

THE POLITICIZATION OF LAND AND THE PARADOX OF INDIGENOUS
OWNERSHIP: THE CASE OF FIJI

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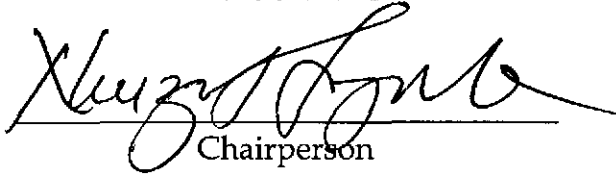
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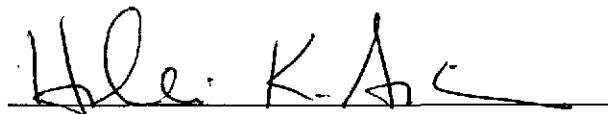
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Dedication

To my Lord, my Mother and my Wife

Acknowledgements

My two years as a Masters student at the University of Hawaii at Manoa have revolutionized my life in significant ways. The association and the discussions that I have had with my professors at the Political Science Department, the staff of the Pacific Islands Development Program of the East West Center (PIDP-EWC) and members of the Pan Pacific Club have been ideologically provocative and inspirational. I therefore praise the Lord God Almighty for providing me the opportunity to pursue advance education. Secondly, I would like to express my sincere gratitude and deep appreciation to Sitiveni Halapua, Director of the PIDP- EWC for inspiring me to pursue my research project on the issues relating to land, politics and race in Fiji. Thirdly, I owe a great deal of indebtedness to my supervisor, Nevzat Soguk for his insight and the quality of academic advisement that he provided in the course of writing my thesis. My gratitude and appreciation also goes to the other members of the advisory committee, Hokulani Aikau and Manfred Henningsen for their ideas, support and wisdom. I would also like to acknowledge friends and colleagues who have made my experience at the University of Hawaii a pleasant one. Thanks must also be given to Tarcisius Kabutaulaka, the Research Fellow at the PIDP-EWC for his insights and particularly for engaging me in the consultation work on land, politics and conflict with the Pacific Islands Forum Secretariat (PIFS). The experience has not only given me tremendous insights that enabled me to better conceptualize my research project, but the remuneration of the consultancy work also sustained me financially. My thanks are also due to Solomon Kantha and Chilton Tutii for their collegiality and friendships. Finally, words cannot express my deepest gratitude and appreciation to my wife without whom I would not been able to have such an accomplishment.

Abstract

The institutional and legislative framework which governs the control and access of Fijian customary land has created and perpetuated a paradox of indigenous ownership of land. Despite owning eighty seven percent of Fiji's land, indigenous Fijians are still overwhelmingly represented at the lowest socio-economic scale in Fiji's modern economy. Such a paradox is camouflaged by a racial discourse invoked by the politicization of land by indigenous ruling elites. The current land discourse has evolved entirely around the issue of land rental payment. Leaders of both ethnic communities including academia have propagated the creation of a legislative and institutional land tenure framework that ensures fair tenancy for Indo Fijian tenants and equitable returns to indigenous Fijian landowners. The study contends that such a discourse reproduces the economic passiveness of indigenous Fijian landowners and their dependency on land rental payment. As such the study propagates an alternative land discourse which involves the incorporation and integration of indigenous Fijian landowners in the commercial cultivation of their land whether in sugarcane farming or other forms of commercial agriculture.

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LIST OF ABBREVIATIONS

AP: Alliance Party
ACP: Asia Caribbean Pacific
ALTA: Agricultural Landlord and Tenant Act
ALTO: Agricultural Landlord and Tenant Ordinance
CSR: Colonial Sugar Refinery
EU: European Union
EWC: East West Center
FAB: Fijian Affairs Board
FLP: Fiji Labor Party
GCC: Great Council of Chiefs
NARO: Native Affairs Regulation Ordinance
NFA: Native Fijian Administration
NFP: National Federation Party
NLTA/NLTO: Native Land Trust Act/Ordinance
NLTB: Native Land Trust Board
NLDC: Native Land Development Corporation
NLO: Native Land Ordinance
PIDP: Pacific Islands Development Program
SDL: Soqosoqo Duavata Ni Lewe Ni Vanua
SVT: Soqosoqo Vakavulewa Ni Taukei
TM: Taukei Movement
VDC: Vanua Development Corporation
UCV: Unimproved Capital Value

INTRODUCTION, OBJECTIVES AND METHODOLOGY

Indigenous ownership of Fijian land is both problematic and paradoxical. Problematic in ways in which it is politicized not only in concealing the contradictions and deficiencies of the institutional and legislative framework regarding the control and use of indigenous Fijian customary land, but also in entrenching and perpetuating the economic and political interests of indigenous ruling elites. Paradoxical in that despite owning eighty seven percent of the land, indigenous Fijians are still socio-economically marginalized in the modern economy. The institutional and legislative framework created by the British colonial government to 'preserve' and 'protect' indigenous ownership of customary land, have not only economically disenfranchised indigenous landowners but it has also created an underclass of indigenous Fijians in Fiji's modern economy.

It is imperative to clarify what the author means by the politicization of land and the legislative and institutional framework. The former is used to refer to the discussions and issues relating to the competition for access to, and control of land. More precisely, it refers to how political stakeholders use the underlying tensions relating to land in order to rally political support or promote particular economic and political agendas. The legislative framework in this context refers to the major land legislations that governed the use and control of all Fijian

customary land. This includes the Native Land Ordinance (NLO), enacted in 1880, the Native Land Trust Ordinance of 1940 (NLTO) and the Agricultural Landlord and Tenant Act (ALTA) created in 1966 and modified in 1976. The institutional framework refers to the institution of the Native Land Trust Board (NLTB), which was established in 1946 as a 'trustee' of indigenous Fijian landowners. The NLTB is a statutory board created by the British Colonial government to administer all leasing arrangements of Fijian customary land with individual tenants and companies utilizing Fijian land.

The main political discourse in Fiji has focused largely on the issue of land and one that has fundamentally shaped the socio-political environment in which indigenous Fijians and Indo Fijians interact. The discourse, which is orchestrated by the indigenous ruling elites, is two folds. The first is the idea that indigenous Fijian landowners are socio-economically marginalized, due to the insufficient land rental payment by Indo Fijian tenants in the leasing of indigenous Fijian customary land. As a result indigenous Fijian landowners and the Fijian community at large have often cast suspicions towards their Indo Fijian neighbors as manipulative and who have secured better lives through the exploitation of indigenous Fijian customary land. The socio-economic disparity between the two ethnic groups is therefore conceptualized at least from the perspective of indigenous Fijians, as racially induced.

The second dimension of the discourse involves the politicization of the cultural and the spiritual values of land. Given the institutionalization of a racially generated marginalization of indigenous Fijian landowners, ordinary Fijians have been made to believe that the emergence of an Indian dominated government will lead to further marginalization of the Fijian people and the possible loss of indigenous ownership of land.

Land in the traditional Fijian context encompasses not only a geographical land space but it also encapsulates the socio-political structure of the Fijian society. Land encapsulates Fijian's sense of belonging, an identity, cultural and traditional values and cosmology. Land is therefore complex and multilayered. Given the intricate concept of land, the possible loss of indigenous ownership of Fijian land under an Indo Fijian government connotes the impending disintegration of the Fijian society and the possible dissolution of a people. The implications of losing indigenous rights over land have therefore created both anxieties and resentments among indigenous Fijians. Such sentiments have often instigated a sense of ethno nationalism under indigenous ruling elites who articulated their political manifestos within the ideological theme of the "preservation of the paramountcy of indigenous Fijians" which hinges on the entrenchment and perpetuation of indigenous ruling elites. As such, indigenous Fijian governments such as the chiefly Alliance Party, the Soqosoqo Vakavulewa ni Taukei (SVT), and the Soqosoqo Duavata ni Lewe ni Vanua (SDL) have

effectively used the notion of the preservation of the paramountcy of indigenous Fijian interests to legitimize and entrench indigenous Fijian leadership.

On the whole the politicization of land does not only project a racially produced marginalization of indigenous Fijians and their perpetual economic marginalization under an Indo Fijian government but it also instills fear on the impending disintegration of the Fijian society as a whole. The politicization of land therefore strikes at the core of the preservation of the 'paramountcy of indigenous Fijian interests'. In recent years, the fear and resentment caused by politicization of land have escalated into racial violence and the military overthrow of democratically elected Indo Fijian governments such as the ones that occurred in 1987 and 2000.

The thesis of this study contends that the institutional and legislative structure that were formulated to preserve and protect indigenous ownership of Fijian land have essentially restrained Fijian landowners from participating actively in the economic development of Fiji, with regard to the commercial utilization of their customary land. The legal and institutional framework that governs the control and use of Fijian customary land have relegated indigenous Fijian landowners from the productive sector of the economy to a subsistent mode of production where they are insulated and restrained from the commercial utilization and exploitation of their customary land and thus depriving them

from appropriating the real capital value of their customary land. Consequently indigenous Fijian landowners have been made an underclass in Fiji's modern economy.

The study further contends that the contradictions or the deficiencies in the legislative and institutional framework governing the control and use of Fijian customary land are often camouflaged by the racial discourse which is generated through the politicization of land in which the socio-economic disenfranchisement of indigenous Fijians is projected as a result of a racial exploitation and not as a result of failed and ineffective structure created to serve the interests of the colonial and post states and their beneficiaries.

Objectives

The study has three major objectives. Firstly, the study attempts to accentuate the paradox of the legislative and institutional structures governing the control and use of indigenous Fijian customary land and how such structures have created and perpetuated an underclass of indigenous Fijians in Fiji's modern economy. In trying to understand such paradox, the study explores the politics and the vested economic interests of the British colonial government in creating existing structures of land tenure system. As such the study examines the major land legislations and the role of the Native Land Trust Board (NLTB).

Secondly the study examines how indigenous Fijian ruling elites evoke a racial discourse through the politicization of land, as a means not only to conceal the contradictions of the institutional and legislative framework regarding the control and use of Fijian customary land but also as a means to entrench and maintain political power and economic privileges.

Finally, the study attempts to shift the current discourse from issues of land rental payment to one that entails the constructive incorporation and engagement of indigenous Fijian landowners into the commercial cultivation of their customary land. The current political and academic discourse focus much on institutional and legislative land tenure system that ensures indigenous landowners receive land rental payment based on market conditions rather than a certain percentage of unimproved capital value (UCV). However, the study contends that the existing discourse perpetuates the continual marginalization of indigenous Fijians from the core of Fiji's sugar based economy. The study introduces a new dimensional discourse which calls for an institutional and legislative land tenure system that fosters and encourages the systematic engagement and incorporation of indigenous landowners in the commercial cultivation and utilization of their customary land, whether it is sugarcane production or any other commercially oriented agricultural enterprise.

Methodology

The acquisition of information for the study was primarily based on literature review, which included both primary and secondary sources. Primary sources included Fiji's daily newspaper namely the Daily Post, The Fiji Sun and The Fiji Times. Others included Pacific Islands Report, Conference and Symposium papers and speeches. Information was also gathered through observations, participatory observations, informal interviews and self- indigenous knowledge of the author. The secondary sources included the Laws of Fiji and published books and journals.

CHAPTER 1

THE POLITICIZATION OF LAND

Introduction

“Blood will flow in this Country if Indians do not understand the deep emotional feelings that Fijians have for their land.”⁴
(The Fiji Times 3rd March 1978).

The politicization of land produces a racial discourse which creates the potential for racial tensions and conflict. These tensions and conflicts function to conceal the contradictions of state legislations and institutional arrangement designed to preserve the interests of indigenous Fijian elites and their beneficiaries. Fiji's racial discourse captures the core of race relations in Fiji and one that has shaped the social and the political environment in which indigenous Fijians and Indo Fijian interact. Land and race are entwined (Lal 1986, 2000; Norton 1992, Sutherland 1992). The sugar industry, that drives the engine of the national economy, is one that survives largely in the hands of Indo Fijian sugar cane tenants. However the land that is used in the commercial cultivation of sugar cane belongs to indigenous Fijians. Land therefore constitutes the political and economic space in which the two racial groups intersect. Given the intertwinement of land and race, one cannot engage in the land discourse without confronting the discourse on race. Hence the politicization of the former often creates ethnic tensions which functions not only to advance the economic

⁴ Statement made by Ratu Mara a Fijian paramount chiefs who held the position of Prime Minister from 1970-1992 and later became Fiji's President from 1994-2000.

and political interests of indigenous ruling elites but one that also conceals the contradictions of institutional and legislative framework that serve the political and economic interests of indigenous ruling elites.

The quote at the beginning of the chapter was issued by the first indigenous Fijian Prime Minister Ratu Kamisese Mara in 1978 in one of the heated parliamentary debates on the issue of land. Statement as such often serves as a means of uniting indigenous Fijians under the political leadership of indigenous Fijian elites against the threat of economic and political domination of Indo Fijians. It is also one which conceals the political fragmentation of indigenous Fijians. As such the politicization of land creates the illusion of indigenous political unity while at the same time entrenched racial polarity institutionalized during the colonial era.

The politicization of land is therefore a tool used by indigenous ruling elites to mobilize indigenous Fijians under the banner of ethno-nationalism amidst Indo Fijian threat of economic and political domination. In recent years such ethno nationalisms have escalated into ethnic violence as witnessed in Fiji's political crises of 1987 and 2000.

The Land Rental Discourse

As mentioned earlier, the first dimension of the land discourse projects the predicament of indigenous Fijian land owners as the result of the low levels of lease payments paid by Indo Fijian sugar cane farmers in the leasing of indigenous Fijian land. Under the Agricultural Landlord and Tenant Act (ALTA), tenant farmers lease native land through the Native Land Trust Board (NLTB) for a period of thirty years⁵ (Nandan and Alam, 14: 2005). Indo Fijians hold about seventy percent (70%) of all the leases issued by the NLTB and over half of them are sugar cane farmers cultivating sugar cane in the western and northern parts of the Fiji Islands (Ibid). Under the land rental provisions of the Agricultural Landlord and Tenant Act, land lease is calculated on six percent (6%) of the Unimproved Capital Value (UCV)⁶ (Ibid) (Davies and Gallimore, 16:2000).

Davies and Gallimore argue that there is a protective provision embedded in ALTA that protected tenants from paying the maximum value in rental payment. (Davies and Gallimore, 2000: 16-17, see also:

<http://maorinews.com/karere/fiji/davgall2.htm>). According to Davies and

Gallimore, while the annual land rental is calculated on the basis of six per cent .

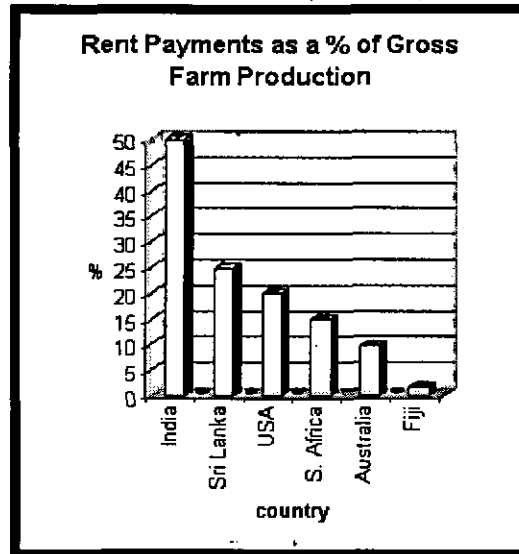
⁵ The Native Land Trust Board (NLTB) was established through the Native Land Trust Ordinance to administer the leasing of Indigenous Fijian land, terminate leases where necessary and to create reserve land for the future exclusive use of indigenous Fijians.

⁶ UCV is simply the monetary value of the bare land without any form of development.

of the UCV of the land, this value is simply the maximum possible value that can be applied in principle (Ibid). However, in reality the vast majority of land rent is paid far below this maximum. The rental formula stipulated under ALTA does not guarantee the maximum application of the six percent UCV. This is due to the fact that under section twenty eight (28) of ALTA, tenants can appeal higher rental levels to a tribunal which can authorize the reduction in the actual rent paid (Ibid). The rental formula under ALTA essentially protects the interests of the tenant farmers at the expense of indigenous Fijian landowners. According to Davies and Gallimore the unfair rental formula under ALTA, has systematically deprived indigenous Fijian landowners over \$F1billion, of the real market value of their leased land in the last thirty years (Ibid)).

Further, Davies and Gallimore argue that rental payment under ALTA constitutes a minute percentage of the gross agricultural production. For instance, on average, while a sugarcane farmer earns approximately \$F2, 750, 00 from one hectare of sugarcane farm, the land rental payment for the same piece of land is a just mere sixty six dollars (F\$66) or 2.4 percent. This is by far the lowest level of land rental payment by international standard as illustrated in Fig 1.

Fig I.



(Source: Davies and Gallimore, 2000)
(Also see <http://maorinews.com/karere/fiji/davgall2.htm>)

Davies and Gallimore further argue that while indigenous Fijians land owners received the lowest land rental payment under ALTA by world standard, on the other hand, the economic position of Indo Fijian tenants have been enhanced and advanced not only under ALTA but more so under the European Union subsidies and the preferential trading agreement. Fiji's sugar has benefited tremendously from the Sugar Protocol which has for decades guaranteed a niche market for Fiji's sugar in the global market.⁷ Furthermore under the Sugar Protocol Fiji's sugar is sold at a special price which is usually above the current

⁷ The Sugar Protocol encapsulated under the LOME/COTONOU Convention states that the European Union undertook to purchase specific quantities of sugar from ACP Countries at guaranteed prices.

market price. According to Davies and Gillamore, none of these benefits trickles down to indigenous landowners (Ibid).

Indigenous Fijian governments have undoubtedly embraced Davies and Gallimore's arguments as basis of legitimizing the political leadership of indigenous government. The Qarase Government for instance has often argued that the lease payment under ALTA is the lowest in the world and one that has systematically impoverished indigenous Fijian landowners (A Better Fiji for All, May 2005: 14). While the rental formula under ALTA stipulated the lease payment of six percent of UCV, in reality tenants pay two or three percent at the most (Ibid). For instance in every \$100 earned on cane farms on indigenous Fijian land, \$70 goes to the tenant farmer, \$28 to the Fiji Sugar Corporation (FSC) and a mere \$2 to a group of landowners¹ which on average numbered more than one hundred (Blue Print for the development of Indigenous Fijians and Rotumans, 2000).

Deposed indigenous Fijian Prime Minister, Laisenia Qarase, whose government ruled Fiji since 2001 until it was overthrown in December 5 2006, engaged substantively on the issue of rental payment as a basis of resolving racial tensions and conflicts following the military overthrow of the Indo Fijian government in 2000. Qarase exploited the Talanoa Session organized by the East West Center through the Pacific Islands Development Program, (PIDP) where he deployed

the land rental discourse as critical in achieving an amicable solution to the racial tension in Fiji (Pacific Islands Development Program (<http://pidp.eastwestcenter.org/pidp/talanoa.htm>)).⁸ The Talanoa Session that included leaders of indigenous Fijian group led by Qarase and that of the Indo Fijian leaders headed by Chaudhry was held on seven different occasions in the course of four years (2000-2004). The session entailed high level discussions on issues of fair tenancy on the part of Indo Fijian tenants and equitable returns on the use of indigenous Fijian land. According to Qarase land constituted a critical issue in unity building and that racial tensions between indigenous land owners and Indo Fijian tenants could only be addressed through fair tenancy agreements that provide access to land and fair land rental payment (Ibid). Qarase argued that economic disparity between indigenous Fijian landowners and Indo Fijian tenants can be reduced if the latter gain an equitable share of the benefits derived from the use of their land (Ibid). In other words Qarase inferred that the economic marginalization of indigenous Fijians can be effectively addressed by way of increasing land rental payment. Given the focus of the Talanoa Session a parliamentary select Committee was appointed to examine and scrutinize issues relating to rental fixing mechanisms, rental assessment mechanisms and

⁸ The Talanoa Session is a Pacific Island style dialogue that brings people together to share opposing views without necessarily reaching an agreement. The dialogue which places emphasis on inclusion, reconciliation and mutual respect was designed to bring leaders of the two ethnic groups to talk openly about their differences and grievances to build understanding which hopefully would springboard as a way forward. The idea of the Talanoa was developed to diffuse serious racial tensions between the two ethnic groups following the military coup in 2000 which witnessed the overthrowing of Mahendra Chaudry the first Indo Fijian Prime Minister and his Labor Government.

premium considerations among other things. While the Talanoa Session discontinued as a result of impasse between the two leaders, the session has significantly shaped the socio-political environment where indigenous Fijians and Indo Fijians intersect.

The introduction of *The Blueprint for the Development of Indigenous Fijian and Rotumans* by the Qarase government further entrenched the land rental discourse which entailed affirmative action policies in favor of indigenous Fijians. Among others, the affirmative action policies included: the reservation of the position of President and Prime Minister for indigenous Fijians, the establishment of Fijian Development Trust Fund entailing the investment of capital endowment fund to earn interest income that would support indigenous Fijian development such as leadership training and research, the establishment of a national savings scheme for Fijians, Tax exemption of Fijian companies, reservation of fifty percent of major licenses, such as import license and taxi permits for indigenous Fijians, reservation of fifty percent of government contracts to indigenous Fijians, the converting of \$20 million as interest-free loans to indigenous Fijians and increasing allocation for indigenous Fijian education fund (*Blueprint for the Development of Indigenous Fijian and Rotumans*, 2001). In justifying the Blue Print, Qarase argued that the affirmative action policies under the Blue Print were designed to compensate the low land rental payment under ALTA.

On the whole the land rental discourse has been effectively used by indigenous Fijian governments as a basis of justifying and legitimizing political leadership of indigenous Fijian governments.

The *Vanua* Discourse

The second dimension of the discourse involves the politicization of the cultural and the cosmological values of the Fijian land, a component of the discourse that is often referred to as the *vanua* discourse or the *vanua* politics. Given the conceptualization of a racially induced marginalization of indigenous Fijians, indigenous ruling elites proceed to instill fear that the emergence of an Indian dominated government will mean the further marginalization of indigenous Fijians and more importantly the possible loss of indigenous landownership.

Land in the Fijian context must be understood within the context of the *vanua* (Lasaqa 1984, Nayacakalou 1975, Ravuvu 1977, Ratuva 2005). The concept of the *vanua* encompasses not only the soil or the geographical space but it also encapsulates the Fijian way of life. This entails social relations, cultural identity, a sense of belonging and permanence and a general sense of indigenesness. Seasoned politician Apisai Tora articulates the Fijian conception of the *vanua* as follows:

Vanua is connected with earth and soil. Vanua is connected with the sea and ocean. Vanua is connected with the mineral resources of the country. Vanua is connected with the fishing rights of the people. Vanua is connected with our spiritual ancestors, the Kalou vu...All these are interconnected, the spirit, the soul, and spiritual ancestors, the Kalou vu with the people (quoted in Halapua, 2003: 81-82).

Ratuva explains the concept of the *vanua* as follows:

The *Vanua* constitute a conglomeration of physical, social, political and spiritual factors, which underlies the Fijian's sense of communal being, cultural identity and socio-political expression (Ratuva, 2002: 1).

The concept of land therefore, in the Fijian context, is complex embracing the essence of the Fijian society. As such, the loss of indigenous ownership of land could possibly mean the potential breakdown of social relations, the collapse of chiefly leadership, the complete loss of indigenusness and the disintegration and the dissolution of a people (Howard 1991; Sutherland 1992). The possible loss of indigenous ownership of Fijian land under an Indo Fijian government, is one that not only creates anxieties on the part of indigenous Fijians but one that also creates anger and a fierce determination to protect their land at any cost, let alone by an ethnic group that was initially brought to labor in the sugarcane fields. Hence the politicization of land has often generated an overwhelming sense of patriotism and ethno nationalism among indigenous Fijians designed not only to unite indigenous Fijians under indigenous Fijian governments such

as the Alliance, the SVT and the SDL Governments, in opposition to the political aspirations of Indo Fijian leaders, but it is one that was also orchestrated to provoke negative sentiments against Indo Fijians (Lawson 1990: 799-780) .

Ratu Mara, the first indigenous Fijian Prime Minister, for instance, warned of possible bloodshed if Indo Fijians fail to understand the significance of land to indigenous Fijians (Fiji Times 3rd March 1978). After seventeen years of post colonial rule since Fiji's independence in 1970, the Alliance Party lost the General Election to the Coalition campaign initiative between the National Federation Party (NFP) and the Fiji Labor Party (FLP).

The NFP was established on the eve of political independence to represent the interests of the Indo Fijian community particularly the interests of Indian tenants while the FLP was established in 1982 by the worker's union which had representation across racial lines. The two parties formed a Coalition Government following their victory in the 1987 general election.

Nurtured by the British colonial government to have political control of the new nation state, the Alliance Party ruled Fiji for the first seventeen years of its post colonial era. ⁹ Having assumed political control in a racialized electoral system

⁹ The Alliance Party was a political party that basically included eastern chiefly elites and indigenous bureaucratic bourgeoisie commoners who dominated Fiji's politics in the first seventeen years of post colonial rule.

the Alliance Party conveniently exploited the land discourse within the broader context of the racial discourse to unite indigenous Fijians under their political control as opposed to the potential emergence of an Indo Fijian government. The Alliance Party articulated their political rule under the idea of the “paramountcy of indigenous Fijian interests”-the most critical of which was preservation of the *Vanua* (Durutalo 1984; Howard 1991). The notion of the paramountcy of indigenous Fijian interests was predicated on the political hegemony of chiefly rule (Ibid). Its political hegemony was based on the notion of Ratuism, the idea that chiefs were divinely ordained to rule (natural rulers) and thus to be obeyed unquestioningly (Ibid). Howard argues that the intention of this ideology was to ensure that indigenous Fijians identify the maintenance of chiefly rule as fundamental to the ‘paramountcy of indigenous Fijian interests-the protection of indigenous ownership of Fijian land (Howard, 54:1991). As such, indigenous Fijians have been made to believe that political rule other than chiefly political hegemony, is a threat to the preservation of the *Vanua*.

As the new Indo Fijian dominated government (Labor Party) ascended to the top echelons of political leadership, representatives of the defeated Alliance Party started their destabilizing campaign through the establishment of the *Taukei*

Movement (Sutherland 1991: 181-182).¹⁰ The objective of the movement was essentially to regain power by using what Sutherland called the 'racist ideology of Fijian paramountcy' where the loss of the chiefly rule was projected as the loss of the paramountcy of indigenous Fijian interests, principal among which was the possible loss of indigenous ownership of land and the impending disintegration of the *Vanua* (Ibid). There were bomb threats and arson of properties belonging to members of the Coalition government and road blocks in the various parts of the country (Ibid). In addition meetings of chiefs and commoners were held across the country. In the west for instance western chiefs express their dissatisfaction with the new government. Leaders of the *tauvei* movement projected the establishment of an Indo Fijian government in 1987 as an attempt by the Indo Fijian leaders, to marginalized indigenous Fijians, seize Fijian land and disintegrate structures of indigenous Fijian society (Lal 1992; Sutherland 1992). While the Coalition government was headed by Dr. Timoci Bavadra, an indigenous Fijian Prime Minister, the new government was essentially perceived by many Fijians as an Indo Fijian government. In addressing the assembly of western chiefs, Apisai Tora, a member of Alliance elite, warned of the impending loss of the paramountcy of indigenous Fijian interests under the leadership of Jai Ram Reddy, an Indo Fijian who held the position of the deputy Prime Minister in the Coalition government.

¹⁰ *Tauvei* means original inhabitants of the land-*tauvei ni qele* or owners of the land or the *Vanua*. The leadership of the movement was drawn largely from communal extremists associated with the Alliance Party.

Today Jai Ram Reddy is the real Prime Minister and Bavadra his shield. Our independence is now shattered. Upon us is imposed a new colonialism, not from outside but from within our country by those who arrived here with no rights and were given full rights by us, the *tauvei* (quoted in Howard, 231: 1991).

Such statements capture the emotions of indigenous Fijians which often deteriorates race relations and escalates ethnic violence perpetrated against Indo Fijians. Similar meetings were held elsewhere in the country. In the northern part, chiefs called for a change in the constitution to entrench the paramountcy of indigenous Fijian interests. The destabilizing campaign of the *Tauvei* movement generated increasing apprehension and suspicion of indigenous Fijians towards the establishment of the Coalition government. Eleven days after the defeat of the Alliance Party more than five thousand indigenous Fijians participated in an anti government demonstration petitioning the Governor General for constitutional change to ensure indigenous Fijian leadership and the preservation of the paramountcy of indigenous Fijian interests. The mobilization of indigenous Fijians under the pretext of the *vanua* discourse culminated in the military overthrow of the Coalition Government just two days after the opening of parliament. In rationalizing the military overthrow, coup maker, Lt Col Sitiveni Rabuka explained that the coup was a means of restoring chiefly leadership and the entrenchment of indigenous Fijian interests.

Further, the politicization of land was also at play following the victory of the Labor Government in 1999. The defeat of the SVT Government under coup leader Sitiveni Rabuka, saw the unprecedented ascension of an Indo Fijian Prime Minister. Chaudhry's Labor Government defeated Rabuka's SVT government with a landslide victory in the 1999 election. Chaudhry's term in office was critical since agricultural leases issued under the terms and conditions of ALTA were beginning to expire. ALTA did not provide extension or renewal of leases. Chaudhry's promise to amend ALTA attracted Indo Fijian votes, particularly from the tenant community. However, Chaudhry's attempt to amend ALTA was largely politicized by indigenous Fijian leaders designed to bring down an Indo Fijian government. Chaudhry proposed to maintain ALTA with a more equitable land rental payment (Naidu and Reddy 2002: 14). His proposal included the maintenance of the minimum term of thirty years with an extension of thirty years (Ibid). He proposed that the rental system be based on ten percent of UCV (Ibid). However, SVT parliamentarian Ratu Rakuita Vakalalabure asserted that Chaudhry's efforts to maintain ALTA will ensure the continual deprivation and marginalization of indigenous Fijians (Daily Post March 29th 2000). Further, Vakalalabure argued that Chaudhry's determination to pursue the amendment of ALTA was a complete disregard to the wishes of GCC and the NLTB (Ibid). Also Mere Samisoni, the president of the women's wing of the SVT warned indigenous Fijians of the imminent loss of indigenous Fijian rights under the political establishment of Indo Fijian leadership under Mahendra Chaudhry

(Kurer 2005:311). As such, Chaudhry's land reform was considered not only as an attempt to maintain a land legislation that has marginalized indigenous landowners, but it was also seen as an act of arrogance and complete disregard towards sacred institutions such as the NLTB and GCC. Such perception deteriorated the existing nature of racial tensions which escalated to the military overthrow of Chaudhry's Government and the eruption of ethnic violence against Indo Fijians.

The politicization of the *vanua* discourse was also employed by the Qarase government. In his media briefing during the 2006 election campaign, Qarase 'cautioned' indigenous Fijians that ALTA undermined indigenous Fijian land rights (Media Briefing, Wednesday May 3rd 2006)

<http://www.fijilive.com/archive/showpdf.php?pdf=2006/05/govt/nationalleadership.pdf#search=%22Qarase%20land%22>). Qarase expressed apprehension on the presumption of tenancy under ALTA. He argued that ALTA provided leverage to the agricultural tribunal to allow an illegal squatter acquire a valid lease on native land without the acquiescence of both the NLTB and the landowners (Ibid). According to Qarase, while indigenous land ownership is entrenched in the Constitution, there are certain provisions within the law that have effectively removed indigenous Fijians' control of their land (Ibid). Qarase also accused deposed Prime Minister Mahendra Chaudhry for attempting to neutralize the function of NLTB in demarcating native reserve for the exclusive

use of indigenous Fijian landowners (Ibid). Chaudhry's intended amendment according to Qarase would have subjected the NLTB to the political control of the cabinet (Ibid). Qarase further accused Chaudhry for his failure to consult the NLTB and the Great Council of Chiefs (GCC) in proposing the Land Use Commission (Ibid).

In highlighting certain problematic provisions within ALTA and his accusations against a former Indo Fijian Prime Minister, Qarase was making several direct references on the implications of subjugating indigenous Fijians under an Indo Fijian government. Firstly, Qarase accentuated the vulnerability of losing control of indigenous Fijian land under an Indo Fijian government. Secondly, he alluded to the fact an Indo Fijian Prime Minister cannot be trusted when it comes to the preservation of indigenous Fijian interests especially the protection of indigenous ownership of land. Thirdly, Qarase was reminding indigenous Fijians of the lack of respect and the insensitiveness of an Indo Fijian Prime Minister, let alone an Indo Fijian Government, towards the sacred values and institutions of indigenous Fijian people.

Conclusion

The land discourse is both deceptive and damaging. Deceptive in that, the land rental discourse and the *vanua* politics are deployed to maintain racial polarity and unite indigenous Fijians under the political leadership of indigenous ruling elites. The politicization of land therefore is a tool used by indigenous political stakeholders to entrench and perpetuate the political supremacy and economic interests of a certain class of indigenous Fijians while effectively camouflaging the real causes of the socio-economic marginalization of ordinary indigenous Fijians.

The discourse has had damaging effects not only in deteriorating the nature of racial tensions and conflicts but also in perpetuating a dependency mind set of indigenous Fijians on land rental. The land rental discourse institutionalizes and entrenches a monolithic notion of socio-economic progression- that is the increase in land rental payment is the only basis of socio-economic progression for indigenous Fijians. This mind set creates and perpetuates a dependency syndrome on land rental and a culture of economic passiveness which hinders indigenous Fijians from thinking independently and creatively of alternative means of advancing socio- economically in Fiji's modern economy.

CHAPTER 2

COLONIAL CONSTRUCTION OF THE RACIAL DISCOURSE

Introduction

The racial discourse in Fiji should be understood within the context of the colonial policies that were instituted by the British colonial administration and the execution of colonial rule within a compartmentalized structure of the colonial order. (Plange 1990; Howard 1987; Norton 1990). While indigenous Fijians were contained within villages under the Native Fijian Administration, Indian workers were deployed in the sugarcane plantations under the stakeholders of the Colonial Sugar Refinery (CSR), an arrangement that effectively inhibited any forms of social mingling between the two ethnic groups for almost a century and one that had fundamentally shaped race relations and the racial discourse in Fiji.

The Question of Labor

Given the reluctance of the British Government to colonize Fiji in the first place, Fiji was expected to be economically self sustainable in the quickest possible time (Lal 1992). As such the British officials urgently needed to identify a viable source of revenue to sustain the colonial government. It was immediately determined that sugar was a prospective source of revenue in the vast land areas of western Vitilevu and northern Vanua Levu (Lal 1992, Sutherland 1992).

With this in mind indigenous Fijians were deployed as labor in the sugar plantation. However the use of indigenous Fijian labor was met with little success as Fijians resisted the routine schedule of the sugar plantations (Lal 1992, Sutherland 1992, Norton, 1977). As part of his 'protective approach' towards indigenous Fijians, Gordon, Fiji's first substantive Governor effectively prohibited the commercial employment of indigenous Fijian labor in the sugar plantations and elsewhere (Ibid)). According to Gordon indigenous Fijians must be 'protected' and gradually introduced to the capitalistic economic system at their own pace in order to avoid the possible disintegration of the Fijian society (Ibid). In addition the recruitment of Pacific islanders from Kiribati, Solomon Islands and Vanuatu (formerly New Hebrides) through 'Blackbirding', was morally tainted to be continued (Lal, 1992). The question of labor therefore became critical. Prior to his appointment to head the colonial office in Fiji, Gordon worked as colonial Governor in Mauritius and Trinidad where he was involved on the importation of cheap Indian laborers to work in these colonies (Ibid). Gordon was convinced that Indian labor was the solution to the question of labor in Fiji. Gordon therefore embarked on a massive importation of indentured laborers from India beginning in 1879 and when the indentured system came to end in 1916, a total of 60,965 Indian workers were recruited (Sutherland 1992: 32).

The importation of Indian workers to Fiji was a direct consequence of session in 1874 (Lal 2004). It must be noted that the importation of Indian workers to Fiji which began in 1879 was a continuation of the Indian indentured system that was in operation as early as 1834 (Ibid). It can be argued that given Gordon's first hand experience in the Indian indentured system in Trinidad and Mauritius, Gordon had already resolved to recruit Indian workers in Fiji's situation before taking up governorship in the new colony. Furthermore the inability of indigenous Fijians to cope with the demands of a commercially oriented economy such as the sugar cane plantation was a hindrance in the establishment of the economic infrastructure of the British colony. In actuality, indigenous Fijians were seen as economically passive, unproductive and unreliable (Lal 1992, Plange 1990, Norton 1990).

In retrospect Gordon's protective approach towards indigenous Fijians was essentially a pretext to effectively remove indigenous Fijians from the economic equation of the colonial economy while creating an economic space for the recruitment Indian workers.

The Politics of Compartmentalization

The racial discourse in Fiji was fundamentally shaped by the way in which British colonial rule was deployed within a compartmentalized structure of the colonial order. At the outset the British colonial government rationalized the

compartmentalized rule as a means of preserving the paramountcy of indigenous Fijian interests (Durutalo 1986, Plange 1990). Such rationale created the idea of British benevolence, a notion that became crucial in camouflaging the contradictions of the colonial policies formulated on the basis of the protection of indigenous Fijian interests (Ibid).

Having learnt of Maori's dispossession of land and Maori marginalization, Gordon was determined to institutionalize the protection of indigenous Fijian interests (Norton 1999, Sutherland 1992). According to Gordon the establishment of a separate Native Fijian Administration was designed to preserve Fijian society not only from the evil influence of Indians but also the protection of indigenous Fijians from the exploitative nature of the capitalistic economic system, which they were not ready to cope with (Ibid). Gordon's advocacy of the preservation of indigenous Fijian interests created the notion British benevolence in the eyes of the indigenous Fijians. As Sutherland observes:

Gordon was of course imbued with the ideology of British benevolence. He too saw Fijians as emerging from a state of savage and barbarism and incapable of coping with the rigours of modern civilization. An arrangement therefore had to be devised for their protection until such time as they were ready for the modern world (Sutherland 1992: 25).

The Native Fijian Administration was therefore established in 1876 through the Native Affairs Ordinance, which entailed a three dimensional structure (Lasaqa, 1983; Ravuvu 1991; Sutherland 1992). At the bottom level were villages, headed

by the *turaga ni koro* (village headmen). Villages were grouped into *tikina* (districts) headed by the *Buli* while districts were organized into *yasana* (provinces) headed by the *Roko*. The position of Village headmen and *Bulis* are usually occupied by minor chiefs while the *Roko's* position was reserved for higher chiefs (Ibid).

While indigenous Fijians were restrained in villages, Indian workers were deployed in cane lines where they were housed in cramped and overcrowded barracks and were forced to work in plantation from dawn to dusk often under merciless European planters (Adrian 1963; Lal 1991). Restricted to intermingle with other races in the colony and Fijian in villages their lot was the sugarcane plantations and cane lines (Ibid).

However, the compartmentalized structure instituted by the British colonial government was of course, politically and economically driven. The establishment of a separate Fijian administration, for instance, was a strategy not only in containing indigenous Fijian aggression against the colonial state but it was also a policy approach of preventing possible forms of social interactions between Fijians and Indian workers (Durutalo 1986; Plange 1990). The British feared that social mingling between the two groups can potentially culminate into a coordinated belligerence against the colonial order (Ibid). As such the system of a separate Native Administration was not a 'special' arrangement but

rather a part of the whole machinery of colonial rule (Sutherland 1992: 26). In actuality indigenous Fijians were not protected from the exploitative nature of capitalism, they were very much part of it (Ibid). The difference was that their form of exploitation was different from that of the Indian laborers. While the Indians were directly exploited through their cheap labor and experience in the cane lines, the Fijians were exploited through what Sutherland calls the "appropriation of peasant produce" (Sutherland 1992:28). Under the communal taxation system introduced by the colonial government Fijians were required to pay taxes in kind-in agricultural produce (Ibid). In this way Fijian labor was covertly exploited through the direct appropriation of surplus peasant production which directly contributed to the colonial export earnings. From 1875-1879 for instance communal taxes accounted an average of thirty percent in state revenue (Ibid). As Durutalo puts it:

Thus, the whole system of indirect rule and the introduction of Indian indentured laborers were neither the result of moral or humanitarian concern for the welfare of the indigenous Fijians nor a clearly conceived view of the complexities of native social organization, but a political necessity dictated by circumstances (Durutalo, 1986:16)

The notion of British benevolence was further institutionalized by the creation of the Council of Chiefs in 1876 which incorporated the role of eastern chiefs in British colonial rule (Howard 1991; Norton 1977; Sutherland 1992). The Council of Chiefs was established in conjunction with the Native Administration as an

advisory body to the colonial government on issues pertaining to indigenous Fijian interests (Ibid). With the incorporation of chiefs into the mechanism of colonial rule indigenous Fijians began to conceptualize Fijian chiefs and British colonial officials as symbols and protectors of indigenous Fijian interests (Ibid). As such the status and authority of British officials were equated to that of traditional chiefs and therefore to be obeyed unquestioningly.

However, the institutionalization of chiefly rule makes chiefs agents of social and political control in the colony. Chiefs were used to promote the political and economic interests of British colonial government. Durutalo observes that in creating a class of collaborator chiefs, these chiefs became colonial servants whose new role were to serve as eyes, ears and mouths of the colonial regime (Durutalo, 1986:17). Ratu Sukuna, for instance an eastern paramount chief was used, to entrench the notion of indigenous Fijian containment within their villages. Sukuna strongly opposed the migration of Fijians outside of the villages. He adamantly rejected the philosophy of individualism that constituted the driving force behind the colonial economy. He argued that engagement of indigenous Fijians in the modern economy will lead to the neglect of customary social obligations and the Fijian cultural values that will lead to the gradual disintegration of Fijian way of life (Lal 100-101:1992). As Norton observes:

He conceived the Fijians to be still at heart a subsistence cultivator with a simple conception of life: his clan, and the thatched houses of his boyhood, his land, and the peace and leisure of the *koro* (village) (Norton 1990: 46).

Sukuna of course was a puppet of the British colonial government whose chiefly status, Oxford education and experience during the Second World War made him an ideal choice in the advancement of colonial interests in the twentieth Century (Ibid). Given the unquestionable loyalty and submission of indigenous Fijians to their chiefs, it was always possible for the colonial government to conveniently maneuver its political and economic interests through chiefs (Ibid).

The notion of British benevolence became critically important at the end of the indentured system when Indians who have chosen to stay as free British subjects in Fiji began to challenge the economic and political supremacy of the British colonial government and their cronies (Howard 1991; Lal, 1982, 1992). The colonial administration and their European cronies favored Indian immigration as long as Indians were their toilers and a “subordinate adjunct to their own economic and political leadership” (Norton 1990:37). However following the end of Indian indentured system in 1917, a group of Indian laborers who opted to stay as free British subjects began to quickly diversify their positions in the colonial economy (Lal 1992, Norton 1976). Gradually they began to displace Europeans as small planters, in retailing and petty service enterprises (Ibid).

Given this sense of economic empowerment, Indians began to increasingly constitute strong political and economic groupings. As such they begin to campaign for political and social equality with the whites. In this way, Indians began to threaten the economic and political privileges of the British officials and their associates (Ibid).

Threatened by the economic ascendancy and the political assertiveness of Indians, British officials and their European cronies conveniently resorted to the defense of indigenous Fijians as the “protector” and “guardian” of indigenous Fijian interests (Ibid). They exalted the chiefs as the source and symbol of legitimacy in the colony and simultaneously began to orchestrate an anti Indian campaign, warning indigenous Fijians of the opportunistic and shrewd behavior of Indians- who were once indentured laborers but have now wanted equal status with Europeans (Ibid). Given the notion of British benevolence and the equation of British political and economic hegemony to that of chiefly authority, Indian confrontation of the colonial authority was perceived as a threat to the traditional chiefly authority and the preservation of indigenous Fijian interests (Norton 1990, Plange 1990). This further intensified the suspicions indigenous Fijians had towards Indians. As such indigenous Fijians rallied behind the British colonial administration and their European cronies and availed themselves even to the extent of suppressing Indian aggression, something that was witnessed in the Indian strikes of the 1920's (Ibid).

The strike in 1920 involved Indian employees of the Public Works Department in Suva who worked off the job when they were required to work forty eight hours instead of the normal forty five (Lal 1991). Besides rejecting this change, they also demanded an increase in their wages due to the increasing cost of living.

According to Lal, increasing cost of living following the WW I had driven Indian laborers to strike. This was established by a Commission of Inquiry that was assigned to investigate the validity of the increasing cost of living (Ibid).

According to the findings of the Commission of Enquiry the impact of World War 1 and the inflation that followed it, led to the significant increase in basic food items (Ibid). The Commission further found that a weekly supply of basic Indian food items that cost 5s 5d per week in 1914 cost 10s 1d in 1920-an increase that almost reached one hundred percent (Ibid). Despite the

Commission's findings Governor Cecil Rodwell decided to suppress the strike.

According to Cecil, political factors rather than genuine economic grievances were the real motive of the strike (Ibid). As such the colonial government enrolled more than two hundred indigenous Fijians who were mobilized around Suva to suppress the strike that had dragged on for more than two weeks (Ibid).

A series of confrontations between European and Fijian policemen on the one hand and Indians on the other culminated in the killing of one Indian and many others wounded.

The second Indian strike occurred in the western part of Fiji on the sugar cane farms involving sugar cane farmers and laborers (Ibid). This time the strike was against the poor working conditions by Indian tenant farmers and workers in the CSR estates (Ibid). They demanded better wages of twelve shillings a day, specified working hours adequate housing, medical and pension benefits, educational facilities for their children and small plots of land on which to keep milk cows (Ibid). In responding to the Indian strikers the CSR Company reasoned that any concession would be harmful to industrial relations and would encourage labor idleness since Indians would only work just enough hours to produce a subsistent income and then laze around the rest of the time (Ibid). The CSR pleaded with the colonial administration to suppress the strike. The colonial government in turn sent two hundred and fifty special commissioned Fijian constables from the eastern part of the country to confront and intimidate Indian strikers (Ibid).

The aftermath of the strikes entrenched the negative images of Indians. Indians were depicted as crafty, acquisitive and exploitative (Durutalo,1984, Plange 1990). As Indian demanded equal political representations in the colony they were despised and scorned by the colonial government and its European cronies. Colonial officials and European planters vehemently opposed what they perceived as a threat to their privilege and power and they countered the demand of Indian representation with the racist argument that "handling over

Fiji to evil smelling, treacherous, non-educated, garlic-eating Indians would be one of the greatest crimes in the history of the British Empire" (quoted in Plange 24: 1990).

However it must be pointed out that the Europeans were just defensively exaggerating the very qualities that made Indians their rival in business and politics (Norton, 1990: 36).

Perhaps the most damaging aspect of British compartmentalized rule was the inculcation of anti Indian stereotyped notions that were inculcated by the colonial administration. Mayer argues most Europeans still thought of Indians as coolies throughout the course of British colonial rule in Fiji (Mayer, 1963: 17).

This led not only to the severity of their treatment but it also provided an environment where anti Indian notions were nurtured and diffused across the compartmentalized borders (Ibid). Indians were projected as opportunist and shrewd. As early as 1888 for instance Governor Gordon warned the Council of Chiefs "not to shelter Indian deserters or thieves and not to copy their distasteful customs" (quoted in Plange, 1990:24).

The politics of compartmentalization employed by the British officials had systematically exploited both indigenous Fijians and Indo Fijians alike while entrenching and perpetuating the economic and political interests of the British

colonial government. While indigenous Fijians were exploited of their land, subjugated through chiefly rule and exploitation, stagnated in their villages and deprived of the opportunity to engage productively in the sugar industry, at the same time, Indians were exploited of their labor, degraded of their image and for a long time, deprived of equal political representation. The racial discourse produced by a compartmentalized structure of British colonial rule became critically essential in maintaining an economic and political structure that serves the interests of colonial government and their European cronies.

The Politics of Land Negotiation

Another interesting exhibition of British politics can also be seen in the manner in which the British colonial government negotiated the availability of indigenous Fijian land for independent Indian farmers. By end of the indentured labor contract in 1917, Indians who opted to stay on in Fiji as full British subjects were engaged as small scale sugarcane farmers with the usage of family labor on land provided by the Colonial Sugar Refinery Company (Lal 1992; Norton 1990; Sutherland 1992). As Indians multiplied and formed a class of small tenant farmers their presence created new economic and political demands (Ibid). They began to demand land outside of the CSR's plantation on which they initially worked. Interestingly the colonial government seized this opportunity to negotiate the availability of Fijian owned land to Indian tenant farmers. Given the image of benevolence portrayed by the British colonial government,

indigenous Fijians saw the urge by the colonial government for the availability of Fijian land as the demand caused by Indians. This further solidified indigenous Fijian's suspicion and distrust of Indians as greedy and manipulative (Norton 1990: 37-38). Norton argues that the British colonial government used the demands for more land by Indians as a pretext for its own economic interests (Ibidid). It must be pointed out that the British colonial government needed Indian labor in order to sustain the colonial economy. In other words Indian labor represented the economic interests of the colonial administration. As Norton observes,

"The Indian farmers were the frontline troops of European capital"

(Norton 1990:36).

While the colonial government scorned and projected a derogatory image of Indians on the one hand, they embraced their labor on the other. Notably the sugar industry on which the colonial economy depended on, survives entirely on Indian labor. Having created indigenous Fijian suspicion and distrust of Indians on the one hand and the projection of British benevolence on the other, the colonial government proceeded to formulate a series of land legislations that would secure Indian access to land.

While indigenous Fijians were apprehensive and suspicious of providing their land for lease by Indian tenant farmers; they still believe that the paramountcy of indigenous Fijian interests will be embraced by whatever arrangement the British

the colonial government undertook to make Fijian land accessible to Indians. The British made indigenous Fijians believe that the land legislations formulated by the colonial government will not only allow Indian access to land but more importantly it will protect and preserve indigenous ownership of Fijian land. The formulation of the Native Land Act in 1880 for instance was rationalized by colonial government as a means of protecting the communal ownership of land and the subsequent protection of the communal Fijian culture, despite the Council of Chiefs' proposal for the individual ownership of land (Lal, 225: 1992). The colonial government argued that indigenous Fijians would lose their land to Indians if land was privatized (Ibid). Furthermore, the Native Land Trust Act of 1940 was also projected as another way of preserving indigenous Fijians land. The Native Land Trust Act established the Native Land Trust Board (NLTB) to safeguard the interests of indigenous Fijian landowners. A critical role of the NLTB was to ensure that indigenous Fijians have adequate land available to them. Hence the NLTB was empowered to reserve certain portion of Fijian land exclusively for indigenous Fijians. Again this gives the impression that the British colonial government was making every effort to protect the interests of indigenous Fijian landowners from Indian tenants.

However, in creating Indian access to indigenous Fijian land the colonial government was effectively creating an economic space where Indian tenants would occupy, within an indefinite time frame. As long as the sugar industry

was the backbone of Fiji's economy, Indian tenant farmers would continue to occupy such an economic space in years to come while indigenous Fijians are perpetually relegated to the periphery of the productive sector of the economy. Such was the subtleness of British politics in the course of British colonialism in Fiji.

Conclusion

On the whole Fiji's racial discourse was the result of the subtle deployment of British colonial rule in Fiji. This entails the deployment of colonial rule within a compartmentalized order, the formulations of colonial policies within a racially prejudiced environment, and the juxtaposition of British benevolence on the one hand and the derogatory image of Indians on the other, all culminated in the creation of the racial discourse and the socio-political environment in which indigenous Fijians and Indo Fijian interact.

The nature of race relations and the racial discourse in Fiji is essentially a legacy of British colonialism, and one which has had deeper implications in ways in which the land discourse is both deployed and conceptualized in Fiji's post colonial period. In projecting a derogatory image of Indians and the projection of British benevolence, within a racially prejudiced environment, the British colonial government effectively concealed the contradictions of the colonial policies (formulated on the basis of protecting the paramountcy of indigenous

Fijian interests) and created a racial discourse that serves to entrench and perpetuate their political and economic hegemony. The racial discourse therefore becomes a tool of perpetuating political and economic domination of the ruling colonial elites. Indigenous ruling elites have embraced the same discourse as a strategy to entrench and perpetuate their political hegemony and economic privileges in the post colonial era.

CHAPTER 3

AN OVERVIEW OF THE LAND LEGISLATIONS AND THE STRUCTURE OF LAND OWNERSHIP IN FIJI

Introduction

The land legislations which provided the legislative and institutional framework in governing the accessibility and use of Fijian land were mainly formulated in the colonial era. This is namely the Native Land Ordinance of 1880, the Native Land Trust Act of 1940 and the Agricultural Landlord and Tenant Ordinance of 1966 which was later modified and renamed the Agricultural Landlord and Tenant Act in 1977. The land legislations were rationalized by the British colonial state essential component in preserving the paramountcy of indigenous Fijian interests. However, an examination of the political circumstances and economic imperatives of the colonial order revealed that the above legislations were designed to establish an institutional and legislative framework that ensured the political stability and the economic survival of the British colonial state, a subject that will be discussed at length in chapter four.

The Institutionalization of the Communal Ownership of Fijian Land

The principle of the inalienability of native land inscribed in the Deed of Cession in 1874 provided the broader context that guided Gordon's approach in the formulations of the land legislations (Sutherland, 32:1992). The institutional and legislative framework in the administration of Fijian land initially took shape

following the enactment of the Land Ordinance which created the Land Claims Commission in 1875 (Lal 1991, Norton Halapua 2003). Among other pressing priorities that Gordon attended to, was the protection of indigenous Fijian land. Queen Victoria of England was reputed to have personally commanded Gordon on two different occasions, to assure indigenous Fijians that their land would not be taken away from them (Lasaqa 1984, Nayacakalou, 1975). These assurances were made in the light of Maori's dispossession of land under the Treaty of Waitangi in 1840.

However upon Gordon's arrival in 1875, much of the best land was claimed by European planters and as such he spearheaded the establishment of the Lands Claims Commission to authenticate the proper sales of native land (Lal 1992, Sutherland 1992, Nayacakalou 1975). After examining land claims the Commission approved the proper sales of only 517 acres of land out of the 854,000 acres that were initially claimed (Donnelly et al, 1994: 40). Gordon, in consultation with the Council of Chiefs, which he himself created in 1876, institutionalized the communal ownership of land and its protection in the hands of indigenous Fijians (Ibid). Gordon believed that the existence and perpetuation of the Fijian society essentially dependent on the protection and the preservation of indigenous ownership of Fijian land.

All those who are acquainted with the Fijian race know perfectly well that if you separate them from their land the race will die out...(Ibid).

As such the Native Lands Ordinance XXI was enacted in 1880 in which 3, 9 million of hectares of land was secured under the communal ownership of indigenous Fijians (Lal 1992, Halapua 2003, Roth 1951). Under the Native Lands Ordinance XXI Fijian land shall be owned communally in accordance with Fijian custom and tradition while the *mataqali* was accepted as the main land owning unit in the Fijian society¹¹ (Donnelly et al, 1994, Nayacakalou 1975).

Governor Im Thurn and Colonial Land Reforms

The second wave of land legislations were developed by Governor Im-Thurn between 1904 and 1905. ¹²According to Im Thurn the Native Land Ordinance of 1880 created by Gordon deprive indigenous Fijians from appropriating the capital value of their customary land (Lal, 29:1992). Furthermore the communal nature of land ownership inhibited indigenous Fijians from thinking independently and entrepreneurially. He also argued that the communal ownership of land under chiefly rule subjected ordinary indigenous Fijians to the exploitation of their chiefs, which hindered their socio-economic advancement within the colonial order (Ibid). As such ImThurn spearheaded a series of land reforms in favor of indigenous Fijians. Among others, the most prominent ones

¹¹ The *mataqali* is sub clan of a larger kinship group which exists at the village level.

¹² Im Thurn served as Fiji's ninth Colonial Governor from 1904 to 1911.

included the Native Lands Amendment Ordinance (No. IV), enacted in 1905. While the principle of inalienability of indigenous Fijian land was still intact, Ordinance IV permitted the sale of native land only with the approval of the Governor in council. Also in 1905, im Thurn secured the Native Lands Acquisition Ordinance (No. V), which empowered the colonial government to appropriate native land for public purposes. This included the building of roads, canals, bridges etc. Further, in 1906, the Acquisition of Land Ordinance (No. XVI), was enacted to define what the colonial government meant by 'public purpose', which included enterprises that advanced the interests of the colonial state (Ibid). While native land came under the purview Ordinance XVI, such legislation was designed to compel European landowners in the western part of Fiji to give up their land for the construction of the tramline by the Colonial Sugar Refinery (CSR). Finally, the last piece of land legislations secured by im Thurn was the Native Lands Amendment Act (Ordinance No. IX), of 1907. Under Ordinance IV all restrictions relating to the individual ownership of land or lease of land by indigenous Fijians were removed (Ibid, 30). In other words the Native Lands Amendment Act of 1907 allowed indigenous Fijians to have private ownership of land or to lease customary land on an individual basis.

On the whole, Im Thurn's land reforms was part of his initiative not only to promote entrepreneurial and independent thinking among indigenous Fijians but one that would also promote the interests of European planters. Im Thurn's

land reforms led to the outright sale of 20, 184 acres of native land between 1905 and 1909.

Brij Lal argues that in reforming the land legislations Im Thurn was engaging in the wider process of questioning the old colonial orthodoxy of the previous ruling colonial elites. Lal maintains that, Im Thurn's land reforms were not an isolated colonial policy but rather, it was part of a larger colonial pursuit, in promoting individualism and personal enterprise of indigenous Fijians. Such initiative according to Lal was initially developed by his predecessors, O'Brien and Jackson.¹³ The three shared the view that freeing up all unused land would not only benefit indigenous Fijians but it would also promote the development of the colony as a whole (Ibid).

However, such reforms were vehemently opposed by the advocates of the old orthodoxy from the Gordon-Thurston years.¹⁴ The reforms were seen as an attempt to destroy the basic institutions of the indigenous Fijian society. Insulted at the dismantling of their protective framework for the indigenous Fijians, Gordon who was now back in London and sitting in the House of Lords as Lord Stanmore, together with his likeminded colleagues, sabotaged the progressive effects of im Thurn's land reforms. In 1911 the Colonial Office in London revoked

¹³ O'Brien was Fiji's 5th Governor while Jackson was the 7th.

¹⁴ The advocates of the old colonial orthodoxy included the first four colonial governors namely Gordon, Des-voeux, Mitchell, and Thurston.

im Thurn's land reforms and ruled that all unused land, (non-crown and non fee simple land) whether occupied or not were to belong to indigenous Fijians. As such Gordon's Native Land Ordinance was restored. Furthermore no native land was to be sold under any circumstances and land lease could only be approved by the colonial state. Finally, land sales through exceptional cases, can only be approved by the Secretary of the State in London. Gordon's Native Land Ordinance of 1880 was re-institutionalized (Ibid, 33).

The End of the Indentured Laborers and Indian Demand for Land

The expiration of the Indian indentured system in 1917 led to the increasing demand on land. In the 1920's Indian tenants who have now become full British subjects in the colony, began to constitute a compelling pressure on Fijian land. While the issue of indigenous land ownership was resolved, the more pressing issues were the establishment of an efficient and effective system of accessing it and the security of tenure. According to Lal, the existing lease procedure of 1920's was burdensome "and frustrating in the extreme" (Lal, 1992:99). A *mataqali* (land owning unit) that wants a piece of their land leased would apply to their respective district commissioner. The commissioner would then notify the local *buli* where the *mataqali* land is located. The *buli* then brings the application to the *bose ni tikina* (district council meeting) where members of the *mataqali* would express their views on the proposed lease. The *buli* then communicates the minutes of such meeting to the commissioner, who then

passes it on together with his recommendations and an estimated value of the rental value of the proposed lease, to the colonial government. The commissioner's report would then be jointly reviewed by commissioner of land and the secretary of native affairs. Once approved, the lease is auctioned to the highest bidder. While the leasing procedure was simplified in later part of the 1920's, most of the irrational elements still existed such as the ability of the *mataqali* heads to manipulate potential lessees to enrich themselves. At times the only way an Indian tenant farmer could secure a lease was through bribery. According to Lal, such bribery did not even guarantee lease approval since the district council or the colonial government may eventually disapprove of the lease at the end of the day (Ibid, 99).

Towards the end of the 1920's both the Colonial Sugar Refinery (CSR) and the British colonial government were confronted with a looming crisis. The insecurity of tenure and the absence of an efficient legislative framework that fosters the effective accessibility of Fijian land, threatened the perpetual viability of the CSR and the fiscal survival of the colonial government (Ibid, 100).

However the colonial government did not want to be seen as pressuring indigenous Fijians for more land. The pressure from Indian tenant farmers for a simple and systematized leasing procedure provided the opportunity they needed. As previously discussed, the colonial government used the Indian tenant farmers to camouflage its political and economic interests. The attempt of the

British colonial government to ensure Indian tenants' access to indigenous Fijian land and their security of tenure, were essentially driven by the desperate attempt of the colonial government to ensure the survival of the colonial economy and the perpetuation of its economic and political hegemony in the colony. As such the British colonial government made another attempt to reform the land policy, and in particular the creation of a more efficient leasing arrangement in favor of Indian sugarcane tenants.

In 1940 a new legislation was created which was to pave the way towards the accessibility of indigenous Fijian land by Indian tenant farmers. While the principle of the inalienability of native land was intact, the creation of the Native Land Trust Act in 1940 essentially fostered the establishment of a centralized authority over indigenous Fijian land. The Native Land Trust Act was a build up from Gordon's Native Land Ordinance of 1880. The main reason behind the communal ownership of land according to Gordon was to ensure the inalienability of Fijian land. Accordingly his idea was to have a body in the form of a trustee that would ensure the protection of land owner's interests who would be their beneficiaries. As such, under section three of Native Land Trust Act the Native Land Trust Board (NLTB) was established to act as a trustee of native land and to administer indigenous Fijian land for the benefit of landowners. Under section 4 all native land shall be vested with the NLTB while section 5 guaranteed the inalienability of native land except only to crown. In

addition no native land shall be leased or license granted unless the NLTB is satisfied that the land in question is not beneficially occupied by the landowners and throughout the duration of the lease (Ibid). Also under section 14 the NLTB shall deduct 25% of all lease money as administrative cost (Boydell and Shar 2003; Lal 1992; Sharma 2003). Further, the Native Land Trust Act also established the creation of the Native Reserve Policy, designed to allocate certain portion of native land for the exclusive use of indigenous Fijian landowners. The rationale of this policy was to ensure that sufficient land remains in the hands of indigenous Fijians for their use. The establishment of the NLTB in 1940 provided some form of stability and standardization in land transaction between indigenous Fijians. Under the Native Land Trust Act the length of leases was standardized to ten years without any guaranteed of renewal.

While the creation of the NLTB fostered an organized access to indigenous Fijian land the issue of security of tenure was not effectively addressed by the Native Land Trust Act of 1940. Indian tenants were allowed to lease ten acres of land directly from the NLTB, a provision that entrenched a system of small tenant farms which was initially developed by CSR in the 1920's.¹⁵ However security of tenure still constituted a perpetual apprehension on the part of the colonial

¹⁵ In extending its operation in Fiji, the CSR leased 1,000 acres of native land and established large estate in which Indian laborers initially worked. However, at the end of the indentured system in 1917, the CSR developed a small tenant farm system in which Indian tenants were given a ten acre plot to plant sugarcane as independent farmers. Each of these ten acres of land was subleased to Indian tenants by the CSR.

government and CSR. The Native Land Trust Act of 1940 defined Fiji's land tenure system for the next two decades. Given the perpetual crisis of insecurity of occupation of Fijian land, the colonial government, continue to explore possible remedies that would address the issue of security of tenure.

In 1959 the commission named after its chairman, Sir Alan Burns, the Burns Commission was task with enquiring into the natural resources and population trends. Among the most controversial submissions received by the commission, was the demand by Indian tenant farmers for greater security of land tenure (Ali 1986; Lal 1986, 1992).

According to the Burns Commission, the insecurity of land tenure was critical since it constituted a major impediment to the agricultural development of the colony. As such the Burns Commission attempted to devise an arrangement that would provide greater degree of occupation (Lal 1986, 1992, Lasaga 1975). In 1966 following the recommendations of the Burns Commission the Agricultural Landlord and Tenant Ordinance (ALTO) was introduced. ALTO provided a ten year lease with a renewal of another ten year, provided that the landowners showed proof of hardship to justify the termination of the lease (Lal, 1986:83; 1992:225). The arrangement under ALTO brought dissatisfaction to both indigenous Fijian landowners and Indian tenant farmers. Indigenous Fijians felt that ALTO protected the interests of Indian tenants, because the landowners could not easily proof hardship to the extent that Indian tenants could. On the

hand Indian tenant farmers saw ALTO as perpetuating the uncertainty of the security of tenure (Ibid). As a result a Working Committee was set up in 1969 to review ALTO. In 1975 (five years after independence) the committee presented its report to parliament. The essence of the committee's recommendation to amend ALTO was the establishment of a 30 year lease with an automatic extension of 20 years (Ibid). Following a series of heated debates the Agricultural Landlord and Tenant Act (ALTA) was passed (with some changes) in 1977 by the Alliance Government. Under ALTA Indian tenants could obtain a maximum of 30 year lease without any guarantee of renewal (Ibid).

Furthermore, ALTA also established a land rental formula based on the unimproved capital value of the land at the current market price every five years (Lal, 1984, 1992; Lasaqa 1984). Indigenous Fijian landowners felt that they have being once again deprived and marginalized from the opportunity to engage in the commercial cultivation of sugarcane and from the productive sector of the economy as a whole. While Indian tenants felt that the security of tenure as still not addressed, most believed that the arrangement under ALTA was the best that they could receive under the given circumstances. The passage of the ALTA in 1977, adds the final piece of legislations to the exiting ones (the Native Land Act 1880 and the Native Land Trust Act 1940), all of which were to define the way in which indigenous Fijian land was deployed and utilized often in the interests of indigenous ruling elites and their beneficiaries.

The Role of Chiefs in the Making of the Land Legislations

Chiefs played a critically important role in the course of the ninety six years of British colonial rule. The establishment of political and economic stability was largely the result of the role chiefs played in the course of British colonial rule. In essence chiefs were instrumental in the creation of the political structure that promoted the economic agenda of the colonial government which entailed the exploitation of both ordinary indigenous Fijians and Indian laborers. Chiefs for instance were instrumental in the creation of a compartmentalized colonial structure which effectively marginalized indigenous Fijians to the fringes of modern economic production and the institutionalization of an economic and political space in which Indian laborers were deployed and exploited. With the cooptation of chiefs into the state machinery of colonial rule through the Native Fijian administration their chiefly status becomes institutionalized within the colonial order. Chiefs were therefore deployed as agents of social control, as well as agents of economic and political subjugation of indigenous Fijians. This paved the way towards the systematic exploitation of the natural resources (such as land) of the colony often through the use of foreign capital. As Sutherland observes that:

As agents of social control, they formed crucial links in a chain of containment which controlled the Fijian masses and allowed the smooth functioning of the colonial economy dominated by white capital (Sutherland 1992:27).

As colonial servants, chiefs were deployed to advance the political and economic interests of the colony. This role became critically vital when the perpetual viability of the CSR and fiscal survival of the colonial government were threatened by the insecurity of tenure and the absence of an efficient legislative approach which allows the systematic accessibility of Indian tenant farmers to indigenous Fijian land. British officials did not want to be seen as pressuring indigenous Fijians to give up their land since it will tarnish their image of the protector of Fijian land. As such they relied on leading chief such as Sukuna to spearhead the negotiation for the availability of indigenous Fijian land for Indian tenants.

Ratu Sukuna, an eastern paramount chief, was one of the most influential chiefs in Fiji's colonial history. Sukuna's chiefly lineage, Oxford education and experience in the Second World War made him well positioned to advance the cause of the colonial state in the twentieth Century. Given the unquestionable loyalty and submission to chiefly authority, chiefly advice and appeal were often embraced by indigenous Fijians in general. The colonial government effectively exploited such avenue to conveniently maneuver its need for land.

Strong resistance against the leasing of land to Indian tenant farmers came from indigenous landowners in the west with the reason that their descendants will be future cultivators. In the western province of Nadroga for instance, the Tui Nadroga (chief of Nadroga) said, "We think of our descendants and we foresee

what will happen to them" (quoted in Lal, 1992:98). Furthermore landowners in the western districts of Nailaga and Bulu in responding to the leasing proposal by the colonial government, said: "Where would we reside? Our wives and our children are they to live in goats' hiding places" (Ibid).

The British colonial government resorted to influential chiefs such as Sukuna to cajole indigenous Fijians to agree to the centralized control of Fijian land as well as leasing proposal (Lal 1992; Norton 1990). In placating indigenous Fijian's suspicions towards land reforms Sukuna said the following in the Council of Chiefs meeting in 1936:

It is the bounden duty of the landowner to use what they possess for the benefit of all....If the Government takes charge of the lands we cannot use there can only be one result: the leasing will be under better control and we will receive more rents for there will be no waste land. We will live peacefully with our neighbors who have taken up homes in this country. We are doing our part here and so are they. We wish to live and so do they....Money produces a close interrelation of interest. If other communities are poor, we too remain poor. If they prosper, we too will prosper. But if we obstruct other people from using our lands there will be no prosperity... (quoted in Norton 1990, 44).

This, however, is a manipulation of indigenous ideals and values deployed to benefit the British colonial government.

Furthermore, Ratu Deve Toganivalu and Ratu Popi Seniloli, two of Sukuna's fellow eastern chiefs subscribed to this line of reasoning as early as 1923. On June 8, 1923 Toganivalu the *Roko Tui Bua* told his fellow chiefs in the northern province of Bua:

What is the use of your land lying idle and in being in a state of poverty?

It would be far better if you gave your land to be leased or sold, and thus acquire money. It is no use doing nothing with waste land of use to you (quoted in Lal, 1992:98).

The deployment of the chiefly authority within the British colonial order facilitated with great ease, the land reforms that the colonial state needed to perpetuate its economic interests. Given the compelling influence of chiefly authority such as that of Sukuna's, indigenous Fijians surrendered to the proposed land reforms of the colonial state. As Eaton notes:

The NLTB was accepted by the owners mainly because of their trust in the Fijian statesman and founding father of the NLTB, Ratu Sir Lala Sukuna (Eaton 1988:21).

In 1940 the Native Land Trust Act was passed establishing the Native Land Trust Board (NLTB) which centralized control of all indigenous Fijian land and the creation of a simplified and standardized leasing procedure. Undoubtedly chiefs such as Sukuna as his colleagues were puppet of the colonial state. Sukuna's appeal to the Council of Chiefs in 1936 was a manipulation of indigenous ideals and values deployed to essentially benefit the colonial state.

Sukuna and his chiefly colleagues were of course direct beneficiaries of colonial policies. As agents of social control and legitimacy of colonial hegemony chiefs were perpetually privileged minority in the colonial state. Sukuna for instance had an Oxford education in London, appointed District Commissioner in 1936, the first chairman of the NLTB in 1941, Knighted in 1946, the first Secretary of Fijian Affairs in 1943 and the first speaker of the Legislative Council in 1946 (<http://www.biography.com/search/article.do?id=9498774>). As a principal chief Sukuna also received a substantial amount of lease money that is collected and distributed by the NLTB, an issue that will be discussed later in the chapter. Furthermore, chief's status and traditional privileges were significantly enhanced since their cooptation in the state machinery of colonial rule via the establishment of the Native Fijian Administration and the creation of Council of Chiefs in 1876. The compartmentalized structure of colonial rule gave principal chiefs enormous power over indigenous Fijian subjects. As Norton observes:

It did much more than restore the position of the principal chiefs. It gave them a collective power they had never enjoyed before, a power without parallel in other colonial administrations in the Pacific (Norton 1990: 45).

As such leading chiefs became strong advocates of the policies of the colonial state. The principle of indigenous Fijian containment within the native reserve was another policy where Sukuna's role was also instrumental. Indigenous Fijian containment was imperative in order to create an economic space for Indian

tenants within the plantation economy. Since indigenous Fijians were lazy and unaccustomed to the routine nature of commercial agriculture they were seen not only as unproductive, but also as obstacle to the progression of the colonial economy. In making sure that indigenous Fijians were effectively contained in their native reserve, Sukuna strongly opposed the migration of Fijians outside of the village setting either as independent farmers or engagements in any kind of wage labor in the urban centers (Lal 1992; Sutherland 1992; Norton 1990). He adamantly rejected the philosophy of individualism. He argued that indigenous engagement in the modern economy will lead to the neglect of customary social obligations and the Fijian cultural values that will lead to the gradual disintegration of Fijian way of life (Lal 1992; Norton 1990)

However, Sukuna also has a lot to gain from his advocacy of indigenous Fijian containment. To allow Fijian commoners to move out of the traditional village setting was to deprive chiefs such as himself chiefly exaction, and the privileges they enjoyed at the expense of the latter. Given the regimented life style in villages and chiefly exploitation, indigenous Fijians found it desirable and liberating to secure better lives outside their villages (Ibid, 66). However, the policy of indigenous Fijian containment compelled them to be confined and exploited by chiefs in their villages. It is interesting to note that while Sukuna rejected the philosophy of individualism, he on the other hand spearheaded the establishment of the NLTB which functions to advance the capitalistic interest of

the colonial economy and one that subsequently serves his personal economic and political interests. Sukuna was the first chairman of the NLTB and as a paramount chief he received a substantial amount of the lease money that is collected and distributed by NLTB.

The Structure of Land Ownership in Fiji

The current structure of landownership in Fiji was the result of its colonial history which entailed three major types of landholdings. This included Freehold Lands which constituted 8.6%, State Lands comprising 8.12% and Native Lands 82.28% (Rakai and Elizabeth 1995; Naidu and Reddy 2002). Fig II shows the categories of landownership in Fiji.

Table 1.

Categories of Land Ownership in Fiji

Categories of landownership	Area (Hectares)	Percentage of Land Area
Fijian Customary Owned Lands	1, 500, 000	87
State Lands	145, 000	9
Freehold Lands	142, 000	8
Total	1, 787, 000	100

Sources: (NLTB: <http://www.nltb.com.fj/faqs.html>)

The native or customary land is owned communally by members of the land owning unit called the *mataqali*. The *mataqali* is a registered entity in the Register of Native Lands (RNL) whose membership is traced through patrilineal descent.

Members of the *mataqali* are recorded in the *I Vola ni Kawabula* (record of living descendants) which is kept and maintained by the Native Lands Commission (NLC). The NLC is also responsible for solving land disputes between *mataqalis* (*Lasaqa Ravuvu*).

While the Fijian customary owned land constituted more than eighty percent of Fiji land, only 31%, (25% of Fiji's total land) is valuable agricultural land which has effectively being taken up by various stakeholders for agricultural, residential and commercial purposes (Rakai and Elizabeth, 6: 1995). Needless to say that 58% of indigenous Fijian customary owned land is inaccessible. While Freehold and State Lands accounted for 16% of Fiji's total land area it included the best urban, commercial, industrial, and agricultural lands (Ibid). Fijian customary owned land is divided into two major categories. This includes the native reserve and the non reserve. The native reserve consisted of 1, 400, 861 acres while 2, 290, 049 acres are composed of non reserve. The former was designed for the exclusive use of the members of the *mataqali* for their subsistent livelihoods while the later was made available for lease to non indigenous Fijians particularly to Indo Fijian sugarcane tenants by the conditions stipulated under the Agricultural Landlord and Tenant Act (ALTA). Non reserve land is also made available to other stakeholders for commercial and residential purposes and other sectors of the modern economy. These leases are issued through the

commercial arm of the NLTB, currently known as the Vanua Development Corporation (VDC).

Table 2.

Structure of Fijian Customary Owned Land

	Area (Acres)	Percentage of Native Land
Reserve	1, 400, 861	35.5
Non Reserve	2, 545 486	64.5
Total	3, 946, 347	100

(Source: NLTB http://www.nltb.com.fj/land_statistics.html).

The leasing arrangements of Fijian customary owned land to non indigenous Fijians are administered by the Native Land Trust Board (NLTB) which acts as trustee of indigenous Fijian landowners. As part of its trusteeship role, the NLTB is also responsible for the collection of land rental. So far the NLTB has administered 33, 744 leases covering 246, 615 hectares, representing twenty six percent of Fijian customary land and generating a rental proceed of \$F22, 076, 737 annually (http://www.nltb.com.fj/land_statistics.html). Types of leases on native land included agricultural, commercial, educational, forestry/pine, residential and tourism, (Ibid). Fig VI exhibits the statistics of leases by industries.

Table 3.

Lease Statistics by Industry

Industries	Number of Leases	Rental Proceeds (F\$)	Number of Hectares
Agricultural	15, 279	9,097,927	171, 149
Commercial	1, 119	2, 002 459	2, 708
Educational	444	356,121	1, 341
Forestry/Pine	273	1, 027, 781	40, 856
Industrial	447	1, 094, 404	562
Other	1, 411	1, 952, 652	12, 856
Religious	25	7, 311	10
Residential	14, 576	4, 491, 744	15, 885
Tourism	157	2, 034, 535	1, 221
Water/Mineral	13	11, 803	27
Total	33, 744	22, 076, 737	246, 615

Sources: (NLTB: http://www.nltb.com.fj/land_statistics.html)

Land Tenure System

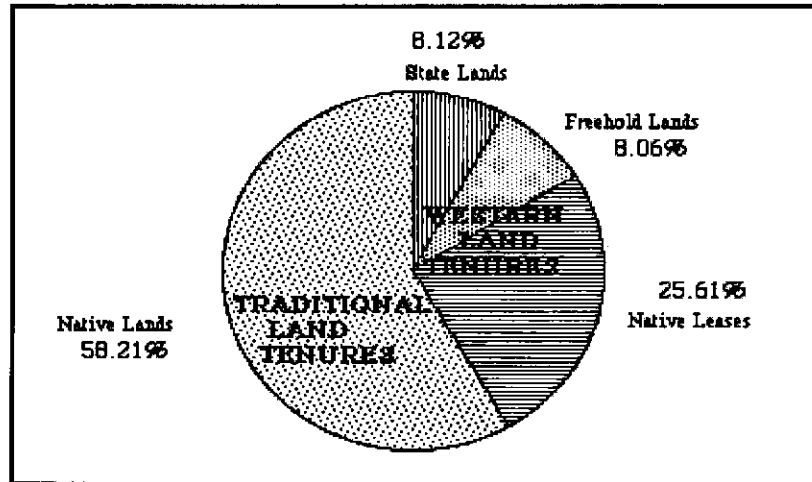
Land tenure refers to the way in which people obtain land, use and distribute their rights to land (Crocombe 1968). Fiji's land tenure system has evolved into a dual system which entails the traditional land tenure system and that of the western capitalist model. The traditional land tenure constitutes the communal landownership by the *mataqali*. Native Land in this context refers to land that belongs to the *taukei*- the indigenous owners of the land (Rakai and Elizabeth, 1995). Traditional tenure involves subsistent agriculture and livelihoods and one that embraces the cultural and spiritual values of the land. Land in this context is not necessarily confined to production. Rather, it encapsulates the socio-political structure of the Fijian society which includes cultural identity, social relations,

permanence and indigenesness. While indigenous Fijian land accounts for eighty seven percent of the total land area the traditional land tenure system covers approximately fifty eight percent of the total land area which basically constitutes the native reserve. Traditional land tenure basically falls within the native reserve.

The western capitalist model, on the other hand, entails private or individual ownership of land. Under the western land tenure, land is exclusively seen in the context of its economic utility, that is, land is conceptualized as a means of production, a site of economic exploitation, and a means economic development. Both the freehold land and crown land fall under the western land tenure model. Further, almost twenty six percent of Fijian customary owned land falls under the western tenure through lease administered and monitored by the Native Land Trust Board. Fig VI shows the comparison of land tenure by areas.

Figure 2.

Comparison of Land Tenure by Areas



Source: (Rakai and Elizabeth, 1995)

Conclusion

The institutional and legislative framework governing the land tenure framework in Fiji were created and entrenched by British colonial government. The framework provided the institutional and legislative structure on which Fiji's sugar based economy is anchored. Justified and legitimized by the rhetoric of the preservation of the 'paramountcy of indigenous Fijian interests', the institutional land tenure system was essentially deployed in favor of Indo Fijian tenants while ignoring the socio-economic future of indigenous land owners. The socio-economic marginalization of indigenous Fijians landowners is largely the result of the way in which they were deployed within such structure.

CHAPTER 4

THE POLITICS OF THE LAND LEGISLATIONS

Introduction

The rhetoric of preserving the paramountcy of indigenous Fijian interests characterized Fiji's politics since the establishment of the colonial state in 1874 (Lal 1992; Howard; Norton 1990). Such rhetoric created the notion of British benevolence, where British officials were projected as the protector of indigenous Fijians, their culture, traditions and indigenous ownership of land (Ibid)). The idea of the preservation of the paramountcy of indigenous Fijian interests is therefore entwined with the concept of British benevolence. The rhetoric was later adopted by post colonial governments to legitimize the political leadership of indigenous ruling elites and the existence of Fijian institutions such as the Great Council of Chiefs, the Fijian Affairs Board (formerly called the Native Fijian Administration) the Native Land Trust Board.

British colonial policies in Fiji must be understood within the politics of British benevolence. The enactment of the Native Affairs Regulations Ordinance, for instance, which established the Native Fijian Administration the Council of Chiefs in 1876, was rationalized as a basis of protecting the interests of indigenous Fijians. Indeed the creation of the land legislations in the course of the colonial era have entrenched the notion of British benevolence. The inalienability provisions of indigenous Fijian land stipulated under the Native

Lands Act of 1880, the creation of trusteeship of indigenous Fijian landowners through the Native Land Trust Board and creation of native reserve for the exclusive use of use indigenous Fijians are indicative of British efforts to preserve the Fijian society. By end of British colonialism, the British were hailed by indigenous Fijians as the true champion of indigenous Fijian rights.

However the notion of British benevolence was a politically calculated strategy of the British colonial administration. The notion was deployed to conceal the contradictions of the institutional and legislative framework designed to advance the economic and political interests of the colonial government. The land legislations and institutions (such as NLTB) established under the land legislations were essentially deployed to protect and promote the economic survival of the colonial state.

The Politics of the Communal Ownership of Fijian Land

The institutionalization of the communal ownership of land for instance, was an essential component of a broader colonial effort to promote its vested political and economic interests. Politically, the institutionalization of the communal ownership of land was to create a framework of cultural and socio-political homogeneity within which the British colonial government can effectively impose colonial rule. It is important to note that the Fijian society was socio-politically fragmented prior to the establishment of the British colonial state. The

eastern region for instance featured a relatively authoritarian and stratified structure with the assertion of chiefly authority in every level of political organization. This was largely as the result of Tongan influence in the early nineteenth Century. On the other hand the west and the interior hilly country, exhibited socio-political fragmentation with a relatively low degree of social stratification. It was possible in these regions for commoners to achieve influence and prestige comparable to that of hereditary chiefs (Sutherland 1992, Norton 1972).

Given the socio political fragmentation of the Fijian society it was imperative to create a uniform structure upon which colonial rule can be imposed and the effective subjugation of the indigenous Fijian population under the colonial state. In creating a uniformed socio-political structure, the British colonial state adopted the hierarchical structure of the eastern region and the incorporation of the notion of the *vanua*, a larger political grouping found only in the west and totally alien to rest of the traditional Fijian society. In universalizing the *vanua* concept of the western region, land became an encapsulating entity that defined the Fijian society in general. As such the creation of a standardized socio-political structure had fundamental implications in the organizational and leadership structure of the Fijian society. Firstly social stratification became universal across the board, secondly eastern chiefly position and chiefly rule were institutionalized and entrenched and thirdly, Fijians became culturally and socio-

politically 'homogenized' through the concept of the *Vanua* where land became the uniting basis of indigenous Fijians, attaching them to their culture, identity and indigenesness. In retrospect, the *Vanua* concept was a colonially constructed notion deployed to achieve a political end. Such notion was institutionalized by the Native Fijian Administration and one that has effectively created the myth of indigenous Fijian homogeneity.

Also, the institutionalization of the communal ownership of land was to enable the colonial government to access indigenous Fijian land for its economic survival. As already been discussed there was no standardized and uniformed feature of land ownership in Fiji, prior to British colonization (Lal 1992, Sutherland 1992, Thomas 1994). In institutionalizing the communal ownership of land, under the hierarchical structure of eastern Fiji, the entire issue of land rested under the authority of eastern chiefs whose authority and influence were consolidated and institutionalized by the creation of the Council of Chiefs and entrenched with the establishment of the Fijian administration. This created a political space where the colonial state can access and exploit Fijian land through eastern Fijian chiefs such as Sukuna. The establishment of the NLTB which institutionalized a collective access of indigenous Fijian land demonstrated the significance of such a political space.

NLTB and the Politics of Institutional Establishment

Perhaps the most unprecedented achievement in the economic advancement of the British colonial state was the enactment of the Native Land Trust Ordinance (NLTO) in 1940, which subsequently established the Native Land Trust Board (NLTB) in 1946. It is important to note that the colonial state thrived on three important components that Norton termed as the “the three legged stool” of the colonial state (Norton 1990:41). This entailed Fijian land, Indian labor and white capital. However, the viability of both white capital and Indian labor depended largely on the security of tenure on Fijian land. ¹⁶ Without the security of land occupation, the economic survival of the colonial government was at stake. The security of land tenure on the part Indian tenants was critical because the survival of the sugar industry dependent entirely on the Indian labor which in turn ensured the economic survival of the colonial state. Therefore, it was primarily in the full interests of the British colonial government to ensure that Indian tenant farmers were secured with the occupation of Fijian land. The enactment of the Native Land Trust Ordinance in 1940 and the establishment of the Native Land Trust Board in 1946 provided the legislative and the institutional framework that addressed these concerns.

¹⁶ While the creation of the 1940 Native Land Trust Act did not permanently resolve the issue of land occupation, nevertheless it provided a simplified and standardized leasing procedure that allows the collective accessibility of Fijian land. Also the act provided some form of security of tenure that would at least, last before the colonial state cease to exist. With the passage of the Native Land Trust Act the complimentary function of the “three legged stool” was consolidated at least until political independence in 1970. In fact the security of tenure obtained under the Native Land Trust Act of 1940 continued well after 1970, after which it was further addressed by the chiefly Alliance Party in 1977.

At the outset the NLTB was projected as an essential component of preserving the 'paramountcy' of indigenous Fijian interests. According to the British colonial rationale, the NLTB was essentially the 'trustee' of indigenous Fijian landowners. As a trustee, the NLTB will administer all aspects of native land in the exclusive interests of indigenous Fijians landowners. Under section 4 of NLTO, for instance, the NLTB is vested with the control of all native land for the benefit of indigenous Fijian landowners. Section 4 further stated that no native land shall be leased or license granted unless the NLTB is satisfied that the land in question is "not beneficially occupied by the Fijian owners and is not likely to be so during the currency of the lease" (Laws of Fiji, Chapter 134, http://www.lands.gov.fj/downloads/native_land_trst.pdf). Section 5 stipulated the inalienability of Fijian land except to the crown, a stipulation that entrenched the alienability provisions in the Native Lands Ordinance of 1880. Also, an important role of the NLTB was to reserve portions of native land for the exclusive use of indigenous Fijian landowners. Section 15 of the NLTO empowered the NLTB to "set aside any portion of native land as a native reserve" (Ibid). This was to ensure that indigenous Fijian landowners have sufficient land for their subsistent livelihoods.

However the legal implication of the role of NLTB in the 'control' of all native land reveals the serious economic agenda of the colonial state. While section 4 of the act projected NLTB as a trustee and protector of Fijian land, on the other

hand section 4 effectively transferred the legal rights and control of Fijian land from indigenous Fijian owners to the NLTB (Sharma 2003, Boydell and Sharma 2003). While indigenous Fijian landowners claim cultural and traditional rights over land, the NLTB possess the exclusive legal right in the control over accessibility and use of Fijian customary land. The legal implications of section 4 disempowered indigenous Fijian landowners from deciding what to do with their customary land. Section 4 of NLTO provided the legal leverage to the part of NLTB to make definitive decisions without necessarily consulting indigenous Fijian land owners. The stipulation provided the discretionary powers to the NLTB to do what it deems rights with Fijian land. As such in situations where landowners are not satisfied with the decisions of the NLTB in granting a lease or a license, the former do not have the *locus standi* to initiate legal proceedings against the NLTB (Ibid).

What indigenous Fijians did not understand, was, since the legal ownership of native land rested with the NLTB, the latter was not required to consult any other entity in decision making regarding issuance of leases on native land. Interestingly the transfer of the control of Fijian customary land from indigenous Fijians landowners to the NLTB was camouflaged by the creation of native reserve to project a gesture of British protectionism of the paramountcy of indigenous Fijian interests. This is another striking example where the notion of British benevolence was employed to conceal one of the biggest crimes in Fiji's

colonial history-the subtle seizure of the control and use of indigenous Fijian land.

The exclusive legal ownership of native land by NLTB was elucidated and confirmed in a series of court cases initiated by indigenous land owners against the NLTB. In each case the Courts of Fiji have consistently ruled in favor of the NLTB. As early as 1956 the case of *Meli Kaliavu v NLTB* was heard in the Supreme Court of Fiji in which five members of a *mataqali* sued the NLTB for leasing a portion of their land without their consent (Boydell and Shah 2003, Sharma 2003). Their claims entailed damages and an injunction to stop the NLTB from leasing their land. In adjudication Justice Hammet ruled that individual members of the *mataqali* could not sue the NLTB in their personal capacity (ibid). *Mataqali* members do not constitute legal personalities to institute legal proceedings against NLTB. In the case of the *Bavadra v NLTB* (1986) Justice Rooney held that not only could members of the *mataqali* sue in their personal capacities but that the *mataqalis* itself were not considered legal entities with legal personalities (Ibid).

Justice Rooney's decision was reinforced in the case of *Namisio Dikau v NLTB* (1986) where *mataqali* members sued the NLTB in their personal capacities as individual members as well as in their representative capacity representing the other members of the *mataqali* (Ibid). The above cases highlighted not only the

disempowering effects of the role of the NLTB on indigenous Fijian landowners, but it also exposes the contradictions and the subtlety of an institutional and legislative framework instituted by the British colonial state under the pretext of preserving the paramountcy of indigenous Fijian interests.

The membership of the board of trustees is also indicative of the economic and political interests of the British colonial government in the establishment of the NLTB. The Board consisted of the Governor as Chair (Sir Harry Charles Luke), the Secretary of Fijian Affairs (Ratu Sir Lala, V. Sukuna), a Fijian nominated by the Governor and the Directors of Land and Agriculture (Lal, 134:1992). With the Governor as chair and Sukuna (an influential leading chief) as Secretary, NLTB becomes a political tool of the colonial state. The Governor and leading chiefs such as Sukuna are therefore positioned to influence the NLTB politically.

Apparently, the strategy is being embraced and perpetuated by post colonial governments. Today the board of trustees comprises the President of the Republic of Fiji as chair, the Minister for Fijian Affairs, five members appointed by the Great Council of Chiefs, three Fijian members appointed by the Fijian Affairs Board (FAB), and two members of any race, appointed by the President (NLTB- http://www.nltb.com.fj/aboutus_board.html). Under the Qarase government (2001-2006), Qarase himself was both the Prime Minister and Minister of Fijian Affairs. As such the NLTB was directly under his influence and control.

The establishment of the NLTB was therefore, a subtle way of transferring the effective control of Fijian land from indigenous Fijian landowners to the colonial and post colonial states. While Gordon's Native Land Ordinance of 1880 provided an invisible space in maneuvering the vested economic interests of the colonial state, the NLTB, provided an institutionalized space in which the colonial state systematically control and utilize indigenous Fijians land for its economic survival. On the other hand indigenous Fijian landowners are like toothless tigers who neither control, nor have legal redress over their customary land. In retrospect, the establishment of the NLTB marks one of the biggest crimes in Fiji's colonial history-the subtle usurpation of the control and use of indigenous Fijian land.

Conclusion

The establishment of the legislative and institutional structure governing the control and use of Fijian customary land in the colonial era was politically and economically driven. The framework which was created under the pretext of the preservation of paramountcy of indigenous Fijians interests was deployed to enable the colonial government and later the post colonial governments, to access and exploit the Fijian customary land, thereby, entrenching and perpetuating its economic interests, ironically, at the expense of those it purported to protect.

CHAPTER 5

UNDERSTANDING THE PARADOX OF INDIGENOUS OWNERSHIP OF FIJIAN LAND

Introduction

The impoverishment and disaffection of indigenous Fijians is not a result of 12 months of leadership by an Indo-Fijian government. It is the result of thirty fraught years of modern indigenous Fijian leadership that have sacrificed the economic and cultural well-being of a people for the advancement of a few (Teaiwa, 2001:34).

Indigenous ruling Fijians, both chiefly and commoner elites have consistently articulated their political cause on the basis of preserving the paramountcy of indigenous Fijian interests, representing themselves as the guardians of all that is distinctively 'Fijian', amidst the threat of the political and economic domination of Indo Fijians. In brief terms, the paramountcy of indigenous Fijian interests encapsulates the protection of rights and privileges of indigenous Fijians with respect to their customs, heritage, and the inalienability of Fijian land, should be paramount over any other claims (Lawson 1990, 797). The underlying assumption of the ideology is that such protection can only be guaranteed under indigenous Fijian leadership. Given the concept of the *Vanua*, the loss of indigenous ownership of land is bound to have fundamental detrimental implication on Fijian indigenusness-its identity, permanence and perpetuity.

As such the idea of the preservation of the paramountcy of indigenous Fijian interests has over the years, created indigenous political solidarity against the threat of Indo Fijian political domination. Indigenous ruling elites under the chiefly Alliance Party (1970-1987), the Soqosoqo ni Vakavulewa ni Taukei (SVT) Party (1990-1999) and the Soqosoqo Duavata ni Leweni ni Vanua (SDL) Party (2001-2006) have all used the notion of the preservation of the paramountcy of indigenous Fijian interests to legitimize, entrench and perpetuate political control.

However the doctrine of the paramountcy of indigenous Fijian interests is fundamentally problematic. The doctrine camouflages the socio-political and cultural fragmentation of indigenous Fijians and one that institutionalizes the myth of indigenous political unity. Such myth is politically vital as a political force against the threat of the political domination of Indo Fijians. The myth has also generated a racial discourse which has shaped the socio-political configuration in which indigenous Fijian and Indo Fijians interact.

The notion of the paramountcy of indigenous Fijian interests was a colonially created concept. The concept became a key factor in Gordon's initiatives to 'protect' and 'preserve' indigenous Fijians. However, underneath the appearance of British benevolence were the political and economic motives of the British colonial state. The original purpose of such a doctrine was to counter the political

claims of white settlers and their quest for native land.¹⁷ In later years of colonial rule it became a powerful weapon against the political and economic aspirations of Indo Fijians and one that was effectively used by indigenous ruling elites, both chiefly and commoners to legitimize and perpetuate their political leadership (Lawson 1990, Lal 1992, Norton 1990).

In the recent 2006 election campaign, the deposed indigenous Fijian Prime Minister, Laisenia Qarase asserted that it only takes an indigenous Fijian Prime Minister to understand the needs and aspirations of indigenous Fijians.

According to Qarase indigenous Fijians are not ready for a non-Fijian Prime Minister given the cultural and traditional value system that constitute Fijian society (Fiji Times, May 2006). In other words what Qarase meant was that the paramountcy of indigenous Fijian interests will be compromised under the leadership of an Indo Fijian Prime Minister, or the ascendancy of Indo Fijian government for that matter. The bottom line of Qarase's comment was that the paramountcy of indigenous Fijian interests are protected and preserved exclusively under indigenous Fijian leadership.

However, despite having three different indigenous Fijian governments which ruled Fiji under the doctrine of the paramountcy of Fijian interests, indigenous

¹⁷ After securing the protection of Fijian land in the hands of indigenous Fijians, the British colonial state proceeded to secure 1000 acres of Fijian land on which to establish the sugarcane plantations, which effectively settled the question of the economic survival of the colonial government.

Fijians are still overwhelmingly represented at the lowest levels of the socio-economic scale. The notion of the preservation of the paramountcy of indigenous Fijian interests under indigenous ruling elites both chiefly and commoner cannot be reconciled with the socio-economic disempowerment of the majority of ordinary indigenous Fijians. Indigenous Fijians continue to be marginalized and economically disempowered under indigenous Fijian governments despite the constitutional protection of their customary land and government policies enacted within a framework of affirmative actions. As Michael Beddoes notes:

...how is it possible for a community who owns 87% of all land and its natural resources, who have controlled executive authority for 95% of our post independence life, who controls 90% of our army and navy, has numerical advantage in the Police and Civil Service, and is the only community receiving millions of dollars in direct financial support from the government, yet remains the most economically disadvantaged community in this country (Beddoes, 2002: 2).

Why are indigenous Fijians poor, deprived and marginalized under indigenous Fijian governments who claim to have their interests at heart? How does one reconcile the principle of the paramountcy of indigenous Fijian interests embraced by indigenous Fijian governments and the economic disempowerment of indigenous Fijians? Indigenous Fijian governments have failed to translate the notion of the preservation of the paramountcy of indigenous Fijian interest such as indigenous ownership of land as a basis of socio-economic advancement

of ordinary Fijians. The constitutional protection of indigenous ownership of Fijian land has failed to become the basis of socio-economic advancement for indigenous Fijians. The ideology of embracing indigenous Fijian interests and aspirations by indigenous ruling elites does not seem to hold with the socio economic reality of ordinary indigenous Fijians. Instead it has created an underclass of indigenous Fijians while at the same time entrench and perpetuate the political and economic interests of indigenous ruling elites and their beneficiaries.

The Communal Ownership of Land and the Economic Disempowerment of Fijian Landowners

While the institutional and legislative framework governing the control and use of Fijian communal land was designed to protect indigenous ownership of Fijian land, it has ironically contributed to the socio-economic marginalization of indigenous Fijians in fundamental ways. According to Rakai, Ezigbalike, and Williamson the customary owned land in Fiji has perpetually disadvantaged enterprising members of the *mataqali* from engaging constructively in the commercial utilization of their customary land. They argue that the aspirations and initiatives of enterprising Fijians to engage constructively in the commercial utilization of their customary land are stunted by their failure to obtain the necessary approval from *mataqali* members to lease the customary land (ibid). They further argue that often, the refusal of *mataqali* members to approve the

lease is due to rivalry, jealousy or grudges held against the enterprising members (ibid).

Nandan and Alam also argue that Fijian customary owned land does not only curtail the economic development of indigenous Fijians landowners but also that of Fiji as a nation (Nandan and Alam, 14:2005). According to them, the communal ownership of land which was part of the establishment of a separate Fijian Administration in the colonial period, constrained indigenous Fijians from interacting and competing with other races in the colonial economy (ibid). As such the communal ownership of land some what, institutionalizes the economic inferiority of indigenous Fijians in the colonial period and in the contemporary era as well (ibid).

Indeed, the communal ownership of land has psychologically and economically inhibited indigenous Fijians, not only from constructively engaging in the productive sector of the economy but also from translating indigenous ownership of land as a means of advancing socio-economically. Psychologically, the mode of communal ownership inhibited Fijians from conceptualizing land in commercial and entrepreneurial terms. It has become a powerful tool of socialization locking indigenous Fijians within the colonially created concept of the *vanua* where indigenesness is embedded in the land. As such the cultural and spiritual values of land, to indigenous Fijians, supersede the western

conception of land its capitalistic value. Consequently, potentially enterprising Fijians who aspire to constructively engage the customary owned land for residential or commercial purposes are viewed suspiciously by other members of the land owning group. The enterprising members are seen as culturally deviant for aspiring to engage individualistically and entrepreneurially with *mataqali* land. As such *mataqali* members are not always in favor of lease request by potentially enterprising members. To make matters worse rivalries and jealousies amongst *mataqali* members as well as grudges held against each other are factors contributing to the disapproval of lease request by other enterprising members. As such it is very difficult for Fijians themselves to lease their own *mataqali* land.

Consequently enterprising Fijians who aspire to engage constructively with the commercial utilization of their customary owned land are restrained since they do not have the means to access funding from developmental and commercial banks. Developmental and commercial banking institutions cannot accept customary owned land as collateral unless such land is leased individually either for agricultural, residential or commercial purposes. An agricultural lease title would enable potential enterprising Fijians to access agricultural loans to enhance their engagement in the commercial utilization of customary held land. Similarly Fijians who have stable source of income could access housing loans under special programs, such as housing scheme for low income earners, to build better family homes in their *mataqali* land. However, the failure to lease

structurally inhibited Fijian landowners from using the customary owned land as a basis of economic advancement. The land therefore is idle, under utilized and unproductive while landowners are locked within a cycle of perpetual marginalization and economic disempowerment.

This explains, to an important extent, the rural poverty amongst indigenous Fijians and their subsequent influx into the urban centers. Recent surveys reveal that Fijian villagers are among the most disenfranchised lot in the country. According to the government's Strategic Development Plan for 2007-2011, indigenous Fijians constituted 40% of the rural population living below poverty line. A significant proportion of indigenous Fijians in villages are struggling to have their basic needs met (Strategic Development Plan 2007-2011, p.6). In a recent household income survey conducted by Chand through the sponsorship of Global Policy Network, reveals that an average Fijian family in rural villages needs a minimum of \$115 per week to have the basic needs met, of which is 80% is just on food. (Chand, 2005:16). However according to Chand on average, a Fijian villager lives on just \$2 to \$4 a day with a short fall of \$83 (\$US45) (Ibid). This accentuates the extent of deprivation and marginalization on the part of the majority of ordinary indigenous Fijians. Further, a discussion paper on Poverty Status jointly prepared by the Asian Development Bank (ADB) and the Ministry of Finance and National Planning, reveals that about 41% of Fijian villagers still

use pit toilets, while almost 80% still have no electricity (ADB and Ministry of Finance and National Planning, 13 July 2005).

The hardship in rural Fijian villages has led to an unprecedented influx of rural urban migration by indigenous Fijians, contributing to the unprecedented expansion of slums and squatter settlements at the outskirts of major cities (Strategic Development Plan 2007-2011, 6). The 2005 report for the Ministry of Local Government, Housing and Squatter Settlement and Environment indicates that squatter population increased by 78% between 1999 and 2003 with an unprecedented increase in the number of indigenous Fijian squatters. The report further indicates that 61% of the squatting populations living within the vicinity of Suva (Fiji's major capital) are indigenous Fijians (Lingam 2005, Mohanty 2006). Furthermore, a survey of squatter settlements in same area revealed that indigenous Fijians constituted 40% of those living on a per capita income of less than \$2 per day, compared to 31% among Indo Fijians. In addition approximately 47% of indigenous Fijians squatting in Suva do not have assets compared to 35% to that of Indo Fijians (Mohanty 2006: 66). In other words even within the squatting community, indigenous Fijians squatters are socio economically worse off than Indo Fijian squatters.

Development practitioners argue that squatting is a symptom of poverty. According to the World Bank slums and squatter settlements are direct

implications of inadequate or failed policies and bad governance (Ibid). The economic disempowerment and the subsequent plight of indigenous Fijians are therefore rooted in the deficiencies and contradictions of institutional and legislative structures, such as the one governing the control and use of Fijian communal land. The communal ownership of Fijian land has not only constituted a structural barrier in the socio-economic progression of indigenous Fijians but it has also disengaged and marginalized them from the productive sector of the modern economy.

NLTB and the Myth of Trusteeship

The role of NLTB is a striking example of the contradictions inherent in British colonial policies. Projected as the trusteeship of indigenous Fijian landowners, the role of NLTB is fundamentally paradoxical. According to the British colonial rationale, the NLTB was to administer all Fijian owned land in accordance with the interests of indigenous Fijian landowners. However a critical examination of this role reveals otherwise.

Firstly, as previously discussed, the role of the NLTB effectively usurped the exclusive control of Fijian communal land under section 4 of Native Land Trust Ordinance. The NLTB functions within a legal framework that allows it to control and use Fijian communal land as it deems fit. In other words the NLTB has discretionary powers over Fijian customary owned land without necessarily

consulting and obtaining prior approval of indigenous Fijian landowners. The legal implication of section 4 under the Native Land Trust Ordinance legally disempowered landowners from instituting legal proceedings against the NLTB. This provided the colonial and post colonial governments the political and economic spaces to maneuver its economic interests through the NLTB, while indigenous landowners are like toothless tigers who neither control nor manage their own land (Boydell and Shar 2003; Sharma 2003). As previously discussed the establishment of NLTB subtly removed the effective control and use of the communally owned land from the land owning unit-the *mataqali* to the NLTB. The question that begs asking is how can the NLTB benefit indigenous Fijian landowners without consulting them? How can the NLTB be satisfied without consulting the landowners even if the legislation does not specifically stipulate the issue of consultation?

Secondly, NLTB's commercial engagements with Fijian customary owned land accentuated another contradictory dimension of its role. Besides leasing customary owned land to Indo Fijian farmers, the NLTB also avails Fijian customary land for forestry, residential and tourism purposes. The commercial arm of NLTB began in 1974 when the Native Land Development Corporation (NLDC) was established to begin business ventures in tourism development, timber industry development such as mahogany, pine and natural forests (Sutherland 1992, 146). This role gained new momentum under the Qarase

government which witnessed the unprecedented involvement of NLTB in commercial dealings. In 2004 the Qarase government endorsed the establishment of the Vanua Development Corporations Limited (VDC), with a budgetary allocation of \$F2 million (Fiji Government Online Portal, 21 April 2004).

According to Qarase, the main objective of VDC was to invest the funds it receives from NLTB to generate additional revenue for the benefit of indigenous Fijian landowners (ibid). The VDC was designed to assist indigenous landowners gain the maximum financial rewards from the use of their land and resources (ibid). It is comprised of three separate holdings including the Tourism Department, Timber Industry and Residential Development (NLTB Tourism website, <http://www.nltb.com.fj/faqs.html>).

The role of Tourism Department under the VDC was to facilitate tourism developments on Fijian customary land (Vanua Newsletter August/September 2005). The establishment of the Tourism Department has witnessed the unprecedented incorporation of Fijian customary owned land into the hotel industry. The policy vision of the Tourism Department entails the following:

Policy vision is for Fijian people, tenants and prospective tenants and other stakeholders of native land become equitable commercial partners in Fiji's tourism industry which is ecologically, economically and culturally sustainable (Vanua Issue 2, August/September 2005).

In implementing the above vision, the department has pursued an aggressive marketing strategy where potential tourism sites on Fijian customary land prepackaged and marketed on line. Since its operations in 2005 the Tourism Department, under the Vanua Development Corporation, secured 130 hotel leases on Fijian customary land, ranging from 50 to 99 year period (Mara2004:5). The hotel and resort development on these 130 leases represented over \$F1 billion investment with a rental payment of \$F3million per year (*Vanua* Newsletter, August/September 2005). However, if the total investment on hotels and resorts represented \$F1 billion on the 130 leases on Fijian customary land, then the rental payment of \$F3million per year only constituted a mere 0.003%. As such, how can indigenous Fijian landowners be equitable commercial partners in the tourism industry? If indigenous Fijian landowners receives only 0.003% of the total investment on hotels and resorts on leased native land, then who is appropriating the real wealth under the commercial initiative of NLTB through VDC? Whose wealth is being generated through initiatives such as VDC? While the data is not available to establish who really benefit from the exploitation of Fijian customary land, it is clear that both the Fijian state (through the NLTB) and foreign private investors benefit tremendously from initiatives such as the VDC, at the expense of indigenous landowners. While the NLTB poses as a champion of indigenous Fijian landowners, in essence, it renders Fijian customary land as a means to subsidize the economic development of the country and the economic wealth of individuals who lease the land.

Further, an examination of the distribution of the proceeds from land rental payment reveals another fundamental contradiction of the trusteeship role of the NLTB.) On average, the NLTB collects approximately \$F20million annually in lease money. Under section fourteen of the Native Land Trust Ordinance, the NLTB deducts twenty five percent of all land leases for administration cost (Native Land Trust Act, 8:1985). The rest is distributed to landowners with 30% to a group of minority chiefs and 50% to mass of indigenous Fijian landowners. In 1998 alone out of the \$F18, 726, 453 received as lease money NLTB appropriated \$F4.7million, chiefs \$F5.6 million and \$F8.4million to ordinary indigenous landowners (NLTB 1998). This was reduced to 20% in 1999 (Kurer 2001: 300). This is a gross contradiction of a trusteeship role where the NLTB as a trustee functions to systematically appropriate the economic surplus of its supposed beneficiaries. This is a depressing irony, where Fijian customary land is exploited to compensate an economically exploitative institution whose primary role entails the perpetuation and entrenchment of the economic interests of the states, traditional chiefly elites and private investors at the expense of indigenous landowners. While it purports to embrace the interests of landowners, NLTB systematically appropriates the economic surplus of the indigenous Fijian community.

The other direct beneficiaries of the land lease payment involve a minority of chiefs whose position became institutionalized by the colonial state. Chiefs get

thirty percent of all lease proceeds and it is distributed as follows: Chief of the *Vanua*: five percent; Chief of the *Yavusa*: ten percent and Head of the *Mataqali*: fifteen percent. In some cases all three titles are held by one single chief and as such he receives the entire 30% of the land rental, while the remaining fifty percent is shared by the tens of thousands of indigenous Fijian landowners (Kurer 2001, Sharma 2001). In 1998 alone the chiefs appropriated \$F5.6 million (30%) of \$F18 726, 453 in the land rental payment while \$F8.4million was distributed to the tens of thousands indigenous Fijian landowners (Ibid). While figures are not available to establish the average amount an ordinary indigenous Fijian landowner receives, the amount that trickles down to the grass-root landowners is extremely little to affect any significant socio-economic advancement. Suffice to assert that the real beneficiaries of the lease money collected by the NLTB constitute the Fijian state via the NLTB and leading minority of chiefly elites.

The role of NLTB is one that is both exploitative and contradictory. The amount of land rental proceeds appropriated by NLTB exhibits an exploitative scenario at its worst, where Fijian land is used to compensate an exploitative institution whose primary role it to entrench and advance the economic and political interests of the Fijian state at the expense of ordinary indigenous Fijian landowners whose share of the land rental proceed is too little to even sustain the basic needs. The NLTB has become an institution that systematically

appropriates the economic surplus of the Fijian society while depriving ordinary landowners of the real capital value of their land. Its involvement with private corporations in facilitating accessibility of Fijian land for tourism development is an initiative that essentially benefits the Fijian State, leading chiefly elites and private corporations. As such the Fijian land continues to subsidize the economic development of modern Fiji and the economic wealth of the above beneficiaries. On the whole, the establishment and role of the NLTB is a reflection of the contradiction and the subtlety of British colonial politics, where the notion of the paramountcy of indigenous Fijian interests was used as a pretext to promote the hidden political and economic interests of the colonial state, and one that was later embraced by subsequent indigenous Fijian governments in post colonial politics.

Reservation Policy and the Creation of an Underclass

The creation of native reserve was one of the core functions of the NLTB under section fifteen of the Native Land Trust Ordinance of 1940 (Native Land Trust Act 1985: 10). Under section fifteen NLTB shall set aside any portion of native land as native reserve for the exclusive usage of indigenous Fijian landowners (ibid). The native reserve was designed to allow indigenous Fijians have sufficient land for their subsistent living. Currently, of the 3,946,347 hectares of native land 1,400, 861 hectares or 35.5% are under reserve (http://www.nltb.com.fj/land_statistics.html).

However, the formulation of the Native Reserve policy which began in 1946, entrenched the containment of indigenous Fijians in villages under the Native Fijian administration which was created in 1876. The creation of the native reserve policy was part of a broader colonial effort to contain indigenous Fijians in the rural sector. Fijians were widely perceived by Europeans as lazy and unproductive and incapable of actively participating in the plantation economy. As historian Calman observes:

....many Europeans regarded the Fijians as a lazy good for nothing who never did an honest day's work and whose presence prevented opening up of land (quoted in Norton 1990:37).

Hence, their presence in the productive economic space was seen as an obstacle to the economic progression of the colonial economy. As such the native reserve policy was to ensure that indigenous Fijians were effectively removed from the center of the colonial economic activities and contained within their villages. Their removal and containment opened their customary owned land and expanded the economic space for the extensive cultivation of sugarcane plantation in the 1940's. As such the enactment of the native reserve advanced and entrenched the economic interests of the colonial state under the pretext of protecting the paramountcy of indigenous Fijian interests. In retrospect, the creation of the native reserve was essentially an establishment of a de-facto

reserve that was implemented through policy rather than boards, locking indigenous Fijians within a subsistent economic mindset.

The creation of native reserve has had detrimental economic implications on indigenous Fijians and one which has largely defined and shaped their socio-economic status in Fiji's modern economy. The containment of indigenous Fijians within the subsistent economic mindset has marginalized indigenous Fijians from the productive sectors of both the colonial and post colonial economies. While the native reserve can be leased or de-reserved, it is always difficult to obtain the approval of the land owning unit. This is because the native reserve has always been seen as a land reserve for the subsistent economic living of the land owning unit. As also previously discussed jealousies and rivalries among the land owning unit are also factors in the failure to obtain lease by enterprising indigenous Fijians. As such the native reserve has created and perpetuated a mentality and lifestyle of subsistent living, insulated from thinking and acting entrepreneurially. Ironically landowning unit find it favorable to allow foreign investors to lease their reserve due to the immediate financial gains rather than leasing it to a member of the landowning unit.

The native reserve has crippled the ability of indigenous Fijian landowners not only in playing an active role in the modern economy but they have also being disengaged from the process of economic development and nation building and as such, marginalized from the capital gains of the productive sector of the

economy. Today indigenous Fijian landowners constitute a larger proportion of Fiji's population that is disenfranchised, economically disempowered and under classed in their own land.

The Economic Empowerment of Indian Tenant Farmers and the Economic Disempowerment and Marginalization of Indigenous Fijian Landowners under ALTA

The introduction of the Agricultural and Landlord and Tenant Act (ALTA) in 1966 constituted the final piece of the land legislation enacted by the British colonial government in establishing the institutional and legislative structures governing the control and use of indigenous Fijian customary land. ALTA is administered by the NLTB and covers all agricultural leases on Fijian customary owned land, providing a minimum of 30 year lease without any provision for renewal (Lal 1992; Naidu and Reddy 2002).

Despite its non renewal provision ALTA has benefited the Indian tenant community in fundamental ways, often at the expense of indigenous Fijian landowners. Davies and Gallimore argue that the Indian tenant community have benefited exceptionally well under ALTA (Davies and Gallimore 2-3: 2000). Not only have they benefited from low rents but many non sugar cane farmers have managed to avoid paying any land rent at all (Ibid).

They maintain that ALTA has exploited landowners by denying them rents based on the true economic contribution of their land to agricultural production (Ibid)¹⁸. According to Davies and Gallimore, the implementation of ALTA has witnessed a huge transfer of real income from landowners to tenants in the last 30 years (Ibid). Nandam and Alam also argue that ALTA is often viewed as pro-tenant "emasculating the ability of NLTB to act as trustee to indigenous Fijian landowners" (Nandam and Alam 17:2005).

However, the pro-tenancy of ALTA on Indo Fijian tenant farmers and its exploitative nature on indigenous Fijian landowners transcends the issue of the land rental payment. Apart from the low rental payment the enactment of ALTA was the final piece of the land legislation formulated by the British colonial government to guarantee the collective accessibility of Indian tenant farmers to indigenous Fijian customary land. For the first time since the importation of Indian workers in 1879, Indo Fijian tenants were able to systematically lease and occupy indigenous Fijian land for the commercial cultivation of sugarcane. Since the introduction of ALTA in 1966, a total of 10, 231 sugarcane leases were granted which covered a total land area of 103, 473, 57 hectares. Of the 10,231 leases, 8,695 leases were held by Indo Fijian tenants representing a total land area of 879, 52, 53 hectares (Davies and Gallimore 2000).

¹⁸ Davies and Gallimore's argument on the inadequate rental payment under ALTA is articulated in detail under the Land Rental Discourse in Chapter two.

Table 4.

Ethnic Breakdown of Sugarcane Growers in Fiji, 1998

	Number of Sugarcane Growers	Percentage
Indo Fijians	16, 710	78.1
Indigenous Fijians	4, 579	21.4
Others	107	0.5
Total	21, 396	100

Source: (Lal et al, 2001:9,
<http://ageconsearch.umn.edu/bitstream/123456789/23446/1/lcwp46.pdf>)

Such accessibility and occupation was also protected within a legislative framework that safeguards the economic and political interests of the Indo Fijian tenants. The land rental formula stipulated under ALTA, for instance, was designed to protect the economic interests of Indo Fijian tenants (Davies and Gallimore 16:2000). While the annual land rental is calculated on the basis of six per cent of the UCV of the land, this value is simply the maximum possible value that can be applied in principle (Ibid). However, in reality the vast majority of land rent is paid far below this maximum. This is due to the fact that the rental formula stipulated under ALTA does not guarantee the maximum application of the six percent UCV. Besides even if the maximum level were to apply, under section 28 of ALTA, tenants can appeal higher rental levels to a tribunal which can authorize the reduction in actual rent paid (Ibid). Further, the sales of sugar under the preferential trading agreement articulated under the terms of the COTONOU Agreement between the Asian Caribbean Pacific (ACP) Countries

and the European Union have tremendously benefited the Indo Fijian tenant community. Under the COTONOU agreement Fiji and other sugar exporting countries within the ACP region are able to sell their sugar to the European Union at prices above the market rate.

Secondly, despite its non-renewal provision, ALTA institutionalized an economic niche that allowed Indo Fijian tenant farmers to engage commercially with indigenous Fijian land without the fear of imminent displacement.

Thirdly, ALTA also institutionalized a political space that allowed Indo Fijian tenants to mobilize themselves politically. The Sugar Cane Growers Council for instance has become a politically powerful voice in Fiji's politics articulating the economic and political interests of Indo Fijian tenants. The Indo Fijian political parties such the National Federation Party and the Fiji Labor Party were initiated largely by Indo Fijian tenant farmers.

Finally, ALTA allowed Indo Fijian tenants to individually appropriate agricultural lease titles that can be used as collateral in accessing loans from developmental and commercial banks. The lease title on native land has enabled Indo Fijian tenants to secure housing loans for the construction of better homes on their leased land or elsewhere. The lease title has also enabled them to purchase farm tractors, cane trucks, automobiles as well loans for other purposes such as education and traveling. It is important to note that some of the highly

educated Indo Fijians are children of sugarcane farmers whose educational expenses were made possible through bank loans using agricultural title issued under ALTA as collateral.

Through ALTA Indian tenant farmers were deployed to actively engage in carrying out the responsibility of economic development and nation building in Fiji's modern economy. Their commercial engagement in the commercial cultivation of sugarcane farming on native land, has empowered them not only to appropriate the profits accrued from sugar production, but it has also enabled them to use indigenous Fijian land, as a basis of accessing and attaining material goods, securing better education for their children and obtaining better socio-economic livelihoods.

On the other hand, ALTA has had detrimental consequences on indigenous Fijian landowners. Firstly, ALTA has deprived indigenous landowners of the real market value of their leased land. As previously discussed, that while the annual land rental is calculated on the basis of six per cent of the UCV of the land, this value is simply the maximum possible value that can be applied in principle. However, in reality the vast majority of land rent is paid far below this maximum. This is due to the fact that the rental formula stipulated under ALTA does not guarantee the maximum application of the six percent UCV. Besides even if the maximum level were to apply, under section 28 of ALTA, tenants can appeal higher rental levels to a tribunal which can authorize the reduction in

actual rent paid. Hence the rental formula under ALTA essentially protected the interests of the sugar cane tenant farmers at the expense of indigenous Fijian landowners. According to the calculation of Davies and Gallimore the unfair rental formula under ALTA, has systematically deprived indigenous Fijian landowners over \$F1 billion, of the real market value of their leased land in the last thirty years (Davies and Gallimore, 16:2000).

Secondly, ALTA has deprived indigenous Fijian landowners of the opportunity to engage constructively in the commercial cultivation of sugarcane in their customary owned land. It should be note that ALTA was an amendment of the Agricultural Landlord and Tenant Ordinance (ALTA) enacted by the British colonial government in 1966.

ALTO provided an initial ten year lease, with a granting of a first or second ten year extension, provided that the landowners showed proof of hardship to justify the termination of the lease (Lal, 1986:83; 1992:225). Qarikau argues that the arrangement under ALTO provided the possibility to enterprising indigenous Fijian landowners to engage in the commercial cultivation of sugarcane farming. According to Qarikau, indigenous landowners were hoping that at the end of the first ten year or even the second would allow them to enter the sugar industry as sugarcane farmers (DVD, Bitter Sweet Hope: 2004).

However this possibility was taken away when the chiefly Alliance Party amended ALTO to include an automatic twenty year extension in 1976, changing

ALTO to ALTA (Ibid). According to Qarikau, the 1976 amendment disallowed indigenous Fijians from engaging in the commercial production of the sugarcane since existing Indo Fijian tenants who had leased almost all the arable alluvial land in the sugarcane belt, under ALTO, simply continued to farm the land (Ibid). As such indigenous Fijians who had hoped to engage in the commercial cultivation of sugarcane were once again caged in their villages, perpetuating a life of idleness, ignorance and economic passiveness. ALTA therefore, perpetuated a subsistent economic mentality and systematically disengaged indigenous Fijian landowners from the productive sector of Fiji's economy.

ALTA and the Economic Survival of the Colonial State

The enactment of ALTO in 1966 and its amendment in 1976, which changed ALTO to ALTA, was premised on the notion that the survival of the sugar industry dependent entirely on the labor and the entrepreneurial drive of Indo Fijian tenants. Having effectively contained and locked indigenous Fijian landowners within their native reserves through the enactment of the Native Land Trust Ordinance in 1940, the colonial government proceeded to institutionalize and entrench the economic niche of Indo Fijian tenants within the plantation economy. It was economically imperative for the British colonial government to ensure that Indo Fijian tenants were secured with the indigenous Fijian land, even at the expense of indigenous landowners, since the survival of the colonial state fundamentally hinged on the survival of the sugar industry. It

is important to note that Britain reluctantly acquired Fiji as a colony in 1874 and as such Fiji was expected to be self economically sustainable at the quickest possible time. This constituted the economic dynamic that drove the British colonial government to institute a legislative and institutional framework that would ensure the effective accessibility of Fijian land where Indian labor can be deployed and exploited to ensure the survival of sugar industry and the subsequent perpetuation of the colonial government. In recognizing the economic imperative of the Indo Fijian tenants in the sugar industry, the Alliance Party, the first indigenous Fijian led post colonial government, amended ALTO to include an automatic extension of an additional twenty year lease, and subsequently changed ALTO to ALTA.

Sugar production has continued to constitute the major export earnings of Fiji economy in the post colonial period. In 1994 alone sugar export earnings accounted for forty percent of the agricultural Gross Domestic Product (GDP), comprising twenty five percent of total GDP (Naidu and Reddy, 2005: 9 http://apmrn.anu.edu.au/projects/fiji_alta.pdf). About twenty five percent of the economically active population together with twenty two thousand sugarcane farmers derived their income directly from the sugar industry (Ibid). In retrospect, both ALTO and the 1976 amendment were designed to salvage and perpetuate the economic survival of Fiji's colonial and post colonial states.

The Expiration of ALTA

The agricultural leases issued under ALTA began expiring since 1997. Given the non renewal provisions embedded in ALTA, Indo Fijian tenants holding either sugarcane or non sugarcane leases will have to vacate their farm at the end of the lease. In other words Indo Fijian tenants will have to seek alternative means of livelihoods. Under section forty of ALTA, tenants must be compensated with a sum equivalent to the value of the improvements carried out (Laws of Fiji, Chapter, Chapter 270). However, this provision has not been enforced. Indo tenants whose leases have expired have abruptly vacated their farms as landowners began to forcefully take over properties on their native land (Naidu and Reddy, 2002:8). In some cases Indo Tenants have sought refuge with relatives. Indigenous Fijian landowners have justified their claims on the ground that leases paid under ALTA have not been sufficient (Ibid). Tenants whose leases are yet to expire have dismantled their woods and irons long to avoid usurpation of properties by indigenous landowners. Fig VI shows the chronological expiration of all agricultural leases issued since the introduction of ALTA in 1966.

Table 5.

Expiry Leases of all ALTA Leases, 1997-2024

Year	# of Leases	Year	# of Leases	Year	# of Leases
1997	134	2008	299	2019	306
1998	237	2009	278	2020	152
1999	1594	2010	374	2021	168
2000	1955	2011	445	2022	135
2001	458	2012	419	2023	148
2002	622	2013	487	2024	88
2003	432	2014	380	2025	85
2004	600	2015	784	2026	65
2005	463	2015	361	2027	54
2006	521	2016	177	2028	13
2007	652	2017	254		
Total	7, 688	2018	4, 258		1, 214
Grand Total	13, 140				

Sources: (Naidu and Reddy, 2002 http://apmrn.anu.edu.au/projects/fiji_alta.pdf).

The non renewal of leases under ALTA has posed fundamental social, political and economic problems to Fiji future. Mitigating these challenges are issues confronting the leaders of both indigenous Fijian and Indo Fijian communities. Displacing Indo Fijian tenants from sugarcane farming will undoubtedly have negative social consequences, the least of which would include increasing un-productivity and more pressure on the deteriorating nature of squatting in the fringes of the major urban centers. Given the critical importance of sugar export earnings, the non-renewal of leases will definitely have detrimental impact in

Fiji's economy. Both ethnic communities are bound to experience the negative economic impact of the expiration of ALTA.

The Indo Fijian tenants lose a reliable source of income that has sustained four generations on Indo Fijian farmers, while indigenous Fijians will no longer receive the land rental payment, both of which will stifle economic growth and development. According to Lal et al, the non renewal of leases could mean the loss of approximately 200,000 to 400,000 tons of sugarcane production (Lal et al, 2002: 35). "In purely economic terms, this could mean a net loss in direct social welfare of about \$F20million" (Ibid). Lal argue that this is due to the fact the Indo Fijian tenants produce high yields than their Fijian counterparts. For instance, Indo Fijian tenants produce sixty tons in one hectare while Fijian farmers produce fifty one. Reasons for differences in yields between the two ethnic group include, the difference in management and technological know how, consistency in application of key inputs such as labor, fertilizers, and pesticides and cultural differences (Ibid). They alluded that even if indigenous Fijian farmers replace their Indo Fijian tenants they will not be able to maintain the level of sugarcane production required to enable the sugar industry to survive.

As previously discussed Mahendra Chaudhry's attempts to amend ALTA in 1999 was highly politicized, deteriorating the existing nature of racial tensions and eventually leading to the military overthrow of his government in 2000. It is clear that indigenous Fijians wanted their land back. The reasons vary. Some out

of jealousy, that Indo Fijian tenants have prospered using native land, while some just needed their land returned for sake of having it back. Others have sincere intentions to engage constructively in the commercial cultivation of their land, whether in the sugarcane or other cash crop economy.

The NLTB has proposed that future leases be issued under conditions stipulated under the Native Land Trust Act (NLTA) (Ibid). Under NLTA lease tenure ranges from five to ten years while the land rental is determined by the NLTB which would be based on market conditions (Ibid). The extension of leases would be at the discretion of NLTB, which if renewed would include the payment of goodwill both to NLTB and indigenous landowners (Ibid). During its term in office since 2001 until its military overthrow in December 2006, the Qarase Government embraced the proposal by the NLTB. While no definitive decision has been reached, it is highly likely that future leasing arrangements would be established under the conditions and terms of NLTA. The key differences between the two institutional land tenure frameworks (ALTA and NLTA) are summarized in Fig V.

Table 6.

Differences in Institutional Arrangements Under ALTA and NLTA

Terms and Conditions	ALTA	NLTA
Lease Tenure	Minimum 30 Years (de facto Maximum)	Rolling 5-10 Years
Basis of Rent Fixation	6% of unimproved capital value (UCV)	NLTB's valuation reflecting market price
Renewability	Non-renewable beyond 30 year maximum/minimum	Renewal subject to NLTB's consent Recently renewal with additional goodwill payment to NLTB as well as to the landowners
At Expiry Compensation	Value of improvements payable to landowners if approved by them	Compensation as determined by the Board, the Independent Arbitrator
Choice of Land Utilization	Tenant	Stipulated in the Act
Subletting/Sharecropping	Illegal, although common	Possible, but with NLTB's permission
Settlement of Disputes	By the Fiji Sugar Industry Tribunal	By an Independent Arbitration

(Sources: Lal et al, 21: 2001

<http://ageconsearch.umn.edu/bitstream/123456789/23446/1/lcwp46.pdf>)

Conclusion

The institutional and legislative framework governing the control and use of Fijian customary owned land has deprived indigenous Fijians from actively engaged in the commercial cultivation of their land either in sugarcane

production or other cash crop economy. As such they have been marginalized not only from actively participating in the productive sector of the economy but they have also from appropriating the economic and social gains of playing such role.

The expiration of agricultural leases under the terms and conditions of ALTA provides the opportunity for indigenous Fijians to prove that they are capable of engaging actively in Fiji's sugar based economy. It also challenges indigenous Fijians to rise and join their fellow Indo Fijian tenants shoulder the economic responsibility of the nation vis-à-vis the maintenance of sugarcane production and sugar export earnings. The ending of leases under ALTA, therefore calls for the creation of an institutional and legislative land tenure framework that fosters the integration of indigenous Fijians in the commercial utilization of their customary owned land. The land tenure framework should provide opportunities to potentially enterprising indigenous Fijian land owners to work side by side with Indo Fijian tenants in the commercial cultivation of the land.

In retrospect, the expiration of agricultural leases under ALTA marks the emergence of an opportunity of a life time in the lives of indigenous Fijians. It is an opportunity that possibly entails the emergence of a people from seclusion, marginalization, and economic disempowerment, to being actively engaged and economically enfranchised in Fiji's modern economy.

CONCLUSION

The institutional and legislative framework governing the control, accessibility and rights over Fijian customary owned land has created and perpetuated the paradox of indigenous ownership of Fijian land. While it was rationalized as the basis of preserving the 'paramountcy of indigenous Fijian interests', the land legislations and institutional establishment that govern customary owned land not only marginalized and disengaged indigenous Fijians from Fiji's sugar based economy but it also effectively removed indigenous control and rights over customary owned land. The latter was the direct consequence of the establishment of the NLTB. This study has attempted to accentuate the paradox of indigenous ownership of Fijian land and how such paradox is often camouflaged by the politicization of land and the racial discourse it invokes.

As previously discussed, the land legislations and the institutional establishment created in the colonial era to govern Fijian customary owned land, strategically deployed Indo Fijian tenants as active players in the sugar industry, that is, as commercial cultivators of sugarcane on Fijian customary owned. This is due to the fact that the survival of the colony's sugar based economy hinges critically in the hands of Indo Fijian labor. Indigenous Fijians, on the other hand, were considered economically passive, difficult to control as a labor force and resistant to the routine nature of the plantation economy. As such, the institutional and

legislative land tenure framework inadvertently empowered Indo Fijian tenants both economically and politically. The institutional and legislative framework that fostered the establishment of Fiji's sugar based economy was deployed in favor of the Indo Fijian tenant farmers. Ironically, such framework was premised on the notion of the preservation of the 'paramountcy of indigenous Fijian interests' when in fact, the framework systematically removed and disengaged indigenous Fijians from the sugar based economy and relegated them to their villages and native reserve, where they were, and still are, confined, economically disempowered, and under-classed in Fiji's modern economy.

The Politicization of land is therefore imperative, given the contradiction of the notion of the preservation of the paramountcy of indigenous Fijian interests. Recognition of such contradiction could potentially generate indigenous Fijian belligerence against indigenous ruling governments and 'indigenous' establishment such as the GCC and NLTB. The politicization of land generates racial tensions and some time conflicts which often distract attention away from the contradictions and deficiencies of institutional and legislative framework embraced by indigenous Fijian governments. This ensures political stability which is important in entrenching and perpetuating the sugar based economy.

The expiration of agricultural leases under ALTA have generated much debate not only on the social, economic and political impacts they are likely to have on

Fiji but also on ways and means of ensuring the continual accessibility of Fijian customary land to non indigenous Fijians. The debates and discourse generated by indigenous Fijian led governments and academic literatures have focused largely on the land rental discourse. The deposed Qarase Government for instance, has constantly criticized ALTA for depriving and impoverishing indigenous landowners of the real market value of their land. This has been articulated in various government documents such the *A Better Fiji for All, 2005*, and *The Blue Print for the Protection of Fijians and Rotumians Rights and Interests and the Advancement of their Development, 2000*. Similar discourse have also being reproduced in other forums such as the Forum Meetings of Pacific Island Leaders, the Commonwealth Ministerial Action Group and the Talanoa Session, an initiative of the Pacific Islands Development Program (PIDP) of the East West Center. These discussions have led the Qarase Government's proposal to replace ALTA with the Native Land Trust Act (NLTA), an arrangement that would allow NLTB to levy land rental payment based on market conditions.

Further, Lal, Naidu, Reddy and others have alluded to the fact the institutional land tenure framework to replace ALTA must ensure equitable land rental, the continual accessibility of Fijian customary land to non indigenous Fijians, with particular reference to Indo Fijian tenants and security of tenure (Lal et al 2001; Naidu and Reddy 2002). Krishn Shah argues that indigenous Fijian landowners

must lease out their land as much as possible to ensure that the Fiji Government has a viable land leasing enterprise (Shar, 2004:8).

However, increasing the land rental payment will neither improve the socio-economic plight of indigenous Fijian land owners nor would it improve the socio-economic disparity between indigenous Fijians and Indo Fijians. Instead it perpetuates the disengagement and marginalization of indigenous Fijian landowners from participating actively and constructively in Fiji's sugar based economy and other commercial agricultural enterprises. Also, the institutional land tenure framework under ALTA and NLTA perpetuates indigenous Fijian's dependency mentality on land rental payment. Such a mind set creates a culture of economic passiveness and idleness, which hinders indigenous Fijians from thinking independently and entrepreneurially of their customary owned land. It entrenches the notion that indigenous Fijians are not capable of engaging entrepreneurially with their land and therefore are not capable of shouldering the economic responsibility of the nation.

Further, the land rental discourse institutionalizes and entrenches a monolithic notion of socio-economic progression- that is the increase in land rental payment is the only basis of socio-economic progression for indigenous Fijians. As such, neither ALTA nor NLTA will work in favor of indigenous Fijian landowners.

The socio-economic marginalization of indigenous Fijians and the economic disparity between them and the Indo Fijian community in general is not so much the result of inadequate land rental payment, neither is it the result of Indo Fijian leadership, rather it is a product of the contradictions and deficiencies of the legislative and institutional land tenure framework.

This study therefore, propagates a shift in the current political and academic discourses on land in Fiji. The discourse must shift from placing emphasis on increasing land rental payment to ways of integrating and incorporating indigenous Fijians in the commercial cultivation of their customary owned land. The expiration of ALTA calls for an institutional land tenure framework that fosters the systematic engagement and incorporation of indigenous Fijians in the commercial cultivation of their land. It calls for an institutional and legislative land tenure framework that is inclusive of indigenous Fijians in the commercial utilization of their customary land. The land discourse should challenge indigenous Fijian landowners to rise to the challenge of engaging constructively and entrepreneurially in the commercial utilization of their customary land, instead of increasingly dependent on land rental payments. Both ALTA and NLTA will perpetuate the economic passiveness and disempowerment of indigenous Fijian landowners. The institutional land tenure framework should encourage and foster indigenous Fijians to lease their customary land and to actively engage, together with Indo Fijian tenants, in shouldering the economic

responsibility of Fiji's sugar based economy. Creating the co-existence of tenant farmers from the two ethnic communities will hopefully generate a sense of mutual identity that is not based on ethnic lines, but one that is founded on common socio- economic grounds and experiences. Integrating indigenous Fijian landowners along with Indo Fijian tenant farmers either in the sugar industry or in other commercial agricultural enterprise should be way forward of uniting two communities that have historically and politically deployed along ethnic lines.

Indigenous Fijian governments and indigenous Fijian establishments such as the Great Council of Chiefs (GCC), the Fijian Affairs Board (FAB) and the Native Land Trust Board (NLTB) should be engaged in dialogue on pragmatic and tangible approaches of incorporating indigenous Fijian landowners in the commercial cultivation of customary land, rather than propagating a racial discourse that perpetuates racial conflicts and racial polarity which has had detrimental repercussions on both ethnic communities and Fiji's economic development as a whole.

Fiji needs an institutional and legislative land tenure framework that not only fosters the incorporation of indigenous Fijian land owners in the commercial cultivation of their land and their subsequent economic empowerment, but one that is also inclusive of both ethnic communities.

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