

PART III

SOCIAL AND CULTURAL ASPECTS OF SYSTEMS OF LAND TENURE IN VANUATU

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To describe the social and cultural aspects of land tenure in Vanuatu is to undertake a vast study which includes all Melanesian society and its history. It is my intention to speak only of the custom aspects of land problems and to describe briefly what I have understood of the system.

It is of such fundamental importance in Melanesian culture for a man to have deep roots in his land that even the colonisation of Melanesia and recent history have not been able to change this attitude. What is called custom was obviously changed in important ways, but even before first contacts with Europeans, Melanesian custom was evolving. Custom is not a legal system set once and for all, but a spirit and a system of values which are differently expressed in different islands at different times. The relationship between a man and his land in Vanuatu is the most fundamental and most permanent attitude of Melanesian culture. In Melanesia a man has deep roots in the land; land and custom in Vanuatu are one and the same; they are a single fact.

Unity of the system of land tenure and local variations.

Land, in « custom », is not simply the site of produce, it is the mainstay of a cultural vision of the world. Land is the heart of the operation of customary systems; it represents life, both materially and spiritually, for men in Vanuatu; that is why Melanesian men and villages are so extremely sensitive about their land and why they are so deeply rooted in the soil.

There is first a mystical relationship between men and their land and secondarily an economic relationship. A man is tied to his territory and it is this link which gives him identity. The clan is its land. The land is identified with the ancestors who are buried in it.

Every man, just as he belongs to a clan, belongs to a particular place and then belongs to a territory; if he does not so belong, he has no roots; that is, he has no status and no power; in the most extreme case he is denied social existence. In fact, it is from the link between a man and a certain place that he derives his social status, his powers (whether social or magic), his identity, his name and the land rights to which he may aspire.

In Melanesian custom, every clan's land is centred around a stronghold, which is often sacred, a *nokamal* or «*tabou ples*». The clan's land, its ancestors and its men are a single indissoluble reality. This is what is meant when it is said that Melanesian land is inalienable.

A man derives his social status, his strength and moral powers from his relationship with his native land; which means that those who live on their own clan's land are absolute masters of it and everything on it: people, buildings and plantations. Anyone, who lives on the land of a clan with whom he does not share ancestors, is simply the social dependant of the «*really man ples*». He may work on the land and even have some rights over it, but he must do so on behalf of a *man ples* who has delegated his rights.

The amount of land held by one clan may differ markedly from another's, as may the area held by one individual compared with another in the same clan. In the past, these inequalities were not significant, since the use of the land was virtually free to anyone within the territory. Agricultural production was based on gardens which were moved each year while old gardens reverted to bush. One simply had to ask traditional owners for permission to use their land; morally they could not refuse. Custom recommends that you work land belonging to other people, allowing yet others to work on yours, so that social ties uniting clan members are reinforced and ties to relations in neighbouring clans are strengthened.

The tie which binds a man to the soil is essentially mystical and cultural, its economic value was simply a by-product. Wealth was the number of pigs owned by the big man, or was the number of men who owed him allegiance, not the land he owned. In Tanna

It is said that a big man does not need much land, since others work for him. He is powerful because he is the master of a sacred place or a prestigious nakamal. It follows, therefore, that in custom, land disputes were almost unknown; wars of territorial conquest were rare. It never occurred to anyone to dispute the ownership of land, nor to quarrel over where the boundaries were, particularly since they were usually indicated by a creek or by dense forest. There have been changes since.

The arrival of Europeans disrupted the old structure ensuring the distribution of men and clans' territories. Many clans died out as a result of epidemics, many clans of mountain people came down to live near the shore, Missions persuaded Christians to live in groups near the shore. The land tenure system was abruptly overturned, some areas were overpopulated, particularly near anchorages and on the sea shores; other areas, particularly in the interior, were depopulated.

New methods of production were introduced; people started planting coconut palms and cocoa trees and the old relationship of man to the soil was disrupted; land hunger, which did not exist in traditional society, was felt. In this new world the relationship between man and the soil became progressively more economic. And so there were many land disputes which could not be easily settled according to custom.

In traditional society there was a very clear distinction between the clan's, that is the community's, ownership of land which had religious significance, and the ownership of the plants on the land whose produce belonged to the person who had worked the land, i.e. to an individual. When the plants were perennial, as coconut palms are, planting them came to be a way of appropriating the land. It is one of the reasons why coconut palms were planted so quickly wherever possible, even above 300 metres in altitude. Planting trees became a way of making one's ownership of the land permanent and so increasing the family's property, which could be inherited. It was also a way of preventing Europeans from acquiring unused land.

Traditional land tenure systems in Vanuatu vary from the North to the South of the Group. The main principles on which the systems are founded are outlined in what follows.

Land Tenure in the Northern Islands.

North of a line drawn from South Epi to Efate and in the geographical area in which the hierarchical grade system operates, land tenure differs according to whether it is matrilineal or patrilineal, but the underlying principles are the same.

In the North, every man belongs to a clan and to a territory, which is sometimes identified with a totem (a plant or an animal) and is almost always centred around strongholds in the territory. In traditional times, land could be used freely within the territory under the supervision of the elders of the clan. Apart, therefore, from a few places appropriated by family segments, most land was held in common ownership and there was no permanent distribution to individuals. In each generation, according to its needs, there was a redistribution of land. Custom recognized the boundaries between clans as set once and for all; « God created them », but custom does not recognise as final those boundaries which separate one man's land from another's as it is divided in a lifetime. Such boundaries must be negotiated, and are changed in every generation and, at least today, are the cause of most land disputes.

Typically ni-Vanuatu structure, called a « company » in *bislama*, is derived from this communal soil on which work is individual. Land is worked by an association, sometimes all working together, sometimes taking turns. In those groups, there may be land disputes but they seldom arise between individuals belonging to the same clan, since they all work as members of the « company ». Real quarrels are over group boundaries or over the ownership of land belonging to clans now extinct, between neighbour and rival clans. Other disputes arise when foreigners live on land which they own by marriage or remote relationship rather than directly from ancestors. Their rights, according to a strict interpretation of custom, are only secondary and derived; disputes occur if they try to make these rights primary and absolute.

Land tenure in the Central and Southern Islands.

South of the line drawn from South Epi to Efate, the system of land tenure is less flexible, because it is related to titles. These titles, related to the system of chiefs, to a particular piece of land and to a *nakamal*, are transmitted from one generation to another in family lines and they determine the patrimonial land in each line. There are territorial clans; several clans may form a political

group or tribe. Each clan owns a certain number of individual titles. The titles are in a hierarchy and confer different social status: the chief, magi clan, « clever », the canoe chief, the talking chief, chief of peace and chief of war and so on.

In Tongoa the highest titles are conferred on « Nawotalam » or chiefs, who receive regular tribute, in pigs or food, called « nasaotonga ». Lower titles are held by « nares », men of lesser social importance who pay « nasaotonga » to the former. Each of these titles is paired to land, usually not a single piece, but a number of pieces of land in different places in the clan's territory. While a man has no title, or custom name, he owns no land and has no social existence. The custom name is then conferred on him, and with it rights to land. These pieces of land are usually not big, they are about the average size of one or two gardens, that is two or three thousand square metres.

The clan has in its power a number of titles (usually about ten or fifteen), which symbolise each person's social status. The traditional system of land tenure divides land into plots, each of which belongs to one of the clan's titles. The land is more subdivided and its ownership much more individual than in the North. There are analogies with Polynesian social structures.

The number of titles is set for all time; and each plot always corresponds to a title. If every one of the clan's titles has been given, then children born afterwards just have names, which do not confer social status nor ownership of land. They may work on the clan's land, but only with the legitimate titleholder's permission, and on his behalf; they are then socially dependant on « nawotalam » and « nares », whose titles derive from the strictest custom laws.

This traditional system of land tenure is expressed in its most coherent form in Tongoa and elsewhere in the Shepherd Islands but it also exists in Efate and in the Southern Islands (Tanna, Erromango, Anietyum, Aniwa, Futuna) although in the latter the title is conferred not on a man but on an extended family. In Tanna it is not unusual to find several men, who are brothers or cousins, all dependants of the same title; but this situation is rare on Tongoa.

Although the system in the Central and Southern islands is more rigid, the way it is applied makes it flexible. It results in much greater inequalities than in the North. Chiefs are able to appropriate much less land than their subjects. The higher the title, the less

land attached to it. Moreover last century's demographic crisis had uneven effects; some clans now hold titles (and therefore land) which used to belong to extinct clans, and so now control vast areas; other clans have had no titles nor land to distribute for a long time.

The land disputes which arise from this situation are acute; and they are often between individuals. There are frequent quarrels about the giving of titles, especially if the titles were held by clans now extinct, and as a result, the same name is often given to several people. In practice, this means giving the same rights to land to different people, who are sometimes members of rival clans. It then becomes very difficult to solve the problem and reach agreement. Sometimes chiefs refuse to confer titles; or at least try to limit the number conferred; which means that use of the land is monopolistic. The proper operation of custom, that is the redistribution of land in each generation, is prevented. In fact, the land situation differs enormously from village to village and from one cultural area to another.

Conclusion.

Although the customs of the past have evolved rapidly, the deep roots which Melanesian clans have in their land has remained a fact at the very heart of social organisation in Vanuatu today. Today land is the most sensitive issue in the village and the main preoccupation; about it alliances are made and broken.

Today, as in the past, the traditional system of land tenure is a subtle mixture of individualism and community spirit. Some villages are developing an individual system of ownership, land (particularly if it is planted) is subdivided. Other villages refuse to subdivide; the land in the clan's territory is freely used by a « company blong work », that is, by the community. The latter case is usually found if the clan has remained homogenous and everyone is of the same blood. Between these two extreme situations, are a series of intermediate ones, each with slightly different individual characteristics; so generalisations are impossible.

Melanesian customs governing land tenure may be described as having great strictness in principle and great flexibility in practice. The clan's land is inalienable, but in ni-Vanuatu society today, the purchase and sale of land is beginning; particularly when it means that people may move from overpopulated to underpopulated areas. However, these sales of land are governed by

custom. Money alone cannot buy land. The buyer must be in some way related to the clan who originally held that land. The best way to become related is to marry into it. According to custom strictly interpreted, only the clan's blood gives the right to own land in its territory. There are today many matrimonial arrangements, the purpose of which is land acquisition.

There is only one rule ; It is that Melanesian clans are deeply rooted in the land. But this single rule is used in many different ways, in practice it is very flexible. The use of land is negotiated and redistributed in every generation according to families' needs. At the same time, the inalienability of the clan's territory is respected. The most difficult problems appear in smaller, densely populated islands, where coconut plantations cover all the land and there is land hunger ; this is the situation in Paama and Tongoa. Land is distributed to restricted families, and the clan's territory is scattered. These facts lead to disputes which sometimes end in violence.

The identity between the clan and its territory is probably the central fact of Melanesian culture. This tie to the land is security in a changing world ; it is cultural identity and the basis of new wealth. The old order of how men lived on the land was disrupted by the events of the last century, particularly by new plantations and the new system of production based on perennial agriculture. New solutions must be found, solutions which reconcile the traditional values of Melanesian culture with social justice and the adaptation to a new era.