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Chapter 1

Social and Cultural Aspects of Land Tenure

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It is of fundamental importance in Melanesian culture for a man to have deep roots in his land. Even the colonisation and recent history of Melanesia have not been able to change this attitude. What is called custom was obviously changed in some important ways, but even before the first contacts with Europeans, Melanesian custom was evolving. Custom is not a legal system which was set once and for all, but a system of attitudes and values which are differently expressed in different islands at different times. However the relationship between a man and his land in Vanuatu is the most fundamental and most permanent aspect of Melanesian culture.

The unity and variety of the system of land tenure

In Vanuatu custom land is not only the site of production but it is the mainstay of a vision of the world. Land is at the heart of the operation of the cultural system. It represents life, materially and spiritually. A man is tied to his territory by affinity and consanguinity. The clan is its land, just as the clan is its ancestors.

Each man must have some place, some land which belongs to him, which is his territory. If he does not control any land, he has no roots, status or power. In the most extreme case this means he is denied social existence.

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In Melanesian custom every man belongs to a clan and every clan owns a precisely fixed area of land which is centred around a stronghold which is sometimes sacred: a *nakamal* or *tabou ples*. The clan's land, its ancestors and its men are a single indissoluble reality — a fact which must be borne in mind when it is said that Melanesian land is not alienable.

A man derives his social status, his strength and moral feeling from his native land. Those who live on their own clan's land are its masters and control everything on it: the people, the buildings and the plantations. Anyone who lives on land belonging to a clan to whom he is not related is simply a dependant of the 'really man ples'. He may work on the land and even have some rights over it, but he must do it in the name of a *man ples* and act as his agent.

There may be large inequalities in the land area held by different clans and in the land area held by different individuals in the same clan, but 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, the old gardens reverting to bush. One simply had to ask the traditional owners for permission to use their land. Morally they could not refuse. Custom recommends that you should work land belonging to other people, and allow still others to work on yours so that the social ties uniting clan members are reinforced and relations with other clans strengthened.

The tie which binds a man to the soil is essentially mystical, but it is also cultural and is recognised by custom. That it had economic value was a by-product. Wealth was indicated by the number of pigs owned by the big man, or the number of men who owed him allegiance — not by the land he owned. In Tanna it is said that a big man does not have to be a major landowner, since others work for him. It is sufficient for him to be the master of a sacred place or of a prestigious *nakamal*. It follows, therefore, that in custom land, disputes were almost unknown. Wars of territorial conquest were unheard of. It never occurred to anyone to dispute the ownership of land, or to quarrel over where the boundaries were, since these were usually indicated by a creek or by dense forest. There have been changes since.

The arrival of Europeans overturned the old structure of the distribution of men and the clans' territories. Many clans died out as a result of the epidemics; mountain people came down to live near the shore; and missions persuaded Christians to live in groups near the shore. The land tenure system was abruptly disrupted. Some areas were overpopulated, particularly near anchorages and on the sea shores, while other areas 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, began to be felt. In this new world the relationship between a man and the soil, which was essentially mystical and cultural, became economic. And

so there were land disputes, which could not be settled according to custom.

In traditional society there was a very clear distinction between the clan's ownership of land, which had religious significance, and the ownership of the plants on the land, which belonged to the individual who had planted them. When the plants were perennial, as coconut palms are, planting them came to be a way of appropriating the land. This is one of the reasons why coconut palms were planted so quickly wherever possible, even as high as 300 metres above sea level. 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 any available land.

Traditional land tenure systems in Vanuatu vary from the North to the South of the Group. The main principles on which each system is founded are outlined below.

Land tenure in the Northern Islands

North of a line drawn from South Epi to Efate and in the geographical area in which the *nimangui* grade system operates, systems of land tenure differ according to whether they are matrilineal or patrilineal. The underlying principles are the same, however.

Every man belongs to a clan and to a territory, which is sometimes identified with a totem (a plant or an animal) and is always centred around strongholds in the territory. In traditional times the ground 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 recognised the boundaries between clans which were set once and for all and which 'God created', but custom does not recognise as final those boundaries which separate one man's land from another's as he divides it in his lifetime. Such boundaries must be negotiated and are usually the cause of current land disputes.

A typical ni-Vanuatu social structure, which is called 'company' in *bislama*, derives from communal use of the soil and from individual ownership of labour so that the land is worked by an association. In this grouping there can be land disputes but they seldom arise between individuals belonging to the same clan. They are much more likely to be quarrels between groups over group boundaries or over the ownership of land belonging to clans which are now extinct who used to be neighbours and rivals. Or there may be disputes when outsiders set themselves up on land which belongs to them through marriage rather than their own ancestral ties and then try to establish their rights, which, at least according to strictly interpreted custom, are only secondarily derived.

Land tenure in the Central and Southern islands

South of the land line drawn from South Epi to Efate the system of land tenure is less flexible, because land ownership is related to titles, that is to names which are in the land (or in a *nakamal*). These names determine ownership of land.

In other words there is a territory corresponding to each clan (sometimes several clans form a group or tribe). Each clan owns a certain number of names (or titles) which have different relative status (there are titles for chiefs; magicians; 'clever'; the chief of the canoe; the talking chief; the chief for peace; the chief for war; and so on). These titles are transmitted within the line. Apart from giving social status they also give rights to a number of plots of land often scattered in the clan's territory. These plots are usually not very big: usually they are about the size of one or two big gardens, or about two or three thousand square metres.

The clan has in its power a number of titles (usually about ten or fifteen). The clan's territory is divided by the traditional tenure system so that each plot of land belongs to the holder of each of these titles. In other words ownership of land is much more individual than in the North, and there are analogies with Polynesian social structure.

The number of titles within the clan has been set for all time and so has the division of land into plots, each of which is held by a certain titleholder and in principle cannot be changed. If every title has been given within the clan the children born later just have names which are not linked to their social status or their land holdings. They can work on the land belonging to the clan, but only in the name of and with the permission of the legitimate title holder, to whom they thus became social dependants.

This system of land tenure, which is rigid in principle but in fact very flexible in its application is the source of great inequality in land holdings. Chiefs generally own much less land than their subjects. The more important the title is the less land goes with the title and the less land the titleholder controls. The demographic crisis in the last century means that some clans have a monopoly on the titles which used to belong to clans now extinct (and so hold the land which goes without the titles) while other clans have not had any titles to give for a very long time.

These facts define the type of land dispute which is likely to arise. Quarrels over titles which derive from extinct clans, for instance, are often initiated because the same name is given to several people, which in effect means that the same land rights are given to different people who usually belong to different clans. Elsewhere some clans refuse to give the titles whenever possible, thus granting to a few people a virtual monopoly of all the land.

Conclusions

In traditional times custom evolved rapidly, but the way in which Melanesian clans are rooted in the land is a value tightly held in the heart

of Vanuatu society today. Today land is the sensitive point in every village, often its main preoccupation. It is over land that allies are found and enemies are made.

Today, as in traditional times, the customary system of land tenure is based on a subtle mixture of individualism and community spirit. In some cases Vanuatu villages are moving toward an individual structure, and land, particularly if it has been planted with coconuts, is divided. In others the villagers refuse to divide the land which is used by the community, the 'company blong work'. The latter case is usually found where everyone in the clan is of the same blood. Between these two extremes there is a whole series of intermediary positions.

Melanesian custom governing land tenure may be defined as having great strictness in principle and great flexibility in practice. The clan's land is inalienable, but in Vanuatu society today there is a movement toward the purchase and sale of land, particularly when people are moving from overpopulated to underpopulated areas. These are, however, custom sales of land. Money alone cannot buy land. One can only buy land if one is in some way related to the clan who originally held that land, and the best way to become related is to marry into it. According to strict custom, only having the clan's blood can give one a right to own land in its territory. At present, purchases of land have given rise to many matrimonial arrangements the purpose of which is to acquire land.

So it may be said that the way in which the clans are rooted in their land is in practice very flexible and varied. Generally speaking, land is negotiated and redistributed for each generation according to each family's needs, while the inalienability of the clan's land is respected. However, there are problems in areas which are heavily populated, or where so many coconuts have been planted that there is not enough land. This is the situation in Paama and in Tongoa. The division of land and the disruption of the traditional land tenure system has sometimes given rise to violent conflict.

Finally, the way in which Melanesians are rooted in their land is certainly one of the deepest values of their culture. Land is security in a changing world, but it is also this country's unique cultural identity. The older order of how men lived on their land has been disrupted in the last century by historical events and by the extension of coconut plantations. New solutions must be found for these problems which will conciliate respect for the traditional values of Melanesian culture, justice, and adaptation to a new time.



A huge Ban-yan tree. Many islands, particularly in the North are covered by dense bush.

Photo by Coral Tours.



Top: *A taro garden on Efate: taro is the staple food of ni-Vanuatu.*

Below: *Beef rearing has been an important part of the economy since the war.*

