WEEK 7 — 9 Good! — ANDREW ALA.

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ALIENATION OF LAND TOOK PLACE IN VANUATU LONG BEFORE THE ARRIVAL OF THE TWO COLONIAL POWERS. EUROPEAN SETTLERS FROM BRITAIN AND FRANCE TOGETHER WITH THE MISSIONS BEGUN ACQUIRING LAND FROM 1850 TO 1900. LAND WAS THEN ACQUIRED THROUGH PAYMENTS MADE IN THE FORM OF GOODS SUCH AS METAL TOOLS, CLOTHING, GUNS AND ALCOHOL. THE NATIVES HAVING SEEN THE GOODS FOR THE FIRST TIME, DID NOT HESITATE WHEN ASKED ABOUT LAND, THUS AGREED TO ALLOW THE FOREIGNERS ACQUIRE LAND AND IN ALMOST ALL CASES, THE BEST AND ARABLE LAND. IGNORANCE OF THE CONDITIONS AND AREAS SPECIFIED, THE INDIGENOUS OWNERS THOUGHT THE AREAS OF LAND ACQUIRED WOULD ONLY BE FOR TEMPORARY USES. THE SETTLERS HOWEVER DID NOT LOOK AT IT THAT WAY. THEY INTERPRETED THE DEALS MADE IN SUCH A WAY THAT THEY HAVE ACQUIRED PERMANENT OWNERSHIP OF THE LAND. BECAUSE THE INDIGENOUS LAND OWNERS COULD NOT DURING THOSE DAYS VISUALISE HOW MUCH LAND WOULD INVOLVE IN SUCH TERMS USED BY SETTLERS AS SQUARE MILES, ACRES OR HECTARES WHILST TRYING TO DEFINE BOUNDARIES AND AREAS, THEY WERE EASILY CHEATED HENCE THE AREAS OF LAND CLAIMED WERE USUALLY EXTENDED BEYOND WHAT THE INDIGENOUS OWNERS HAVE PREVIOUSLY ALLOCATED TO THEM.

IN 1888 FRANCE AND BRITAIN ESTABLISHED A JOINT NAVAL COMMISSION WHOSE MAIN TASK WAS TO PROTECT THEIR NATIONALS AND THEIR PROPERTIES. NOTHING MUCH WAS DONE THEN TO THE INCREASING LAND PROBLEMS WHICH HAVE RISEN, INSTEAD THE JOINT NAVAL COMMISSION ENCOURAGED MORE LAND ALIENATION BY FOREIGNERS. IN 1907, A YEAR AFTER THE ESTABLISHMENT OF THE CONDOMINIUM, THE JOINT COURT WAS FORMED. ITS FUNCTION THEN WAS PRIMARILY TO LEGALISE ALIENATED LAND CLAIMED BY SETTLERS, MISSIONS AND THE TWO ADMINISTRATIONS.

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AFTER MUCH CONSULTATION BETWEEN THE TWO COLONIAL POWERS AS TO HOW THEY SHOULD CONTROL AND TEST THE VALIDITY OF EUROPEAN LAND CLAIMS IN VANUATU, AN AGREEMENT WAS FINALLY REACHED IN 1905, WHEREBY ALL ALIENATED LAND WOULD BE REGISTERED IN COURT UNLESS ANY OF THE SAID AREAS OF LAND WERE DISPUTED. SEVERAL CONDITIONS WERE DRAWN WHICH WERE TO BE TAKEN INTO

COUNT WHEN REGISTERING ANY LAND UNDER THE AGREEMENT MADE. ANY LAND INTENDED TO BE REGISTERED BUT DID NOT MEET THE CONDITIONS LAID DOWN, WOULD NOT BE VALID THUS MAY NOT BE REGISTERE

IT WAS NOT UNTIL 1927 THAT WORK OFFICIALLY STARTED IN CARRYING OUT SURVEYS FOLLOWED BY REGISTRATION. THOUGH MOST LAND REGISTERED WERE ALIENATED LAND, REGISTRATION WAS OPEN TO NI-VANUATU HOWEVER VERY FEW MADE THEIR LAND REGISTERED. THE DELAY IN ESTABLISHING PROPER REGISTRATION OF LAND WAS DUE TO LACK OF SURVEY PERSONNELS AND THE NECESSARY EQUIPMENT TO BE USED.

DURING THE SEVENTIES, INDIGENOUS PEOPLE OF VANUATU BEGUN TO REALISE THE UNFAIR DISTRIBUTION OF LAND BETWEEN SETTLERS WHO MADE UP OF ONLY 3 PERCENT OF THE TOTAL POPULATION BUT OWNED 56 PERCENT OF THE LAND IN THE COUNTRY. THEY ALSO REALISED THE FACT THAT AS FAR AS FOREIGN LAND TITLE HOLDERS WERE CONCERNED, NI-VANUATU NO LONGER HAVE ANY RIGHT TO THEIR PROPERTIES. THIS AWARENESS STIMULATED BY THE THEN NEWLY FORMED POLITICAL PARTIES, APPLIED PRESSURE ON THE FCO COLONIAL GOVERNMENTS, AND SETTLERS AND MISSIONS TO TRANSFER BACK LAND ACQUIRED, TO THE INDIGENOUS POPULATION. UNFORTUNATELY THE COLONIAL POWERS PAID VERY LITTLE ATTENTION TO THE PROBLEM AND INSTEAD FOCUS THEIR ACTIVITIES TO OTHER ISSUES. SOME SETTLERS HOWEVER HAVING SENSED THIS PROBLEM, DECIDED TO RETURN SOME PORTIONS OF THE LARGE AREAS OF LAND ACQUIRED SO AS TO PLEASE AND QUIETENED THE NATIVES, HENCE SAFE-GUARDING THEIR GRIP TO THE REST OF THE LAND.

PERHAPS THE ONLY FAVOURABLE ACT DONE BY THE FCO ADMINISTRATIVE POWERS IN RELATION TO LAND WAS TO PREVENT THE FURTHER SALE OF LAND TO FOREIGNERS MERELY FOR SPECULATIONS AMONG RICH OVERSEAS BUYERS. DESPITE THAT, THE SITUATION REMAINED UNCHANGED UNTIL INDEPENDENCE IN 1980 WHEN ALL LAND IN THE REPUBLIC WAS RETURNED TO THE INDIGENOUS CUSTOMARY OWNERS, AS STATED IN CHAPTER 12 OF THE CONSTITUTION. THERE WAS ALSO A STOP TO THE SALE OF LAND IN THE COUNTRY. LAND OWNERSHIP THEREFORE IS NOW RESTRICTED ONLY TO NI VANUATU AND THE GOVERNMENT. THIS DOES NOT NECESSARILY RULE OUT THE FACT THAT FOREIGNERS STILL HAVE THE RIGHT TO USE LAND IN VANUATU UNDER LEASE AGREEMENTS.

except State Land, for which Compensation still required

AFTER INDEPENDENCE ALL FOREIGNERS STILL WISHING TO USE ANY

AREAS OF LAND PREVIOUSLY CONSIDERED AS FREE HOLD ALIENATED LAND, HAVE TO LEASE THE SAME FROM TO THE INDIGENOUS CUSTOMARY OWNERS. IN AREAS WHERE THE RIGHT CUSTOM OWNERS HAVE NOT BEEN IDENTIFIED, SUCH BODIES AS THE SANTO LAND COUNCIL FOR SANTO RURAL AREAS AND THE LUGANVILLE URBAN LAND CORPORATION FOR LUGANVILLE TOWN, WERE SET UP TO ACT ON THEIR BEHALF UNTIL SUCH TIME WHEN THE RIGHT OWNERS ARE IDENTIFIED.

THERE ARE DIFFERENT TYPES OF LAND LEASES BEING INTRODUCED. THE MAJORITY OF LEASES GIVEN OUT SO FAR ARE AGRICULTURAL LEASES AND ARE MAINLY GIVEN TO EXISTING PLANTATIONS AND CATTLE PROJECTS. TWO OTHER FORMS OF LEASES, COMMERCIAL AND RESIDENTIAL LEASES ARE MORE OR LESS RESTRICTED TO THE URBAN AREAS, FOR USE TOURISM AND OTHER INDUSTRIAL DEVELOPEMENT.

FINALLY A NEW CONCEPT WHICH IS BEING INTRODUCED TO THE COUNTRY IN RELATION TO FOREIGNERS INVESTING ON NI-VANUATU LAND IS THE ESTABLISHMENT OF JOINT VENTURES IN BUSINESS. THE MALEKULA COCOA PROJECT IS AN EXAMPLE OF THIS. NI VANUATU LAND OWNERS PROVIDE LAND UNDER LEASE AGREEMENT FOR THE PROJECT THUS TERMS HAVE BEEN NEGOTIATED BETWEEN THE GOVERNMENT, THE LAND OWNERS AND THE COMPANY TO PROVIDE FREE SHARES IN THE VENTURE FOR THE LAND OWNERS. THE LAND OWNERS WILL ALSO EVENTUALLY BENEFIT FROM SERVICES SUCH AS ROADS, WATER SUPPLY, EMPLOYMENT PLUS OTHERS WHICH MAY BE PROVIDED BY THE COMPANY.