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ALIENATED LAND AND INDEPENDENCE IN MELANESIA

by Peter Larmour

Introduction

Between 1970 and 1980 four parts of Melanesia became independent as Fiji (1970), Papua New Guinea (1975), Solomon Islands (1978), and Vanuatu (1980). Irian Jaya had been moving toward independence from Holland but was annexed by Indonesia after 1963. The only remaining European colony in Melanesia is New Caledonia.

Before and during the colonial period Europeans, and later other non-Melanesian settlers, had acquired land in Melanesia by force, agreement purchase, or grant by the colonial governments. The extent and means of land alienation differed in each country. The least alienation took place in Irian Jaya, the most--and most violent--in New Caledonia.

In the four countries that became independent in the 1970s the percentages of the total land area alienated ranged from about 20 percent (Vanuatu) to 4 percent (PNG). That this land should be returned to its Melanesian customary owners became an issue in each country at independence except in Fiji, where it was repressed in the interests of racial harmony. But demands for the return of land are likely to be expressed in the Fijian Nationalist party's challenge to the ruling Alliance party in the July 1982 general elections. And during the 1970s the issue became the focus of Melanesian opposition to continued French rule in New Caledonia.

The following paper compares the ways in which the issue became articulated and attempts to resolve it during the 1970s. It compares, particularly, Papua New Guinea, Solomon Islands, and Vanuatu but refers obliquely to Fiji and New Caledonia and briefly to Irian Jaya.

Non-Melanesian Settlement in Melanesia

Melanesia is a chain of islands running from Irian Jaya in the west to Fiji in the east. Ethnically and culturally the unit is less distinct, at least at the edges. Before European colonization, there were Indonesian settlements on the west coast of Irian Jaya; Polynesian settlements on the outlying islands of Papua New Guinea (PNG), Solomon Islands, Vanuatu, New Caledonia, and Fiji; and Micronesian settlements in the northern islands of PNG. Fiji itself, at the eastern edge of Melanesia, does not fit easily into a Melanesian or Polynesian classification, having many connections with both.

Colonization by Holland, Britain, France, and Australia (and briefly in the north by Germany and Japan) changed the ethnic balance by settlement within Melanesia in several ways that had important consequences for land policy at independence.

There were three sources of settlers during the colonial period. First, settlers came from the metropolitan countries themselves, particularly Australians to Papua New Guinea and French to New Caledonia and Vanuatu. There were also smaller British and Australian settler groups in Fiji, Vanuatu, and Solomon Islands. There were practically no Dutch settlers in Irian Jaya, but after the Indonesian takeover in 1963 thousands of people have been resettled there as part of the Indonesian government's "transmigration" policy.

Second, settlers were introduced, initially as laborers, from other distant colonies of Europe--particularly Vietnamese and Indonesians into New Caledonia and Indians into Fiji. Indian labor for Solomon Islands was also proposed but rejected soon after colonization. Small Chinese trading communities also grew up in each territory.

Third, the tendency for colonial units of administration to follow the accidents of European competition, rather than local ethnic division, opened Melanesia to migration from non-Melanesian neighbors which happened to be governed by the same colonial power. The Micronesian Gilbert Islands were, for example, administered with the Polynesian Ellice Islands as a single colony and, for some purposes, with the Melanesian Solomon Islands and Vanuatu as part of Britain's Western Pacific High Commission. Polynesian Rotuma was included in the government of Fiji. In 1945 about a thousand Micronesian people from Banaba in the Gilbert and Ellice islands colony were resettled in Fiji, and between 1955 and 1971 about twenty-three hundred Gilbertese were settled in western Solomon Islands. Similarly, within the French colonial system, Polynesian Wallisians, Futunans, and Tahitians settled in New Caledonia and Vanuatu.

There were also movements of Melanesians between territories within the British and French colonial systems: small Fijian communities grew up in Solomon Islands and Vanuatu, and Solomon Islander and ni-Vanuatu communities in Fiji. By 1980 there were about a thousand ni-Vanuatu in New Caledonia.

Settlement led to marriages between Melanesians and migrants, like the parents of PNG's prime minister Sir Julius Chan or of Vanuatu's secessionist leader Jimmy Stephens. Fiji's census constructs a distinct category of "part-Europeans." However, there and elsewhere the status of children of intermarriages was a minor issue until independence when, particularly in PNG and Vanuatu and to a lesser extent in Solomon Islands, there were painful debates about their citizenship and hence land rights. Ironically, Irian Jaya had been considered by the Dutch in the 1950s as a refuge for mixed-race people from Indonesia.

By the early 1970s, with independence achieved in Fiji and on the agenda in the other territories, the population of Melanesia was about 4.5 million, of whom about 4.1 million were Melanesians. The two largest non-Melanesian groups were the Fiji Indians (250,000), followed by Europeans (100,000, of whom 50,000 were in New Caledonia and 45,000 in PNG). There were relatively large Polynesian and Micronesian minorities in Fiji (7,000), New Caledonia (16,000), and Solomon Islands (10,000). There were about 8,000 Chinese throughout Melanesia and over 2,000 Vietnamese (in New Caledonia and Vanuatu). Indonesian settlement in Irian Jaya had been going ahead for about ten years, with at least 4,000 "transmigrants," and there were also 5,000 Indonesians in New Caledonia.

Comparing the six territories, the proportion of non-Melanesians was highest in Fiji and New Caledonia, which both had non-Melanesian majorities. But compared to Irian Jaya and PNG, the proportion was also high in Solomon Islands, with its substantial Micronesian and Polynesian minorities, and in Vanuatu.

In terms of absolute numbers, a different pattern emerges. Fiji, with the Fiji Indians, had much the largest non-Melanesian population--five times larger than either of the next largest and roughly equal European populations of PNG and New Caledonia.

Relative and absolute numbers have been important in the history of land policy in Melanesia. In Solomon Islands, Vanuatu, and New Caledonia misapprehensions of the amount of land needed for shifting subsistence cultivation, the social-Darwinist idea that Melanesians were a "dying race," and the evidence of population decline--at least until the 1940s--were used to justify the alienation of land for settlement by non-Melanesians or development by foreign companies.

Colonial Land Policies

The regulation of land alienation, with the dual and often contradictory purposes of protecting Melanesian owners and European purchasers, was one of the motives for the direct intervention of metropolitan governments in Melanesia. In Vanuatu, for example, it was almost the only motive. Most of the provisions of the naval convention of 1906 and the 1914 Protocol establishing the Anglo-French Condominium deal with the workings of a joint court that would adjudicate and register European land claims (Van Trease 1981, p. 28, and Scarr 1967, pp. 218-27).

There had been many land deals between Melanesians and Europeans before the establishment of colonial governments. The land rights initially granted by Melanesians tended to be personal, contingent, and indefinite. The rights increasingly assumed by Europeans were transferable, absolute, and permanent. As well as misunderstandings there were frauds and threats, and when disputes led to violence Europeans had the advantage of better weapons.

This sometimes violent interaction with Europeans changed the way in which Melanesians thought about land and the value put on it. It came to be said that every piece of land had been owned by someone; ownership was communal (with some exceptions) and the land was, in principle, inalienable; chiefs might have had the right to allocate use rights, but they had had no right to dispose of the land itself; Europeans had confused rights of ownership with rights of use, used threats to acquire land, and paid for it with inadequate compensation: axes, bottles, sticks of tobacco, etc. (see, e.g., Solomon Islands 1976, paras. 1.1-1.3).

There were several impulses, more or less common to colonial land policies in Melanesia.

To settle European claims, once and for all

Examples include the Land Claims Commission set up in Fiji in 1879, the Joint Court in the New Hebrides, the Phillips Commission in Solomon Islands in the 1920s, and the provisions for the registration of title to alienated land in Solomon Islands' 1963 Land and Titles Ordinance. Generally, the more legalistic the process of deciding the validity of European land claims, the more it tended to favor the Europeans against Melanesian counterclaims. The length of time the process took aggravated this tendency, as Europeans relied on documentary evidence while Melanesians relied on oral tradition about the original transaction.

The Joint Court did not begin work in Vanuatu until 1927, did not reach Santo until the 1950s, and was still adjudicating European claims in

Malekula in 1980 when independence overthrew all European titles (Van Trease 1981, p. 32). In Solomon Islands, adjudication and registration under the 1963 act was still not quite finished by independence in 1978. A final cutoff date for applications to register title to alienated land had been set the year before, and claims over 3 percent of the land were still being adjudicated in 1980 (Solomon Islands 1980, p. 153).

To limit further direct sales to Europeans

In Solomon Islands, for example, a 1914 land regulation prohibited the further sale of land to Europeans. Earlier sales were unaffected, and the protectorate government could continue to buy land for lease to Europeans, After the annexation of Fiji, there was a brief period between 1905-1909 when further sales were allowed, but after that they were stopped.

To assert government rights over apparently "waste and vacant" land

In New Caledonia a decree of 1868 gave the government the right to expropriate "vacant" land without compensation. In Fiji, before annexation, the chiefly government of Bua passed a Waste Lands Act in which "all lands not actually occupied or regularly under occupation shall be considered as government property" (France 1969, p. 76). The *Solomons (Waste Lands) Regulation* of 1900, modified in 1901 and 1904, gave the government the power to grant certificates of occupation over land "not owned, cultivated or occupied by any native or non-native person." A series of certificates were issued, particularly to Levers Pacific Plantations Proprietory Ltd.; but no further grants were made after 1914, and the area granted to Levers was reduced by about 22 percent after the Phillips Commission reported in 1923 (Allan 1954, p. 44 and Ruthven 1979, pp. 242-45). "Waste and vacant" declarations were also made in PNG.

Critics of wasteland declarations pointed out that they failed to recognize the land needs of a system of shifting cultivation (on a seven-year cycle of cultivation, six times the amount of land a community was using at any one moment would be needed in the future). Uncleared land was also needed for hunting and gathering. In any case, the notion of "need" was a crudely economic and racist reduction of Melanesian ideas about the relationship of communities to land.

Settlement patterns also changed after colonization, people often moving down into the valleys, or onto the coasts, and coming together to live in larger villages. Overall Melanesian populations appeared to be declining. In New Caledonia particularly, these changes were brought about by force: between 1876 and 1903 the Melanesian population of New

Caledonia was confined into an increasingly small area of reserves to make room for European settlement. From 1897 the policy of *cantonnement* also included displacement of groups onto land that was not traditionally theirs (Saussol 1977, p. 235). Elsewhere in Melanesia, new patterns of settlement were actively if less violently encouraged by missions or the colonial administration, and the decline in population had a lot to do with the introduction of new diseases and a more general demoralization.

While the principle of "wasteland" appropriation was eventually abandoned by the colonial governments in PNG and Solomon Islands and never introduced in Vanuatu, it survives in New Caledonia as *domaine* (the government's right to the 62 percent of the land area which is deemed to be unowned) and in Irian Jaya in the Indonesian government's principle that timber resources belong to the government. It also survives in Crown "Schedule A" and "B" land in Fiji: land found by the Native Land Commission to be unowned at the time of cession (Schedule B) or whose landowning group has since died out (Schedule A) becomes the property of the government. Fifty-eight percent of government land in Fiji has been acquired in this way (Fiji 1975, p. 108).

To standardize, codify, and record customary ownership

The classic case is the Native Land Commission in Fiji which, after a series of false starts, fixed on a particular descent group, the *mataqali,* as the standard unit of landownership and went ahead to survey and register practically all Fijian land on that basis (France 1969, pp. 165-75). The process took decades to complete; and some parts of Fiji, such as the Lau group, have still not been covered by the commission.

Saussol (1969) has described how the principle of collective ownership by tribes, rather than clans or individuals, was introduced by decree in New Caledonia in 1868. The French government research institute, ORSTOM, has recently begun a project, in some ways like Fiji's, to reconstruct clan boundaries at the time of annexation--a process made much more difficult by the passage of time and the massive disruptions and displacements of population during *cantonnement.*

In 1952 and again in 1962, the colonial government in PNG introduced ambitious but spectacularly unsuccessful legislation to record the customary ownership of land. The Native Land Commission, set up in 1952, was supposed to record ownership both systematically and in response to applications from particular owners. It did not even try the first task and decided on only 176 of the 472 applications it received, none of which was ever registered. The 1962 act itself was less ambitious, though

in its implementation the whole country was divided into five hundred "adjudication areas" and demarcation committees appointed. However, no records ever emerged (Knetsch and Trebilcock 1981, pp. 9-10).

A year later, another PNG act provided for the conversion, by agreement, of customary land into freehold. While the aim of the earlier acts had been to record customary ownership, the aim of the *Land Tenure Conversion Act* was to transform and in particular individualize it. Only 900 titles were created in seventeen years (ibid., p. 53). Similar individualizing motives lay behind the provisions for what was confusingly called "land settlement" in the Solomon Islands 1963 *Land and Titles Ordinance.* It produced 462 registered titles out of customary land over the same period as PNG's.

In practice, the distinction between recording customary ownership (as in Fiji, or PNG's 1952 and 1962 acts) and converting it into something else (as in PNG's and Solomon Islands' 1963 acts) was not great. The very act of recording and giving the record official sanction changed its objects. An often fluid and variable system of customary tenures in Fiji was "communalized" by the Native Lands Commission in much the same way as it was "individualized" by a more self-conscious process of "tenure conversion" in PNG and Solomon Islands. Peter France has described how in Fiji the chiefs were browbeaten by lands commissioners into accepting that all land was owned communally and that the *mataqali* was the unit of ownership (France 1969, pp. 165-75). And in Solomon Islands, browbeating by administrative officers had only partial success in "individualizing" the tenure of land that became registered, since only 52 percent were in the name of a single individual. Another 25 percent were owned by several individuals in common and the remainder on behalf of a group (Alamu 1979, p. 164).

To incorporate or co-opt traditional leadership

European purchasers--and, later, colonial governments--needed to find people they could deal with about land. If chiefs did not exist or would not come forward, then they would have to be created. Saussol describes the "administrative fiction" created in New Caledonia of collective ownership by the tribe represented in the person of its chief, who could then give the land up (1969, p. 232).

In a milder way, the rights of chiefs to the land were strengthened by colonial rule in Fiji. Leases of native land through the Native Land Trust Board have to be approved by a majority of the members of the *mataqali,* but chiefs still automatically get 20 percent of rentals (Nayacakalou 1971, p. 216). If customary land in Solomon Islands is to be leased, the land-

owners must choose "trustees" to receive rentals on their behalf. Only the names of the "trustees" appear on the land register, and there is often popular suspicion, justified by court cases, that officially recognized representatives will in time appropriate rights of ownership to themselves. That chiefs might have had the right to allocate use rights but no right to dispose of land has been a frequent argument against the validity of European titles acquired before the colonial period.

Outcomes of Colonial Policies

While there were many similarities in colonial policies and legislation, the outcomes of their application in each territory were very different. In Fiji and New Caledonia the outcomes were almost exactly reversed: 83 percent of the land in Fiji remained customary, while 81 percent of the land in New Caledonia was alienated. The extent to which the practice of colonial policy favored Melanesian or European interests depended on two main factors: the presence or absence of European settlers, and the administrative capacity of the government to carry out the policies it chose. The settler presence and pressure was strongest in New Caledonia but also quite strong in New Hebrides, PNG, and Fiji. It was very weak in Solomon Islands, where 63 percent of the alienated land was owned by a single multinational company, Levers. The administrative capacity of the colonial lands departments seems to have been relatively strong in New Caledonia and Fiji and weak in PNG. There was no lands department, as such, in Vanuatu.

Nevertheless, the outcome in each territory was to create two broad categories of land--"alienated" and "customary." Rights to customary land were unwritten, personal, and dependent on membership of a particular Melanesian community, by descent or adoption. Rights to alienated land were documentary, impersonal, and dependent on the existence of a central government to sustain them. The two categories corresponded to the racial discriminations of the colonial societies and to the dual nature of the colonial economies. Export-oriented agriculture and mining, run by Europeans and worked by migrants, was to go ahead on alienated land, while Melanesians were to go ahead with subsistence agriculture on customary land.

By the mid-1970s, with independence aborted in Irian Jaya, achieved by Fiji, and coming on the agenda in PNG, Solomon Islands, and the New Hebrides, the extent of alienation was broadly as shown in Table 1.

Most of this alienation had taken place in the early colonial period. The percentages were relatively stable from the second quarter of the

twentieth century, though alienation of land in the PNG highlands did not begin until about 1947 and went on, particularly in the western highlands, into the 1960s (Howlett, pers. comm.). There was also considerable new alienation of land for forestry in Solomon Islands in the 1960s.

In Vanuatu and Solomon Islands there had been large reductions in the area of land alienated, as European claims were withdrawn or subsequently disallowed. A French company, SFNH, had at one time claimed 55 percent of the land area of Vanuatu (Van Trease 1981, p. 26). In Solomon Islands in the 1920s the Phillips Commission had reduced the area covered by waste and vacant grants by about 22 percent. Melanesian reserves in New Caledonia, having been squeezed in the policy of *cantonnement,* actually grew again by 43 percent between 1890 and 1979 (Ward, forthcoming).

The gross percentage figures obscure three aspects of land alienation that became politically significant as independence approached: the unevenness of its impact, the growing Melanesian stake in alienated land, and the extent of government ownership. These may be better discussed one by one.

Uneven distribution of alienated land

The gross percentage figures tend to both understate and overstate the impact of alienation. First, the land alienated tended to be the better valley and coastal land. Its loss was the more aggravating to Melanesian claimants, since all the land alienated was rarely in fact used. In Solomon Islands, for example, the Agriculture Division reckoned that about two-thirds of the alienated land could have been developed, but only one-third was. Second, the percentages were much higher in particular places, like the Gazelle Peninsula in PNG, or the Guadalcanal Plains in Solomon Islands, or southeast Santo and Efate in Vanuatu. For example, 40 percent of Tolai land in the Gazelle Peninsula was alienated--ten times the PNG average (ToWallom 1977). Equally large areas of Melanesia, particularly outlying islands like the Loyalties, were unaffected.

To the extent that land alienation was uneven, its potential as a political issue was also uneven. When a particular region saw itself as relatively disadvantaged by alienation, the issue had a particular separatist potential.

Melanesian ownership of alienated land

Toward the end of the colonial period the categories of alienated and customary land, and related racial and economic discriminations, had begun to blur as Melanesians bought, were granted, or simply occupied

TABLE 1

Alienated Land in the Mid-1970s

Territory	Colonial Power	Independence Date	Hectares alienated (1)	Alienated land as percentage of total land area
New Caledonia(2)	France	--	1,330,000	81%
Vanuatu(3)	Britain & France	1980	240,000	20%
Fiji(4)	Britain	1970	321,700	17%
Solomon Islands(5)	Britain	1978	484,200	17%
PNG(6)	Australia	1975	2,203,000	4%
Irian Jaya(7)	Holland, then Indonesia	(1962)	n.a.	n.a.

1. Includes customary land covered by leases, alienated land owned by Melanesians, *domaine* and government land.
2. Eriau, quoted in Ward (forthcoming).
3. Registrar of Titles Vila 1980.
4. Pacific Islands Year Book 1978, p. 89.
5. Larmour P., ed. 1979. *Land in Solomon Islands.* Suva, Fiji: Institute of Pacific Studies. Appendix 2, p. 249.
6. Pacific Islands Year Book 1979, p. 239.
7. Alienation during the Dutch colonial period was minimal. Crocombe quotes a figure of 2,233 hectares in 1953 (1971, p. 327). Since the Indonesian takeover after 1963 land will have been alienated for migrants--the Pacific Islands Year Book (1978, p. 224) quotes figures of 170,000 hectares reserved for settlement by 1972 with 66,000 hectares settled by 1975--and the Indonesian governments rights over land for timber extraction should be included--Crocombe quotes a figure of 200,000 hectares in 1968. But the absence of a functioning title system makes the reality more like *domaine* in New Caledonia.

alienated land. In New Caledonia, for example, after World War II Melanesians became entitled to lease public land as smallholders. Saussol estimates that 249 lots, totaling 24,000 hectares, were leased to Melanesians between 1958 and 1963 (1971, p. 240). The Solomon Islands government organized similar "resettlement" schemes by subdividing public land, some of which simply legitimated squatting. Beginning in the 1960s, the French government in Vanuatu granted hundreds of hectares of land to francophone New Hebrideans. Home ownership schemes also gave Melanesians a stake in land in the towns that had hitherto been entirely European preserves (Wolfers 1975, pp. 155-56).

At the same time, leasehold systems had been introduced, turning Melanesian owners into freeholders of alienated land. On the Guadalcanal Plains in Solomon Islands the government used the device of returning freehold rights to alienated land to its custom owners in exchange for long leases over parts of it. In "joint venture" schemes like Solomon Islands Plantations Limited's oil palm project, landowners also became minor shareholders. Finally, the small-scale tenure conversion schemes introduced in PNG and Solomon Islands in the 1960s aimed to provide customary landowners with the written, indefeasible titles formerly reserved to Europeans.

So by the 1970s, many Melanesians had a stake either as landlords or tenants in the system of alienated land. It seems at least in Vanuatu and New Caledonia to have become deliberate colonial policy to create a class of smallholders who were not the custom owners of the land and so whose interests would be against returning it. In Vanuatu at independence, one-quarter of all the alienated land was owned by Melanesians.

Public land/domaine

By the 1970s, the colonial governments themselves had become the major owners of alienated land. They had acquired the land particularly from "waste and vacant" declarations, or the equivalent *domaine* land in New Caledonia, and as a consequence of their role as intermediaries between customary owners and expatriate lessees. Very little of the land was held for strictly "public purposes" like roads and government buildings, and in Solomon Islands and PNG there was some uncertainty about how much land the government had come to own.

The political question was whether this public land would be inherited by the independent Melanesian governments or returned to its custom owners. A related question was what powers of compulsory acquisition of land the independent government should have after independence.

The extent of government and Melanesian ownership of alienated land is shown in Table 2.

The 1970s

Three new circumstances would also affect the politics of alienated land in the 1970s: there was new interest by foreign investors in alienated land; Melanesians were becoming increasingly ready to take direct action to recover land by occupying it; and there had been new and officially encouraged settlement by non-Melanesians during the 1960s.

New foreign investment

Particularly in Fiji, Vanuatu, and Solomon Islands, a new wave of foreign investment in alienated land began in the late 1960s. There was a promise of diversification away from copra into tourist hotels, residential subdivisions for sale abroad, and new agribusinesses such as cattle ranching on Santo and Efate or rice and oil palm production on the Guadalcanal Plains.

A lot of the interest was speculative. Beginning in 1967, Harold Peacock, a land developer from Hawaii, bought already alienated land for subdivision at Hog Harbor, Cape Quiros, and Palikula on the east coast of Santo. There were also subdivisions around Vila, at Malapoa, and at Tassiriki. About four thousand lots were sold abroad, the buyers including Michael Oliver of the Phoenix Corporation.

These subdivisions provided the first issue for what became the ruling Vanuaaku Pati. In 1971 the New Hebrides Cultural Association, later changing its name to the National Party and then in 1977 to Vanuaaku Pati, organized a demonstration in Vila against European opposition to the controls on subdivision finally being proposed by the colonial government (Sope 1975, c. 34, and MacClancey 1980, p. 124).

Peacock's subdivisions were frustrated by the retrospective regulations passed by the two colonial governments in 1971. Peacock sued the British resident commissioner; and the senator for Hawaii, Daniel Inouye, was persuaded to intervene on behalf of his constituents who had bought land in Vanuatu. The Solomon Islands colonial government borrowed from the New Hebrides legislation a year later, particularly to prevent the sale of lots subdivided out of Doma plantation on the northwest coast of Guadalcanal. Fiji followed suit in 1973.

Sudden increases in land values and the prospect of new settlement in residential subdivisions sharpened local Melanesian discontent with land alienation. The clearance of hitherto undeveloped but legally alienated

TABLE 2

Government and Melanesian Ownership of Alienated Land in the Mid-1970s

	Public Land[1](ha)	as % of total alienated land	Alienated[2] land held by Melanesians(ha)	as % of total alienated land
New Caledonia[3]	950,000	71%	20,600	2%
Vanuatu[4]	13,900	6%	58,900	25%
Fiji[5]	172,600	53%	n.a.	n.a.
Solomon Island[6]	161,800	33%	147,800	51%
PNG[7]	1,944,500	88%	3,400	0.1%
Irian Jaya[8]	n.a.	n.a.	n.a.	n.a.

1. Includes "domaine" "waste and vacant" land leased to individuals and companies. Excludes Melanesian "reserves" (PNG, New Caledonia, and Vanuatu) and land held by the Land Trust Board (6,403 hectares) in Vanuatu.
2. Held as lessors, lessees, or owner-occupiers in "tenure conversion" or resettlement schemes.
3. Eriau, quoted in Ward (forthcoming).
4. Van Trease (1981, p. 31).
5. Pacific Islands Year Book (1978, p. 89).
6. Larmour, P., ed. 1979. *Land in Solomon Islands.* Suva, Fiji: Institute of Pacific Studies. Appendix 2.
7. Pacific Islands Year Book 1978, p. 239.
8. See note 7 to Table 1.

land revealed how extensive the original alienation had been. Land clearance--for cattle on Santo, for rice, cattle, and oil palm on the Guadalcanal Plains, and for forestry on Kolombangara--led to the displacement of people who were legally squatters but who had hitherto been undisturbed and who protested that they were unaware that the land had ever been alienated (see Solomon Islands 1977 for Kolombangara).

Jimmy Stephens' Nagriamel movement began in the early 1960s as a squatter settlement, created to resist the clearance of "dark bush" for cattle ranching in the interior of Santo. It was centered in Vanafo, a new village in the interior established by Chief Buluk, who was joined by Jimmy Stephens, a man of mixed Tongan, European, and Melanesian descent. Stephens became his assistant and Nagriamel's spokesman, then leader. In 1970 he petitioned the United Nations for independence for the New Hebrides. He changed the name of the movement to the Nagriamel Federation and announced in December 1975 that Santo would become independent in April 1976 (later postponed to August, then indefinitely).

During the 1970s Nagriamel became a Melanesian vehicle for largely non-Melanesian interests threatened by the prospect of majority rule and national independence. These interests included European settlers and businessmen, Tahitian and Wallisian migrants, mixed-race people like Stephens himself, local French colonial officials, and land speculators like Harold Peacock. By 1975, Jimmy Stephens was writing to Senator Inouye on behalf of Peacock's companies. A movement against land alienation had come to promote it.

At the same time, Nagriamel also drew on local Melanesian sentiment (Santo for Santo people) and the fears of French-speaking Melanesians of domination by an English-educated elite, represented by the Vanuaaku Pati. From 1974 to 1975 Nagriamel also entered into electoral alliance with several of the series of small French-speaking, "custom," and regionally oriented parties that by the late 1970s, with French official sponsorship, had managed to define themselves as "moderate" (MacClancey, p. 130).

During the 1960s the French government had begun handing back large areas of undeveloped alienated land in Vanuatu, often in exchange for the renunciation of Melanesian claims over developed land. Sope describes how the French government reached a deal with Jimmy Stephens over the "dark bush" Nagriamel had occupied: the cattle rancher Laconte would use his bulldozer to clear land for Nagriamel in exchange for the right to clear more land for his own cattle: one hour of bulldozing for two acres (1975, p. 28).

Plantation occupations

While the clearance of hitherto undeveloped alienated land was creating resistance among some Melanesian groups, others were threatening to take back developed land by harassment or occupation. In PNG by 1974, about sixty properties were illegally occupied and another forty threatened with occupation (Fingleton, p. 237). Plantation occupations were widespread in Vanuatu during the 1970s, particularly between December 1977 and May 1978, after the Vanuaaku Pati boycotted the representative assembly elections and formed a Peoples Provisional Government with effective control over at least parts of many islands. In New Caledonia, parties in the Independence Front plan to occupy plantations before a unilateral of independence on September 24, 1982 (Pacific Islands Monthly, December 1981, p. 5).

Before the 1970s the colonial governments of, particularly, New Caledonia, Vanuatu, and Solomon Islands had dealt with threats of occupation on an ad hoc, case-by-case basis, usually by buying out the European and subdividing the land for smallholder settlement. Examples include schemes at Boulpari (begun in 1950) and Tchamba (1960) in New Caledonia, or at Baunani (around 1960) on Malaita in Solomon Islands (Saussol 1971 and Totorea 1979, p. 82). A similar process of reacting to pressure on "hot spots" and buying out the European still seems to be taking place on a small scale with little publicity in Fiji (see reference to land purchase cooperatives in Fiji 1980, p. 39).

By the 1970s the pressure had become more widespread, and more systematic solutions were required. In 1971 the Solomon Islands colonial government started a plantation purchase program. Groups of custom owners, incorporated under cooperatives legislation, were helped to buy back plantations with money borrowed from the Agricultural and Industrial Loans Board, free management assistance from the Agriculture Department, and grants for equipment needed to rehabilitate the usually run-down plantations (Bramham 1979 and Solomon Islands 1979, pp. 54-56). The groups were to repay the loans from the production of the rehabilitated plantations, and all succeeded in doing so. By 1976 twelve groups were participating in the scheme, and another eleven were expected to join.

While the French were returning "dark bush" in Vanuatu, British officials, following Solomon Islands' example, considered schemes to buy out the European owners of developed land, and one purchase did take place (Bronkovia estate on Epi) (Van Trease 1981, p. 37). But the British government was unwilling to provide money unless it could be justified in developmental rather than political terms (the plantation purchase scheme

in Solomon Islands had been dressed up as a project to redevelop alienated land and was administered by the Agriculture rather than Lands Department, both of which facts tended to disguise its political importance).

Then in 1973 the Australian government handed over title to 6,000 ha of land in Vanuatu that it had acquired from the Burns Philip Company in the early colonial period. Some of the land was undeveloped, but some was developed and covered by leases to Europeans. It was handed over to a Land Trust Board; but in the face of disputes over customary ownership and the inability to persuade the British government to fund repurchases, none of it was actually returned to customary ownership (Stober, forthcoming).

PNG's systematic plantation purchase program got underway in 1974, and seventy-five plantations were repurchased by groups of customary owners over the next five years. Melanesians also bought European-owned plantations outside the scheme. Management assistance was available, at a price, from the National Plantation Management Agency, set up in 1977, which assisted groups on twenty-seven of the plantations acquired under the scheme and twenty-three bought outside it (Eaton 1980, p. 9). Plantation output dropped over this period, and the European Planters Association blamed the repurchase program. It was reviewed by a government committee in 1979 and abandoned in 1981.

In New Caledonia in 1978, the French minister for overseas territories, Paul Dijoud, proposed a land purchase program including, if necessary, compulsory acquisition. As explained by the high commissioner, the administration's proposals rejected Melanesian claims for a wholesale return of alienated land but were designed to meet Melanesian claims over particular places like village sites from which they had been dispossessed by *cantonnement* and where they were short of land today (Ward, forthcoming). According to Roux (pers. comm.), 20,000 hectares have been returned to Melanesian groups since 1978, and the plan envisages about 10,000 hectares a year be returned over the next ten years.

New non-Melanesian settlement

Between 1955 and 1971, twenty-three hundred Micronesians from the Phoenix and Southern Gilberts were resettled on alienated land in the Western District of Solomon Islands (Bobai 1979). And during the 1960s, about eleven thousand Polynesian Wallisians and Futunans came to New Caledonia, attracted particularly by the nickel boom (Roux 1980). Both groups came from small islands with poor resources and few job prospects.

The political importance of both groups lay in the way that their settlement on alienated land had been sponsored by the colonial governments. In Solomon Islands the land and citizenship rights of the Gilbertese settlers became an issue in the constitutional negotiations with Britain. In New Caledonia, the Wallisians and Futunans and other Polynesian migrants from Tahiti are seen by many Melanesian politicians as having been brought in by the French government to provide votes against independence. With probably similar motives, Jimmy Stephens advocated the resettlement of refugees from what had been South Vietnam in Santo in 1980 (Roux, pers. comm.).

Independence

The first Melanesian country to become independent was Fiji in 1970 (Irian Jaya had been moving toward independence from Holland until it was annexed by Indonesia). By 1970 Melanesians had become a minority of the population in Fiji, and the largest ethnic group were Indians, descended mainly from indentured laborers who came to Fiji between 1879 and 1916. There was also a small but politically powerful group of European settlers. The politics of alienated land were therefore very different in Fiji, compared to the three other Melanesian countries that became independent in the following decade: PNG (1975), Solomon Islands (1978), and Vanuatu (1980).

Fiji as a Special Case

While the constitutions that the other Melanesian countries adopted at independence provided for changes in colonial land legislation, Fiji's constitution was designed to make changes more difficult. It provides a permanent Melanesian veto on amendments to land legislation. Section 68 of the constitution entrenches existing land legislation by providing that it may only be amended by special absolute majorities--at least three-quarters of all the members of both houses. In addition, section 68 (2) requires that any amendment "that is a provision that affects Fijian land" also requires the support of at least six of the eight senators appointed on the advice of the Melanesian Great Council of Chiefs (Fiji 1970, and see Ali 1980 for a discussion of the constitutional negotiations).

Fijian land registered by the Native Land Commission may only be leased through the agency of a Native Land Trust Board (NLTB) set up in 1940. Some of this land is reserved for lease only to Fijians. About 345,000 hectares (22 percent) is covered by agricultural leases, mainly to

Indian tenants (Fiji 1980, p. 27). The only land reform in Fiji since independence has been a controversial 1976 amendment to the Agricultural Landlord and Tenants Act (ALTA) to allow automatic renewals of standard ten-year leases of Fijian land for two further ten-year periods, giving tenants thirty years' security of tenure.

Nevertheless, there remain parallels and connections in land policy between Fiji and the rest of Melanesia, particularly Vanuatu. The National Federation party politician and lawyer K. C. Ramrakha had helped Jimmy Stephens to appeal a sentence for trespass on alienated land in 1967 and later helped Nagriamel to present its petition to the United Nations in 1971. The independent Fijian politician Ratu Osea Gavindi seems to have had connections with the Phoenix Corporation, which was backing Nagriamel and was declared a prohibited immigrant before independence in Vanuatu. Finally, Fiji's prime minister felt compelled to go into print in the *Fiji Times* on August 11, 1980, to explain that while Fiji supported Vanuatu's independence this did not imply endorsement of the section of its constitution that returned alienated land to its custom owners. Vanuatu's constitution provided for compensation, but in any case settler freeholds in Fiji remained secure. The Fijian Nationalist party has since taken up the issue of return of land, using the examples of PNG, Solomon Islands, and Vanuatu, as part of its challenge to the prime minister's Alliance party in the 1982 general election.

Papua New Guinea, Solomon Islands, and Vanuatu

Demands for the return of alienated land in PNG, Solomon Islands, and Vanuatu got political expression in several ways during the 1970s: in popular political movements; in newly elected territorial legislatures and the committees they established; and in the dealings of Melanesian ministers as they sought to gain control over colonial government departments and negotiated with metropolitan governments about independence.

Alienated land in popular political movements

Table 3 shows political movements active in the three countries during the 1970s. National political parties that were active only at the time of elections or within the legislatures are not included, though five of the movements did put up candidates who won in their name. National politicians in whose electorates the movements were strong also had to come to terms with them and, in five cases, leaders of the movements became members of the national government.

Two movements--the Moro movement, centered on Mataruka village in southeast Guadalcanal, and John Frumm on Tanna--had deep roots back to the 1940s. One of the sources of John Frumm support was the defense of custom against the authoritarian rule of the Presbyterian mission, and the movement also became impressed with the power, wealth, and cargo of American soldiers who came during World War II (Sope 1975, pp. 22-25). The movement was represented in the representative assembly elected in 1979 as one of the three "federal" parties in the francophone opposition. It also had connections with Tafea, a secessionist project encouraged in the Southern District to parallel Nagriamel's secession as Vemarana in the north. (Tafea is a name made up of the initial letters of the five islands in the Southern District.)

Though the rest of the movements tended to be centered on areas of relatively severe land alienation, the two oldest, Moro and John Frumm, did not. There was little alienated land on the south coast of Guadalcanal--though it was an issue on the north coast, where Moro got some support--and there was little alienation on Tanna (ibid., p. 24). There was also relatively little alienation in Papua, though Papua Besena used its symbolism: in Papua Besena's secession declaration in Port Moresby in 1974, Josephine Abijah symbolically returned to Australia the trade goods (sticks of tobacco, axes, bottles, etc.) with which Papuan land had been bought (Premdas 1977, p. 265). The movement was particularly concerned with land taken for the capital city, Port Moresby.

The first six columns of Table 3 indicate the presence or absence of concern about particular kinds of land alienation in each movement. European plantations were an issue for six of the movements, but concern about migration and squatting by other Melanesians was also common. The Bougainville movement was particularly concerned about alienation of land, royalties, and participation in the Bougainville Copper Mine (Premdas 1977 and Hannet 1975). The Western Breakaway movement was particularly concerned with the alienation of land for forestry on Kolombangara and North New Georgia (Premdas and Larmour, forthcoming). Land alienated for the capital city was a particular issue for Papua Besena and the Vanuaaku Pati.

The next seven columns compare the activities of each movement. All but Moro organized demonstrations; five fought and won elections. Three movements occupied alienated land. Nagriamel actually succeeded in expelling migrants and settlers, with two thousand leaving after the movement occupied Luganville in May 1980. The Bougainville separatists succeeded in repatriating a planeload of migrant workers to the mainland. The other movements only threatened expulsion.

Table 3
Land Issues in Political Movements during the 1970s

	Movement	Place	Main period of activity	Land Alienation Issues: European Plantation	Cattle Ranching	Speculative Subdivisions	Migrant Settlers and Squatters	Mining	Forestry	Capital City	Activities: Demonstrations	Electoral Politics	Occupation of Land	Expulsion of Migrants	Alternative Institutions	Secession Declarations	International Assistance	Outcomes: Decentralization	Police/Military Action	Leaders Join National Government
PAPUA NEW GUINEA	Mataungan Association	Gazelle Peninsula	1969–73	X			X				X	X	X		X				X	X
	Bougainville Movement	Bougainville	1968–76	X			X	X			X			X	X	X		X	X	X
	Papua Besena	Central District	1972–81				X			X	X	X				X				X
	Western Breakaway	Western Province	1972–78	X			X		X		X							X		X
SI	Moro Movement	Guadalcanal	1970–73	X			X								X					
VANUATU	Nagriamel Vemarana	Santo and Northern District	1968–80	X	X		X				X	X	X	X	X	X	X	X	X	
	John Frum Tafea	Tanna and Southern District	since 1940s								X	X				X	X	X	X	
	Vanuaaku Pati	Efate and various islands	1971–80	X		X				X	X	X	X		X	X				X

Five movements set up their own alternative quasi-governmental institutions, like the Mataungan Association's alternative local government council (ToWallom 1977, pp. 25-28), VP's Peoples Provisional Government, or Vemarana's alternative cabinet of ministers. Five made explicit separatist or secessionist declarations; and a sixth, the Western Breakaway movement, threatened to do so if its six points (one of which was control of land) were not met by the government before independence. Six movements sought support overseas in neighboring Melanesian countries, from the metropolitan governments, or from the United Nations. But only Nagriamel/Vemarana and John Frumm/Tafea got active support and weapons, from European settlers in New Caledonia and the Phoenix Corporation set up by Michael Oliver, a businessman based in Carson City, Nevada.

Oliver had bought land in Vanuatu in 1971, but in the early 1970s his attentions were directed elsewhere. Having made his money, he was looking for a place to try out his political theories of minimum government that would not interfere with private foreign investment. In 1972 he tried to set up a "Republic of Minerva" on a reef south of Tonga. Two years later he tried to stir up secession among European settlers of Abaco, an island in the Bahamas. In June 1975 he set up the Phoenix Foundation to promote his ideas and turned his attention to Nagriamel (Pacific Islands Monthly, August 1980, pp. 25-30).

Beginning with Nagriamel's first declaration of its independence in December 1975, Phoenix provided the movement with funds, "a radio station and an airfield" (letter from Oliver in the *Economist* 28.6.80), and the symbols of independence: gold currency; passports; and several versions of a written constitution for Vemarana, consisting of the islands of the colonial Northern District. It also provided an ideology of "multiracial development" (symbolized by white and black hands clasped) and hostility to government (particularly the Vanuaaku Pati government) that was sufficiently broad to include the very different interests behind Nagriamel: chiefs, settlers, and land speculators.

The demands of four of the movements were met by promises of more decentralized government after independence: provinces for Bougainville and the Western Breakaway movement, and regional councils for Vemarana and Tafea (the latter backfired when the VP got narrow majorities on the two regional councils in the November 1979 elections). Finally, four of the movements were suppressed by paramilitary police action, and in the case of Nagriamel/Vemarana by the Papua New Guinea army.

Alienated land in the legislative assemblies

In each of the three countries the last legislature--or last but one--to be elected before independence set up a committee or commission to make recommendations about land policy after independence.

PNG's Commission of Enquiry into Land Matters (CILM) was appointed in February 1973, a year after the elections for the new House of Assembly and the formation of the National Coalition Government under Michael Somare. It reported within nine months (PNG 1973).

Solomon Islands' Select Committee on Lands and Mining (SCLM) was appointed by the Governing Council in January 1974, six months after a general election. When it finally reported in May 1976, the Governing Council had been reconstituted as a legislative assembly, Solomon Mamaloni had become chief minister, and a new general election was due in three months' time (Solomon Islands 1976).

Vanuatu's Ad Hoc Committee on Land Reform was appointed by the Representative Assembly elected in November 1977. It held two meetings, each lasting several days, at Luganville in November 1978, and at Norsup on Malekula in March 1979 (Vanuatu 1979). Though it had boycotted the elections and was not represented in the assembly, the Vanuaaku Pati (VP) had meanwhile agreed to join a Government of National Unity, under Fr. Gérard Leymang in December 1978. While the VP was not represented on the Ad Hoc Committee on Land Reform, there was in fact little difference between the committee's recommendations, debated in the assembly in April 1979, and the Vanuaaku Pati's platform in the elections that followed eight months later (Vanuaaku Pati 1979, pp. 15-17).

The recommendations of each of these three committees are shown in Table 4. The table also shows the recommendations of an official working party set up by the Solomon Islands government to produce counter-proposals to the SCLM report (Solomon Islands 1977). It also summarizes the first statement of land policy made by Vanuatu's new Ministry of Lands, set up by the VP government immediately after it won the 1979 elections (Vanuatu 1980). This communiqué was made at the end of April 1980, after Nagriamel/Vemarana had made its formal declaration of secession at Luganville in January but just before it occupied the town.

Members of the three committees were either Melanesians or elected politicians, generally both. They sought to avoid the influence of the colonial lands departments, in PNG by hiring outside consultants and in Vanuatu and Solomon Islands by working on their own. Their attention focused mainly on alienated land, both PNG's and Solomon Islands' committees issuing interim reports about it (the latter copying whole pas-

sages directly from the former). PNG's commission also made a number of other recommendations about customary land; Solomon Islands' did so more briefly, and Vanuatu's hardly at all.

In each country, the main political battles about land policy were not so much between Melanesian politicians as between Melanesian politicians and European officials. They were often proxy battles. In PNG and Vanuatu new ministers for land brought in their own Europeans, nominally as consultants but in practice to do battle with permanent officials in the bureaucracy on their behalf (see Fingleton 1981, p. 233).

In Solomon Islands, for a while, it worked the other way. Ministers became proxies of permanent officials who persuaded them to avoid endorsing the report of the SCLM. But the alternative policies they proposed were twice rejected by the legislature. The SCLM report had briefly been debated on a noncommittal "take note" motion by the Mamaloni government two months before the general election. After the election the new government led by Peter Kenilorea accepted official advice to propose a "course of action" toward the SCLM report. A working party of officials and representatives of interest groups would go through the report and decide which of its recommendations could be enacted "in the light of" principles that the government "must continue to play a major part as a landowner" and "welcomed" foreign investment. This proposal was defeated by twenty votes to twelve in the legislative assembly, and the new minister Sethuel Kelly resigned a week later.

The government nevertheless went ahead and set up its working party but changed its composition to ensure more political control: it was chaired by a minister and consisted only of Melanesian officials. Its report, slightly modified by the Council of Ministers, became a White Paper which was again defeated fifteen to seven by the assembly in March 1977 (the proportions of the defeat were as before, but the vote was brought on suddenly by the opposition when a number of MPs, including ministers, had wandered out of the assembly).

Alienated land in the independence constitutions

At the same time as, or soon after, the three legislatures set up their land committees, they also set up committees to make recommendations about the constitution the country would acquire at independence. PNG's Constitutional Planning Committee was appointed in September 1972 and reported in June 1974 (PNG 1974); Solomon Islands', appointed in August 1975, reported in March 1976 (Solomon Islands 1976; see also Ghai, forthcoming); and Vanuatu's, appointed in April 1979, reported in September (Vanuatu 1979; see also Narokobi 1981).

TABLE 4
Recommendations about Alienated Land

		Rural		Urban	
		Undeveloped	Developed	Undeveloped	Developed
PNG	Commission of Enquiry into Land Matters, 1973	convert to government leases	if custom "owners short of land, government loans and compulsory acquisition if necessary for repurchase	convert to government leases	
	Select Committee on Lands and Mining, 1976	return to custom owners if alienated before 1963 (when improved methods of acquisition were introduced), but review terms of some government purchases since	government loans to custom owners for repurchase. but if plantations are too big for them to manage or pay for, then convert to lease from custom owners	no change to existing system of government leases	
	Working Party and White Paper, 1977	redevelop land owned by Levers Plantations as joint venture on government leasehold		no change to existing system of government leases	
		retain government ownership of land needed for • resettlement, • smallholders, • joint ventures with foreign capital, and • cases where custom ownership disputed	• establish a Land Development Authority to repurchase and redevelop other plantations with commercial potential, train custom owners, and gradually return ownership and control • return small plantations with poor potential immediately, by compulsory acquisition if necessary		
	Ad Hoc Committee on Land Reform, 1979	return to custom owners	metropolitan governments to pay compensation for work done by former freeholders	return to custom owners	no change to existing freehold system
	Communiqué, 1980	return to custom owners	former freeholder and custom owners to negotiate lease or joint ventures. If unsuccessful former freeholder to be compensated for improvements	redefine boundaries and declare as public land with custom owner participation in management and revenue	
				return some blocks to custom owners	convert to leases from management corporation

Citizenship and the protection of property rights were the two most obvious areas in which the recommendations of the land and constitutional committees had to be coordinated. Solomon Islands' and Vanuatu's constitutions both permanently discriminate between indigenous and nonindigenous citizens in relation to land rights. PNG's constitution limits the protection of nonindigenous citizens against compulsory acquisition for five years but thereafter does not discriminate between citizens. Solomon Islands' constitution retrospectively justified the conversion of nonindigenous freeholds into leases, carried out by the Land and Title Amendment Act over a year before independence. Vanuatu's constitution, by itself, returned alienated land to its custom owners: whereas PNG's and Solomon Islands' contain provisions to allow legislation to return land, Vanuatu's constitution required legislation to deal with the effects of that return.

The constitutional provisions relating to alienated land, and the legislation that preceded or followed, are set out in Table 5.

The Phoenix Corporation shadowed this process of constitution making in Vanuatu with a constitution for a "Confederation of Natakaro formerly New Hebrides Islands" and subsidiary federal versions for Tanna and the northern islands signed by Stephens on behalf of unnamed custom chiefs dating from 1978. A final federal version for Vemarana appeared in 1980 as an attachment to a prospectus to a development corporation passed in Panama (see Doorn 1979 for the thinking behind these constitutions).

The Vemarana prospectus and constitution were posted to private businessmen and arrived in Vila on the same day (28 May) as Nagriamel supporters forcibly occupied Luganville and kidnapped the (Melanesian) district commissioner and several policemen.

The Vemarana constitution differed from the earlier versions signed in 1978 by having four new sections added to Article II, the "Declaration of Rights." The new sections dealt with the rights of foreigners to do business in Vemarana, land ownership, citizenship by birth, and presumption of innocence for people charged with crimes.

The most politically significant new sections were those dealing with land ownership and citizenship. Under Vanuatu's constitution, due to come into effect on independence day, settlers, mixed-race people like Stephens, and land speculators would lose their freehold rights. Vemarana's new sections instead protected existing land rights, alienated and customary:

TABLE 5
Constitutional & Legislative Outcomes

	Constitution	Legislation
PNG 1975	• only citizens may acquire freehold (s56) • nonautomatic citizens get less protection against compulsory acquisition for 5 years after independence (s68 (4)) • uncertain government titles made more secure (s54)	• *Land Ownership of Freeholds Act* (1976) provides for conversion of freeholds into leases for purposes of dealing • *Land Acquisition, Redistribution, Groups* and *Trespass Acts* (all 1974) provide for acquisition of plantations, by compulsion if necessary, for return to custom owners • *National Land Registration Act* (1977) secures government title and compensation if necessary for custom owners
SI 1978	• only automatic citizens may hold or acquire freehold (s110) • parliament may convert nonautomatic and noncitizen freeholds into government leases and prescribe principles of compensation (s110) • stronger custom owner rights against compulsory acquisition (s112)	• *Land & Titles Amendment Ordinance* (1977) converts nonautomatic citizen freeholds into 75-year leases from government • Amendment in 1978 exempts Gilbertese settlers • Amendment in 1980 limits right to advertise alienated land(now leasehold) for sale abroad
VANUATU 1980	• all land belongs to custom owners (s71) • only automatic citizens may own freehold (s73) • different provision for urban land (s74) • government may hold land whose custom ownership is in dispute (s78 (1)) • government may acquire land in the public interest (s78)	• *Land Reform Act* (1980) allows 'alienators' to remain on the land until they negotiate a lease or joint venture with the custom owners or are compensated for improvements • provides for declarations of "public" land and creation of corporations to manage it. Custom owners share in management and revenues from any land declared public. Boundaries of Vila and Luganville redefined and declared public

> The right of ownership of land by any individuals or any other private entities is recognised. Such owners shall, in turn, also recognise the ownership of land by Custom Law. [Section 16]

Resistance to the return of alienated land explains the support of settlers and land speculators for the Santo rebellion; and Stephens, the son of a settler, became an instrument of these interests. But the differences between Melanesian politicians on the issue of alienated land were relatively slight: all the parties, francophone and anglophone, had agreed to the Vanuatu constitution, which was the legal instrument by which the land was returned (though the federal parties later withdrew their support); Sope describes how the VP had learned from Nagriamel how to use the land issue as a means of popular mobilization (1975, p. 33); and the francophone Ad Hoc Committee's recommendations differed from the anglophone VP's manifesto and April communiqué only over the method of handling urban land. The VP government communiqué's emphasis on development by leasehold ironically echoed a theme of Stephens: in early versions of the Vemarana constitution the federal government was to be funded by the proceeds of leases of customary land. The big difference was of course that Vemarana seemed to promise to protect existing freeholds; but it was a promise that could not be made too loudly, in case it split Nagriamel's Melanesian supporters from their settler and speculator backers.

Consequences of the Constitutions

The independent Melanesian governments then had to deal with the consequences of the coming into effect of the land provisions of the new constitutions and the new land legislation. The immediate issues seemed to be compensation, substitute leases, the status of non-European migrants and settlers, and the identification of the custom owners.

Compensation and who should pay it

The parliamentary committees, independence constitutions, and new land legislation in each country accepted the principle that the return of alienated land would involve paying compensation to former freeholders. The committees in PNG and Vanuatu also accepted the principle that custom owners of land in urban areas that would not be returned should also be compensated.

The difficult questions were how the compensation would be assessed and who should pay it. The parliamentary committees agreed that com-

pensation should only be payable for improvements to the land, not for the land itself. (Many plantations were in any case run down, though the speculative value of the "land itself," or rather title to it, had shot up in the late 1960s until the colonial governments introduced controls on subdivision and sales overseas.

Solomon Islands' constitution set out factors for compensation:

> the purchase price, the value of improvements made between the date of purchase and the date of acquisition; the current use value of the land, and the fact of its abandonment or dereliction. (sec. 111 [c])

However, no legislation to carry out this section of the constitution was ever enacted.

PNG's Land Acquisition Act also provided for the setting of factors to depress compensation claims when alienated land was compulsorily acquired for return to its customary owners; but compulsory acquisition was rarely used, and prices were set by negotiation.

The committees in PNG and Vanuatu looked to the colonial governments to pay compensation. PNG's CILM recommended that

> the Australian Government should be approached to provide funds additional to the grant in aid for the adjustment of outstanding land problems. (Recommendation 130)

Vanuatu's Ad Hoc Committee recommended that

> the present possessors of land which is to be returned to its custom owners must be indemnified by the tutelary power of whom the original purchaser or land grabber was a resortissant [i.e. "optant": Europeans had had to choose under which legislative regime, British or French, they lived in New Hebrides]. (Recommendation 19)

In its section on land, Vanuatu's constitution followed Solomon Islands' by saying that

> parliament shall prescribe such criteria for the assessment of compensation and the manner of its payment. (sec. 75)

Generally, the metropolitan powers managed to avoid accepting specific responsibility for the payment of compensation for the return of

alienated land. The British government had funded loans to custom owners to repurchase plantations under the scheme begun in 1971 but discouraged proposals for funding, there and in Vanuatu, that could not be justified in "developmental" terms. The Australian government rejected special provision for funds for plantation purchases, or compensation, arguing that it was up to the PNG government to decide if it wanted to divert funds for this purpose out of its general grant-in-aid.

The Melanesian governments were in something of a double bind: they wanted some control over the process of compensation, in order to depress claims based on the speculative values of the late 1960s--hence the constitutional provision that the Melanesian parliaments should decide on criteria for assessment. Each government would continue for some time to depend on aid from its former metropolitan power and, at least in Vanuatu, there was the almost explicit threat that if the independent government would not pay compensation the French government would do so directly, possibly at higher rates, and deduct the money at source from Vanuatu's grant-in-aid. Without special and additional funds for compensation, the Melanesian governments would be forced into difficult political decisions about taking loans or grants away from other government services to pay off Europeans on behalf of a relatively small number of custom owners who would benefit from the return of land.

Many plantations were badly run down. Coconut trees planted at the turn of the century were reaching the end of their productive life. The expatriate plantation owners blamed political uncertainty for their failure to reinvest, but there were other factors: low copra prices; bad management, particularly by owners who had inherited the land from their parents; and the unrealistic expectations aroused in the 1960s, that the land itself had sufficiently high speculative value to make agricultural redevelopment a waste of effort.

Yet the apparently urgent need to redevelop the plantations did not fit neatly with the desire to return them: the custom owners might want the land back for subsistence purposes, or just for its own sake; other Melanesians who were not custom owners might be more interested or able to redevelop the land; and landownership groups were not necessarily the most efficient units of management or labor. Finally there were doubts about whether the plantation form of agriculture, which seemed to be so specific to the colonial economy, was any longer appropriate to an independent Melanesian country. These doubts, however, tended to be overridden by the agriculture departments that the governments inherited at independence. (See Walter [1980] for a summary of discussions about the role of the plantation sector in PNG.)

Substitute leasing and automaticity

In each country the debate about compensation was partially resolved by something of sleight of hand--substitute leasing. Non-Melanesians would lose their freehold rights at independence but get a lease instead. If the lease was long enough, and negotiable enough, it was worth about as much as a freehold, and so no claims for compensation needed to be entertained. If the substitute lease contained development conditions, then the land could be taken back if these conditions were not met. Ideologically, there was something for everyone. The Europeans had justified their occupation of Melanesian land by their superior ability to develop it--now that ability would be tested. Custom owners had claimed their forefathers had only intended to lease the land and not to sell it, and now the title but not the land could be returned to them. And neither the Melanesian nor the metropolitan government need worry about compensation.

This approach had been pioneered by the Solomon Islands colonial government in the late 1960s and early 1970s, on the Guadalcanal Plains: title to about 3,000 hectares of land had been transferred to trustees on behalf of groups of custom owners, encumbered by ninety-nine-year leases over those parts of the land that were suitable for capital intensive agriculture (see Lasaqa 1972, pp. 122-27).

There were three politically contentious issues in this approach: the length of the substitute leases, government ownership, and "automaticity."

PNG's CILM recommended the conversion of noncitizen freeholds into leases from the government. The leases would last forty years, but the period could extend to sixty years if there was substantial Papua New Guinean participation in management (there had always, of course, been Papua New Guinean participation in labor). Legislation was drafted and proposals put to the cabinet in 1976 on the basis of ninety-nine-year leases, insisted upon by the agriculture department in the interests of security for investment. But it was not carried out and, since the plantation acquisition scheme was abandoned in 1981, it now seems unlikely that it ever will be. However, legislation was enacted to allow voluntary applications to convert freeholds into government leases, in order that noncitizens or non-automatic citizens could deal in the land.

In 1977, a year before independence, the Solomon Islands government had amended the Land and Titles Ordinance to convert perpetual estates owned by non-Solomon Islanders into seventy-five-year fixed-term estates (leases from the government).

In 1980, the Vanuaaku Pati government in Vanuatu adopted a policy that would encourage the negotiation of substitute leases between the custom owners and former freeholders, but it was unwilling to intervene and ensure that these leases would be granted automatically. In any case, large areas of land had already been occupied by custom owners. The minister of lands, Sethy Regenvanu, proposed a "normal" thirty-year lease period but came to accept the possibility of leases of up to seventy-five years for projects that took a long time to repay investment. The thirty-to-seventy-five formula was a product of intense debate within the government: thirty years provided a prospect that land would be returned within a lifetime, but a longer period was favored by agriculture and planning office officials, who were concerned that it was too short to encourage the kind of long-term agricultural investment that was needed to generate national revenue after independence. The seventy-five-year figure was borrowed from Solomon Islands which in turn had fixed on it as the figure agreed with the Commonwealth Development Corporation in 1971 for a joint-venture oil palm project on land leased back from custom owners on the Guadalcanal Plains.

An important issue in the land committees, and an issue in the political movements of the 1970s, had been the rights of the government to own alienated land and alienate more in the future. It was this issue in particular that caused the Solomon Islands government to resist accepting the report of the SCLM and to make counterproposals to preserve government ownership in the White Paper that was defeated in the legislative assembly in February 1977. In Vanuatu the "moderate" parties had traded on fears of "nationalization" of land by Vanuaaku Pati. And in New Caledonia, there are potential differences in the independentist movement, between advocates of nationalization rather than return of alienated land.

The recommendations of PNG's CILM and the provisions of Solomon Islands' 1977 Land and Titles Amendment Ordinance effectively nationalized most alienated land by the conversion of non-Melanesian freeholds into leases from the government. In doing so, the government stepped into a number of local disputes between custom owners and planters, taking the side of the latter, whose leases they had now undertaken to guarantee. More generally, the land issue was transformed from one between Melanesians and Europeans to one between Melanesians and their elected government. There was no guarantee that the government would ever return the land. In Vanuatu, the new government was more reluctant to intervene.

The conversion of freeholds into leases proposed in PNG was more or less automatic, qualified only by development conditions. In Solomon Islands, there was more uncertainty about whether or not the leases would be automatic: the law seemed to imply it, but Solomon Islands negotiators at the subsequent constitutional conference were reluctant to get locked in to guaranteeing a lease for every former freeholder. In practice, substitute leases were only granted over land for which development proposals were submitted. The remainder reverted to the government, and some of that remainder was returned to customary ownership.

"Automaticity" was more explicitly an issue between the Vanuatu government, settlers, and the banks that often had mortgages over the alienated land. In spite of earlier fears, there was last-minute settler interest in nationalization of alienated land, if this meant that the government would guarantee leases against the claims of custom owners (or at least tell them who the true custom owners were). But the cabinet considered and rejected automaticity and at the same time said that the government would only consider claims for compensation if and when the former freeholders and custom owners had tried and failed to negotiate a satisfactory lease or joint venture.

Non-European migrants and settlers

Apart from the Europeans, there were two other categories of migrant settlers on alienated land at independence in Melanesia. The first group were migrants within the colonial territory. They were mainly Melanesian, though, for example, there were settlers from Polynesian Tikopia on land alienated by Levers Pacific Plantations in the Russell Islands in Solomon Islands. But all of these settlers, having been in the territory before colonization, would automatically qualify for citizenship.

For the second group of migrants between colonial territories, issues of citizenship and land rights became linked. They were mostly non-Melanesian. The biggest group was, of course, the Indians in Fiji.

By independence there were about four thousand descendants of Gilbertese settlers in Solomon Islands. In 1976 there were about nine thousand Wallisians and Futunans in New Caledonia and six thousand Tahitians. Some of them had moved on to Vanuatu, particularly Santo, where there was also a small Gilbertese community. There was also movement of Melanesians between colonial territories--for example, the one thousand ni-Vanuatu in New Caledonia, small Fijian groups in Vanuatu and Solomon Islands, and small groups of ni-Vanuatu and Solomon Islanders in Fiji.

Traditionally, migrants had acquired land rights by adoption into host communities, and that kind of migration probably increased during the

colonial period as communication became easier. Internal migration was an issue in most of the political movements of the 1970s, particularly of people coming looking for work on plantations, in the mines, or in the capital city. But it was a new pattern of officially encouraged migration that became an issue at independence, particularly when the migrants bought, were granted, or squatted with official acquiescence on alienated land.

The Gilbertese in Solomon Islands had been offered freehold rights in public land in Solomon Islands Western District, and Wallisians and Futunans were granted land at Dumbea, for example, outside Noumea in New Caledonia. Insofar as they settled on alienated land, there was less need for them to make their peace with Melanesian host communities. If they had nowhere else to go, there was less likelihood of the land even being returned. This pattern of settlement suited the needs and purpose of colonial government and the colonial economy, as well as the interests of Gilbertese, Wallisians, and Futunans coming from impoverished islands.

Some kinds of internal migration were also officially sponsored. The Solomon Islands government, for example, subdivided public land for resettlement schemes. Several schemes simply gave title to squatters, either custom owners or migrants; and in PNG and Solomon Islands the colonial governments' often acquiescent approach to squatters on public land was a particular source of grievance for its custom owners. Other schemes provided for people from outlying islands who were short of land. But resettlement was also an instrument of colonial agricultural policy, providing secure titles to land for "energetic farmers" away from the pressures of customary kin. The different interests of Melanesian customary owners and government-encouraged Melanesian smallholders on alienated land is one of the greatest underlying sources of tension in land reform in New Caledonia (Ward, forthcoming).

In Solomon Islands the future of the Gilbertese settlers became an issue in the independence negotiations with Britain. Colonial land legislation had treated the settlers as if they were Solomon Islanders. In practice they also had privileged access to freehold land: they were promised grants of some public land as freehold, whereas Solomon Islanders applying for public land in internal resettlement schemes were only offered leases. As "Solomon Islanders" for the purposes of land legislation, Gilbertese settlers were also not prevented from acquiring interests in customary land, by marriage or other arrangements with the custom owners.

The Land and Titles Amendment Act, passed by the legislative assembly in August 1977, excluded the Gilbertese from the definition of "Solomon Islander." Henceforth, their freehold titles would become seventy-

five-year government leases, and they would no longer be entitled to acquire interests in customary land. The Gilbertese became a bargaining counter between Solomon Islands and Britain, reluctant to accept responsibility for a colonial minority.

A kind of deal was struck. At the final constitutional conference, held in London in September 1977, the British increased the value of the "financial settlement" that would provide a guarantee of aid over the next four years, and the Solomon Islands delegation announced that the freehold titles of the Gilbertese settlers would be restored and that they could become citizens automatically on application (UK 1977, p. 29). They would have to apply, and eventually about four thousand people did (Chekana, pers. comm.). Nevertheless, as citizens, they remain discriminated against in two ways: their existing freeholds are protected, but they may only acquire more land on lease; and in theory they are still prevented from acquiring any interest in customary land.

Identification of *the custom owners*

One argument for government intervention between custom owners and former freeholders was the problem of identifying who the custom owners really were. Envisaging this, the Vanuatu constitution provided that

> where . . . there is a dispute concerning the ownership of alienated land, the Government shall *hold* such land until the dispute is resolved. (sec. 76 [1]; emphasis added)

Solomon Islands' official Working Party on Lands and Mining, which prepared counterproposals to the report of the SCLM, also recommended government ownership of alienated land whose custom ownership was in dispute--particularly land acquired as wasteland. They argued that Solomon Islands already had considerable experience with the problems of identifying owners to return alienated land to them. Schemes on the Guadalcanal Plains, Konga (inland of the plains), Kwa Boronasu (Malaita), Njela-Kolombaghea (New Georgia), and Varese (Guadalcanal) showed that:

> --there are very often disputes about who the original owners were, and who their true descendants are;
> --those disputes are complicated by migrations from neighboring tribes and islands and by religious differences since the land was first alienated;

--the boundaries of the alienated land often do not fall in line with the original customary boundaries or the boundaries required for the best agricultural use of the land;
--the groups of descendants of the original owners are sometimes too large for the land to sustain them or too small to develop it effectively;
--people have different motives for wanting their land back: to use it for cash, to use it for subsistence, to share in the development on it, or just to set right an early injustice.

In any case, whatever method of deciding the government adopted, it would take time and scarce administrative and judicial resources. Vanuatu's Ad Hoc Committee on Land Reform, in its recommended timetable for the return of land, provided a rather optimistic seven months for "search by custom people for true custom owners" (no. 20). But it took about five years, for example, finally to settle the underlying ownership of the several thousand hectares of land returned and leased back on the Guadalcanal Plains, and requests to adjust particular boundaries and rental payments between landowning groups continued sporadically thereafter.

There were, of course, political as well as administrative costs: deciding on customary ownership invariably produces a class of disappointed claimants, who have votes.

While the Vanuatu government has avoided directly intervening as title holder between former freeholders and custom owners in negotiating leases, it nevertheless is being forced into making judgments about who those custom owners are, as a consequence of the constitutional provision that the government must consent to any land transactions between indigenous citizens and nonindigenous or noncitizens and that in doing so it must make sure that the transaction "is not prejudicial to the interests of . . . the custom owner or owners of the land" (17 [2]).

Alienated Land and the National Development Plans

The recommendations of the parliamentary committees, independence constitutions, and the new land legislation were generally at cross purposes with the national development plans that each country adopted immediately before or after independence. While alienated land was being returned, there was increasing pressure for more land to be alienated.

The urgency and hence impatience with the need to negotiate with custom owners arose particularly from the need to find new sources of

revenue for governments facing a decline in metropolitan subsidy after independence. PNG has negotiated two successive aid agreements with Australia; but the second, running from 1981 to 1986, provides for a reduction in real terms of 5 percent a year. Solomon Islands' "financial settlement" with Britain was a four-year agreement running to 1981, during which grants to general government revenue were expected to taper off (UK 1977, Appendix 1). At independence in Vanuatu the government was dependent on French and British grants for two-thirds of its revenue.

The most striking feature of the references to land tenure in Fiji's development plans is their absence. The independence constitution froze the colonial pattern of legislation and alienation, and land policy remains a fulcrum of a delicate racial balance. Even basic statistics about land ownership, included in Fiji's *Seventh Development Plan 1976-80* (Fiji 1975), have been dropped from the *Eighth* (1981-85); and as a statutory corporation, the Native Land Trust Boards policies are hardly brought into the national planning process. In the *Eighth Development Plan* land is discussed in technical terms as a resource that must be made more available for economic production, public purposes, and urbanization (Fiji 1980, pp. 49-56).

Vanuatu's *Transitional Development Plan 1978-80,* produced by the Kalsakau government in June 1978 (before the formation of the Government of National Unity), is silent about land policy beyond a general reference to the need to encourage more land to be brought into production (Vanuatu 1978, para. 3.1). A Ministry of Lands was not set up until after the VP victory in the 1979 elections, when the government planning office began work on a national development plan. During the first part of 1980, there was intense interministerial conflict over land policy: the Ministry of Lands proposed the return of land and limitation of leases to no more than thirty years; the Planning Office urged the creation of a stock of government-owned land for development projects like oil palm and tourism that would provide the government with revenue to replace metropolitan grants after independence; and the Agriculture Ministry was concerned with preserving and redeveloping the plantation sector with foreign capital and expatriate management. The Ministry of Lands won in the short term; but as has occurred in PNG, national economic pressures are likely to lead to some rolling back of the return of land, and there were indications in 1981 that the Ministry of Lands might be absorbed into the Ministry of Agriculture.

The statement on land policy in Solomon Islands' first *National Development Plan,* covering the period 1975-79, was qualified as being "sub-

ject to review when the government has received and studied the report of the SCLM" (Solomon Islands 1975, vol. 2, p. 16). When the development plan itself was reviewed in June 1977, Planning Office officials concluded that:

> the main issue remains the land tenure policy, and on its outcome depends the pace of the country's future economic progress. (Solomon Islands 1978, para. IX)

By 1979, when the second national development plan, to cover the period 1980-84, was being prepared, policy toward alienated land had become clearer: freeholds owned by non-Solomon Islanders had become government leases, but the government was not planning to return public land required for "public purposes, certain joint venture projects, urban expansion or resettlement schemes" (Solomon Islands 1979, vol. 1, para. 4.156).

The draft 1980-84 plan identified what it called a "problem of misunderstanding":

> Because of its colonial heritage the government is often seen in the eyes of the people as having interests in land matters which favor foreign investors against those of the individual. (4.205)

Nevertheless

> there will be cases where for the purposes of national development, the government will have to acquire and facilitate the ownership of land by groups other than the traditional owners. (4.205)

PNG's National Planning Office produces a *National Public Expenditure Plan (NPEP),* which has been presented each year since 1978 as a supplement to the national government budget. The *NPEP* allocates increases in government expenditure over the next four years between projects ranked according to their contribution to nine strategic objectives like increasing rural welfare or environmental protection. As in Fiji, land policy and administration figure only as restraints on the availability of land for economic production, infrastructure, and urbanization. However, in 1981 the *NPEP* expressed a significant shift on policy toward alienated land when it called for the

> reissue of plantation leases to non-citizens in exchange for binding commitments to redevelop run-down holdings. (PNG 1981, p. 15)

The reasons were spelled out in more detail in the finance minister's budget speech:

> The plantation acquisition scheme was designed to return alienated land to its traditional owners. In its primary objective the scheme cannot be said to be successful: only a very small amount of land has been redistributed. The consequences of the scheme have, however, been very serious in promoting a feeling of insecurity among existing owners . . . and has led to an unwillingness to reinvest in all properties, which of course is the prime cause of falling production. (PNG 1981, p. 32)

In PNG, at least, the land reforms of the mid-1970s had come full circle.

Conclusions

The colonial dualism of "customary" and "alienated" land survived independence in each country except Vanuatu (and Irian Jaya). In Fiji both the system and pattern of ownership were largely frozen. In PNG, Solomon Islands, and Vanuatu there were transfers of ownership between Europeans, the government, and Melanesians, but the dual system of land tenure remained and was even intensified in the drive for new foreign investment in revenue-raising projects after independence.

In Vanuatu the system itself was overthrown; all land became customary, and new legal notions like that of an alienator, or of public land had to be introduced to cope with the consequences. Both notions broke with the idea of "ownership" by Melanesians and Europeans that had become entrenched in the colonial period.

Under the 1980 Land Reform Act, an *alienator*--the person who owned alienated land before independence--has a right to remain in occupation, has the first opportunity to negotiate a lease with the custom owners, and has a right to compensation for improvements if he is unsuccessful.

Public land denotes a management regime--not government ownership but bearing some similarities to compulsory acquisition. If and

when customary land is declared "public," the government gets the right to manage and make leases over it, but that right is qualified by the requirement that the custom owners be represented in the institutions managing the land and get a share of any revenue raised from it. The workability of these new notions is still being tested: the first lease between an alienator and custom owner was signed at Eton village on Efate on October 9, 1981; corporations to manage land declared public in Vila and Luganville were being established earlier in the year. There is likely to be considerable economic, administrative, and legal pressure to revive the dualism of the colonial period.

The independent Melanesian governments remain in a double bind that is as old as colonial history: on the one hand they are supposed to be protecting the custom owners against alienation of their land, and on the other they are supposed to be promoting alienation in the interests of national development, or at least the maintenance of government services.

Solomon Islands' draft *National Development Plan 1980-84* exhorts the government to "appreciate the dual role it must perform" (para. 4, 208), and Vanuatu's constitution lists the potentially highly contradictory interests that the government must take into account before consenting to a land transaction between custom owners and indigenous or non-indigenous citizens:

> (a) the custom owner or owners of the land,
> (b) the indigenous citizen where he is not the custom owner,
> (c) the community in whose locality the land is situated,
> (d) the Republic. (sec. 72 [2])

In Melanesia particularly these last two interests tend to be in permanent conflict: enclave projects like a mine, plantation, or tourist hotel may have only minor local benefits and major local costs. Yet they provide government revenue to sustain services that do have local benefits: water supplies, school aid posts, and so on. That, at least, is the theory; but a lot then depends on the geographical pattern of government expenditure both away from towns and areas with enclave projects and back to them in order to provide compensation for their local costs. In PNG this kind of delicate social contract may be breaking down (Jackson 1981).

There are, broadly, four institutional approaches that the governments have adopted as a way of reconciling their dual roles as promoters of alienation and protectors against it. The first is exemplified in Solomon Islands' and PNG's land purchase cooperatives and land groups, and the

second in both countries' "tenure conversion" schemes. The third and fourth are exemplified in the history of Fiji's Native Land Trust Board.

The first two approaches aim to make the custom owners themselves the developers of alienated land, either as a group or as individuals. In the first form, the institution is either a cooperative or a group incorporated under PNG's 1976 Land Groups Act. The custom owners, incorporated as a group, then replace the European owner/manager and his laborers as the developers of already alienated land. Development is ensured by indebtedness: the group must pay back the money the government loaned them to buy out the European, and they must do so by developing the land.

There were at least two problems with this approach. First, a unit of ownership may not be an effective unit of work: customary land is normally worked individually; communal work has acquired the colonial overtones of forced labor; and the success of communal working groups usually depended on the qualities of particular leaders, with government agriculture officers sometimes filling the leadership role by default. Second, the sanction for development disappeared when the loan was repaid.

The second and earlier form reversed the approach of the first. Under tenure conversion, ownership rather than working practices were changed and land was alienated from customary ownership rather than returned to it. The institution in the first approach was the cooperative or land group, whereas the institution in the second approach was the individual title. One problem in this approach was deciding which land should be individualized: if it was already developed, it was easier to identify the person who had cleared and developed it and institutionalize him as its "owner." But if he or she had already developed it, then the need to individualize ownership in order to encourage development was less than clear. A title, however, made the provision of credit easier and hence raised the possibility of further development as well as the possibility of indebtedness as a sanction for development.

Both forms--the cooperative group and individual title--were expensive in terms of administrative resources and so perhaps were more available to colonial governments where the costs of administration were frequently not taken into account. For independent governments the salaries of government officers--particularly specialist agricultural officers and surveyors--and the opportunity costs of devoting their time to a particular sector, area, or project rather than another tend to be more obvious.

The third institutional approach is to hive off the protectionist function to a separate arm of the government. The conflict between pro-

motion of alienation and protection against it becomes institutionalized and resolved case by case by competition and negotiation between different arms of the government. The earliest example, dating from 1940, is Fiji's Native Land Trust Board (NLTB), which represents custom owners in negotiation with the Lands Department as well as with third parties. A similar approach was proposed in Vanuatu in 1980 for a Custom Owners Advisory Service, relatively independent of the government and acting on the custom owners' behalf, if necessary, against government policy. It already existed in a weaker form in the decision to create a separate Ministry of Lands, which as advocate of its custom owner 'clients came into necessary conflict with ministries.

There are obvious political limits to the extent to which a government will be prepared to fund such an institution out of its own budget. The NLTB may be in danger of losing some of its autonomy by having become reliant on an annual government grant after the 25 percent of rentals it keeps to cover its running costs proved insufficient. And Vanuatu's Ministry of Lands is threatened with absorption into the Ministry of Agriculture, ostensibly in the interest of "rationalization."

But within those broad limits, and given the constitutional restrictions imposed on the governments at independence and continuing deep suspicions of the role of government in land acquisition, there seems to be scope for managing conflicts between government and custom owners by institutionalizing them in some way.

Solomon Islands' draft 1980-84 national development plan floated the notion of a trust board in 1979 (4.181). Solomon Islands had set up a land trust board in 1961. It was supposed to identify waste and vacant land and manage it in the public interest. It failed to find any, and the land that the colonial government had already identified as waste and vacant was never transferred to it (Allan 1957, pp. 298, and Larmour 1979, p. 106). Not surprisingly, it collapsed in 1964. Nor is Vanuatu's brief experience with the trust board that took over land handed back by the Australian government in 1973 particularly encouraging, perhaps because it attempted to resolve the conflict between the interests of the custom owners and the interests of the government within itself, rather than by competition and negotiation between the board and the agencies of government promoting development by alienation. Vanuatu's lasted twice as long as Solomon Islands' but was similarly ineffective. The point may be that the conflict between government and custom owners should be institutionalized, but not within a single institution.

The fourth and final institutional approach is to try to resolve the contradiction between promotion and protection, alienation and custom own-

ership, at the level of the particular project rather than the land itself. Examples include Solomon Islands' joint venture schemes, in which landowners become shareholders, or Fiji's Native Land Development Corporation, the business arm of the NLTB established in 1976 to invest in commercial and agricultural projects on behalf of landowners. The problems here include tokenism (landowners have only a 4 percent share in the Solomon Islands' Plantations Limited (SIPL) joint venture on the Guadalcanal Plains, and their effective participation in management is zero) and the distribution of risks (landowners get nothing if the project fails to distribute dividends). It also requires relatively high-value projects that generate sufficient surplus to distribute. It is doubtful, for example, if many smaller and older copra plantations are productive enough--after deduction of wages, interest, and depreciation--to provide much more than token payments, and they are only viable under freehold.

Where joint ventures also involve the government, its protectionist role is further compromised by its stake in the project. This problem was emerging very clearly on the Guadalcanal Plains in the late 1970s: SIPL management, faced with claims from landowners that boundaries were not being respected, or that rivers were becoming polluted, tended to invoke its partnership with the government, whose responsibilities and interests were getting dangerously blurred.

There were a number of connections as well as parallels between the land policies of the Melanesian governments in the 1970s. Each country, as it became independent, adopted a more radical approach than the last. The latest, Vanuatu, has set precedents for the *revendication totale* (wholesale return) of alienated land which independentists in New Caledonia propose as an alternative to the more managed and conditional *reforme foncière* (land reform) proposed by the French government in 1978 but opposed by European settlers. And there is likely to be feedback from the rest of Melanesia into the delicate politics of alienated land in Fiji, frozen since 1970.

Yet the issue is not uniquely or even distinctively Melanesian. In many ways, Melanesia is just catching up with Polynesia. Writing ten years ago, Crocombe predicted:

> European landholders have been withdrawing steadily during the past decade (i.e. the 1960s) from areas where Europeans do not control the government. This withdrawal is now almost complete in the eastern Pacific (with the exception of freehold land in Fiji) and is likely to be well advanced in the Western Pacific within the next decade. (1971, p. 392)

Crocombe quotes the examples of the Western Samoa Trust Estates Corporation (WESTEC), which manages alienated land returned in 1959, and the nonrenewal of leases to foreigners in Tonga since the 1950s (ibid.). WESTEC has its later Melanesian parallels in the Fiji government's takeover of CSR in 1973; in Solomon Islands' joint ventures on already alienated land with the Commonwealth Development Corporation (1971), Brewers (1975), and Levers (1980) and its aborted proposals for a Land Development Authority (1977); and in Vanuatu's Rural Land Corporations set up to manage plantations and cattle on returned alienated land in 1981. The Tongan leases have their counterparts in the debates about automaticity and the length of leases in PNG, Solomon Islands, and Vanuatu, as well as in the debates about the *Agricultural Landlord and Tenants Act* in Fiji (1976).

Land alienation is also an issue in Micronesia in the almost interminable decolonization of the U.S. Trust Territory of the Pacific Islands, particularly in custom owners' demands for the renegotiation of the rental agreement for the Kwajalein base (which at one stage they briefly occupied). And the Constitution of the Republic of Palau, adopted in 1980, provides that

> the national government shall, within five (5) years of the effective date of this Constitution, provide for the return to the original owners, or their heirs, of any land which became part of the public land as a result of the acquisition by previous occupying powers or their nationals through force, coercion, fraud or without just compensation or adequate consideration. (Article XIII, sec. 10)

Nor are the politics of returning land limited to the islands of the South Pacific. In the last few months several thousand hectares of South Australia have been handed back to their aboriginal owners. While this paper has compared New Caledonia with the rest of Melanesia, parallels also exist between it and the European settler societies of Australia and New Zealand.

Continued European immigration into all three countries only began to slacken in the 1960s. In New Caledonia, the Europeans failed to become a majority; but there are haunting parallels between the political styles of the new Maori, aboriginal, and Kanak (Melanesian) political movements that grew up in the 1970s and demanded the return of alienated land.

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Peter Larmour
University of Papua New Guinea

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