

PACIFIC STUDIES

Vol. 33, No. 1

April 2010

LIVING IN THE *QOLIQOLI*: URBAN SQUATTING ON THE FIJI FORESHORE

Jenny Bryant-Tokalau
University of Otago

Fiji's 2006 coup was partially carried out as a response by Bainimarama to three pieces of legislation debated by the Qarase government. One was the *Qoliqoli* Act. Under the act, rights to the seabed, foreshore, and indigenous fisheries of Fiji would be invested in indigenous landowners. This was a long time in the making and would have recognized the rights of customary owners to coasts and other waterways. The legislation is stalled but may be revived in future as indigenous Fijians demand to have land under their own control. Whether some compromise is ever reached and whether it ever becomes law is still in doubt, but the question of ownership of traditional fishing grounds and rights to the foreshore are likely to rise again in the future. The situation of the urban poor, many of whom live on the *qoliqoli*, is likely to be contentious.

Introduction

FIJI'S *QOLIQOLI* LEGISLATION¹ was intended to right a "historical wrong," whereby under the Deed of Cession of 1874 the signatories (chiefs) gave Fiji unconditionally to Queen Victoria (Baba 2006). Land has since been returned, but such a process was never completed for the *qoliqoli*, despite regular demands. In essence, if the legislation is ever enacted,² it will recognize the rights of indigenous landowners to their coasts but will have implications for all, in particular the urban, coastal poor, many of whom live on the *i-qoliqoli*. Whether the act ever becomes law and how it would be registered is still very much in doubt. The question of ownership of traditional fishing grounds and rights to the foreshore are likely to rise again

in the future, despite the current suspension. Wide consultation and recognition of the situation of the urban poor, particularly informal settlers (often known as squatters), is imperative.

Land and Poverty in Fiji

Recent discussion on Fijian land, land rights, and burgeoning poverty involves the expiry of agricultural leases and the subsequent impact on rural cane farmers, who are largely (but not solely) Indo-Fijians. Other commentary focuses on the migration of dispossessed farmers to urban areas and the impacts on land there, particularly in the mushrooming squatter settlements of the main towns (for example, see Larry Thomas's "Struggling for a Better Living: Squatters in Fiji"), but there has been very little commentary on the possible consequences of returning the qoliqoli to traditional landowners and the implications for the coastal urban poor. Indigenous Fijians own 87.1 percent of Fiji's land, managed by the Native Land Trust Board (NLTB).³ The qoliqoli, if returned to customary owners, would be managed under a commission, under the Fijian Affairs Board, and the boundaries registered and defined. However, the preference of many indigenous owners would appear to be to take full control of their own resources and make their own decisions. Such views are a strong reaction to what has been perceived to be years of mismanagement and poor stewardship of Fijian land (Raicola 2008).

Fiji's Qoliqoli

The coasts, foreshore, and indigenous fisheries of Fiji have been the subject of a great deal of research and careful practice in attempts to ensure that fisheries resources are managed sustainably. Working with the Department of Fisheries in the Ministry of Fisheries and Forest, and under the Fisheries Act, customary owners are involved in the management of their resources in that they receive goodwill payments for the issuing of licenses and provide voluntary wardens to monitor and protect the qoliqoli (Techera and Troniak 2009: 25–29). Also over the past decade, the very successful LMMA (Locally Managed Marine Areas) Network has become a strong presence in Fiji, working at the community level, teaching monitoring and management skills focused on the near shore resources of coastal communities. The Fiji LMMA coordinates and assists in half of the 410 qoliqoli sites across the country. Essentially the communities manage their resources, as they have always done, and draw on advice and skills from both the local network, which comprises skilled local people, and other wider tropical country connections (for details, see Govan et al. 2008).

The qoliqoli, loosely translated, means fisheries, but it is much more complex than that and includes “any area of seabed or soil under the waters, sand, reef, mangrove swamp, river, stream or wetland.”⁴ This means that all internal waters, archipelagic waters, territorial seas, and waters within the exclusive economic zone would be subject to the new act and, as such, would include fisheries resources in their broadest sense, including “any water-dwelling plant or animal, at whatever stage of development, and whether alive or dead, and includes all types of eggs of a water-dwelling animal. . .” (Government of Fiji 2006: 4).

The issue with the Qoliqoli Act becomes the problem of tenure and whether it is land or sea. Boydell and Shah (2003, 2) commented on the nature of land “ownership” in Fiji, whereby land is “held by the mataqali and that there is no recognition of customary marine tenure either in a western legal sense or in a traditional communal sense” (Techera and Troniak 2009, 29). Whether the act becomes law, and whether present-day communities would be protected if it did, is much open to debate. Customary law and western legal systems would appear to be incompatible with conservation of resources; thus, the emergence of the LMMA strongly supported at local level still leaves present communities vulnerable to state or privately led development of coastal resources.

There are approximately 386 marine and 25 freshwater areas classified as qoliqoli (Techera and Troniak 2009: 29) contributing to the livelihood of approximately 400,000 customary owners. These are not only traditional fishing grounds as discussed above but also are home to most of Fiji’s squatters and many other urban dwellers. How the Qoliqoli Act would deal with these informal areas has not been defined, but the implications, as shall be seen in this paper, are likely to be major for those living in the qoliqoli, particularly if they are not customary owners, which is most often the case.

The Qoliqoli Act

During the life of the Qarase government, the “Blueprint for the protection of Fijian and Rotuman rights” (Government of Fiji 2000) that includes the Qoliqoli Act was promulgated. The act had been under development for about ten years by this time. Essentially the argument for it was that, since independence in 1970 (and indeed before this), there have been attempts to return ownership of the qoliqoli to indigenous owners. In 2006, the act was put before parliament, contributing to the takeover of government by Commodore Bainimarama later that year. There were many concerns including the notion that the act could have privileged a few of the largely

indigenous Fijian population. Hoteliers were said to be up in arms because the development of hotels, not to mention reef and boating tours, would have been threatened.⁵ Although the concerns around tourism were given as the main reason for Bainimarama's opposition to the act, this may not be the most important concern. Urban coastal dwellers, especially those who are poor, will be the losers.

Under the Deed of Cession, when Fijian land was given to Queen Victoria (Baledrokadroka 2003, 4), the chiefs of Fiji trusted the Crown to take care of their land and eventually return the land to them. Indeed, under Governor Gordon (Sir Arthur Hamilton-Gordon) and the establishment of the Native Land Commission, land was returned despite opposition from planters, particularly early white settlers. Despite the notion that the qoliqoli, the traditional fishing grounds and water courses of Fiji, were considered by the chiefs to be part of the deal and to be treated the same as land, it was never returned to indigenous ownership.⁶ Governor Gordon agreed with chiefs that the land would be returned under native title and strived to have it returned (Colonial Office 1879). Despite Gordon's strong views that Fiji was for the Fijians, whereby he established the Great Council of Chiefs and supported Fijian desire to make decisions concerning their own fortunes, he was unsuccessful during his term as governor as were subsequent governors. For example Des Voeux, an ex-governor tried to have the qoliqoli returned to the indigenous landowner, but there was always opposition from current planters (Baba 2006). The qoliqoli or the coastal land has never been returned to indigenous Fijian landowner control and continues to be owned by the state.

Because the coastal land or the qoliqoli is a very rich food source, which many urban dwellers use and from which many obtain sustenance, it is important to look at the implications of returning this land to indigenous ownership. At present, there are many contradictions in Fiji over future use and development of the qoliqoli. The second half of this paper will look in some detail at these issues.

The Urban Pacific and the Case of Fiji

Pacific peoples are undergoing relatively rapid urbanization (Bryant 1993; Storey 2006), with approximately half of population now urban. Over the next three decades, it is likely that populations will double, and most of this growth will be urban (Secretariat of the Pacific Community 2004). Some towns such as Port Vila in Vanuatu and South Tarawa in Kiribati are both growing rapidly and facing extreme problems of unmanageable urban densities with implications of pressure on land, affordable housing, safe

water, education, and employment, a situation already blatantly apparent in Solomon Islands, Papua New Guinea, Vanuatu, and Fiji. Also, conflict over limited supply of accessible urban land is being seen such as in Tuvalu (Samasoni and Tausi 2004).

In 1993, Cole warned of an almost doomsday scenario in Pacific towns by 2010. Despite commentary that these earlier scenarios painted an unnecessarily negative picture of the Pacific (Hau'ofa 1993), Cole's predictions have come to pass. Unsafe drinking water supplies, polluted lagoons, and massive loss of top soil are current realities across the Pacific, including in urban areas. In all countries, the problem of access to fresh water and decent sanitation continues despite massive infrastructural assistance.

In Fiji, where 53 percent of the population is urban, pressure for the small amount of freehold land is intense, making it unaffordable for low-income housing. Competitive interests for state and native leases make it difficult to find suitable land for housing the poor, and squatters of all ethnicities are becoming more aggressive in their movement onto State land. The *Qoliqoli Act*, if ever revived, could have implications for the burgeoning urban populations. Some outfall from the act is already apparent in Suva, where squatter settlements on coastal areas are facing rent demands by indigenous owners preparing for foreshore ownership. In some cases, there has been outright removal of inhabitants who have lived in these areas sometimes for generations (Kanakana 2008).

Fiji Poverty and Squatting

Directly related to (but not exclusively) to any discussion on Fiji urban land and the situation of coastal squatters is the issue of poverty. Poverty has been discussed, accepted, and denied for a long time in Fiji, with a range of views on numbers, ethnicities, and geographic location (Barr 1990; Bryant 1992; Narsey 2008). Until recently, the "accepted" statistics ranged somewhere around 11–12 percent of the total Fiji population of 900,000 living as squatters, with between 25 and 33 percent of the total population living in poverty (some say 30–40 percent of households) (Mohanty 2006, 66). By 2010, figures of those in poverty were as high as 40 percent living below the poverty level earning less than F\$35 per week (Poverty Eradication Unit 2010).

Hassan (2005) claims that, in the seven years 1996–2003, the squatter population grew by as much as 73 percent, but this figure is difficult to verify.⁷ Whatever the imperfect data say, health and social implications for those living in the settlements are significant. Thousands, as much as

53 percent of the population (Lingam 2005, 5), face an intermittent and unclean water supply, yet formal statistics claim that 97.5 percent in urban areas have access to safe drinking water (Fiji National Planning Office 2004, 57). At least 20 percent of households live in “unacceptable” housing, and approximately 15 percent of households live in food poverty (Lingam 2005, 7).

These figures illustrate not only income poverty but lack of alternatives and opportunities for urban dwellers. Lack of access to housing and an unhealthy diet and environment have a direct impact on abilities to learn, work, and participate; thus, people without these things may be considered to be living in poverty (Bryant 1992, 92). Of course, the issue of the *qoliqoli* does not refer to the poor only, but it most certainly has implications for them because they are vulnerable and likely to be suffering the most from lack of access to urban coastal land, employment, and sustenance.

The increasing numbers of urban dwellers to a predicted 69 percent by 2030 (Mohanty 2006, quoting United Nations 2004) means increasing pressure on urban resources and land. Although there are no current figures that count those living in the coastal areas, it is clear that, in the main towns of Suva, Nadi, and Labasa, the majority of the informal settlements are coastal and abutting waterways. In Suva, it is estimated that 60 percent of squatters live in the Suva-Nausori corridor (Thornton 2009, 885). They are also living in increasingly worsening circumstances.

In the mid-1990s, it was commonly noted that urban inhabitants depended heavily upon their gardens, farms, and fishing for subsistence, with few members of the household working in formal employment (Bryant-Tokalau 1995, 117). Also, there was dependence on informal activities such as gardening and selling vegetables. Thaman commented on the high level of gardening in some of the settlements (Thaman 1995) where it was obvious that households living in peri-urban situations needed cash for necessities such as food, transport, school fees, books, and uniforms as well as traditional and other obligations. Thornton (2009) discusses the increasing tendency to both garden and raise livestock more intensively in these areas as people struggle to sustain themselves. Also, these well-located households are under threat of being moved inland and away from water ways and mangroves as resettlement schemes take effect (Thornton 2009, 890). The future for these “squattling farmers” may well be bleak if they are resettled away from the *qoliqoli* and easy access to employment and markets.

However, my own research indicates that, as the settlements become more densely established, fewer people are gardening, gathering wood, and farming there. Although it could be predicted that urban gardening is

becoming an even more important means of sustenance, personal observations in River Road, Wailea, and Nanuku (all settlements close to Suva in the 20-km corridor between the city and Nausori town) in 2006–2007 indicate that there simply is no longer sufficient land available for people to garden or keep livestock. Again, this needs to be verified by new urban gardening surveys, but certainly with fishing and harvesting from the sea shore, Indo-Fijian squatters told us that they no longer use these resources, partly because of the cost and difficulty of fishing licenses but also because they face censorship from fish wardens⁸ and antagonism as competition for resources in urban areas grows. These observations are supported by United Nations Development Programme (UNDP) who also found that the *qoliqoli* may be less important as a source of livelihoods for squatters of all ethnicities than in earlier years (UNDP 2007, 28).

Attitudes to the Poor

Consecutive governments have attempted to address the issues of poverty, squatting, urbanization, and failures in health, education, and services, but the approaches have been scattered, are often contradictory, and have never explicitly focused on urban coastal areas. For example, although the Laisenia Qarase-led *Soqosoqo Duavata ni Lewenivanua* (SDI) Coalition Government in 2004 allocated F\$56.1 million to address issues of poverty (Parliament of Fiji, Hansard, November 21, 2005), its own ministers were scathing of the poor. The Minister for Women, Social Welfare, and Poverty Alleviation, Adi Asenaca Caucau, made several comments regarding the nature of the poor whom she regarded as people who “actually made a choice to live there and were not driven there by poverty. . .” (editorial, *Fiji Sun*, Thursday, November 20, 2003, quoting the minister’s Parliamentary Budget speech, November 19, 2003).

Such contradictory approaches to issues of poverty and squatting were borne out through policy that alternately attempted to remove squatters, support and condemn nongovernment efforts, and upgrade settlements. In 2006, the then Minister of Housing, Adi Caucau, commented, “the more than 10% of the country’s population who are forced to survive as squatters are like thieves because they live illegally on someone else’s land . . . and police should make every effort to round them up and remove them” (*Fiji Sun*, September 27, 2006).

It was in such a climate that the *Qoliqoli* Act was drafted. This act, which looks like a positive attempt to restore land and foreshore to the rightful indigenous owners, could have had significant consequences for the poor throughout Fiji but most notably in urban areas. Since its suspension of

the act, the current military government also offers contradictory approaches to the issue of squatting with a range of policies including resettlement to areas further away from Suva (Kikau 2009) and to some apparently genuine concern about poverty, unfortunately negated by housing policies that will benefit only the wealthy and make life more difficult for the poor (Barr 2009, 4). It is in this climate of uncertainty that the qoliqoli should be examined.

The Significance of the Qoliqoli to Urban Areas

The issue, which has not been adequately discussed or even recognized, is how the qoliqoli legislation, whether ever enacted, will impact the urban poor, specifically squatters. Many people have relied to a large extent on gathering from the sea shore, diving, fishing, and recreational use. Urban densities, but also uncertainty, are beginning to have an impact on this use by all ethnicities as ownership of the foreshore is claimed. The legislating of the foreshore into landowner hands will at times lead to conflict and misunderstandings, and this has already occurred to some extent. In Suva, for example, where squatter settlements on coastal areas are growing rapidly, some customary owners are preparing for ownership by demanding rent or outright removal of settlers who have lived in these areas sometimes for generations. Urban settlements that have existed for as long as forty years in mangrove areas around Suva, and where permission to build has been granted by *vakavanua*⁹ agreement with landowners through a *sevusevu* or traditional presentation of kava (*piper methysticum*) or a *tabua* (whales tooth), may no longer have security (Kiddle 2009, 23). Younger generations of landowners, seeing the possibility to earn large rents or to use land for other purposes, may terminate long-held agreements. Some of this is happening already, and the impact will be greatest on poorer sections of the community (both indigenous and otherwise) who have limited options.

Although traditional rights to the qoliqoli can be considered to be both fair and just, and fits well with concepts of indigenous rights (Madraiwiwi 2007, 7), it is highly contested and likely to lead to divisions both within indigenous Fijian *mataqali* and other nonindigenous groups, including hoteliers and the large numbers of people living on land that is not traditionally theirs. In Fiji, most land is registered and managed by the NLTB. The process of land registration took place over a lengthy period under British administration and the leadership of Ratu Sir Lala Sukuna who established the NLTB both as a “solution” to providing land for Indo-Fijian farmers and a way of providing income to the indigenous owners and

returning land to those whose land it was. The process was long and not without conflict and disagreement, but eventually land was registered and placed under the NITB. There continue to be rival claims over this land.

Such a process has never taken place for the *qoliqoli*, and this is where doubts now arise (Baba 2006). The UNDP, in its 2007 revision of the Fiji Poverty Report, went as far as saying the prospect of resource rights moving from government to community authority was “frightening” for the vulnerable poor (UNDP 2007, 28). This is a major dilemma. Indigenous Fijians regard *qoliqoli* as theirs, and some say they want it back (but perhaps not with defined boundaries). It is in effect treated as customary land yet is owned by the state.

Qoliqoli and Indigenous Rights

At first sight, the return of the *qoliqoli* to indigenous people appears to be as it should be with indigenous rights over foreshore and fisheries after being in hands of the state being reaffirmed. Much of Fiji’s urban housing, businesses, recreation facilities, and squatters or informal settlers¹⁰ currently reside on the *qoliqoli*. Urban areas are largely coastal, and despite the removal of many from their traditional land areas, many use the *qoliqoli* for fishing, gathering shellfish, building, and gardening. There are now more than 180 squatter settlements in Fiji housing somewhere between 80,000 and 100,000 people of mainly Indo-Fijian and indigenous Fijian ethnicity but also from other groups such as i-Kiribati and Solomon islanders¹¹. Most communities are ethnically mixed with their common identity being one of poverty, insecurity of tenure, and a desire for housing, land, employment, and education. Many of these settlements are coastal, but others are on watercourses running inland from the sea. These will also come under the *Qoliqoli Act*. Potentially, if the act is passed, there will be conflict. Already some people have been asked to move from their settlements or to pay fees or are prevented from using the *qoliqoli* by indigenous owners. Although these incidents are still few, the potential for displacement and uncertainty is large. Just who the real owners are will take a long time to determine, and there will always be disagreement.

Since Bainimarama took power, formal efforts at resettling Fiji’s squatters have continued. Some old established settlements, such as Jittu estate in Suva, on land owned by the Methodist church, is being redeveloped, and housing standards and facilities have improved. This has meant the displacement of up to 300 families, many of whom have lived in the area for 30–40 years (Kikau 2009). The Housing Authority has plans to move Suva squatters onto land that is further inland out toward Nausori, but

despite efforts to improve their living conditions, the squatters will then be a very long way from their source of income, subsistence, and networks.

The sheer numbers of squatters involved make it unlikely that all will be adequately resettled or even should be. The legal “ambiguity” (Beall and Fox 2009, 117) of the urban poor makes them vulnerable to exploitation and development, including from governments. Issues of use and ownership over urban land, along with limited access to services and increased likelihood of diseases, are likely to continue. Additionally, whether left where they are now or moved to more isolated settlements, they, like their urban squatting counterparts in poorer communities globally, will continue to be vulnerable to the probable impacts of climate change: flooding, salinization, and lack of access to opportunity.

If Fiji’s qoliqoli legislation is ever enacted, the future of urban areas would have to be very carefully considered, and there would need to be consultation with people living in these areas. Because many of the squatter settlements are on the qoliqoli, in reality (if not in legal fact) they are on traditional land. If ownership can be proven to traditional landowners, it would be hoped that, through negotiation and discussion, an arrangement could be made between landowners and settlers. In fact, there has already been some conflict. There have been cases in the capital Suva, for example, where landowners have asked for people to move because the land is theirs and they now want to do something else with it. This includes urban land in Fiji, because much of it is on native lease, and under the NLTB, there is an expiry date. Some settlers have already been relocated because of development of land for industry, factories, or housing. Squatters on the qoliqoli have little security whether they are indigenous Fijian or any of the other ethnicities, and probably even *vakavanua* arrangements will not hold because of their informal nature. The new generations of landowners returning from overseas with money and education and different expectations have less understanding or sympathy for squatters. Chances are that the people will be moved off the area.

Where squatters live has been very important to their survival because many of these people have come from villages or isolated rural settlements where they could largely provide their own food and go fishing. Living in a squatter settlement close to the coast or up a river theoretically provides settlers with a source of food. Where possible, people fish with their own nets, boats, and traps. Women collect shellfish, and there are products available for weaving and other crafts, all a rich source of income for the people in these settlements. If they were not living in these coastal areas, probably they could not survive as well. But with the settlements closer to

main urban areas, the story is not as simple. Overcrowding and legislation now mean that the *qoliqoli* may no longer be a safe reality for squatters.

Qoliqoli Act “Back on the Table”?

With Bainimarama’s stated moves to give everyone an equal chance in Fiji (no racial divisions, one person one vote, etc), but still under military rule, his opposition to the *Qoliqoli* Act sometimes seems more comprehensible. The opposition to the act was not about dangers to the tourism industry; some say it was about the perceived dangers of ethno-nationalism. This, too, is disputed (Baledrokadroka 2009), and in reality, it is impossible to unravel all the reasoning behind Bainimarama’s opposition.

The Ecumenical Centre for Education, Research, and Advocacy (ECEA), in a statement in 2009, commented on SDL party moves to revive both the *Qoliqoli* and Lands Claim Tribunal Acts despite much more public comment in opposition. The SDL (ECEA claimed) was using the acts to highlight issues of indigenous rights as a way of getting ethnic Fijians and traditional leaders back on side (ECEA 2009). This was at the same time as efforts were underway to revive the Great Council of Chiefs (GCC), which had been suspended by Bainimarama. Although the suspension of the GCC was unprecedented, indeed shocking to many at the time, what has become clear in recent years is that young generations of Fijians are less likely to submit to the authority of the chiefs, believing that autocratic leadership has failed them in their development. Also, as a more educated generation, they want some say in development without necessarily trying to destroy traditional authority. How far this is an accurate reading of the wider Fijian feeling at present is difficult to say. There have always been rumblings from those who wish to dismantle traditional structures, but there are also balanced attempts to understand the needs and changing values of traditional and modern aspects of society (Madraiwiwi 2006: 50–52).

If compromise is not reached and support for chiefs and the traditional structures are viewed as being in danger and in need of “saving,” or if there is a wave of ethno-nationalism and then political expediency, it is possible the *qoliqoli* legislation will be revived. If this happens, people living in the areas or using the *qoliqoli* for their livelihoods will still have to come to an arrangement with traditional landowners. The urban population is continuing to grow; thus, the pressure on land will continue to be intense. My prediction is that all urban land is going to come under the spotlight in the next few years, but I believe that the *Qoliqoli* legislation, in particular, is going to have to be dealt with.

Implications for the Poor

It is likely that the issue of indigenous rights, perceived as righting historical wrongs in the return of the qoliqoli to native landowners, will not be given up lightly in Fiji. Indeed, the country may be modernizing, but many of the traditional institutions and beliefs remain. People are inherently conservative and will take time to change and to reach an acceptable balance between traditional institutions and ideas of modern development. Issues of urban housing, fishing rights, tourism, and access to coastal areas are, of course, crucial to Fiji's future development, growth, and stability. Herein lies the dilemma. The poor, particularly the illegal poor, really are under threat in the qoliqoli as UNDP states (2007, 28) because most of the people living there are not traditional landowners with many of the newer arrivals coming from farming backgrounds, from expired cane leases.

As leases continue to expire up until 2028, possibly displacing as many as 75,000 people (Storey 2006, 15), pressures on urban settlements will be very great. In addition, ethnicity is no longer a simple identifier of the urban poor. People are of all ethnicities including at least half who are ethnic Fijians and happy to pay a regular *solu*¹² to landowners. Indo-Fijians recognize that they, too, must do the same if they wish to have some security. In fact, as stated above, such casual arrangements are under threat no matter what the ethnicity of the settler. If people have no historical claim to the land, then they are increasingly regarded as outsiders. If the qoliqoli is ever returned to traditional owners, many poor will lose their homes and livelihoods. Conditions are deteriorating as the new generation of young landowners makes rental demands on settlers leaving little incentive for people to do any improvements to their homes. They have limited places to go.

Qoliqoli and Recent Events

If tourism was not the actual issue, then why did Bainimarama really carry out the 2006 coup and then remove the Qoliqoli Act? Obviously the reasons are more complex than can be unraveled here, but some issues may now become clearer. There is little doubt that, had the Qoliqoli Act become law, then life for many of the poor quickly could have become miserable. The fault in this argument is, of course, that, despite the shelving of the act, landowners in some instances are now behaving as though the act were law. This is not new and has always gone on informally. In a perceptive comment in 1994, Overton noted that there were more informal and illegal

land tenure arrangements under the Native Lands Trust Board and the Agricultural Landlord and Tenant Act. Referring to rural land, he suggested that the various *vakavanua* arrangements, whereby tenants and indigenous owners negotiate, were becoming more common and that perhaps some form of legalization of such arrangements would be helpful (Overton 1994, 15). In the urban setting, such arrangements have continued for so long, often across generations, that again it would seem reasonable to consider some sort of formalization of the modern form of customary tenure. Of course, it would be difficult to find agreement among landowners, if indeed the actual owners can be easily identified.

The complexities of the *qoliqoli* are enormous, and many questions remain. For example, if the area is not returned to customary owners, then what does this mean for indigenous rights? If the act has been stymied in the name of equal rights for all, then is this what is truly happening? Is everyone ever likely to have equal access to land? If it ever happens that the *Qoliqoli* Act becomes law, or the *qoliqoli* continues to remain state land, then what might this mean for people currently living there? Already there are plans to relocate squatters away from state land to make way for new developments. Such developments (gated housing complexes, industry, resorts, and sports facilities) are obviously not all designed with public interest in mind; thus, suspicions will remain that, in the name of development, the poor are expendable.

Additional dilemmas involve the views and hopes of many ethnic Fijians. Their fear of losing land rights may be strong; many may not be ready to share land in an equal fashion, but some feel that there are signs under Bainimarama that there is more tolerance.¹³ One wonders whether urban Fijians do feel strongly enough about the *vanua* and their chiefs to support return of the *qoliqoli*, or do they prefer the status quo of *vakavanua* arrangements and the likely future uncertainty? Indigenous Fijians living in urban areas, in mangrove *qoliqoli* settlements, wonder aloud that, if the *qoliqoli* is ever returned, then to whom it will go. They know that ownership is uncertain, and there is much concern, for example, about who would define the boundaries and how this would impact those living there. They know full well that land for development will always take priority and that the wealthy and educated would benefit¹⁴ while the rest are alienated when such land becomes a valuable commodity as is already the case with tourism (Waqaisavou 2001).

Communities living in the *qoliqoli* may be poor and often missing parts of a formal education, but they are in no way ignorant. People talk long into the night about their future. People of all ethnicities frequently discuss around the kava bowl what has gone on before between chiefly clans and

those who amass wealth at the expense of commoners. They know that they have little voice about what developments may take place, and they know they are all vulnerable. If they have no security of tenure, permanent housing, and have to be moved again from their homes in the qoliqoli away from social networks and employment, their future is bleak indeed.

Conclusion

Of course, coastal areas are a target of tourism development, and it was first said that it was the presence of large resorts and the need to encourage continuing investment that led Bainimarama to oppose the Qoliqoli Act, but the significance is far greater than tourism. Resorts are generally not in urban areas, but poor and vulnerable people do live there in growing numbers on the margins of cities such as Suva and Labasa where they can make a living. These people are vulnerable for many reasons. There are not only issues of ownership and the fragility of traditional customary or “consensual” arrangements but also the push for major development and industry as well as middle class housing stock. These, along with climate change and sea level variation as well as other natural disasters such as tsunamis and cyclones, can all mean the loss of urban land and, thus, lack of access to employment, housing, and education for the urban poor.

By elevating the issue of the qoliqoli to the global arena and using it alongside the other act to oppose the pardoning of coup perpetrators to threaten a new coup, Bainimarama must have known what he was doing. He is not an unintelligent man. Indeed, at first, he was regarded by some as moral and good. Also, he is fully aware that Fiji faces a number of current problems including unemployment, poverty, inequality, and a massive increase in squatter settlements and lack of adequate services. These issues will overshadow everything else in the future. It must be hoped that Bainimarama will listen to both the poor and the privileged in planning Fiji’s future.

ACKNOWLEDGMENTS

My thanks go to the University of Otago for releasing me to take Research and Study Leave to commence my work on the Fijian Qoliqoli and Squatting. Also, I would like to thank the University of Cambridge, St. Johns College for the generous Overseas Visitors scholarship, which I took up during Lenten Term, 2010, enabling me to spend time in their libraries as well as the National Archives in Kew. Also, my thanks go to the University of Hawai‘i, particularly the Center for Pacific Islands Studies, for opening their libraries to me and allowing presentation of my early thoughts on this topic of research. *Vinaka vaka levu.*

NOTES

1. There were three contentious acts: the Reconciliation, Tolerance, and Unity (RTU) Bill; Qoliqoli Act; and the Land Tribunal Bill, all three of which were considered objectionable by the opponents of the 2000 coup. Perhaps the most significant of these has been the RTU bill, which would grant an amnesty to some of those involved or being investigated for involvement in the coup of 2000, including individuals who later became officials within government.

2. The Qoliqoli Act, variously named in Fiji legal literature as both a bill and an act, was opposed by Bainimarama in the name of tourism and has been put on hold.

3. The NLTB administers 28,701 leases. Fifty percent of these are agricultural; 38 percent residential; 6 percent educational, recreational, and religious; 5 percent commercial; and 1 percent industrial (NLTB 2009).

4. Qoliqoli is, according to the proposed act: "... recognized and determined within customary fishing grounds under the Fisheries Act ... and includes any customary fishing grounds reclaimed before or any qoliqoli area reclaimed after the commencement of this Act ..." (Government of Fiji 2006, 4).

5. The tourism industry voiced concerns that the act would seriously affect tourism in Fiji. There were instances, even before the act was passed, of Fijians intercepting fishers and foreign tourists at sea and demanding money to allow them to carry on with their journeys (Keith-Reid 2007), but also there were calls for cooperation between landowners and tourism operators, and on the whole cooperation was the order of the day (Wilson 2007).

6. It could be argued that the difference between the land per se, and coastal and inland waters is actually differing perceptions of land and sea under customary law (i.e., possession of water is not as clear [or as possible] as with land), but this is not always clear particularly if indigenous Fijians view their waters in the same way as they view land.

7. Without specific censuses of urban populations and particularly of squatters, these figures should be taken as guesses only. However, it is possible to extrapolate urban growth from SPC 2009, and if anything, the growth in squatting reported appears reasonably accurate (see Bryant-Tokalan 2010).

8. Honorary fish wardens are enabled under the Fisheries Act to check for any violations and to act as enforcers. However, under the law, people may legally fish without a license if they use a hook and line or spear or portable (one person) fish trap (Techera and Troniak 2009: 25–26, quoting the Fisheries Act s.5 (3)).

9. *Vakavunia* generally means "done in the way of the land" or traditionally. Essentially these people, who are of all ethnicities, are "tenants-at-will" on Fijian land but, of course, have no security. Under such arrangements, people may pay an annual fee or *soli* of cash or goods to landowners. Tenants under such arrangements in urban areas are usually grouped with other informal settlers on freehold and state land and are all called squatters in Fiji.

10. In Fiji, the term squatter is used to mean both illegal settlers as well as those who have *vakavanua* permission from landowners. The term informal settler is more accurate although squatter is widely used and understood to encompass a range of settlement types. There is no connotation of settlers being any different from squatters. Both terms are widely used in Fiji to denote people of whichever ethnicity who lack security of tenure. There are no generally accepted Fijian and Hindi terms to denote squatting in the Fiji context. *Vakavanua* is used in some situations (see note ix), but the definition applies to a certain arrangement on indigenous land. The media, the public, and many academics writing before the 1980s tended to use the term squatter to cover all types of informal settlement.

11. It is important to note that there is great diversity within the different ethnicities of Fiji and that, in terms of land politics, the picture is often not as clear cut as some interpretations have led us to believe. Most people living in the informal or squatter settlements face similar issues of insecurity and hardship. Lack of access to fresh water, decent housing, schools, and employment are common to all, as well as vulnerability to eviction is widespread. Divisions are never simple, and location, geographic origins, chiefly structures (and being a commoner), being rich or poor, are as legitimate forms of diversity in Fiji as simplistic racial explanations for people living in the settlements. The dispossessed cane farmers who have swelled settlements in recent times have been victims of indigenous Fijian land claims, but their fate, in the urban settlements, now differs little from ethnic Fijians who have moved to towns for a perceived better life.

12. *Soli* as stated in an earlier footnote is a type of exchange of cash or goods for the purpose of fund raising. In this particular instance, it is in effect a type of lease payment usually around FJD300 per annum.

13. Of course, there is also plenty of evidence of intolerance. A cursory look at blog sites is enough to demonstrate this, but there is no way of placing figures on the levels of tolerance and intolerance.

14. Recent (February 2008) plans to reserve all native land (87.1 percent of Fiji's land) and subsequent compensation to landowners may bring about additional areas of conflict. It is not yet clear how the dereservation will impact squatters and the qoliqoli because this land currently belongs to the state (*Fiji Times*, February 17, 2008). Questions such as access to the qoliqoli have yet to be resolved and are likely to become even more conflicted if the dereservation of native land does take place.

REFERENCES

Baba, T.

- 2006 Fiji "Qoliqoli Bill" would right historical wrong. Commentary, Pacific Islands Report. <http://pidp.eastwestcenter.org/pireport/2006/November/11-14-comm1.htm> (accessed May 2, 2008).

Baledrokadroka, J.

- 2003 The Fijian understanding of the Deed of Cession Treaty of 1874. Paper presented at Traditional lands in the Pacific region: Indigenous common property resources in convulsion or cohesion, Brisbane, Australia, September 2003.

- 2009 The role of the military in Fiji. *Fiji Update* 2009, Stamford Plaza Hotel, Brisbane, Australia. August 13. http://rspas.amu.edu.au/melanesia/documents/fiji/20090813_Baledrokadroka.pdf (accessed March 15, 2010).
- Barr, K. J.
 1990 *Poverty in Fiji*. Suva: Fiji Forum for Peace, Justice and the Integrity of Creation.
 2009 Housing affordability. A short paper for *Fiji Update*. Suva: Univ. of the South Pacific.
- Beall, J., and S. Fox
 2009 *Cities and Development*. Routledge Perspectives on Development. London: Routledge.
- Boydell, S., and K. Shah
 2003 An inquiry into the nature of land "ownership" in Fiji. Paper presented at International Association for Common Property, Second Pacific Regional Meeting, Brisbane, Australia, September 7–9.
- Bryant, J.
 1992 Urban poverty in Fiji: Who are the urban poor? *Singapore Journal of Tropical Geography* 13 (2): 90–102
- Bryant, J. J.
 1993 *Urban Poverty and the Environment in the South Pacific*. Armidale: Univ. of New England, Geography and Planning.
- Bryant-Tokalan, J.
 1995 The myth exploded: urban poverty in the Pacific. *Environment and Urbanization* 7 (2): 109–29
 2010 The Fijian qoliqoli and urban squatting in Fiji: Righting an historical wrong? Paper presented at workshop "Going finish"? Alfred Deakin Research Institute, Working Paper No. 12, Deakin Univ., Geelong, Victoria, Australia.
- Cole, R., ed.
 1993 *Pacific 2010—Challenging the Future*. Canberra: NCDS, ANU.
- Colonial Office
 1879 Land claims in Fiji. Australian, no. 78. Memorandum by the Honorable Sir Arthur Gordon, July.
- ECREA (Ecumenical Centre for Education, Research, and Advocacy)
 2009 Relevance of autocratic leadership, written by admin (ECREA), February 12, 2009. <http://www.ccrea.org.fj/index.php> (accessed June 21, 2009).
- Fiji National Planning Office
 2004 *Millennium development goals, national report*. Suva: Ministry of Finance and National Planning.

- Govan, H., W. Aalbersberg, A. Tawake, and J. Parks
 2008 *Locally-managed marine areas: A guide for practitioners* Suva: LMMA Network.
- Government of Fiji
 2000 Blueprint for the protection of Fijian and Rotuman rights and interests and the advancement of their development. Paper presented at the Great Council of Chiefs by the Interim Prime Minister, Laisenia Qarase, July 13, 2000.
 2006 *Qoliqoli Act 2006* (Bill No. 12 of 2006). www.fiji.buzz.com/bills-and-acts/the-qoliqoli-bill-2006.litml (accessed October 9, 2007).
- Hassan, Abdul
 2005 A preliminary study on the supply of low-cost housing in Fiji. Paper presented at Pacific-Rim Real Estate Society 11th Annual Conference, Univ. of Melbourne, Australia. www.business.unisa.edu.au/prres/Proceedings/Proceedings2005/Hassan_A_Preliminary_Study_On_The_Supply.pdf (accessed September 2, 2008).
- Hau'ofa, E.
 1993 *A new Oceania: Rediscovering our sea of islands*. Suva: Univ. of the South Pacific.
- Kanakana, E. Tui Suva
 2008 Fiji village chief fights eviction from Suva property. www.fijilive.com (accessed July 2, 2008).
- Keith-Reid, R.
 2007 Stormy waters: Trying times ahead for tourism. *Islands Business International*. http://www.islandsbusiness.com/islands_business/index_dynamic (accessed December 10, 2009).
- Kiddle, L.
 2009 Vakavania settlement in Fiji. *Just Change*. 16 (October–December): 23.
- Kikau, R.
 2009. Squatter strife: 300 families in limbo. *Fiji Times Online* (March 24, 2009). www.fijitimes.com.fj (accessed June 23, 2009).
- Lingam, D.
 2005 *The squatter situation in Fiji*. A report by the Ministry of Local Government, Housing, Squatter Settlement, and Environment, Suva.
- Madraiwiwi, J. Rt.
 2006 Navigating passage between human rights and culture in Fijian waters. In *Pacific Future*, ed. M. Powles, 50–52. Canberra: Pandanus Books.

- 2007 Mythic constitutionalism: Whither Fiji's course in June 2007? Paper presented at workshop The Fiji coup—Six months on. State, Society, and Governance in Melanesia Programme and the Pacific Centre, ANU, Canberra, June 5, 2007.
- Mohanty, M.
2006 Urban squatters the informal sector and livelihood strategies of the poor in Fiji Islands. *Development Bulletin*, 70 (April): 65–68. Canberra: Australia National Univ.
- Narsey, W.
2008 *The incidence of poverty and the poverty gap in Fiji: Ethnocentric political parties and political tragedy for the poor*. Suva: Univ. of the South Pacific.
- NLTB (Native Land Trust Board)
2009 http://www.nltb.com.fj/land_statistics.html (accessed March 23, 2010).
- Overton, J.
1994 Land tenure and cash cropping in Fiji. In *Land issues in the Pacific*, ed. R. Crocombe and M. Meleisea, 121–29. Suva: Institute of Pacific Studies.
- Parliament of Fiji
2005 Hansard Record of Proceedings, November 21, 2005.
- Poverty Eradication Unit
2010 <http://www.fijivillage.com> (accessed April 22, 2010).
- Raicola, V.
2008 Sacrificing community interests for the benefit of the whole. *Fiji Times*, Monday, January 28, 2008. www.fijitimes.com/id_79789 (accessed June 24, 2009).
- Samasoni, L., and L. Tausi
2004 Country paper on urban management: The case of Tuvalu, urban environmental issues. www.unescap.org/epoc/documents/R3.9_Tuvalu.pdf (accessed March 17, 2010).
- Secretariat of the Pacific Community
2004 Current Pacific population dynamics and recent trends. Noumea: SPC Demography/Population Programme.
- Storey, D.
2006 *Urbanisation in the Pacific*. Canberra: Australian National Univ.
- Techera, E. J., and S. Troniak
2009 *Marine protected areas policy and legislation gap analysis: Fiji Islands*. Suva: IUCN Regional Office for Oceania.

Thaman, Randy

- 1995 Urban food gardening in the Pacific Islands: A basis for food security in rapidly urbanising small-island states. *Habitat International* 19:209–24.

Thornton, A.

- 2009 Garden of Eden? The impact of resettlement on squatters “agri-hoods” in Fiji. *Development in Practice* 19 (7): 884–94

UNDP (United Nations Development Programme)

- 2007 *No fit state: Housing for the urban poor in Fiji. Fiji Poverty Report 2006*. Suva: UNDP.

Waqaisavou, T.

- 2001 Tourism in Fiji: Native land owner attitude and involvement. Paper presented at Pacific Rim Real Estate Society Annual Conference Adelaide, 21–24.

Wilson, D.

- 2007 Bill vital to owners participation—Ratu Osea. But a cooperative approach needed. <http://www.islandsbusiness.com> (accessed December 9, 2007).