land, his time and his produce.

SOME BENEFITS OF THE SYSTEM

While various factors have thus restricted the effectiveness of the Tongan land tenure system both as a method of land allocation and as a basis for land use, it would be wrong to emphasize only the weaknesses in the system and to ignore its many good points. It has, for instance, still provided many men with secure, lifetime, individual leaseholds which can be passed on to their descendants, it has enabled Tonga to avoid the problems of fragmentation, subdivision and multiple ownership found elsewhere, and it has not tied areas of land to particular social groups. It has prevented land from passing into foreign ownership and has limited the area taken up in foreign-held leases, and at the same time has prevented the dispossession of the commoners and the over-concentration of land rights in the hands of the chiefs.^x Tonga now also has a nearly

x But note that by law an estate-holder may reserve part of his estate for himself and the successors to his title, and since the regulation provided for in the Land Act to determine the area of this 'api fakatofi'a has never been made, some retain personal holdings of up to 200 or 300 acres, although some of this land is being used by others.

complete survey of all agricultural holdings, as well as a reasonably efficient records system for land grants, transfers and rent payments.

Furthermore, many of the weaknesses discussed in previous sections have resulted not so much from the Land Act itself but from the fact that the provisions of the Act have not been properly applied, and as mentioned earlier a great deal has been done in recent years to achieve a better distribution of land. And one strong argument in favour of the system is the fact that the number of disputes over land is remarkably small. During the five-year period 1952-56 a total of 178 cases came before the Land Court, but 141 of these were over the non-payment of rent; there were only 23 cases involving a disputed claim to a tax or town allotment, the great majority of which were won by the defendant, and none involving a dispute over an allotment boundary.

THE FUTURE

Some changes in the basic principles of the land tenure system, however, will be necessary if it is to meet the problems raised by a rapidly growing population. The total number of tax allotments so far marked out is about 12,140, if every two allotments of less than four acres are counted as one (Maude 1965: 166, 181), yet at present there are already about 20,000 males aged sixteen and over legally entitled to land, while some of the present allotments are held by widows or, as is the case with some of the holdings recently allocated, by boys under sixteen. By 1980 the number of taxpayers entitled to land is likely to be about 33,000, more than double the number of existing allotments.

In assessing the changes that might be made two points need to be kept in mind. One is the need to avoid the social, economic and perhaps political problems that would result from a large proportion of the male population being without land and without any hope of acquiring land. The opportunities for developing non-agricultural employment for such people are strictly limited, and in any case wage rates at present assume that men are partly supporting themselves through agriculture. Now that the allocation of allotments subdivided by the Cadastral Survey is nearing completion there are already indications of discontent on the part of those left without holdings. The second point is the need to ensure the efficient use of Tonga's limited resources of land, for by 1980

the overall population density will be about 640 persons per square mile of cultivable land, and the present low level of production and productivity in agriculture will have to be greatly increased if standards of living are to be maintained and preferably improved.

One answer to the land problems of both the present and the future is of course to make as many allotments available as possible. However, the maximum subdivision of all suitable land into eight and a quarter acre lots, leaving a small area reserved for the secondary schools and the Royal Family, would only increase the number of allotments to about 14,500. And about half of the ^{additional} holdings would be on the islands of Late (at present uninhabited), Niuatoputapu, Tafahi, and Niuafu'ou, islands which because of their isolation and lack of facilities are unlikely to attract many settlers from the main groups. Division of the existing eight acre allotments into half would increase the number of holdings to about 28,900, while raising the age of entitlement to land to twenty would reduce the number of men with a legal claim to an allotment, and few youths under twenty have any real need for land of their own. This might be the fairest solution to the problem, since it would preserve the principle that each man is entitled to an allotment, but it would not necessarily lead to the most productive use of the land, for some allotments would be held by men who lacked either the inclination or the need to use their land effectively, while at the same time the efforts of the more enterprising commercial farmers would be further restricted.

The efficiency with which land is distributed and used might well be increased by varying the size of some allotments. The requirements of men permanently employed in urban occupations could be met by dividing holdings near the towns into one acre garden lots, and with the rapidly increasing population of Nuku'alofa this seems the only way in which land can be provided for urban dwellers. The alternative is to substantially increase wages, which does not seem economically possible, and to withdraw these men from the land altogether. At the same time there is a strong case for establishing some holdings larger than eight acres, in the less densely populated areas (such as 'Eua), to permit some farmers to specialize in livestock.

There are also other ways of achieving a better distribution and use of land which should be considered. One is the imposition of a reasonably high land tax, which could be balanced by a decrease in the export taxes on copra and bananas. This might discourage men from retaining allotments which they only partly cultivate or alternatively stimulate them to make better use of their holdings. Permitting the sale of the right to an allotment, with suitable safeguards, would probably be a more effective means of achieving the same aim, since it would provide a positive encouragement for men to give up holdings which they did not use, and would at the same time give those who would be unlikely to inherit land an opportunity to obtain an allotment. A third innovation would be to permit the leasing of land between Tongans, again with suitable safeguards. Leasing would have the advantage of preserving the land for the landholder and his heirs and would therefore not disturb the principle of family inheritance, although it would have the disadvantage of producing landlords who performed no useful agricultural function. Because it helps to bring land into cultivation, and ^{is becoming increasingly common} there is a good case for a change in official policy and for Government regulation both to prevent abuses and to give greater security to those who are actually working the land. And there seems no real reason why the more enterprising farmers should not be permitted to lease up to perhaps eight acres outside their own holding if they are able to make effective use of the extra land.

Changes such as those suggested above might be of particular value in overcoming the problems raised by the increasing number of landholders who have moved from the district in which their land is situated, especially as some agricultural improvements, such as coconut replanting and proper methods of plantation management, are unlikely to be fully adopted unless those working land belonging to others can obtain a secure tenure for a reasonable length of time. It might be made compulsory for landholders leaving their district to either sell or lease to someone else, and no person should be allowed to inherit an allotment unless he is able to work the land himself.

Finally, to be effective all the reforms suggested here will require

a greater degree of Governmental control over land matters on the hereditary estates than has so far been the case, while some also involve significant changes in Tongan attitudes towards the holding of land. Yet change is unavoidable if the land tenure system is to meet the needs of the future.

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