NEGOTIATING LAND TENURE:
CULTURAL ROOTEDNESS IN MELE, VANUATU

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DEDICATION

For my parents.
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Abstract
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Cultural Rootedness in Mele, Vanuatu

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This thesis examines the interplay of cultural values and socio-economic forces that shape land tenure in the village of Mele, Vanuatu. National legislative support for customary land rights empowers villagers to influence land tenure strategies according to their values of land for subsistence, power and identity. Land is fundamental to ni-Vanuatu identity and status, which kastom (traditional) tenure reflects. Demographic change, increasing participation in a cash economy, and land legislation, have the potential to significantly alter the traditional relationship between land rights and kastom. However, the people of Mele remain rooted in the land, cultivating gardens and participating in decision-making about land.

Mele’s changing land rights, understood through the examination of socio-economic and legislative influences on families’ decision-making about land management, and the role of the modern village-based land development companies, presents an important case study of villagers successfully integrating cultural values with socio-economic forces to shape contemporary land tenure.
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Key
- Mele land boundaries (approx. 9,800ha)
- Vila Municipality boundaries
- Settlements (n.b. National Census enumerations, not physical localities)

0 2.5 5 kilometres
PART I
INTRODUCTION

Photo 1. Aerial view of Mele village gardens, August 2003.
CHAPTER 1

CHANGING LAND TENURE SYSTEMS IN MELANESIA

1. INTRODUCTION

The shared values, beliefs, norms and practices of a community establish a local cultural identity that distinguishes it from other communities. A culture’s system of land tenure, or the management of land rights, therefore reflects the shared values and norms of its people. This property institution is defined as the practices that govern and manage access to land. However, culture is dynamic, so land practices change accordingly. Prevailing land tenure systems are the outcomes of the interplay of cultural values and socio-economic forces, such as urbanization and migration, within a political context.

To study changing land tenure in Melanesia, where a high cultural value is placed on land, I conducted research in my local peri-urban community of Mele village, Vanuatu. Other than the obvious benefits of conducting fieldwork in my own community, I was curious to understand the recent tenure changes in the village, whose proximity to a booming urban center immediately exposes it to external influences such as a market economy and a modern leasehold system of tenure. In addition, internal influences such as demographic change place pressure on traditional land tenure. In Mele village the cultural values for land, within which is contained a subsistence ethic ensuring clan members’ rights to land, direct change in property institutions. This is seen particularly where legislative support for customary land tenure systems, and the values inherent in them, exists. As Article 74 in the Vanuatu Constitution states, “The rules of custom shall form the basis of ownership and use of the land in the Republic of Vanuatu.”
Custom landowners, guided by their values for the land, play an active role in shaping land tenure systems in the face of conflicting forces, such as a cash economy and migrants who do not respect local land customs.

As a person residing on Mele land through the modern leasehold system, yet with familial and community connections to the village, I am afforded the unique position of experiencing the changing land tenure system. As a Melanesian woman, traditionally it is not my place to discuss land tenure. Yet my dual existence as both insider and outsider to the community has enabled me to obtain both a record and an analysis of land tenure on Mele land that may be used to increase awareness of the changes taking place. This thesis examines the land institutions of Mele village in Vanuatu, and analyzes how they have evolved in the context of broader cultural and socio-economical change.

1.1 The Value of Land

In Melanesia, the cultural category to which Vanuatu belongs, land is not merely a source of food; it also symbolizes power and identity. The ni-Vanuatu, and indeed the Melanesian attitude towards the land is one of great respect and pride. As Vanuatu’s first Minister of Lands, Sethy Regenvanu, stated, “Land to ni-Vanuatu is what a mother is to a baby. It is with land that he defines his identity and it is with land that he maintains his spiritual strength. Ni-Vanuatu do allow others the use of their land, but they always retain the right of ownership.” (quoted in Van Trease, 1987: xi).

The management of land rights is of especial importance to rural subsistence-based communities. For rural areas on islands there is particular concern with ensuring continued access to land for cultivation and shelter due to limited resources available to access. The
power to enforce claims to land cements one’s identity with the land. Arutangai (1987: 262) further describes the ni-Vanuatu relationship to land as follows:

“All ni-Vanuatu feel that ‘land is everything,’ it is basic to their identity . . . the foundation of all custom . . . [Land] represents life itself, both material and spiritual.”

Without land people have no subsistence base and no identity, as land rights embody genealogy and connectedness to place. The value of land, therefore, embraces the desired goals of subsistence, identity, and power, and thus comprises both the utilitarian and symbolic values embedded in systems of traditional land tenure.

In Melanesia, each person is part of a clan, and each clan commonly has primary rights to a defined area of land. Boundaries within clan land are flexible and are constantly negotiated by clan members. As Arutangai (1987: 267) notes, “the clan’s land, its ancestors and its men are a single indissoluble reality: a fact that must be borne in mind regarding the ‘inalienability’ of Melanesian land.”

The negotiation of rights to land is typically in the form of inheritance and marriage. Gift-giving and access via adoption are other avenues of access. It is also possible to claim subsidiary land rights simply through labor input into a particular area. For example, in Vanuatu a person may plant a fruit tree on another clan’s territory and claim usufruct rights to the fruit, although he may not claim rights to owning the land. Individuals are therefore right-holders rather than true landowners (Crocombe 1972). Melanesians do not view land as something that can be owned, therefore their concept of land ‘ownership’, or primary rights to land, does not correspond with the Western view of property, where alienation is a key feature and a person may have exclusive rights to a piece of land. Ostrom (1990) describes
communal property as the absence of well-defined individual rights to land. This can be said of Melanesian communal property.

In traditional Melanesian land tenure systems, rights to land are carefully negotiated to ensure that all clan members have access to subsistence. Land claims acknowledged through kinship and marriage ties assign inalienable perpetual rights that claims made on other bases do not earn. Land rights therefore confer an identity as “ni-Vanuatu” as they symbolize connection to place and people through genealogy and social relations. Inalienable and permanent land rights also reinforce the power to make decisions about land. Individuals without kinship or marriage connections to a clan may also claim land rights, although the nature of the assigned land rights are more temporary.

In addition to these ‘custom’ avenues for gaining land rights, there are modern ways to gain access to land. Under Vanuatu law¹, land rights may also be gained through leasehold title, particularly where an individual has no kinship ties to the land. The introduction of a modern system of land tenure based on the ability to buy land rights could compromise the attainment of goals by upsetting the careful cultural balance of clan land rights. Often inter- and intra-clan land disputes arise, such as the violent clashes over land that occurred on the island of Ambae in Vanuatu, April 2003. Custom landowners, that is, clans with perpetual primary rights to a piece of land, are today faced with the need to fulfill economic needs, which are easily satisfied in a leasehold tenure system, and the desire for cultural preservation. Custom landowners adapt land tenure systems accordingly in an effort to accommodate the various demands made on land, while ensuring that the symbolic values for the land are upheld.

¹ Land Lease Act [CAP 163] 1983
1.2 Shaping Land Tenure

Traditional land tenure systems can be affected by a change in population pressure brought by migration or natural increase (Hering 1983). The introduction of a Western property system often alters traditional land rights, as was the case during the colonial period for Vanuatu (1906 – 1980), then called the New Hebrides, when much native land was alienated by the European colonizers (MacClancy 2002, Van Trease 1987). More recently, independent Pacific island nations are experiencing new pressures on traditional land rights, due to the temporary abandonment of land use by residents who seek paid employment, typically in urban areas. There is ample anecdotal evidence where urban ni-Vanuatu have become vulnerable to a weakening of traditional land rights due to their perceived ‘abandonment’ of a traditional lifestyle. In Vanuatu there is extensive land legislation addressing custom landowners’ rights, where the inalienability of custom land rights and the value of land is enshrined in the Constitution. In Chapter 12, Article 73 states, “All land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants.” In Article 74, “The rules of custom shall form the basis of ownership and use of the land in the Republic of Vanuatu.”

This Constitutional commitment to cultural practices and self-determination, that is, freedom for indigenous people to practice self-government and self-organization, enables traditional needs to be met, even as Vanuatu enters the market economy.

In Bislama, the lingua franca of Vanuatu, all indigenous knowledge and traditional practices are referred to as kastom. Tonkinson (1982) argues that the definition of kastom is intentionally vague to accommodate Vanuatu’s many cultures. Local cultures are expected to develop their own pragmatic interpretations of kastom, which will be supported by the
government authorities. However, this lack of definition allows custom landowners to manipulate *kastom* for their own ends, fabricating so-called *kastom* practices to benefit them directly. For example, clan land tenure traditionally requires a consensus of opinion before decisions can be made. However, oftentimes a male clan head may deal in land without consulting his brothers yet may deem it as *kastom* due to his seniority within the clan. This contradicts the communal basis of clan land tenure. However, because the practice was declared to be *kastom* by a senior member, despite common knowledge that that it is not truly so, it is rarely contested due to a cultural respect for elders. To curb non-*kastom* practices that undermine the shared values at the core of traditional land tenure, the *nakamal*, or community meeting house, provides a place to discuss land issues. In so doing cultural values can be considered alongside socio-economic forces when decisions are made about land. This interplay of values and socio-economic forces, within the context of the Constitution, shapes local land tenure (Fig. 1).

**Constitutional Context**

Socio-Economic Forces ↔ Cultural Values

LAND TENURE SYSTEM

*Figure 1. The interplay of forces shaping land tenure*
The land tenure system practiced is the result of a negotiation between cultural values and socio-economic forces, as made possible by the Constitutional land policy. A more traditional tenure system occurs when cultural values outweigh economic forces, although this becomes less possible as a market economy is integrated into traditional life. A more modern system that could compromise cultural values may emerge when the opposite situation occurs. Evidently there are multiple possible interpretations of the Constitutional sanction of custom landownership, which depend on both the choices of custom landowners and the broader socio-economic context. This results in a reliance on cultural institutions to be enforced at the grassroots level for the Constitution to have any effective power. The Constitution’s static view of customary land tenure relies on the grassroots level to effect cultural preservation while also negotiating socio-economic conditions.

Moreover, the subsequent land legislation is modeled on a Western system of property rights and has increasingly been criticized for inadequately protecting custom land rights. The fact that land carries symbolism beyond its practical value in Vanuatu is reflected in the Constitution, but the land legislation that institutionalizes these cultural land values primarily centers around the leasehold tenure system, which in effect treats land only as an economic resource and neglects the symbolic aspect of the land. The leasehold system yields money, which can compensate the role of land in providing subsistence, but can compromise the other values of land as source of power and identity. Money is not typically translated into power due to immediate expenditure on individual and family needs and a lack of reinvestment of profits. A custom landowner may receive a lump sum from the sale of a lease but will not receive more than an annual rent from this land, even when the lessee

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2 At the time of writing, the media in Vanuatu was regularly covering stories about land disputes, and criticisms of land legislation (See Appendix A for newspaper clippings).
has subdivided the land and sold sub-leases at a profit. In such cases it is evident that the legislative intent is not fulfilled. Current legislation does not address such issues where the custom landowning family loses effective rights to their land and profits from their land for the period of the lease. Community interests are compromised in a leasehold system that advocates individual interest. For the leasehold system to adequately meet custom landowners' needs, additional attention must be given to the spiritual elements found in Vanuatu's traditional land tenure systems. Where this has occurred, as the following Mele case study will show, an integrated and culturally acceptable land tenure system emerges, and all needs from the land are met.

This thesis examines changes in land tenure practices in Mele village in the south of Efate, Vanuatu (Map 1). The contemporary land institutions result from an effort to preserve cultural values for land in the changing socio-economic context. Constitutional support for cultural preservation ensures that traditional people play a significant role in cultural change, and thus ensuring community interests take precedence over private interests.

2. CHANGING LAND TENURE SYSTEMS IN MELANESIA

2.1 Land in Melanesia and Cultural Change

Land studies in Melanesia have typically centered on the themes of colonialism, urbanization and rural-urban mobility. Consequently, the two main discourses of land studies in Melanesia have been anthropology and history-politics. Ethnographic studies of land tenure systems (Codrington 1891; Rivers 1914; Crocombe 1972, 1987) and analyses of the colonial policies regarding culture and land (Twomey 1970; Lane, 1971; Van Trease 1987) have provided the main framework for understanding the cultural relationship to land. Others (Bonnemaison
1977, 1981, 1985; Bourke 1990; Chapman and Pirie 1974; Lea 1972; Ward 1982) have studied traditional land tenure systems and subsistence production systems in the context of cultural change, where urbanization and the introduction of a cash-based economy brought about by colonization are typically held responsible for land alienation and altered cultural practices. These studies have been invaluable for their comprehensive documentation and analysis of the external influences that modify land tenure systems, but have insufficiently addressed traditional peoples' own actions in shaping land tenure practices. Indigenous cultures have typically been placed in a passive role regarding cultural change and land tenure. This study hopes to illustrate how indigenous people direct cultural change by negotiating the changing political, economic and social contexts. The dichotomy of traditional and modern practices in land tenure discourse overlooks the fact that the adoption of new practices does not necessarily compromise the basic values for the land that the people themselves consider important. A successful land tenure system is one that meets the needs of all of its stakeholders, regardless of the presence of both traditional and modern elements.

2.2 Land in Vanuatu and Cultural Change

Ethnographic case studies of land tenure systems in Vanuatu have been extensively recorded within the discipline of anthropology (Speiser 1936; Guiart 1959; Rodman 1987). Changing land tenure systems have been analyzed in the context of various themes such as urbanization and rural-urban migration for both pre- and post-colonial times (Tonkinson 1968, 1985; Philibert 1981, 1992; Larmour 1984; Mitchell 1998; Rawlings 1999). Previous geographical research in Vanuatu pertaining to the rural-urban interface as the site of significant cultural
change has focused primarily on the marketplace and economic forces rather than the changing land rights of peri-urban villages (Brookfield et al. 1969). Philibert (1981) and Rawlings (1999) have examined the processes of urbanization for two peri-urban villages of Vanuatu. Philibert addresses cultural change in Erakor village in the context of losing tradition and acculturation. He argues that the peri-urban identity is symbolized by participation in urban employment. *Kastom* is poorly remembered and rarely practiced because of an increased participation in the urban lifestyle. Rawlings’ (1999: 77) study of peri-urban Pango village, however, argues that cultural change does not require a break with the past, but rather that peri-urban villagers’ adaptations of urban influences shape contemporary culture in a way that is neither truly *kastom* nor truly acculturated. The influences of urbanization on traditional land tenure are not examined in any detail, a theme I believe is integral to understanding cultural change in Vanuatu’s land-centered cultures.

Van Trease (1981, 1983, 1984, 1987) has extensively researched the theme of land and colonialism in Vanuatu and makes a case for the integral role the cultural value of land played in the Independence movement. Lane (1971) and Tuiasosopo (1994) have also examined the effects of colonial land policies on local communities in Vanuatu, but again cultural self-determination is insufficiently acknowledged. Indigenous perspectives of land alienation are contained within the writings of Lini (1980), Sope (1972, 1977), Kele-kele (1977) and Arutangai (1987). Again, cultural change and land are often viewed in terms of a rejection of certain cultural practices due to external influences. However, Bonnemaison’s (1977) research of land tenure suggests that custom land practices and a cash economy operate in separate systems and therefore should not be juxtaposed as competing systems, although they may influence each other. Changing land tenure is thus best understood in this
framework of interplaying influences rather than as a contest between traditional and modern tenure systems.

This thesis will show that land tenure is shaped by a variety of interactive forces, which includes the external forces of economies (e.g. migration, market expansion, and tourism development) and politics (the power struggles that shape the constitutional framework, legislation and decision making). Internal forces, such as the values of land that are integral to culture and the changing demographics of Mele, are equally important factors generating change in systems of land tenure. Changing traditional practices need not result in a loss of the value upon which that practice was based. Rather, the values for land can be maintained but manifested in a new manner. Cultural change does not necessitate a loss of values even as people negotiate changing socio-economic environments. Values form the basis of culture and can remain intact even as their realization changes. By upholding their values, traditional people can maintain both their cultural integrity and ownership over cultural change, directing cultural change, and therefore retaining their identity.

2.3 Land Rights in Mele

This research presents a case study that highlights the interplay between cultural values and socio-economic forces in shaping the land tenure systems. In Mele village the traditional land tenure system sits side by side with the leasehold system. National land legislation provides formal avenues for land transactions. Custom landowners are responsible for negotiating their values in light of both legislative provisions and socio-economic forces. Enforcement of cultural rights comes from the grassroots level and not from the national authorities. For example, government authorities do not seek out situations where custom land rights have
been violated or threatened, rather they encourage landowners to present them with such cases for review (Lands Dept, pers. comm., April 2003). Custom landowners need to therefore be aware of their legal rights in order to monitor any infringement on them. Land companies operating within the leasehold system are best prepared for such events as they are well versed in the land legislation.

The Mele village land trust, Mele Trustees Limited, deals with returned lands that were alienated before Vanuatu’s Independence in 1980, when all alienated lands were returned to the rightful custom landowners. It is a village-based Trust that was legally established as a company in 1980 through the Companies Regulation Act (1980). Mele Trustees holds the majority of Mele lands that were alienated during the colonial period and have, as yet, unidentified custom landowners due to competing land claims. These lands constitute approximately 30% of the total Mele lands. The Trust has no legal rights to own land, as per the Companies Act, but represents the 29 families of the village (Table 1, Appendix D). Each individual villager is recognized as a beneficiary of the Trust and receives a yearly dividend. Mele Trustees negotiates with investors on the village’s behalf. It mediates between the Chief’s Nakamal and outside parties. The Trust integrates the traditional clan land tenure with the modern leasehold system to ensure that the community receives benefits from leased land. A newer family-based company, Evergreen Limited, also operates with formal leases. Beneficiaries of Evergreen Limited are members of the Malas family in Mele, who are also represented by the Board of Directors in planning and development meetings. Like Mele Trustees, Evergreen Limited mediates between the Malas family and outside parties.
Alongside these land companies, the traditional land tenure of kinship, marriage ties and informal ‘lease’ arrangements operate in the village. The value of land for the subsistence, power and identity it provides is reflected at all levels in the village, in both the companies’ practices, and clan and household land rights management. No goal is compromised, and legislative and economic influences are mediated in a culturally acceptable manner, although as will be later explained for Evergreen Limited, this is not always appropriately attained due to legislative loopholes.

3. THEORETICAL FRAMEWORK

Within a political ecological framework, the Mele case study can be understood through a comprehensive examination of the influences experienced at the village level, which include both top-down influences such as national land legislation and the national economy, and bottom-up influences such as family needs and cultural values. Using this approach, it is possible to obtain a thorough analysis of the influences that shape land tenure in Mele village, and how local cultural institutions negotiate the greater political, economic and social contexts to ensure that regardless of the land tenure system practiced, villagers’ needs are met.

3.1 From the Ground Up: Communal Land and Rights

In order to understand how land tenure systems can change, it is necessary to understand how a land tenure system emerges, particularly in the case of Mele, where land is a communal resource at the clan level. The notion of property in Melanesia differs from the Western concept of individualized tenure in that well-defined individual land rights for communal
land are absent (Ostrom 1990). However, both property institutions share some similarities in that they are based on the concept of land as a valued resource and are structured around socio-economic relations, whether familial or financial. Both Macpherson (1979) and Ostrom (1990) acknowledge that the institution of property, or land tenure, is the result of an interaction of values for land and socio-economic relations. The management of land rights within the institution of property is then based on mechanisms of legitimization of land claims, which in turn must reflect the values of land.

For a land claim to be acknowledged as legitimate, it must meet the requirements of the values that a land tenure system is centered around and it must be possible to integrate the claim with existing socio-economic structures. For example, if land is valued for subsistence, power and identity, a claim must present a strong case where these needs can be met, and the claimant must be recognized within the categories of right-holding for that property institution.

It should be noted that equal land rights are not implied in communal property regimes. There are various levels of land rights that are based on the legitimacy of a claim to land (Table 1). Rocheleau and Edmunds (1997) and Schlager and Ostrom (1992) refer to tenure as a bundle of rights within which are the rights to access, management, exclusion, and alienation (title). For example, if one does not have the right to title, one may still have the right to access and use the resource. The nature of one’s land rights can be categorized into primary, secondary or tertiary levels of right-holding with progressively diminishing rights at each level. At the primary level, rights are perpetual and inalienable, and enable direct authority over land. Mele males have primary rights and exercise their rights within their clan and family, deciding how secondary and tertiary rights are assigned. The secondary
and tertiary levels have weaker authority over land and rights, but they are distinguished from each other in that secondary rights are inalienable while tertiary rights are temporary. This distinction is based on the nature of the land claim, whether familial or financially oriented.

**Table 1. Bundle of rights associated with positions in Mele, Vanuatu**

<table>
<thead>
<tr>
<th>Level of Right-Holding</th>
<th>Primary</th>
<th>Secondary</th>
<th>Tertiary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Custom Landowner</td>
<td>Mele Trustees</td>
<td>Villagers i.e. women and males marrying into the village</td>
</tr>
<tr>
<td>Access and Withdrawal</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Management</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Exclusion</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Alienation (Title)</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
</tbody>
</table>

(After Schlager and Ostrom 1992)

Typically it is the primary right-holders who acknowledge and enforce land claims, whether through kinship and marriage ties as in traditional tenure systems, or through leasehold and financial transactions as in Western property regimes. The changing conditions that constitute a legitimate land claim for communally held property are significant influential factors on traditional tenure.

### 3.2 Negotiating Land Tenure

Ostrom (1990: 192) describes property institutions as comprising both operational and collective choice. The collective choice is based on shared values for land, which directly affect land tenure practices. Ostrom (1990: 25) points out that this self-organized collective
action interplays with external forces to monitor and enforce the negotiated tenure system, thus becoming operational choice.

Legitimacy of land claims has been previously described as being recognized within kinship, social or monetary and legal systems. However, a moral element can also be included. For example, if land is commonly valued for subsistence, and is managed accordingly, there exists also a moral justification for such a claim where individuals are granted land rights to ensure that they do not fall below survival levels. Scott (1976) refers to this as a subsistence ethic, or 'safety-first' principle where the aim is to provide the insurance of a support network for times of hardship. This subsistence ethic is realized through economic practices and social exchanges, such as patterns of reciprocity, forced generosity and gift-giving, communal land and work-sharing. In so doing, family members are kept at or above the subsistence level by sharing risks with the rest of the community. Even those not linked to primary right-holders through kinship ties or marriage can still attain subsistence through leasehold of some form, exemplifying how the subsistence ethic is inseparable from the management of communal land rights.

4. DATA COLLECTION

This thesis utilizes a case study approach to examine the interaction between socio-economic forces and land tenure strategy, within multi-level inquiry. Through a political ecological analysis, the Mele case study can be used to illustrate a potential outcome of the effects of Vanuatu's land legislation on local land tenure practices, demonstrating how one village's culture can uniquely adapt national land laws to suit their local needs. The case study approach utilized is not for representative purposes, but more simply for the basic value of
understanding a community’s involvement in changing land tenure, an approach called intrinsic case study (Stake 1994: 237). Through an in-depth understanding of Mele’s experiences logical inferences can then be made from the data to further explain the process of changing land tenure, high-lighting the explanatory value of the case study approach in addition to its exploratory and descriptive values (Mitchell 1983; Yin 1981).

The epistemology of land tenure in Mele frames the methodology of this research such that techniques chosen reflect the political ecological analysis of changing land tenure, that is, all levels of influence are examined. As Mele’s tenure changes are due to both internal and external influences, individuals, households, families, elders, government officials and businessmen were surveyed and interviewed to obtain a complete picture of land tenure in Mele. Using triangulation this information was supported with both archival research and the focus group discussion technique to corroborate what had been learned on an individual level. This latter technique was chosen based on both the obvious reason that communal property rights is the subject of research (therefore group forums are the typical form of meetings), and practical considerations regarding the community and local culture (less demanding time-wise and respectful of the consensual nature of village discussion), as well as my own previous experience with its success in other rural communities of Vanuatu.

As land is a sensitive topic in Vanuatu, nor are Melanesian women typically involved in land issues, my fieldwork questions focused on actual experiences. The general strategy to understand current practices of rights of access to land in Mele involved a seemingly indirect approach of questioning/surveying. However, this was an essential angle to take, in beginning research on land right practices. Questions began with an in-depth look at home garden plots (the major use of custom land in Mele) and then proceeded on to family land
management practices. Interpretations and inferences about Mele land tenure were later made by me during the write-up.

During the summer of 2002 I conducted a reconnaissance survey to record preliminary observations. In addition I conducted an archival retrieval of literature on Mele, which included a thorough analysis of National Statistics pertaining to Mele to establish a village profile. This was updated the following year in February 2003 when the bulk of the research was collected.

Fieldwork in the village comprised three techniques, household surveys and interviews, elder interviews and focus group discussions.

A. Household Surveys and Interviews

Mele’s total population is approaching 2000, within which there are 300 odd households, ranging from six to twelve people in size. Eighteen households were randomly selected for the survey, this figure chosen simply to allow for an in-depth understanding of the frames of reference, rather than for strict statistical purposes. The survey involved using a simple checklist of questions on village household economy (e.g. cultivated crops, store items bought that require cash), followed by an in-depth survey focusing on family land rights and genealogy. Triangulation techniques were employed by cross-checking household survey information with interviews and focus group discussions, as described below.

Individual interviews were conducted with key informants, identified using the snowballing technique and from which profiles will be selected. Genealogies (patrilineal) were collected for the households surveyed. Field data for this portion of the research has

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3 See Appendix B for survey and interview questions.
been grouped in categories due to villager reluctance to be individually identified (Appendix E).

B. Elder Interviews

Elders were interviewed to gain an understanding of traditional land tenure, whether through genealogy and inheritance, or through gift-giving. Their life histories were also collected to assess the influences on the village during their lifetimes. While not considered to be a true focus group, as a gathering of elders was not conducted, interviews with this generation allowed for an understanding of how villagers have typically adapted and adjusted to changes regarding land tenure. The village elders were interviewed about village history, custom land tenure and their views on the future of Mele land.

C. Focus Group Discussions

This research instrument was employed towards the end of the fieldwork, by which time the nature of my research was more widely known in the community, and by which time I was able to identify major issues within the village as they related to land tenure, and subsistence. Previous community studies in Vanuatu that have employed this technique have tended to focus on gender and age (e.g. ADB Poverty Consultation, July 2002). In selecting for focus groups I used existing groups in the village, such as the Women’s Group and the Youth Group, as this was the most convenient, efficient and least disruptive way of conducting research. I had intended to have a male focus group discussion but the men of the village were constantly occupied with other activities. However, the Youth Group contained many males between the ages of 16 and 40, therefore male opinion is represented through this focus group.
D. Other Interviews

In addition to purely village-based fieldwork I interviewed past and present members of the Board for Mele Trustees to obtain a company history and to see what the village has done to protect its lands. Past and present members of the Board for Mele Trustees were interviewed about the Trust’s land policy and management, as well as views on potential controversial land issues for the village, such as the migrant and squatter situation. I also examined land records for Mele land to view the process of land alienation in the area. Statistics for land leases (number, land-use type, demographics of lessees) were also collected to complete the picture of land tenure in Mele.

Similarly, to establish another frame of reference for this research, I conducted a review of commercial developments on Mele land as evidence for economic and social influences on traditional land tenure. This involved recording the type of the development, its time-span and how it has contributed to a changing village economy (how many villagers are employed, and what their policy is regarding employment of villagers)\(^4\). It should be noted that general reluctance on behalf of the some companies to answer basic questions about land leases renders this portion of the survey incomplete, although at the same time it illustrates the insecurity fostered by the leasehold system. However, some of this information, such as length and size of land leases, was available from the Land Records Office.

The household case studies, validated by focus group discussions, and accounts of village land companies’ management, verified through land records, comprise the bulk of the data collected, and were gathered to research how the cultural and political-economic values of land in Mele have shaped current land tenure practices.

\(^4\) Appendix C
The following three chapters contain the results of the village surveys and interviews, as well as an overview of land history for the area as obtained through archival research. Chapter 2 outlines the history of land alienation in Vanuatu, and specifically Mele, the experience of which formed the basis for current national land legislation and present property institutions in the village. Chapter 3 examines the impacts of demographic change, market economics and constitutional change on village land tenure, the latter having introduced the leasehold system to Vanuatu. Chapter 4 argues that Mele villagers remain rooted in the land in spite of pressures on traditional land tenure, as evidenced by continued subsistence practices, respect for traditional social institutions and a practical attitude towards changing land tenure. The final chapter discusses the future of Mele land regarding land leases, subdivisions, and village relocation.
PART II
THE SETTING

Photo 2. Mele village and Imere Island in Mele Bay, looking west, August 2003. Mele golf club is in the foreground and the Tukutuku plateau is in the far distance.
CHAPTER 2
LAND HISTORY OF VANUATU AND MELE

1. LAND IN A VANUATU CONTEXT

The previous chapter highlighted the importance of land to Vanuatu's cultures. The value of land as the basis of survival, and the identity strongly attached to place, resulted in resentment of the widespread land alienation by Europeans during the colonial period. This basic relationship with the land in Vanuatu is broadly referred to as kastom, which embodies the traditional knowledge and practices of the indigenous people. European influences in the islands eroded much kastom as land was exchanged and native practices were marginalized, so much that kastom became the rallying cry for a return to sovereignty over native lands. Kastom today in Vanuatu is not, however, identical to kastom of previous times.

The essence of living and surviving cultures is dynamism. Guiart (1986: 3) has pointed out that "traditional societies do not exist" as they are always changing. Even within a culture there is variation, making it difficult to accurately and thoroughly portray a culture. As a cultural concept, however, contemporary kastom in Vanuatu is an idealized construction of traditional knowledge and practices, implying stasis. As cultural change blurs the boundaries between the traditional and the modern, indigenous reference to kastom in contemporary Vanuatu is rather vague. Ni-Vanuatu remain aware of kastom ideals but can manipulate interpretations to suit changing needs. Thus kastom is a paradox of stasis and dynamism. Kenneth and Silas (1986: 71) have noted that traditional land tenure systems are often 'deceptively flexible,' implying that the seemingly easy accommodation of various demands for land masks a basic cultural tenet of the inalienability of land to the primary
land right holder. The ambiguous nature of *kastom* therefore allows communities to address the changing social (and natural) environments, while always rooted in basic cultural values.

This chapter traces the history of indigenous *kastom* land issues in Vanuatu that led up to the present system of land tenure in Mele, the study site, where traditional and modern elements merge. A description of the setting for the case study and an outline of the reasons for site selection are also included. Also outlined are the broader political, economic and social contexts, in addition to the values for land, that Mele villagers negotiate to shape contemporary land tenure. Property institutions currently governing land in Mele are then described.

1.1 **Vanuatu’s History of Land Alienation.**

Early land alienation occurred in the 1800s with the European missionaries and the occasional sandalwood trader, as land was often traded for material goods. The Melanesian reputation for violence and cannibalism meant that European interest in the 1840s was limited to sandalwood. Land alienation flourished, however, when the planters arrived in the 1860s. In 1867, on the island of Tanna, the first recorded sale of land took place (Map 1). Yet there was a value conflict as the islanders thought they were granting rights of access and use, not permanent ownership that alienated them from the land. This notion was never fully understood by the Europeans, who came from a different system of land tenure. The high value placed on land in Vanuatu meant that it was carefully allocated and monitored. Monetary transactions for land were an alien concept (Van Trease 1987).
In the early 1870s Efate became the favoured spot for settlers largely because the environment for land transactions was less volatile than on the southern islands in the archipelago. The early buyers were mainly British subjects, with French interest increasing in the late 1800s. The widespread French presence was largely the manipulation of the Société des Français aux Nouvelles Hébrides (SFNH), formed by John Higginson, which became the largest landowning company in the archipelago.

The diminishing British economic interest in the islands at the turn of the century fostered attempts to be more sensitive to custom land tenure, perhaps in anticipation of their departure from the region. In 1881 British land purchasers were required to register their claims with the Western Pacific High Commission in Fiji. Claims were required to include reliable information about the custom land tenure, in the hope that land transaction with Europeans would be limited when they understood that the local customs did not permit permanent alienation of land (Van Trease 1987: 23). Overlapping land claims by British, French and islanders were common, without any particular structure to resolve the situation.

In December 1907 the Condominium of the New Hebrides was declared in the attempt to force European citizens to abide by regulations (MacClancy 2002). The Condominium was a joint administration between Britain and France, whose citizens comprised the majority of foreigners in the chain. The creation of a Joint Court in 1910 did little to resolve land disputes amongst and between Europeans and islanders. In 1914 a Joint Protocol was signed that sealed colonial authority in the islands, not only over European citizens but also over the islanders, who were now bound by law to comply with the regulations of the Condominium. The ratification of the Protocol in 1922 enforced the procedures with which land transactions between non-New Hebrideans and New
Hebrideans were to be undertaken (Twomey 1970, MacClancy 2002). However, custom land tenure systems, while used to support islanders’ claims, were always judged within the European view of freehold land, rather than in Melanesian terms. In the early 1900s the British and French were encouraged to register their land claims. Registration of land furthered the alienation process because islanders did not understand this system. Customary land tenure was being pushed out by the European system of land tenure.

World War II was a turning point for many New Hebrideans as it marked the beginning of several indigenous movements for self-government. The presence of black and white American soldiers working side by side in the islands during WWII sparked movements for self-empowerment. While many had adopted Western religions and ideas, islanders still viewed the Condominium negatively and some did not want to see native customs die. Movements such as that of the John Frum on Tanna, and the Nagriamel at Fanafo, Santo, took a stand against the ways of the European administration. For the most part, however, islanders were rapidly converting to Christianity and adopting the ways of the West. This did not mean that custom was completely abandoned, however, particularly aspects that related to kinship obligations and traditional values, as these did not yet interfere with the European political-economic system. Island life therefore was a mixture of traditional and modern influences, although the return of custom law, particularly regarding land, became an issue for sovereignty.

In the 1960s due to the shortage of labour, planters turned to alternative means of production, mainly transitioning from plantations to cattle ranching. Planters then began to clear the *dak bus* (uncultivated bush land) situated within their land titles. Most New Hebrideans were unaware of these claims and still considered the *dak bus* as custom land,
an attitude that seems to have continued into the present day where lease titles are unknown or disputed. Confrontations ensued when fences were erected and bushes cleared in the *dak bus* (MacClancy 2002). The New Hebrides Cultural Association (NHCA) organized a demonstration of 500 people in Port Vila in support of legislation prohibiting land subdivisions, a step towards preventing further land alienation in the islands.

The NHCA, which was later renamed the New Hebrides National Party (NHNP), then the Vanua’aku Party (VP), was established in December 1971 and comprised ni-Vanuatu of all island cultures. It protested land alienation and promoted the preservation of the traditional way of life, or *kastom*. It called for a unified government. The President of the Party, Father Walter Lini, petitioned the United Nations in March 1974 criticizing the colonial administrations for delaying Independence.

In March 1977 the VP, Tanunion (a combination of francophone parties) and 1000 Mele villagers demonstrated to reclaim custom land alienated under a foreign tenure system. Their placards read ‘MELE KASTOM LAND’ and ‘JOINT COURT NO: CUSTOM YES’ (Sope 1977: 114). The demonstration highlighted a basic Melanesian understanding of the types of land rights, namely the difference between ownership and usufruct rights that the alienators had misinterpreted. *Kastom* had become the cry for Vanuatu Independence in the 1970s as through it land rights could be returned to their proper place with the indigenous people. However, as Tonkinson (1982: 310) has pointed out, *kastom* was never adequately defined, therefore allowing much room for negotiation of definition and manipulation of *kastom*. 

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RECEIVED
AS
FOLLOWS
During this unstable period of New Hebrides history, French settlers demanded that the French administration protect their property (Van Trease 1987; MacClancy 2002). After a turbulent period of various indigenous parties’ struggles for power and clashes with the administrations over the progress towards Independence, a Government of National Unity was elected on 14 November 1979. On 30 July 1980 the new Republic of Vanuatu was declared Independent and a Constitution signed.
1.2 The Constitution and Land Legislation

The culmination of New Hebridean protests against land alienation and their demands for a return to customary land tenure, was Chapter 12 of the new Constitution of the Republic of Vanuatu, devoted to land rights and practices. The Constitution acknowledges the utilitarian and symbolic relationship of ni-Vanuatu with the land, and ensures that ni-Vanuatu custom landowners remain in possession of their land (whether physically, or through lease) so that kastom is retained.

Enshrined in the Constitution is the requirement that “All land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants,” (Article 73). Article 74 advises that, “The rules of custom shall form the basis of ownership and use of land in the Republic of Vanuatu.” Article 75 acknowledges that, “Only indigenous citizens of the Republic of Vanuatu who have acquired their land in accordance with a recognized system of land tenure shall have perpetual ownership of their land.” Indigenous culture is thus upheld and legitimated through the formalizing of its values.

Constitutional recognition of custom land rights and tenure systems marked a victorious moment for ni-Vanuatu, who were now ensured the protection of their land rights. An estimated 20% of Vanuatu’s land mass was held in freehold title in 1980 (Table 2). At Independence this land was returned to customary landowners, although lease agreements could be made (Van Trease 1987). For many it resulted in an expansion of custom landholdings as alienated lands were returned to the rightful landowning clans.

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1 While these Constitutional sanctions could be interpreted as supporting rights based solely on race, the fact that traditional tenure systems based on kinship and marriage connections are sanctioned enables male ni-Vanuatu of mixed heritage to also have perpetual rights to land.
Table 2. Vanuatu’s Alienated Land February 1980

<table>
<thead>
<tr>
<th>Title Holders by Group</th>
<th>Area</th>
<th>% of total land area</th>
</tr>
</thead>
<tbody>
<tr>
<td>British or British optants</td>
<td>36,893 ha</td>
<td>3.10%</td>
</tr>
<tr>
<td>French or French optants</td>
<td>146,329 ha</td>
<td>12.2%</td>
</tr>
<tr>
<td>Municipal and New Hebrides Government</td>
<td>548 ha</td>
<td>.05%</td>
</tr>
<tr>
<td>Indigenous (individuals and reserves)</td>
<td>58,917 ha</td>
<td>4.95%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>241,678 ha</td>
<td>20.30%</td>
</tr>
</tbody>
</table>

[Total land area of Vanuatu: 1,188,166 ha]

Source: Van Trease (1980: 30)

Land legislation was introduced to accommodate the management of returned alienated lands, and to provide colonial landholders with some compensation, or avenues in which to legally maintain a presence on custom land (Land Alienation Act [CAP. 145]). Freehold titles were prohibited although the Land Lease Act [CAP. 163] provided guidelines for creating leasehold titles as, advising a maximum lease period of 75 years. Colonial settlers wanting to remain on the land were required to create a lease agreement with the custom landowners. The Land Reform Act [CAP. 123] empowered the Minister for Lands to act on behalf of a custom landowner where land rights were disputed, in order to enable development to continue. All land legislation is in accordance with the Constitution and protects custom rights, while providing avenues for development and profit-making. Thus it is possible for cultures to maintain their values for land while adapting to a new system. Mele Trustees’ unique integration of traditional and leasehold tenure systems, which enhances cultural benefits from protective land legislation, illustrates how culture can shape land tenure practices.
2. THE STUDY SITE

2.1 The Setting

In the introduction (p. 4) I outlined the reasons for selecting Mele as the study site. Aside from the intrinsic intellectual value of this case study, there were also practical reasons for site selection. As a community member I already had an insider perspective of village land issues. In addition as a resident through leasehold in Mele Bay, I have an outsider perspective of land affairs. This ability to ‘don two hats’ affords me the ability to experience both types of land tenure system, as well as enabling me to access privileged information that neither a villager nor a business could, without risk of friction. These advantages in research ensured that Mele was the chosen site, rather than another peri-urban village in Vanuatu.

Mele village is one of four peri-urban villages of Port Vila in southern Efate (Map 2). A community of 1,851 people, Mele is Vanuatu’s largest village and is located approximately 10km from Vanuatu’s capital and major urban center, Port Vila. The current village site is located at 15°S and 167°W on windward Efate, on the alluvial flood plains of the Rivers Teai and Tepakoa, an area classified as a high hazard risk for flooding after heavy rainfall and storm surge during cyclones (SOPAC Community Risk Seminar, February 2003). The fertile alluvium soils and the ease of access to flat land around the village mean that most gardens are cultivated in the immediate vicinity of the village, while villagers’ other less accessible land is found in the hills to the north of the village. Rainfall averages 2400mm to 3000mm per annum. Tropical diurnal temperatures range from 30°C/24°C in February, to 26°C/19°C in August, creating warm, moist conditions year-

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2 Table 1, Appendix C.
3 (www.meteo.vanuatu.com.vu)
round for cultivation. As a result, this area is green, lush and fertile. Tubers such as yam and manioc (*Manihot esculenta*) are typically grown as the staple crops. Most crops that are cultivated are perennials. May to October is the cooler, drier season, and November to March is the hotter, wetter period, which is also the cyclone season. As flooding is a frequent hazard, the village has begun plans to relocate to the uplands. In August 2003 the foundation of *Imere Fou* (‘New Mele’), the new village site in the hills, was formally blessed. Relocation of the village is encouraged by the Chief and his Council to reduce hazard risk.

In addition to the Mele village population, 738 non-village residents live on Mele land. These people are both *man aelan* and foreign expatriate residents, who have different cultures and languages to that of Mele. The neighboring village of Mele Maat is largely comprised of people from the island of Ambrym, who settled in the area in 1952 following a volcanic eruption on their home island. They settled at the invitation of a French planter by the name of André Houdié (Tonkinson 1968). Foreign residents typically live along the coast of Mele Bay. These Census figures are approximate, as since 1999 the constant in-and-out migration from the village and its surrounds has caused this number to fluctuate. Also, migrant families from elsewhere in Vanuatu, who have been designated caretakers for Mele families’ inland territory, are underrepresented by the Census figures. On a whole the Mele area, including both the village and other settlements, has been increasing in population.

Mele’s proximity to Port Vila affords villagers the ability to benefit both financially from the participation in paid employment in town, and from the comfort of village life.
(namely, rent-free homes and gardens abundant with food). As with the other peri-urban
villages around Port Vila⁶, villagers are often described by other ni-Vanuatu as having lost
their kastom. While this observation refers largely to changing traditional dress, housing
materials and rituals, it also includes the practice of ‘employing⁷ man aelan to cultivate and
care-take their land, while they work in town or for money. This research reveals, however,
the erroneousness of this remark about Mele villagers. Mele kastom is not neglected as
believed, and employment of man aelan in Mele gardens is easily rationalized. Indeed, only
20% of the village population is involved in paid employment of some form, while 96% has
food gardens⁸.

By appreciating the uniqueness of Mele’s situation on an urban periphery, yet
remaining relatively unchanged in the essence of village living, it is possible to gain an
understanding of the forces influencing Mele villagers and their relationship with the land
that have helped result in the land practices found today. The following section outlines
Mele’s history and the nature of village life.

2.2 History and Culture⁹

The name Mele comes from the word mere, meaning palm tree (Cycas rumphii miq.).
People from Mele refer to their home as Imere, or the place of the palm trees (Sokumanu
pers. comm. 2002). One of Vanuatu’s Polynesian outliers, Mele culture is a unique blend of
Melanesian and Polynesian customs. Its nearest cousins are people from Ifira, another

⁶ Rawlings 1999.
⁷ Some are paid in cash or kind, and typically reside on land adjacent to the Mele area, or may have an
informal lease arrangement.
⁸ Tables 4 and 5, Appendix C.
and Charlie Malasikoto (February 2003), with contributions from Maki Ling, Kaltabang Malastapu and
Leiwin Masovakolo (February 2003).
Polynesian outlier on Southern Efate, with whom they share a similar dialect akin to other Polynesian languages.

Polynesian influence in central Vanuatu has been dated to approximately 650 BP (Spriggs 1997: 207). During this period, paramount chief Roy Mata of Retoka Lelepa introduced the totemic, matrilineal clan system, referred to as *naf'lak*, to Efate. According to oral tradition, Chief Roy Mata demanded that all villages of Efate and offshore islands meet, bringing things of importance to them, such as breadfruit, yam, octopus and other edible items. This was a conscious effort to reduce tribal warfare by establishing friendly and peaceful relations between groups based on these items, which became the totems of the new ‘clans’ (who were not blood-related). Members of a totemic group could be assured of assistance from fellow totem members in times of need, such as when cultivation of their own land was impossible due to internal family disputes or lack of availability of arable land. Exogamous marriages were the law, as it allowed for political alliances between *naf'laks* ensuring an increase in one’s access to land, with the penalty of death for those who married someone of the same totem (Guiart 1959). This *naf'lak* land tenure system thus ensured continued access to subsistence from the land, where warfare could not interfere, and forged social relationships based around identity with a shared totem. Today, all the villages of Efate are linked through marriage and *naf'lak* or clan affiliations. However, the *naf'lak* system is no longer strictly practiced for passing on land rights. R.J.S Hutchinson was the president of a Native Court held at Pango, another peri-urban village of Port Vila, in 1970 and observed that Efate’s system of land tenure had changed from matrilineal to patrilineal three generations prior in all of Efate’s villages (Rawlings 1999).
The villages of South Efate bore the brunt of European influence in the islands. In the early years of European contact (late 1700s–1800s) much land in the area was ‘sold’ to European traders. Land was often exchanged for guns, tobacco and token trading items, although sometimes a small amount of money changed hands also. The joint colonial administrations of Britain and France chose Fila Harbour as the main center. The Fila islanders (more commonly referred to as Ifirans) in the bay were the custom landowners for the land upon which the central business district of Port Vila is located. As Vila grew from this focal point, land belonging to the Ifirans, as well as to those from Pango and Erakor, and even Mele, became alienated for colonial needs, such as commercial and residential purposes. The Mele forefathers were not really selling the land, at least not according to the Mele idea of land ownership, where land is shared and inalienable (Poilapa, Sokumanu, pers. comm. 2003). It is probable that Mele people may have then been chased away from these lands.

Christianity reached Efate on May 1, 1845, with the arrival of the London Missionary Society ship, John William, at Pango and Erakor (Miller 1981). These two villages were the first to be missionized, with Mele, Ifira, and the inland villages of Bufa and Imtang resisting Christianity until the turn of the century (Rawlings 1999). In 1877 Mele fought its last inter-tribal war with Lelepa before moving to Imere island (Miller 1981: 88). By 1908 all village settlements on Efate were coastal, while the interior was uninhabited, a land settlement pattern that is seen today.

Prior to living on Imere island, Mele people used to live in several villages spread throughout the present village’s territory on the main island of Efate. Villages were found inland as well as near the coast. Tribal warfare gradually forced people to move closer to
the coastline, some settling in different sites along the coast; the plains of the rivers Teai and Tepakoa, the hills above the coast, the Bukura area that is now a subdivided plantation, and Elluk Maltari (at the foot of Mount Pounapokasi, see Map 2). Those who survived the last inter-tribal war escaped to Imere for safety and started the first united village of Mele. The island was used solely for habitation, while people’s gardens remained on the mainland.

The first Chief of Imere was Ngos. After holding out against the missionaries, Ngos welcomed them into the village following the last inter-tribal war. During his reign villagers had land scattered throughout what is now considered Mele territory. Chief Malasikoto followed Ngos, and was succeeded by Chief Joe Nganga Titongatapu. During Titongatapu’s reign Mele’s territory, including old village sites and garden land, was divided amongst clans. Initially the land was divided between the eleven main clans, who then divided their land portion among their individual families. An additional two clans that established Christianity in the village, the Sope and Soromon families, from the neighboring villages of Pango and Erakor respectively, were also allocated land. In 1939 the Mele Presbyterian Church was built on the mainland, and traffic between the island and the mainland increased. The fourth Imere chief, initiated in 1949, was Chief Kalsaute Poilapa I who remained chief throughout the village’s move from the island to the mainland in 1950. In 1963 Chief Peter Poilapa II became Village Chief, and remained in this position until May 1, 2003 when he retired. A new chief is currently being chosen at the time of writing.

Although a Polynesian outlier, the chiefly system in Mele, however, follows the Melanesian tradition where men of the Nakamal elect the Chief. The thirteen clans of Mele are all represented in the Nakamal. Each clan is made up of smaller families, but on the clan
level a representative is chosen to take up clan concerns in the Nakamal. Each clan nominates a leader, who is then voted for in the Nakamal to contest the chiefly title. Chiefly title, therefore, is not hereditary in Mele.

Prior to Mele’s relocation to the mainland on 28th August, 1950, Chief Nganga had advised that the village relocate to the mainland in the 1940s. An estimated 300 - 700 villagers lived on Imere Island at this time. Two disasters, however, forced the village migration to the mainland. The first was a major fire on the windward side of the island that burned down a sizeable section of the village due to the houses being so closely built. The other disaster was the spread of disease, the culprit again being the crowded living conditions. During the mid-1940s the move to the mainland began with the help of Americans. People built houses on the land on which they had grown gardens, but many died of malaria because they were not used to living in dak bus where there were many mosquitoes. The colonial authorities created a grid-iron street system to improve village organization. At this time Chief Poilapa I banned land disputes about roads cutting through properties, saying that it was for the good of the village and therefore arguments about land boundaries were unnecessary.

The sense of unity that habitation on Imere fostered remained with Mele people even after relocation back to the mainland. Life in one village rather than the several of the ancestors was preferred, as identities had merged and clans had intermarried. During this time, under the joint colonial administrations of Britain and France, Mele land consisted of Imere island, the location of the new village (which the elders had planned prior to relocation in 1950) and the garden area behind the village. This land remained under direct customary ownership and has never been alienated from Mele people (Map 2).
Mele’s customs are as yet unwritten, although by June 2003 Chief Poilapa II and village elders had made considerable progress in the preparation of a written ‘Village Structure’ to record the by-laws of the village for future leaders to follow. Sokumanu (pers. comm. 2002) says that custom is “a way of living, a way of planting,” so that kastom on paper is not worth much unless people breathe the kastom life, as Mele people continue to do.

2.3 Land Situation and Traditional Access

Mele’s land boundaries extend from the banks of the La Colle River in the east to the Tukutuku plateau. Inland claims extend to Mount Pounapokasi (Map 2). However, as customary land boundaries in Vanuatu are not typically mapped and are based on oral tradition, references to Mele land for the purposes of this thesis include the boundaries mentioned above, but omit borderlands currently disputed with non-villagers.

All Mele villagers have access to land. Custom land tenure in Mele is based on a totemic, matrilineal mode of descent (the naf’lak), where males inherit primary rights to land through their maternal uncles and not through their father. Mele tribes, along with other tribes from Efate and its offshore islands, participated in this totemic naf’lak system. Each of the thirteen clans of Mele had a totem, a naf’lak, which was inherited matrilineally. The totems were selected from nature, for example the shark, naniu (coconut), nawita (octopus), tekuru (breadfruit), varieties of banana (pochi or avochi), and many varieties of yams (touji, malu). Ownership, or perpetual primary right-holding, of the land was through the naf’lak so it was important to maintain this knowledge. For example, if a person’s father was of the octopus naf’lak, and his mother of the coconut, he would follow the coconut

10 Table 3, Appendix C.
lineage. Each *naf'läk* had a ‘chief’ or head of the clan/ tribe who represented the clan at the village *Nakamal*.

While land rights traditionally followed matrilineal inheritance, double descent was, and is, also practiced so that a child could inherit land rights from both parents’ clans, although their children can only claim land rights to the *naf'läk* from both grandmothers (Fig. 2). Knowledge of one’s degree of land rights to a parcel of land was always maintained, as primary and secondary rights are a reflection of the nature of the kinship ties and social obligations.

![Diagram of Naf'läk Inheritance]

**Figure 2. Naf'läk Inheritance**

It has been suggested, however, that the two descent systems correspond to the types of land rights acquired, with primary land rights obtained through the matrilineal *naf'läk* system, and subsidiary rights obtained through the patrilineal system (Twomey 1970). Tertiary land rights granted to an outsider were understood to be temporary. This condition allowed the planting of only subsistence (and therefore short-lived) crops on the gifted land, so that the strangers could not claim usufruct rights to fruit trees in coming years. Strangers thus have highly restricted rights unless rights are acquired through other means such as a cash payment for a formal lease, or marriage into the clan.
In 1914, a Joint Protocol of the Condominium Laws legally protected colonial purchasers of New Hebrides land, which allowed for freehold titles to be registered with the Joint Court. This cemented alienation of native land by law. By this time, much of Mele’s land had been alienated from indigenous control, save for the current village and permanent gardens site. The colonial settlers controlled land transactions and development activities for the alienated tribal lands, which Mele villagers were not consulted about.

In 1956, not long after the village’s relocation to the mainland, the chief at the time, Poilapa I, petitioned a South Pacific Commission meeting in Suva, Fiji, requesting the return of some of Mele’s alienated land for future village location. Subsequently, the French Resident Commissioner, Pierre Anthonioz, on behalf of the French Government agreed to register 422 hectares of land in the Lama area to the village as additional community land (Guiart 1977: 12). This was registered under Title 1067 for the ‘Tribes of Mele.’ Imere island and the location of the current village and gardens were not registered, although the colonial authorities acknowledged these limits to land alienation. Land tenure on these lands remained traditional, while the alienated custom land was managed by a different land tenure system, following the Western tradition. During the nationalist movement in the 1970s, Mele villagers became actively involved in demonstrations for the return of alienated custom land. Subsequently, after Vanuatu’s Independence in 1980, the village set up Mele Trustees to oversee the returned alienated land. Due to the complexity of competing land claims and demands for compensation and/or continued use by the alienators, it was preferable for the village to establish a land trust to negotiate such problems rather than to revert all land concerns generated by a foreign system back to the custom land tenure system.
The majority of Ifira, Pango and Erakor land remains alienated today, managed by land trusts and developers. Mele also has large tracts of alienated land (11% of the total leased land on Efate and 21% of registered leases on rural Efate belong to Mele Trustees, [Farran 2002]), though not to the same extent as the other four peri-urban villages. All land generally classified as belonging to Mele is rural, and therefore falls under the jurisdiction of SHEFA Province (the Shepherds, Epi and Efate islands), one of the six administrative provinces of Vanuatu (Map 1).

While 11% of Efate land leases belong to Mele, all villagers have primary and/or secondary rights to custom land. Subsistence gardens are numerous as these are the basis for most people’s survival. The highly prized yam is cultivated for consumption as well as for ceremonial purposes. Gardening in Mele symbolizes more than mere subsistence. The value of land for power and identity, in addition to subsistence, places an emphasis on ‘getting one’s hands dirty’ regularly, regardless of other time commitments (Poilapa, pers. comm. 2002). The next section describes property institutions currently governing land in Mele.

3. PROPERTY INSTITUTIONS GOVERNING MELE LAND

Contemporary land tenure in Mele includes both traditional practices and an integrated ‘modern’ system of leasehold. In accordance with the Land Leases Act [CAP. 163], formal land transactions acknowledge leasehold title only for a defined period of time. Mele Trustees manages the majority of Mele’s formally leased land, while clans and families typically manage their custom lands, separate from the leasehold system and formally registered lands.

11 Table 3, Appendix C.
Land rights in Mele are traditionally defined through kinship and marriage relations. This practice is still alive today, although it is possible to also gain land rights through formal leasehold. The current understanding in the village is that males have primary rights to land, while women obtain rights to land through males, whether their husband or a family relation. Rights to land are negotiated at all levels of the community, from the household to the clan level (Fig. 3). Mele’s system of land tenure, however, does not place much emphasis on village level decision-making regarding clan land. The land tenure system is centered around clan and family units, although the Chief may give people land rights, especially when the population is high. The following sections are organized according to Schlager and Ostrom’s (1992) classification of positions associated with the bundle of land rights (Table 1).

<table>
<thead>
<tr>
<th>LEVEL OF COMMUNITY</th>
<th>RIGHTS (Members)</th>
<th>RIGHTS (Non-Members)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLAN</td>
<td>Access to</td>
<td>Extended privilege</td>
</tr>
<tr>
<td></td>
<td>Rights of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>accommodation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rights to</td>
<td></td>
</tr>
<tr>
<td>FAMILY</td>
<td>Right to residence</td>
<td>Cultivation</td>
</tr>
<tr>
<td></td>
<td>‘Ownership’ of house lot</td>
<td>‘Ownership’ of garden plots</td>
</tr>
<tr>
<td>HOUSEHOLD</td>
<td>Rights of use and cultivation</td>
<td></td>
</tr>
</tbody>
</table>

Figure 3. A Model of Mele’s Customary Land Tenure System (Lca 1983).
3.1 Clan and Family Land: Levels of Right-Holding

Contemporary clan land tenure acknowledges patrilineal inheritance of primary rights. Decision-making about clan land is carried out in the clan nakamal, where the males make decisions through consensus. Today, as described by informants, the naf' lak system is not practiced for passing on land rights. Mele villagers are aware of the naf' lak system, although many have forgotten their own totemic affiliations and its role in land tenure.

The naf' lak's diminishing role in land tenure has not altered the management of land rights at the family level. As under the naf' lak system, males remain primary right-holders and women have a subsidiary status. Land allocation within the family unit does not have a connection with clan land inheritance practices, which is why double descent is practiced in Mele. Patrilineal inheritance of primary land rights means that a family's land holdings are the result of a long genealogy of clan negotiations in the nakamal. A family is allocated a portion of clan land, which the male head then divides amongst his male offspring. For these brothers, they have sole authority over their designated land parcel but, through negotiations in the clan nakamal, may also access common clan territory as necessary. Their male heirs will directly inherit rights to their father’s land, and will also meet in the nakamal to discuss other clan land claims. In so doing, land parcels are always of a sufficient size for shifting agriculture. The clan does not distribute all its land amongst its members, reserving common clan land usually in the dak bus for hunting and gathering purposes. ‘Permanent’ sites for housing and cultivation are assigned to the authority of male family heads. Once a family unit is given land from the clan, whether through male or female lines, it has sole authority over the land.
Within the family and household the male head makes decisions regarding land use and allocation. This position is commonly referred to as that of custom landowner, in other words the permanent primary right-holder. This individual has the authority over all possible rights to land, including the right to title, where he represents his family (Table 1). Family land is subsumed under clan land, but does not overlap in claims with other families in the clan. Other clan members may be granted rights to family land after consultation with the head of that family within the clan. In some cases in Mele where there are large families, the land has not yet been divided amongst the male members, instead family members consult with the family head for a section. Where a male outsider has married into the village, he gains land rights through the daughter of the family, even though he is not of the bloodline. Alternatively, a Mele family may adopt him before the marriage takes place, and then allots him a section of land. As a subsidiary right-holder the male outsider only has direct authority over his garden plot, although his male in-laws may be consult him about land decisions. The male head of each nuclear family makes sure that each member is supported in some way by the land. It is rare for people in Mele to have no land rights whatsoever.

Standard land distribution practice in Mele varies according to the circumstances of each family, however, it is always the males who decide in the family or clan nakamal. An individual at any time has several avenues to claim land rights: through the father, the mother, adoption (tama fakare), gift-giving and marriage. The strength of any land right claims varies according to the nature of the relationship with the person passing on a land right, or the primary right-holder. For example, a married woman will use her husband’s land first before asking her parents for some ground. Again however, there is variation to
standard practice as there have been cases where a woman prefers to cultivate on her parents’ land due to tensions with her in-laws (two informants admitted to this). For children to access land through their mother’s lineage the mother’s previous family nakamal must first give permission, although oftentimes people are reluctant to do this lest disputes ensue. Also, people only ask for maternal land if that family has enough land to spare. As evidenced by informants’ stories, Mele villagers do not allow kastom to impede practical decision-making about land. One informant, a divorcee, now gardens on her mother’s clan land as she personally may no longer access her ex-husband’s land, although their children can. Her father’s clan land is smaller in size than her mother’s therefore this is the most practical option available to ensure continued subsistence without significant friction.

3.2 Mele Trustees

As a village-based company, Mele Trustees’ approach to the leasehold system of land tenure uniquely integrates Mele kastom and formal land leasing. The Trust manages leases for Mele land that was alienated during the colonial period, and for which custom ownership is still disputed. Mele Trustees does not deal with kastom land that was never alienated, such as the village, gardening and shifting cultivation sites (Map 2). This distinction is important to understanding why most clans do not participate in the leasehold system of tenure. Mele Trustees strives to uphold the clan system of decision-making about land in its operations. Outlined below is a history of Mele Trustees that has influenced the current structure of the land company.

Vanuatu’s leasehold system of land tenure is entrenched in bureaucracy. Mele Trustees negotiates land transactions on behalf of Mele village. Parties interested in
obtaining a lease for Mele land must obtain permission from Mele Trustees, who reviews each application to assess the benefits that might stem from a development. There are five lease categories according to the major type of activity occurring: agricultural, commercial, industrial, residential and special. The ‘special’ category may contain a variety of activities at a negotiated rent different from the other classifications. SHEFA Provincial Government and the Ministry of Lands must also approve development proposals before a lease may proceed. Each leaseholder then pays a premium on the land to Mele Trustees, which is based on the land area and length of lease, as well as administrative costs. Rents are paid annually, and vary according to the land use type. Typically, commercial leases are more costly than residential leases, with agricultural leases being the cheapest, as this is the preferred development type in the area.

3.2a History

Prior to national Independence, Mele village had a Land Committee comprised of representatives from each of its 29 families\textsuperscript{12} that oversaw activities on village land. This reformed to become the Land Council when Mele Trustees was formed in 1980. The Land Council served as the cultural watchdog for Mele Trustees, which operated in a modern leasehold land tenure system. At its inception it was a policy of the Trust that its Board members received advice from three bodies in the village: the Chief and his Council in the Nakamal, the Land Council, and Buule, a committee of elders dedicated to tracing genealogies to ensure rightful claims to land (Fig. 4). The Council ensured that the Trust respected the traditions of people it represented in that individual clans were involved in decision-making through family representatives. The Council and the Trust together served

\textsuperscript{12} Table 1, Appendix D.
to regulate development on Mele land to benefit villagers (e.g. though employment), and did their best to ensure that no land disputes would arise later. Thus the Land Council was a mediator between the villagers and the Trust, who was in turn a mediator between the villager and outsiders. The Committee of Elders, Buule, was different from the Council in that it was elected by the old people of the village to deal with matters concerning genealogy and oral history within land claims. These three bodies, Mele Trustees Limited, the Land Council and Buule, were answerable to Chief and his Council in the Nakama, and worked to examine proposals put forward for leases and custom land claims. Mele Trustees conducted the initial review of lease proposals before presenting only those proposals worthy of consideration to the Land Council. Proposals were considered based on the benefits they could offer to Mele, particularly employment. The Council then decided whether the proposals were in accordance with village opinion, and only then could the Trust prepare approved leases. Buule mainly examined land claims by villagers for Trust land, working with the Trust, the Land Council and the Nakama, in attempts to identify rightful custom landowners.

![Figure 4. Structure of Mele Land Bodies, 1980-1991.](image)

In keeping with its mission to manage alienated village lands for the benefit of Mele people, Mele Trustees’ policy was to limit land leases initially to existing settlers on the
land. According to Mickey Natokora, the 2003 Administrator of the Trust, agricultural leases were preferred, possibly because this could keep an expanding Port Vila at bay. Between 1980 and 1990, the Trust created five commercial leases and one industrial lease with some companies in which the village could invest as a shareholder. For example, Hideaway Island Resort was created in this manner. In some cases lease conditions were arranged for commercial developments to allow the Trust a fixed percentage of annual profits, in addition to annual rents. During these beginning years for the Trust the level of lease activity was minimal, with only 50 leases being made between 1980 and 1992. However, in 1991, recently graduated Mele university students banded together in opposition of Mele Trustees’ structure. They succeeded in abolishing the Land Council and Buule, and introduced in their place a committee of shareholders, comprised of family representatives. However, this new system placed more emphasis on the business aspect rather than cultural propriety. The new inexperienced Board created numerous lease without proper consultation with the Nakamal and without the transparency practiced by the first Board. Mismanagement issues ensued, resulting in substantial debt by 1994.

Determined to save the village land trust, the Chief’s Council in the Nakamal decided to transfer its business affairs to an offshore banking company, Moore Stephens, to salvage the village Trust. Henry Walter, the previous Board Chair, challenged the legality of this action because power over land would be transferred out of village hands. It was deemed legal, however, as it was acting for the rights of the people of Mele, who had rights to the Trust’s assets, which the university graduates had mismanaged. Moore Stephens was given permission to freely create leases without the consultation of the now-dead Land Council and Buule. While this distanced villagers over decision-making about Trust land,
the Village Council had no option but to do its best to save the community’s trust. Between 1994 and 1998 more leases than ever before were created, as this was the only way for Mele to pay off its enormous debt created by the second Board. During this period, 106 leases were created, compared to the 51 leases created in the first 12 years of Trust operations. Existing leases increased in rent. Most of these 106 leases were residential. Major subdivisions were created, such as those at Bukura Plantation, and in the area of the old Catholic Mission. By 1998 all Mele Trustees debt was paid off and the village, through the Trust, could resume control of the company.

3.2b Structure

At present, Mele Trustees is managed by a Board of Directors, which comprises six elected members who serve a term of five years. In 1998 a new Board of Directors was elected by the Shareholders, who are in turn elected by the Beneficiaries of the Trust, namely all the people of Mele. The Beneficiaries choose representatives from each of the 29 families of Mele to act as shareholders. In addition to the Board is an Administrator whom the Board appoints for a term of three years. As a village land trust, Mele Trustees strives to maintain the traditional system of decision-making through continuing to consult with family representatives, thus ensuring a general consensus.

Some families have more than one representative, this being for the large size of the family. At the end of each year the beneficiaries receive a small monetary gift from the Trust. Everyone in the village receives something, even if they are not originally from Mele, such as people who have married into the village. The amount given corresponds with the level of right-holding each individual has, therefore Mele men receive more than both
women and non-Mele husbands. In so doing, the Trust reflects the negotiation of land rights practiced in the traditional tenure system and is continuing the tradition of ensuring subsistence from the land, directly through substituting food crops with money, and indirectly through negotiating leases to create employment opportunities for villagers.

The Nakamal reviews leases before the Board makes the final decision about lease applications. During this time villagers may present their concerns, via a family representative, about proposed developments in the Mele area to the Chief’s Nakamal. Mele Trustees endorses the Nakamal’s decisions about land management, and today the writing of the Village Structure intends to reinstall bodies such as the Land Council and Buule to ensure that there are watchdogs set up within the community, so that the loss of money between 1992 and 1994, and the loss of control over village land management between 1994 and 1998 is never experienced again. The current Board has created at least 16 leases since 1998, although a further 65 are estimated to have been approved at the time of this writing. The most significant lease created in 1999 was for Benjor Resort, which has provided many jobs for villagers.

The next chapter examines the various influences on life in Mele village that have an effect on villagers’ application of land tenure. Mele villagers negotiate these forces to manage the land in a manner that best suits their needs and values.
PART III
THE CASE STUDY

CHAPTER 3

CHANGING FORCES ON MELE LAND TENURE

This chapter discusses both internal and external influences on village life in Mele that villagers negotiate to shape contemporary land tenure. Both findings and interpretations are presented together in order to link the themes that emerged from village interviews. Field data has been grouped in themes to ensure anonymity, therefore while this may detract from creating an intimate look at personal experiences it does allow for easy interpretation of data.

Broadly, there are three types of forces affecting Mele and its system of land tenure. These include changes in demography, market economies and legislative influences, which affect land use and land tenure. Mele’s proximity to Port Vila exposes it to new political, economic and social environments, and, as this chapter illustrates, it is the interplay of these forces with Mele’s cultural values that shapes contemporary land tenure. There is no significant order in the presentation of themes other than it reflects the emphasis placed on each force by informants.

1. DEMOGRAPHIC CHANGE

Demographic change is viewed as an internal influence, resulting from villagers’ own actions and decisions. The previous chapter briefly outlined recent demographic changes in the Mele area relating to both natural village growth and migrant growth. Between 1989 and 1999 Mele village grew by 1.9% although surrounding settlements did not change as much (Table 3). Residents counted outside of the village proper included both man aelan and foreign expatriates. De facto and de jure residents were not differentiated by the
Census. According to research participants, however, since the National Census of 1999 more man aelan and expatriates have moved into the area, posing a concern to village residents. At the same time, villagers do not consider themselves blameless in current land issues, citing their own village growth as a cause for concern.


<table>
<thead>
<tr>
<th>Village Name</th>
<th>1989</th>
<th>1999</th>
<th>Growth Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
</tr>
<tr>
<td>Mele</td>
<td>803</td>
<td>721</td>
<td>1524</td>
</tr>
<tr>
<td>Mele Bay</td>
<td>86</td>
<td>70</td>
<td>156</td>
</tr>
<tr>
<td>Mele Maat</td>
<td>298</td>
<td>256</td>
<td>554</td>
</tr>
<tr>
<td>Total</td>
<td>1187</td>
<td>1047</td>
<td>2234</td>
</tr>
</tbody>
</table>

Source: National Population Census 1999

1.1 Population Growth

Research participants unanimously agreed that Mele’s growing population is placing pressure on the current system of land tenure. At present, the opinion is that there is sufficient land for the village population but in the future land availability will be significantly reduced. The role of kinship ties and marriage in Mele’s land tenure system has been identified as the major reason for diminishing household plot sizes. Unlike the preceding generations, women today are remaining in the village after marriage to an outsider, because their husbands benefit from Mele’s proximity to Vila (for example, paid employment). In so doing, the amount of shared land households receive is reduced, which the women’s focus group vividly described as “ol garen i kakai graon” (gardens are consuming the land). Density of housing in the village is also a concern as the population increases. The proposed relocation to Mele-Lama in the hills means that man aelan living in the hills on family land need to move out to make space for Mele’s population.
Population growth in the village is causing clan and family land decisions to be more centered on sustainable land use and distribution, in which a subsistence norm is inherent, rather than money through sale of land leases. One informant emphasized the need for villagers to “tingting street lo graon,” that is to manage land in a sustainable manner rather than aiming for immediate monetary gain. Participants in the focus group discussions described life in Mele as “mifala i las lo fenis” where leased areas restrict villagers’ access to clan land in the dak bus. While colonial land alienation was protested on the grounds of native rights to power over their land heritage, contemporary land alienation is protested due to the more pressing concern of a growing population that requires more land for subsistence needs.

1.2 Migrants/ Squatters from other islands

The proximity of Mele village to Port Vila has resulted in significant outside interest in the area, effectively increasing demands for Mele land. The area is heavily visited by those living in town, whether for recreation and fishing, or for the use of land for gardening. The high town rents are causing people, particularly recent immigrants from other islands, to seek cheaper housing outside of Vila. Non-villagers wanting to reside on Mele land may develop an informal arrangement with the traditional landowner. Some informants were reluctant to admit to having outsiders living on their land as caretakers or simply for settlement, as this is discouraged by the village Nakamal. However, it is difficult for the Nakamal to monitor informal lease arrangements as culturally and legally it has no direct authority over custom land. Rather, individual clans and families must uphold Nakamal
policies. Alternatively, there is also the option of creating a formal lease with the custom landowner, either directly or, more typically, through Mele Trustees.

The *man aelan* currently living on Mele land tend gardens at the invitation of the landowning families. This in itself is often cause for clan disputes, particularly where migrants have been allocated a portion of communal clan land rather than part of an individual family’s plot. *De facto* leases in this case undermine clan authority.

The *man aelan* are typically from the island of Tanna, although sometimes people from Paama also come seeking employment. Blacksands residents frequently visit Mele area seeking garden work in exchange for food, clothes or money. Men and women walk eight kilometers from Blacksands area to Mele village asking for work from house to house. Some have regular employers, but most just try their luck. People from the nearby village of Mele Maat also come looking for work. Most informants, even those who were unemployed, reported hiring help for their gardens, such as weeding and major bush clearing (Table 4). Payment is typically in the form of food, clothes or money (typically VUV$^2$ 500 per day for weeding, VUV 3000 for bush clearing).

Table 4. Land use of surveyed households in Mele, February 2003

<table>
<thead>
<tr>
<th>Subsistence Garden</th>
<th>Cash crops</th>
<th>Formal Lease for Land</th>
<th>Informal Lease for Land</th>
<th>Employ <em>man aelan</em> in gardens</th>
<th>Desired development on land</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Households (Total = 18)</td>
<td>18</td>
<td>13</td>
<td>1</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>Rental (6)</td>
<td>Sell sand (1)</td>
<td>School (1)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Tanna and Paama are both densely populated islands therefore comprise a large percentage of Blacksands area, a squatter settlement on the outskirts of Vila – see Map 2.

2 Vatu, the currency of Vanuatu. Approximately VUV 110 make USD 1.
Today there is growing concern about the presence of man aelan on Mele land, as the expanding village population demands the use of land that was previously dak bus. Some informants voiced concerns about the status of man aelan as although their settlement on Mele land is not permanent, many have been there for years protesting attempts at eviction. As one female informant pointed out, “i had blo ronem man aelan nao” (it is difficult to evict these outsiders). The man aelan have less of a commitment to Mele’s customs, and even to their own customs from which they are now removed. As youth informants described, “man Tanna i mekem garen i no respectem ona” (the Tannese use our land but do not respect our custom landowners). In addition, the man aelan are viewed as taking advantage of Mele villagers. Particularly those who cultivate their own gardens on Mele land and sell their produce at the Port Vila Market, competing with Mele vendors.

The atmosphere surrounding man aelan on Mele land is laden with controversy because on the one hand Mele families have permitted man aelan to be on their land, but on the other hand, now that Mele families want to remove them the man aelan are demanding compensation for their labor and improvements to the land. Many of the man aelan feel that their labor on the land over the years is worthy of financial compensation or payment in kind. This claim is not legally recognized due to the nature of informal lease agreements. Informants identified Mele’s “sharing spirit” as the culprit for current squatter concerns. They consider man aelan to be taking advantage of the generosity of Mele villagers, who do not particularly require care-takers for their land but want to assist fellow ni-Vanuatu.
2. MARKET ECONOMICS

As a peri-urban village, Mele is often described by other islanders as having lost its *kastom*, particularly in the sense of traditional attire, housing, ceremonies and cultivation. Such a sweeping statement, however, is based on ignorance as Mele’s value of yam cultivation and associated rituals remain central to village existence. The opportunities for paid employment exceed those of other rural villages in Vanuatu, therefore villagers can afford to purchase modern housing materials strong enough to weather cyclones and good quality first and second-hand clothing in Vila’s stores, both indicative of modernization. European store foods are also easily accessible. This interaction with Port Vila places Mele at a development advantage over these villages, which I feel is resented by *man aelan* who choose to ignore Mele’s strong cultural existence.

Through village interviews it became apparent that participation in formal employment is not necessary to the village lifestyle, where garden produce comprises the majority of caloric intake (Table 5). While all informants planted subsistence produce less than third specifically plant cash crops oriented towards the expatriate market. When cash is however required for ‘extras’ such as luxury food items (i.e. coffee, tea, sugar, rice, bread), school fees and village water and electricity bills, surplus produce can be sold. As only 20% of the village is formally employed, the remainder earn cash through the sale of garden produce in the Vila Market House or, more rarely, through the sale of land leases. While few pursue this latter option, the attraction of the one-time large sum of money is often difficult to resist.

<table>
<thead>
<tr>
<th>No. of Households (Total = 18)</th>
<th>Subsistence Garden</th>
<th>Cash Crops</th>
<th>Purchase Store Foods*</th>
<th>Other Cash Use**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18</td>
<td>9</td>
<td>4</td>
<td>18</td>
</tr>
</tbody>
</table>

* Items such as rice, bread, milk, coffee, tea, milo, biscuits and so on, that Vanuatu typically imports.
** Payment for school fees, tithes, purchase of machinery and construction materials.
+ ‘European’ crops refers to those grown for the expatriate market in Port Vila, such as lettuce, tomatoes, onions and potatoes.

There is potential for families to be more integrated into the modern market economy through development on their land, such as where some families have created partnerships with foreign investors who finance development projects. One example is a small resort within the village boundaries that is a Mele family’s tourism venture with Australian backing. This business partnership enables the family to profit from their land despite lacking starting capital to do so. The pre-requisite of starting capital in addition to land for any development is often the reason why few Mele families have developed their land themselves. Starting capital can be obtained through the sale of a land lease, but at the cost of the land for development. Custom landowners feel trapped by the market system where they are forced into an either-or situation regarding land rights.

Integration into a modern market economy, as mentioned earlier in this section, is sometimes viewed as a loss of culture or kastom by ni-Vanuatu. However, as reflected in the Constitution, in village nakamals, and in village socio-political systems, land is the ultimate definer of kastom, regardless of the external displays of material and ritual culture. Land is at the heart of kastom, as all traditional social and cultural (and political and
economic) relations relate back to land tenure. Without land, people have no identity, and therefore have no culture. Land is *kastom*, and *kastom* is identity, which in turn is culture.

3. CONSTITUTIONAL CHANGE

Constitutional support for custom land rights laid the foundation for Vanuatu’s subsequent land legislation, which aims to protect landowners’ rights. By prohibiting freehold title and permitting leasehold titles only, the Land Lease Act [CAP. 163] introduced a new system of tenure to be incorporated into *kastom*. To ease the transition from freehold to leasehold, the Land Alienation Act [CAP. 145] made provisions for foreign settlers on Vanuatu land to either receive compensation for their property losses after 1980, or to create leases for their properties with the identified custom landowner. Acknowledging that a young Vanuatu still needed to develop, the national Government empowered the Minister of Lands to act as Lessor for disputed custom lands in the Land Reform Act [CAP. 123]. These three land laws have greatly influenced the changing landscape in the Mele area, both through the actions of the Minister of Lands and through the procedures regarding previously alienated land. Indeed, the majority of Mele’s current land leases are for land that was alienated prior to Independence. Described below is the extent of leasehold on Mele’s land and how this has influenced both the physical and cultural landscape.

3.1 Land Use Change: The Leasehold System

The Vanuatu Government introduced leasehold title to land as a way to enable development of land for economic benefit without permanent alienation of custom landowners from their tribal land. It is a move from the traditional forms of land tenure,
centered round the clan and family unit, to an individual-centered, profit-making land transaction. Such a transition places pressure on the traditional tenure system, particularly due to the involvement of money, which is easily concealed in bank accounts and therefore undermines the cultural norm of openly sharing one's (garden) wealth.

The Land Lease Act [CAP. 163] is the primary law that directly protects custom landowners' rights. Through the lease arrangement a primary right-holder, whether a custom landowner, the Trust, or the Minister of Lands, transfers his usufruct, management and exclusion rights for a maximum of 75 years. Leases are created within the broad categories of agricultural, commercial, industrial, residential and special. The leasehold system enables outsiders with no kinship or social connection to landowners to enforce a land claim through the exchange of money. The economic appeal of allowing land rights through the leasehold system results in a changing cultural landscape.

As Mele Trustees manages disputed clan lands that were previously alienated, it is involved in the ongoing process of identifying the right custom landowners. Once they have been identified, the Trust will transfer the land to the family, but conflicting land claims have impeded this process for much of Trust land. In accordance with the Land Alienation Act [CAP. 145], the Land Lease Act [CAP. 163] and the Land Reform Act [CAP. 123] land leases were made with foreign farmers wanting to remain on the land. In the first year 16 leases were signed, of which ten were agricultural (Fig. 5). Mele Trustees manages most leases on Mele land today, although the Minister of Lands has also created a few leases such as those with Evergreen Limited, a younger Mele land company that disputes some of Mele Trustees' land holdings. Evergreen Limited will be discussed in
further detail in the following chapter. Some individuals are also involved in land development.

![Mele Land Lease Activity, 1980 - 2001](image)

**Figure 5. Mele Land Lease Activity, 1980 – 2001** (Source: Farran 2002)

### 3.2 Mele Land Leases

Mele’s land leases are categorized into five major land uses; commercial, industrial, agricultural, special and residential. These categories ostensibly guide development as different fees are assigned to each activity in an effort to encourage preferred land uses.

The village prefers to limit residential development but for reasons explained later, has had difficulty in upholding this policy. At present there are up to three hundred formal leases made on Mele land (see Table 6). Incomplete records, and multiple leases for the same parcel of land in some cases, do not permit definite numbers. Moreover, the number of leases does not reflect the full extent of development in the area as some custom owners

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3 See data table in Appendix D. Data was unavailable for 2002, and I estimate at least 65 new leases created in 2003.
have developed their land for their own business ventures and may or may not have formally registered their land. Thus land use changes are more extensive than official records indicate. It should also be noted that the category for a lease does not have any particular bearing on the actual activity that takes place. For example, Benjor Resort, a commercial and tourist site, is on an agricultural lease. It is up to the Lessor to monitor such deviations from a lease agreement (Lands Department, pers. comm. 2003).

Table 6. Mele Land Leases by Land Use (2003 estimates)

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF LEASES*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (includes Tourism)</td>
<td>58 (5)</td>
</tr>
<tr>
<td>Industrial</td>
<td>2</td>
</tr>
<tr>
<td>Agricultural</td>
<td>51</td>
</tr>
<tr>
<td>Special</td>
<td>1</td>
</tr>
<tr>
<td>Residential</td>
<td>110 (60)</td>
</tr>
<tr>
<td>Use not indicated</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>224 (289)</strong></td>
</tr>
</tbody>
</table>

Source: Farran 2002

* Figures in parentheses are estimated number of leases made since Farran’s 2001 research, based on my own examination of Mele land records.

Today, of the 224 formal leases on Mele land, 23% are agricultural and 26% are commercial/industrial leases (Farran 2002). The presence of economic developments on Mele land is attributable to both the colonial legacy and the land policy of the village. Many of the current agricultural leases are for land that was alienated prior to Independence, and for which custom landowners are as yet unidentified. Foreign settlers who chose to remain on the land after Independence were able to create new leasehold titles with the landowners, as per the Land Alienation Act [CAP. 145].

Port Vila and its hinterland is becoming a vacation home place for Australians and French in particular as the relatively cheap real estate attracts foreigners. Through
companies such as Mele Trustees and Evergreen Limited investors are able to access leasehold titles. The majority of residential land is leased by Mele Trustees. Mele Trustees has approximately 50% of its leased land in the residential category (Farran 2002). This figure will be increasing as at the time of the research several new residential subdivisions were in the process of being approved by the Ministry of Lands (Photo 5).

Photo 5. Patche Subdivision, August 2003

The expansion of residential development, which outstrips that of agricultural and commercial developments, reduces opportunities for paid employment in the locality, as residential leaseholders do not employ as many people as other lease categories do. Typically Mele’s individual families do not formalize lease arrangements in the legal system. There is however the exception of the Chilia Family Association, who has leased Lavnea, by Mele beach, to an outsider, who in turn has formed a Suago development
project to create condos on the beachfront property. Most families are unfamiliar with the legal processes required for land leases.

Few of the formal lessees are indigenous ni-Vanuatu, as most indigenous ni-Vanuatu have rights to custom land of their own and therefore do not need to claim extra land. Those who do reside on and/ or use Mele land typically prefer to make informal lease arrangements, such as those with Tannese families at Mele Lama. Records for informal leases are non-existent.

4. IMPLICATIONS OF CHANGING SOCIAL, ECONOMIC AND POLITICAL CONTEXT

Mele villagers view demographic change as the main influence on changing land rights. This is largely due to their direct involvement with population growth and man aelan, where any undermining of clan tenure is immediately noticed. Moreover, Mele villagers do not typically access custom lands held by Mele Trustees and therefore are not directly involved in the leasehold system, a major contributor to the contemporary integrated land tenure system in Mele. Market economics has the potential to greatly alter traditional land tenure, as it is particularly its links to the land legislation that places the greatest pressure on clan tenure.

The nature of Vanuatu’s leasehold system is rooted in the inalienability of permanent custom land ownership, yet introduces new potentially alienating mechanisms to be negotiated by custom landowners. Custom landowners throughout the country are only beginning to recognize this paradox. Mele land rights are no longer enforced based solely

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4 In June 2003 custom landowners throughout Vanuatu agreed on the need to increase legal protection of custom land. Those in attendance at the Conference on Management and Use of Customary Land, University
on kinship ties or social relations, but also on financial benefits. The system of land titles and registration initiates a process of alienation as official records for land expose it to a foreign economic system. Land development is also controlled by the structure of land legislation. Current discourse about the registration of custom land to create leases highlights issues of individual versus family land rights, and the level of success in protecting custom land rights from alienation.

Research participants commented that leases have limited Mele villagers’ movement on their land, and thus restrict their land claims. Access to coastal land and marine resources, while not legally restricted, has decreased due to the traditional understanding of ownership and usufruct rights, where permission must be obtained from the new lease ‘owner’ prior to access. Many villagers view leasehold as a freehold arrangement due to both a lack of understanding about Vanuatu’s land legislation and the transfer of effective rights. Subsequently, villagers have had to compromise their way of living. For example, sometimes they have to buy rather than catch fish, or hire a truck to access their garden land in the hills because coastal garden land is being leased. Villagers feel that Mele is penned into its current site by leases.

It can be argued, however, that leasehold title is a more secure way of ensuring recognition of a clan’s custom land rights. Boundaries can be formally recorded and mapped, cementing knowledge of traditional boundaries. Furthermore land registration means bank loans are more accessible to custom landowners, as a formal land title is a more valuable asset with which to obtain a mortgage than land for which there is no formal written recognition. With a bank loan, families have the starting capital for their own
economic ventures and therefore need not transfer effective rights to gain an income. At the same time, however, money was identified as a major problem for land, generating a return to land alienation as custom landowners are forced to create leases rather than develop their own land due to their financial inability to have starting capital of their own. Thus their rights to land use are surrendered for the period of the lease. The reluctance to formally survey and register land is seen by some informants as a stand in favor of customary tenure, where boundaries are traditionally fluid and are therefore difficult to record. Land registration makes alienation are more probable outcome than no land registration at all.

Most informants admitted to wanting to develop their land to generate an income (Table 4). Desired development was typically the building of rental homes or running a small business like a corner store. However, sale of land rights through lease is not the preferred option as villagers do not want to be denied absolute power over decision-making for their plots nor do they want to weaken their land rights. Many stated that they would like to build homes to rent, which does not require land registration, and allows for direct monetary gain. Land registration is viewed as a step towards land alienation and a practice that could undermine family harmony.

Formal lease agreements with families may soon be the case as Mele Trustees identifies custom landowners for the land held in Trust (as is the case where leases are with both Mele Trustees and a family). Yet with families controlling the leases, land tenure can still be managed according to the cultural values for land. Villagers' responses to the forces described in this chapter enables an integrated approach to land tenure in Mele, where needs from the land may still be met. The following chapter illustrates this.
CHAPTER 4
ROOTED IN THE LAND

1. THE STRENGTH OF CULTURAL ELEMENTS

As Mele villagers negotiate the forces of changing population, market economics and land legislation, the strength of certain cultural elements can be seen in the emergent integrated land tenure system. In a culture where land is highly prized for both utilitarian and symbolic reasons it is to be expected that villagers remain rooted in the land even as practices related to land change. This chapter examines three broad areas of Mele culture that comprise villagers' relationship with the land; subsistence practices, social institutions and land tenure, particularly where leasehold has been integrated. The response of Mele people to remain rooted in the land while negotiating changing socio-economic and legislative contexts are highlighted in the following analysis of cultural elements.

1.1 Subsistence Practices

Subsistence cultivation in Mele remains highly valued, for caloric, ceremonial and practical purposes. While the contemporary diet is not purely subsistence based, the symbolism of surviving from one's land and labor remains important to kastom status and power, as evidenced by the land use of surveyed households (Table 4). The value placed on retaining cultural knowledge is still commonly acknowledged, even though modern-day practical situations may not rely solely on these traditional practices. For example, yam is cultivated in the traditional manner due to its cultural significance, but because it can be labor-intensive and slow growing, the hardier and higher yielding manioc crop is grown to ensure food year round. Indeed, this theme is consistent with the modern view of kastom in
Vanuatu, where *kastom* is idealized but not rigidly upheld in order to accommodate different circumstances.

As previously stated, only 20% of Mele’s population is formally employed, with 96% still cultivating subsistence gardens. Based on village interviews, paid employment has not altered the subsistence-based livelihood of Mele. Those participating in paid employment tend to use their spare time to garden, although typically there are other family members to assist with cultivation when an individual is too busy, such as wives and children. Some families may employ hired help for their gardens if they are too busy with other community work. The hiring of extra non-familial help is a new practice that is a Mele response to increasing *man aelan* in the area. Cultivation of the land in terms of use of tools and orientation of produce to household consumption has not been changed. With regards to the crops cultivated, tubers such as the yam, manioc and sweet potato remain central to the garden plot. Where villagers’ generate an income through the sale of produce in the Vila Market, it is usually the surplus from their subsistence gardens. A few villagers plant separate cash crop gardens containing European diet-oriented foods such as lettuce and tomatoes, although according to informants these are an exception to the norm. Mele’s gardening culture therefore remains largely unchanged in its orientation to the household.

As one male informant aged, 33, explained, land is life, therefore people in Mele must always “*tingting streit lo graon.*” That is, to make decisions centered around sustainable subsistence land use rather than money. With a secure subsistence base, villages can always be ensured a space for survival, thus not viewing land as a source of cash. In Vanuatu, this is a realistic goal for villagers as money is unnecessary for a subsistence lifestyle, although all use cash to supplement an otherwise basic existence.

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1 Tables 4 and 5, Appendix C
Money is required for school fees, Church tithes and the purchase of luxury items such as outboard motors and television sets.

The cultural importance of cultivating a garden, which is the primary subsistence base, to contribute the highly valued yam at village ceremonies, prevents villagers from foregoing direct involvement with the land. The cultural significance of cultivating Mele-grown yams is not only a display of identity but also one’s skill at yam cultivation and one’s ability to contribute to custom affairs through the crop are high measures of status and community spirit. One’s skill at yam cultivation is measured according to the style of cultivation\textsuperscript{2} and the number, size and taste of the yams. This is the way of life in the village that villagers proudly defend as uniquely Mele, which neither paid employment, population pressure nor land legislation have undermined. In addition, there are practical implications of upholding traditional yam cultivation, as having a garden demonstrates one’s continued relationship with the land, and thus stakes one’s claim to it.

1.2 Social Institutions

Mele’s social institutions relating to land include both the traditional matrilineal naf’lak system and the patrilineal system. The diminished role of the naf’lak in land tenure, combined with the transition to a patrilineal system, often results in competing land claims due to the double descent system that is practiced. Both inter- and intra-clan land disputes arise when these social institutions are confused, a situation exacerbated by increasing demands for land by a rapidly growing village population. Described below are the changes to Mele clan tenure over time, including women’s land rights, and the nature of land

\textsuperscript{2} In Mele there are two styles of yam cultivation: maliara (“bamboo” method) and atono (“box” method). The latter is a more time-consuming practice but reflects villagers’ prowess in gardening, therefore this is the more widely practiced method. Very few people practice maliara.
disputes in both family and Mele Trustees affairs. The inclusion of Mele Trustees in land
dispute resolution refers to currently leased lands that are being claimed by clans who seek
both village and legal recognition of their custom rights.

1.2a The Naf'lak System and Clan Tenure

Most informants did not remember their matrilineal naf'la and practice patrilineal
inheritance instead (Table 7). However, those who do remember their naf'la still practice
patrilineal inheritance. According to Sokumanu, Protestant missionaries encouraged the
change (pers. comm. 2002). Informants explained that the complex social links within the
naf'la system are a more confusing way to trace land rights than through paternal
bloodline, particularly where land disputes are concerned. For this reason matrilineal
inheritance has been abandoned in practice. However, the reduced importance of naf'la
could also be a response to population pressure as fewer people can claim rights to an area
of land, if bloodline rather than totemic affiliation is recognized. The naf'la system is still
recognized in social events where totemic clans show solidarity at weddings and funerals,
for example. Naf'la-based land claims can still be acknowledged today, although
according to the informants, villagers will only claim rights to land where kinship ties are
clear as this reduces the possibility of a land dispute. Today the naf'la system only has
ceremonial value.
Table 7. Land tenure systems practiced* by surveyed households in Mele, February 2003

<table>
<thead>
<tr>
<th>No. of Households (Total = 18)</th>
<th>Naf'lak Inheritance</th>
<th>Knowledge of Naf'lak</th>
<th>Patrilineal Inheritance**</th>
<th>Combination of Naf'lak and Patrilineal Inheritance</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>5 certain</td>
<td>18</td>
<td>18 theoretical</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3 uncertain</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>10 don't know</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Practiced rights as opposed to theoretical rights, which may exist but are not acted on.  
** Includes women’s land rights obtained through marriage.

At the family level, patrilineal inheritance is practiced. Family decision-making in Mele varies between families as circumstances may differ. Decisions are made within the boundaries of kastom in that the type of rights granted to a person reflects the relationship with the primary right-holder. For example, a cousin may only be permitted to gather firewood from the land while a son can plant a garden. However, these boundaries are flexible such as whether married women retain usufruct rights to their parents’ land. Generally the Chief does not dictate family decision-making about land, although the village policy for land development is discussed in the village Nakamal, which all male family members should be aware of. For example, it is the village policy to ensure an inalienable village site, with free and easy access to marine resources, particularly between the rivers Teai and Tepakoa (Map 2). There have been cases where land transactions between families and outside investors have resulted in leasing out land within the village boundary. As formal lease agreements were signed in such cases, the village cannot reverse the decision, a fact that highlights the sense of permanency implied by a leasehold system and the loss of cultural power in a legal system. This clash between the traditional and
leasehold tenure regimes highlights a flaw in Vanuatu’s Constitution, which supports clan rights regarding land, but not community rights. The impact of one clan’s land activities on the surrounding community’s land is not considered (although the recent Environment Act hopes to alter this). While traditionally both community and clan concerns could be resolved in the Nakamal, the legal preference for clan rights over community rights weakens the authority of village Nakamal, thus undermining traditional tenure. While it may not have been the intent of the Constitution and subsequent land laws, the Nakamal’s authority is subordinated to leasehold.

Many families in the village have formed associations to manage dealings with clan land. Where custom landowners have been identified for land held by Mele Trustees, family associations manage the transfer of benefits.

1.2b Women and Land: Secondary Right-Holders

According to tradition in Mele, women typically do not have direct rights to land. Rather, they obtain rights through male kinship ties (such as a father, brothers or uncles) or through marriage. This practice is explained by the analogy that women are like birds, flying from the coop once they marry, therefore land rights should remain with males who are more stable on the ground. Where women are allowed to make decisions about land, it is usually garden-related. Women are then entitled to also exclude others from their garden plot. This practice continues today. Women’s land rights in Mele are subsidiary to men’s, and therefore they are not empowered to make decisions regarding the assignment of land rights (Table 1).
There are cases where women do have direct rights to a particular plot of land over which they have absolute control. In these situations it has usually been a father’s decision to pass land on to a daughter, either because he has no male heirs, or simply as a gift to ensure his daughter’s security. If the woman has no heirs, as in a similar situation for males, the land returns to the family holding at her death. It is also common for a woman to continue to access her family land, whether for cultivation or gathering, even after she has married. This happens only if her brothers and father are willing to permit this. A woman’s children may also claim usufruct rights to the maternal land, but because patrilineal descent is favored today, can never claim primary land rights. This option, however, is only ever acted on if there is sufficient land to go around.

As secondary right HOLDERS, women’s status in Mele has not changed with the times. In spite of the weakened significance of the naf’lak system marriages still feature prominently as a strategy to secure land access. A family may expand its land claims through its daughters’ marriages and forge alliances with other families with more clan land to spare. The value of secondary rights remains as strong in contemporary times as in traditional times for enhancing a family’s land power.

1.2c Competing Land Claims: Land Disputes

Land disputes in Mele are sparked by population pressure and conflicting ideas about land use. Most land disputes in Mele are between families with competing land claims. To use Ostrom’s (1990) terminology, there are two types of land disputes: those centered around disagreement about collective choice, where there are conflicting views about how land should be used, and those disputing land at the operational level, that is challenging actual
land practices that occur. For example, there is an ongoing collective choice dispute amongst landowners along Mele Bay, where most families protest one family’s sale of beach sand. Other land disputes may be between family members, such as those regarding choices to permit man aelan to reside on family land. Clan decisions can be undermined as evidenced by the creation of de facto leases with man aelan, that a clan may not have agreed to, causing internal clan disputes. Disputes occurring on the operational level focus on tangible impacts of competing land claims, such as land boundaries. With land tenure based around genealogy, complex social networks and oral history, memories frequently fail in accurately remembering clan boundaries.

Clan nakamals typically resolve family land disputes although the Chief's Nakamal may be consulted if nothing is resolved at the family level. The national level Customary Land Tribunals Act No. 7 of 2001 has resulted in the establishment of a Mele Village Land Tribunal to address land disputes in the village that were taken to the Island Court level, but have not yet been heard. Land tribunal legislation attempts to efficiently resolve longstanding land disputes in a manner that best fits village kastom. The structure of the tribunal generally reflects that of the village Nakamal. Jurors from different families sit on the tribunal, a fact that causes concern about biased votes based on family and village politics. Moreover, there is concern that the outcome of land tribunal decisions may divide families in the village. By externalizing clan dispute resolution, the collective choice decision is taken away from a clan which erodes its capacity for self-governance and has the potential to focus on individual interests, whereas dispute resolution centered around family nakamals eases social tension more immediately and directly addresses clan interests.
Mele Trustees does not involve itself in internal family land disputes; these are the affairs of families, and if necessary, the Chief's Nakamal. Families claiming land rights to property currently under Mele Trustees' management may present their cases to the Chief's Nakamal for resolution. The newly-formed (March 2003) Village Land Tribunal will be helpful in resolving some ongoing disputes between families for Trust land. Major land disputes with the Trust that the Nakamal cannot resolve are dealt with through the Court system, under the supervision of Mele Trustees' Legal Advisor. In the case of land dispute resolutions, whether through the Nakamal, the Land Tribunal, or the Courts, families claiming land from Mele Trustees have two land management options:

1. To manage their own affairs regarding land-use; or

2. Mele Trustees manages the land for the family, receiving a small percentage of the profits to pay for administrative costs. This will depend on what agreement is made between custom owners and the Trust.

The village intends to restore the powers of Buule, or group of elders, to resolve competing land claims.

In 2000 Mele Trustees identified the Masaii\(^3\) family as the rightful landowning clan for the property on which the Port Vila Golf and Country Club, the Vanuatu Abbatoir, Vanuatu Beverages, Toa Enterprises and some of Ballande Vanuatu titles lie (Table 8). It is expected that the Masaii family will receive the lease payments, with Mele Trustees taking a commission for the management of the leases, once the lease is transferred. Sharing of the lease payments amongst the family members will then be decided by the clan nakamal. The clan still has outstanding claims made in writing to the Rural Lands Department in April

\(^3\) The Masaii family includes the following Mele families: Masaii, Bailo, Tavara, Nabanga, Sarapera, Vatoko, Chilia, Kalowowota, Taravaki, Toolimau, Natokora, Singia and Soromon.
2000, which include the Nicholls property (Melektri) and Société Taonono. The latter property has since been subdivided.

Table 8. Leases where custom landowners have been identified, 2003.

<table>
<thead>
<tr>
<th>LEASEHOLDER</th>
<th>LAND AREA (No. of Leases)</th>
<th>IDENTIFIED CUSTOM OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vanuatu Abbatoir</td>
<td>7ha 28a 54ca (1)</td>
<td>Masaii Family</td>
</tr>
<tr>
<td>Toa Enterprises</td>
<td>5ha 02a 05ca (1)</td>
<td>Masaii Family</td>
</tr>
<tr>
<td>Vanuatu Beverage</td>
<td>6ha 78a 00ca (1)</td>
<td>Masaii Family (although VB claims that the Matautu Family deals with them).</td>
</tr>
<tr>
<td>Héritiers Blandinières</td>
<td>34ha 69a 00ca (1)</td>
<td>Masaii Family</td>
</tr>
<tr>
<td>Port Vila Golf and Country Club</td>
<td>58ha 17a 15ca (1)</td>
<td>Masaii Family</td>
</tr>
<tr>
<td>Ballande Vanuatu</td>
<td>1093ha 64a 00ca (2)</td>
<td>Masaii Family</td>
</tr>
<tr>
<td>Mitride Greppo</td>
<td>1ha 60a 18ca (1)</td>
<td>Kalokai and Kalsua Masai</td>
</tr>
<tr>
<td>Ponatoka Development</td>
<td>7ha 72a 00ca (1)</td>
<td>Malas Family claims this, unresolved</td>
</tr>
</tbody>
</table>

Mele Trustees Limited is the major financial institution for Mele Village. It assists with the funding of community development projects through its income from the sale of leases and its ‘investments’\(^4\) in Vanuatu Beverage, Benjor, Melektri, Vanuatu Abbatoir Limited and Hideaway Island Resort. Vanuatu’s land legislation states that money earned through leases should be paid to the customary landowners, which are as yet unidentified for the majority of alienated lands that the Trust oversees. For this reason the Trust does not fund all community development projects, as some of its income is reserved for when custom landowners are identified. Mele Trustees strives to operate transparently to deflect future disputes over land use and rights.

\(^4\) An investment may also be a share of annual profits in addition to annual lease rents.
Once a lease is entirely transferred to the rightful custom landowning family, Mele Trustees’ annual revenue will decrease accordingly. Eventually, as more custom landowners are identified for Mele Trustees land, direct income from leases on Mele land will decrease. There will be fewer funds to re-invest in enterprises that benefit the village as a whole, and the annual gifts of money to the villagers’ will become less. As custom landowners are identified, Mele’s unique adaptation of the leasehold system that ensures equal distribution of lease funds to the village may disintegrate at the village level.

1.3 Land Tenure: Integrating Leasehold

The ideals of land as a basis for survival and avenues to achieve modern economic development shape Mele’s approach to a leasehold system of tenure. Land leasing is a relatively recent phenomenon in Mele village, and is typically viewed as a formal business activity that few individuals are involved in. Villagers prefer to operate within the traditional land tenure system as they feel that they have more control than in a leasehold system, where effective rights can be transferred out of their hands.

The roles of Mele Trustees in identifying the rightful custom landowners for land, and in creating development opportunities and benefits for the village is seen in its unique integration of the leasehold system into traditional village land institutions. Mele Trustees has set the precedent for all land transactions in the leasehold system that still honor traditional decision-making procedures regarding land. The village’s second major land company, Evergreen Limited, is a family company that mirrors the model of Mele Trustees on a family scale.
1.3a Mele Trustees’ Integrated Land Tenure

Mele Trustees is a company that operates as a business, but with the interests of Mele’s people at heart. Lease applications are assessed for economic, political, and social benefits to villages. While the Trust does not have a specific, written development plan or policy for the Mele land that it manages, in its early years the village policy was to allow leases only for existing developed areas, and to reserve the dak bus for future generations (Poilapa, pers. comm. 2003). Mele community, through the Land Council, decided which land to lease out, and which to save for village use later. Mele Trustees also worked closely with the Foreign Investment Board to review the proposed leases. Generally, however, the current Board plans to encourage more agricultural leases as it believes that there will be future growth in Vanuatu’s agricultural exports, and a growing need for food by Vila’s burgeoning population, which will be increasingly reliant on fertile hinterlands, like the Mele area.

The transfer of effective rights that occurs when a lease is created has the potential to diminish the Trust’s, and therefore the village’s, power. However, written into lease conditions is the caveat that leases will be reviewed if development has not commenced on plots within five years of signature. Thus a lease may be terminated if conditions are violated. In so doing, the Trust protects both its business interests and village interests in the sense of creating employment opportunities for villagers. For the first 11 years after Independence annual lease activity on Mele land never exceeded 16 new leases (Fig. 5). Mele Trustees carefully negotiated all lease proposals to ensure that Mele village would benefit in some way, whether through employment or an annual stipend. In 1980 it was the Trust’s policy to allow thirty years as the maximum lease for agricultural land. This has
been changed since the Land Lease Act [CAP. 163] of 1983 set a maximum lease term of 75 years. Residential and commercial leases tend to be for variable terms of up to 75 years. The implications of long leasehold terms have not yet been sufficiently discussed at both the national and village level.

All agricultural leases from 1980 will be up for review in 2010. After the review, lease periods may be extended if the developments to date have been beneficial to the village. “The more development there is, the more money we [Mele] have” (Natokora pers. comm. 2003), as lease premiums and annual rents generate a tidy profit for a company that has few overheads. Coastal areas currently under agricultural lease may not be renewed once the lease terms are completed. Agricultural leases will be encouraged for the inland areas. Many agricultural leases are actually being subdivided now into smaller rural residential leases, such as Bukura Plantation, which was subdivided in the 1990s, and the more recent Patche and Taonono parcels of land in 2003 (Photo 5). The implications of these subdivisions on custom landowning families’ rights are currently a cause for much debate in the village. Custom landowners feel that the profits reaped from subdivisions are rightfully theirs rather than the developer’s, who bought the initial lease. They currently have no power on this matter, however, as it is after-the-fact of a lease agreement. The only way to stem such activities is to ensure that strict conditions are agreed upon in the initial lease agreement.

It should be noted that the category for a lease does not have any particular bearing on the actual activity that takes place. The example of Benjor Resort was cited earlier where commercial activities occur on an agricultural lease. Commercial activities have also been known to occur on residential plots in the form of shops and kava bars. It is up to the
Lessor, whether Mele Trustees or a custom landowner, to monitor such deviations from a lease agreement (Lands Department, pers. comm. 2003). Thus, the lease agreement allows a custom landowner to investigate development on his leased property after a period of time to ensure that original plans are being followed. Where an agreement has been signed with Mele Trustees, the village company can legally terminate leases where conditions have been violated.

With regards to a labor policy, the Trust asks that any development gives priority to Mele villagers for employment. This is a signed agreement with every lease. Mele Trustees’ management of leases considers village needs first, by weighing out the benefits (e.g. employment) and costs (limited access), and development second. The strong working relationship between the Chief’s Nakamal and the Trust ensures that Mele’s interests are at the forefront of every land transaction. In terms of employment, some companies have policies to hire Mele villagers, but most do not have a specific policy (see Appendix E). One of the participating companies in my commercial development survey specified that they liked to employ Mele villagers but limited the representation to 1/3 of the total workforce. This figure was based on the tendency for village workers to simultaneously take leave for village events, such as weddings and funerals, which negatively affected the business.

An example where the Trust has balanced the need for a sound income with the social needs of the village for employment is that of the current Port Vila Golf and Country Club site. Ati George Sokumanu, the then President of Vanuatu and a Mele villager, wanted to build a golf course on his tribal land at Mele. He and his fellow golfers had insufficient funds to purchase the land lease outright from Ballande (valued at VUV 11
million) and therefore asked the Trust to assist with obtaining the lease. In 1986 Mele Trustees made an agreement with Ballande Vanuatu, a major landowning company, to exchange 7ha 28a of Ballande’s holdings at Malawora, which is now the Mele Golf Course, with five hundred hectares of the Trust’s land in the foothills of Pounapokasi (Mont Bernier). The Trust then charged VUV 500 per hectare exchanged for creating the new lease. This was five times the national fee for land development (VUV 100 per hectare). Mele Trust considered the exchange worthy of assistance and changed the zoning of the land from agricultural to commercial, predicting employment and training opportunities for the village youth. Indeed, today many Mele youths are employed at the Mele Golf and Country Club, and several have gone on to become skillful national and international competitors (Poilapa, pers. comm. 2003).

Business enterprises on Mele land afford villagers opportunities in paid employment. In addition, villagers who create formal lease agreements with the developments outside of the Trust receive a one-time payment for the lease premium, with annual rents received for the period of the lease. Lease rents are calculated according to the size of the parcel. Cash evidently supplements village subsistence. All households interviewed admitted to not wanting to lease out their land to a developer and would rather build a house and rent it out, thus retaining direct access to their land. As one informant stated, “graon i blo famli nemo,” meaning that land should always be used for family purposes only and families should always retain control of the decision-making. Mele Trustees leased out land rather than developing it due to its lack of capital at the company’s inception. However, the company ensured that its management structure reflects the cultural value of consensus in land affairs, extending this principle to the village level to
ensure that all development on Mele land remains beneficial to the villagers, whose access rights are otherwise compromised by developments.

1.3b Case Study: Evergreen Limited

Evergreen Limited began as a tourism project for the Malas family, with the Mele Cascades being the main tourist attraction. Both the Malas and Songoriki families claim this land, but when Evergreen Limited obtained a lease from the Minister of Lands in 1999 it secured its investments in the Mele Cascades and can legally prevent the Songoriki family from conducting business there. After Mele Trustees, it is the second most significant land development business in Mele village that is operated by villagers. Incorporated into Evergreen Limited are several businesses operated by the Malas family, such as a cleaning service and a cattle ranch, although the tour aspects of the business remain the most significant income earners, namely Mele Cascades Tours. Evergreen Limited, a Mele family-based land development company, has also recently (since 1999) created several commercial and residential leases with allowances for tourism activities to bring more employment opportunities into the area.

Evergreen Limited operates only on those plots that have been surveyed and registered. As several of the claims the Malas clan makes are disputed, the Land Leases Act enables Evergreen Limited to continue developing land while custom landownership is still disputed. Non-disputed Malas family land is not surveyed and plots remain under direct family authority, although they may eventually be surveyed and registered.

Evergreen Limited's management structure authorizes a Board of Directors to implement development plans. Members of the Malas family occupy the six seats on the Board of Directors. Like in Mele Trustees, the Board meets on a monthly basis to discuss
business and to review development proposals for benefits to the family and Mele village. This allows for transparency within the company. As a family company, Evergreen Limited strives to maintain the traditional family structure of decision-making, while simultaneously operating as a formal business (Photo 6).

![Photo 6. Evergreen's Headquarters in Port Vila, August 2003.](image)

Evergreen’s objective is “to create an environment that brings employment back to the family members, and to Mele” (Malas, pers. comm. 2003). Employment positions are offered at all levels within the business, from guides and cleaners to accountants and directors. The company invests money back into providing uniforms and training staff in first aid. Employees may not necessarily be direct relatives as they are chosen on merit and honesty. Evergreen is a business first and foremost, although familial obligations and a sense of duty to the community of Mele, shape much of its economic development policy.

At the end of every year Evergreen pays a small dividend to each of its family members. The Board of Directors compiles a list of beneficiaries, who may also be related
to the Malas family, although not direct descendants. Evergreen also assist families in the
village during a death. This is part of the traditional support network of helping each other,
although there is a limit because it is controlled and approved by the Board.

Evergreen's five-year plan continues with the objective of providing jobs for Malas
family members and Mele people. Recently, in 2000 Evergreen created leases for the old
quarry area opposite Karia, to the north of Benjor along Mele Bay (Map 2). The current
plan is to focus on tourism ventures that would bring in more jobs. Evergreen has
subdivided the land in this area\(^5\), and is selling the plots at VUV 4 million to overseas
developers, mainly from Australia, who will turn the residential plots into vacation rental
homes. The plan is to have low-density tourism in the area. Evergreen is not building a
resort on this prime property as it does not have the money to do this. Instead it wants to
create a niche in the tourism sector by having something new and unique: vacation rental
homes. Tourism is a growing sector in Vanuatu and Evergreen Limited hopes to capture the
tourism-investor market. There is also a plan for Evergreen to expand into cattle farming,
but because it requires substantial starting capital, tourism remains the most lucrative
means to form a solid financial base for the company.

Like Mele Trustees the structure of traditional clan decision-making remains
integral to the operations of Evergreen Limited. By formally registering certain areas of
clan land and also operating on disputed leased land, Evergreen Limited has established a
strong business base with roots in clan values for land. In so doing it has created financial
benefits for the Malas clan and other Mele villagers. In reserving areas of clan land for

\[^5\] The land is currently under dispute but according to the Land Leases Act Evergreen can proceed with
development until the rightful custom landowner is identified. The Minister of Lands is the Lessor.
custom use only, separate from the leasehold system, Evergreen is committed to preserving Mele land customs.

2. DISCUSSION

The strength of cultural elements in contemporary Mele land tenure is testament to the rootedness in the land of Mele villagers, who negotiate the influences of demographic change, market economics and land legislation to ensure that the values of land as a source of subsistence, power and identity continue to be realized. As evidenced by the maintained orientation of subsistence gardens to village households and ceremonies, subsistence practice in Mele is an integral component of village life. While villagers also use cash to supplement their subsistence, money has not altered villagers’ attitudes to the land. Mele villagers still value the practice of ‘getting one’s hands dirty’ as this symbolizes a relationship with the land that signifies identity, power to enforce a land claim and, of course, subsistence. The importance of maintaining subsistence gardens extends beyond caloric and ceremonial ends, however. The act of physically connecting with one’s land is a powerful message indicating one’s acknowledged rights to the land, which is further enforced by the labor input. A clan may acknowledge land claims but evidence of actual use strengthens such a claim. In so doing people can also regularly monitor their land to ensure that no activities secretly occur that would undermine their authority over their land, such as cases where clan authority is undermined by de facto leases created without clan consensus.

As the clan is the major social institution in Mele that directly dictates land tenure, it is interesting to note that in spite of the changes to traditional clan tenure, such as the
abandoned naf’lak system, the valued process of obtaining a consensus regarding land decisions is upheld. Clan decision-making about land in the nakamal negotiates several forces before a land practice is adopted. Due to Vanuatu’s constitutional endorsement for custom land rights, cultural power, or self-determination, enables villagers to influence development choices. Economics and politics become important factors in clan decision-making when development is the desired option. Cultural power is still essential for this, although it is evidently not the sole influence on this decision, and interacts with economic and political forces to shape land tenure. Clan authority over land therefore remains unchanged in that custom landowners retain control of the decision-making processes.

Where individual families are concerned, as in the times of the naf’lak, heads of households may allocate land rights as they see fit, such as where fathers have granted daughters rights, or have permitted man aelan on their land. In cases where clan authority is undermined by informal land leases on clan land without consensus, the land dispute resolution follows the same structure of being discussed in the nakamal. That is, the males of the clan discuss the problem and reach a common judgment after hearing each member’s opinion. The authority inherent in clan tenure, however, is currently threatened by contemporary land legislation. Where formal leases have been made on clan land without consensus clan authority is eroded, as legally the action is irreversible for the duration of the lease. It is situations such as this that reveal the erosion of traditional claims enforcement structures, as the legal enforcement implicit in a formal lease becomes the deciding element in subsequent competing land claims. The solution to this conflict between traditional clan and formal leasehold enforcement structures is at the heart of Mele’s land companies.
Through Mele Trustees, Mele has successfully navigated the bureaucracies of Vanuatu's leasehold system of land tenure and steered land transactions in such a manner that benefits are returned to the village, both directly through income, and indirectly through the creation of jobs. Evergreen Limited is also similarly structured, although unlike the Trust it is not immediately answerable to the village. Evergreen Limited is a living example of what may happen to clan lands, particularly those returned to the rightful custom landowners when they have been identified for Mele Trustees land. Both companies operate their business with the interests of their beneficiaries at heart, whether they are the entire village or members of one family. This is in keeping with the communal nature of village life, and sustains the notion of a community ethic and shared subsistence base. The turbulent years for Mele Trustees highlighted the importance of maintaining control over land tenure systems to ensure that village needs are considered. The Trust's temporary loss of power over management saw the creation of several subdivisions that is lamented today. The sense of ownership that stems from involvement in land company decision-making upholds the village values of power and identity from the land, and the revenues generated contribute to ensuring survival from the land.

It is, however, possible for Mele Trustees and Evergreen Limited to breach the communal basis on which the companies were founded. Although Mele Trustees is a village trust, and Evergreen Limited is a family company, there is a danger of acting on behalf of personal interests, rather than as communally owned companies. Vanuatu does not yet have any legislation that provides for the structure of trusts (Farran 2002). Therefore trustees may not be completely aware of their obligations, and beneficiaries may not know their rights. Legal sanctions for the protection of custom land rights, therefore,
fail to adequately address protection of such rights in non-traditional economic situations. Money is often the cause for much dissent amongst Mele families. The traditional manner of sharing wealth can be easily abandoned when wealth becomes money in a private bank account, rather than the number of yams hanging outside the home, or the size of a food garden (Patterson, pers. comm. 2003). In the case of Mele Trustees and Evergreen Limited, transparency of financial exchanges for land leases is necessary to uphold the ‘sharing spirit of kastom’ (Poilapa, pers. comm. 2003).

A modern economic structure need not upset the careful social balance between values for land and custom land rights, where practices of inheritance, clan rights and so on, operate in a separate structure from a cash economy. Custom land rights and money are two different structures that are not mutually dependent in Vanuatu, as either can continue to operate in their own context (Bonnemaison 1977). Where the two systems meet, and kastom interacts with modern economic forces, Vanuatu’s land laws provide guidelines rooted in the protection of custom land rights. In the cases of Mele’s two land companies, kastom and money converge but are organized in a cultural and social context to uphold traditional values.

The success of Evergreen Limited is largely due to the provisions of the Land Lease and Land Reform Acts. The Malas family has several disputed claims to land in the Mele area, and by law is able to obtain a lease and develop the land regardless of ongoing land disputes. Most villagers are unaware of Vanuatu’s land legislation and view Evergreen’s developments as a form of dispute resolution, so harbor a resentment, which is not publicly admitted although privately acknowledged, for the Malas Family’s land wealth. While Evergreen Limited does indeed share the financial benefits of its business with family
members, it takes advantage of other families’ ignorance about land legislation regarding disputed land, to make a profit of its own. Evergreen Limited seizes disputed lands for development, thus taking advantage of situations of conflict, as the family involved in the dispute with the Malas family, or another family, is too preoccupied to investigate development possibilities of its own. In the meantime, Evergreen Limited signs a lease for the land with the Minister of Lands then sells the lease to a foreign investor, so that even when the rightful landowner is decided through the Land Tribunals, the land is already locked into a lease that cannot be changed. Evergreen Limited makes the biggest profit. All the landowner can receive is annual rent, thus has lost the collective choice right in deciding what to do with the land. Through this practice the company abuses traditional clan tenure by undermining clan authority over land through the leasehold system. An example of this is the lease for Evergreen Limited’s main business venture, the Mele Cascades on the river Teai. The Malas and Songoriki families have been disputing the land since the 1990s. In 1999 through Evergreen Limited, the Malas family formally obtained a lease (Malas, pers. Comm. 2003). The Songoriki family still contests ownership but because the lease now exists it will be a matter for the Courts to decide.

Lease creation in and of itself raises issues of concern other than temporary land alienation. Many investors on Mele land register as companies. Farran (2002: 6) points out the disadvantages of creating leases with a company rather than an individual as it can have “less transparency and accountability if land is being put out of the reach of custom owners or even other members of the family.” Related to this is the question of land registration for the custom landowner. The debate that always arises in relation to registering community or clan owned land is whether an individual or a group should register. And if a group
registers, then who administers leases and shares the profit among the family members? Land transactions that involve multiple individuals are vulnerable to subtle manipulations of the system and those most disadvantaged in such dealings are those who are unfamiliar with the relevant legislation and the money-making nature of a modern land tenure system.

Mele Trustees, as a village institution, is in an ideal position to educate villagers about the methods of the modern leasehold system of land tenure, particularly those who have been identified as the custom landowners for the Trust’s land. Villagers are easy prey to outside investors as they do not know the financial value of their land and so sell it very cheaply. There are two reasons why this happens: (1) people are not educated about land valuation and laws; and (2) people do not consider alternative options, taking the easy option of leasing their land quickly rather than developing it themselves. Mele villagers wanting to create leases should consult with both Mele Trustees and Evergreen Limited, the pioneers of integrating culture and Western-style land development in the village, for guidance.

There is a tenuous relationship between managing a modern land company and honoring a traditional land tenure system while maintaining a connection to village values for land. In many ways both Mele Trustees and Evergreen Limited have succeeded in successfully integrating the leasehold system with village values and power structures, but there is also much room for a shift away from the traditional value system as seen in Evergreen’s case. Vanuatu’s land legislation has many loop holes in protecting custom landowners’ rights, and thus land may still be effectively alienated, even if the alienation period is reduced to 75 years maximum. Current land legislation is therefore the major influence on Mele’s contemporary land tenure system. However, as this chapter has shown,
the strength of Mele people's traditional relationship with the land and the continued emphasis of clan enforcement of land claims in both clan tenure and Mele Trustees' operation is evidence enough of culture's central role in contemporary Mele land tenure. While cases have been cited where the traditional clan land institution has been weakened, there remains a strong shared commitment to upholding this structure as it considers community livelihoods on the land above individual profit, whether in the nakamal or in a Board meeting.
PART IV.

THE FUTURE OF MELE LAND

Photo 7. Mele-Lama, the site of village relocation, August 2003.
CHAPTER 5
THE FUTURE OF MELE LAND

The ability of *kastom* land tenure to accommodate changing socio-economic and legislative contexts, yet remaining remarkably rooted in the basic traditional values of the land, illustrates how cultural values interact with socio-economic forces to direct change to benefit a community. Supported by the Vanuatu Constitution, Mele people are able to shape contemporary land tenure within changing socio-economic contexts.

The co-existence of traditional and ‘modern’ integrated systems of land tenure in Mele village is testament to the adaptive nature of *kastom*. Mele has successfully created a system of land tenure that straddles both the traditional and modern worlds, regulating access through the leasehold system while maintaining control of the enforcement of land claims through cultural institutions. The cultural norm of shared subsistence and guaranteed land rights remains integral to the operation of either system of land tenure.

While Mele’s land institutions are presently controlled by the primary right-holders, there is potential for drastic changes to the existing structures that could undermine traditional enforcement structures. That is, the requirement of custom landowners’ acknowledgement of land claims becomes redundant when effective rights have already been transferred out of landowners’ hands and are further traded in financial transactions, as in the case of subdivisions. This final chapter outlines future concerns for Mele land, all of which stem from contemporary land tenure practices, that may threaten the cultural power of Mele villagers to shape land tenure according to their value of land for subsistence, power and identity.
1. LAND LEASE CONCERNS

While the leasehold system prevents the permanent alienation of land from custom landowners, it nonetheless does permit a temporary alienation, where custom rights, other than ownership, are suspended, unless otherwise agreed upon in the lease conditions. The cap of 75 years for a maximum lease term means that in a lifetime a clan may never realize their land rights for particular parcels of land. In essence, therefore, the leasehold system does alienate custom landowners.

The increasing number of leases being made on Mele land, therefore, raises concerns about diminishing access to land and diminishing land to access. Farran (pers. comm. June 2003) expressed concern that Mele was being ‘eaten up by leases.’ Current leases, however, are limited to land that was alienated prior to Independence, and therefore have not grown to ‘eat up’ Mele lands. There is concern, however, particularly with the number of informal lease agreements that are made on ‘virgin’ (i.e. previously non-alienated) land with family landowners. Therefore Mele Trustees, Evergreen Limited, and individuals who have created both formal and informal leases on the land, need to agree upon a land management strategy with the Chief’s Nakamal to ensure that future land rights in Mele are not undermined by the leasehold system. The Ministry of Lands is also responsible for being aware of the land management desires of the village for which it overrides disputed land claims. While the power to permit development to proceed may be good for the national economy, the Ministry often neglects to address the needs of villages adjacent to the land. Accountability is ever important if custom land rights are to be protected. On several levels, therefore, Vanuatu’s land legislation does not truly protect custom landowners from land alienation.
In addition to alienation concerns raised by the leasehold system is the issue of individual versus communal custom landownership. Technically, communal land equates family and clan land, not village land, and does not imply equal rights. Land rights are individualized in that individual families (and households) are custom landowners (Bonnemaison 1977). Communal use of the ground, however, is allowed where the primary right-holding household gives permission. The relaxed interchange between individual and communal land ownership enables the free formation of land agreements with non-family/community members, hence the numerous informal lease arrangements that have been made on Mele land. Within the formal leasehold system, however, this flexible interchange between individual and communal land ownership becomes an issue when clan and family members want a share in an agreement that was made on the individual level. The leasehold system thus undermines clan authority where transactions are between individuals only.

2. THE SUBDIVISIONS DILEMMA

Stemming from the broader concerns about land leases is that of specific subdivision creations. Current lessees wanting to change leases from agricultural to residential, which typically have had longer lease periods, through subdivisions, are a concern for Mele Trustees. Custom landowners are distanced from any decision-making regarding subdivisions of leases as effective rights were transferred in the initial lease agreement. The lease for Bukura Plantation, prime coastal residential real estate, was changed from agricultural to residential and subdivided during the period when the Trust was managed under Moore Stephens in the mid-1990s. The Trust, as per the Chief’s Nakamal, does not
encourage subdivisions of Mele land by individuals other than the custom landowners. It feels that permitting custom landowners only to subdivide land retains profits made and power over the land within the community. Evergreen Limited has created its own subdivisions, but as this is on disputed land, custom landowners still do not receive fair profits.

Although, ideally, custom landowners should subdivide and develop their own land, they require substantial starting capital to do so. The easiest way for custom landowners to generate some income off the land is to lease a large parcel of land to an outside investor, who then subdivides it. In so doing, custom landowners not only lose out on the large profits made, but also relinquish power over the sub-leases. Subdivisions therefore present a situation where diminished power over custom land occurs, and therefore an integral aspect of Mele’s value for land could be weakened. This process is typical of an increased presence of capitalist economy.

3. VILLAGE RELOCATION AND THE FUTURE OF MELE LAND

The extent of land alienation of Mele land and of diminished power over leased lands is of particular concern as the village population continues to grow and family demands for land increase. Formal leases prevent villagers from reclaiming their land for the period of the lease. Informal leases are therefore preferable on many levels in that the custom landowner retains absolute authority over the ground, and may evict settlers as necessary. However, in the case of the latter, eviction of man aelan is proving to be more difficult than thought.

In August 2003, fifty-three years after the village’s move from Imere island to its current location, Imere Fou, or the New Mele, site was officially opened in the custom
manner. Concerns with high risk for hazards such as floods and storm surge during cyclones in the current village site had prompted the Mele Disaster and Mele Relocation Committees to prepare villagers for a move to Mele Lama in the hills. There remain, however, several *man aelan* on this land who have been asked to leave since 1996. The *man aelan* are demanding compensation for their time on the land, and because they cannot afford to relocate to Port Vila or to their home islands, are very determined to remain on Mele land. The implications of *man aelan*’s presence on Mele land could result in an undermining of Mele’s custom land rights structure as the outsiders are less committed to Mele’s customs and even in their own customs, from which they are now removed. Other islanders also bring their own custom practices with land, such as *man Tanna*, where cultivating another’s land rather than one’s own is seen as a form of strengthening community bonds (Bonnemaison 1977).

Village relocation from the current site will eventually empty the fertile flood plains of villagers. At present many are reluctant to leave their homes. Some villagers have said they would like to move but will rent out their current houses – which could result in more overspill from Vila being accommodated on Mele land. This could spell out future land conflicts with outsiders.

*Kastom* land tenure in Mele is upheld at all levels in the village. The values of land for subsistence, power and identity are seen in the practices of villagers as they go about their daily lives and in the organizations of the land companies. Mele villagers nurture a strong connection to the land and remain rooted in their values for the land as they navigate changing socio-economic and legislative conditions. In this spirit, Mele has the qualities
necessary to address both contemporary and future land issues and dilemmas in a culturally appropriate manner.
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FOLLOWS
Who should subdivide land?

By Winston Tavec

The evident absence of custom landowners in Real Estate development has prompted selected local authorities to recommend the establishment of a Land Bank.

SHEF's physical planner F-Mael says the government should establish a Land Bank.

Shefa says land laws discriminate against custom landowners

Lands tribunal faces opposition from men in wives' villages

Port Vila PNA Nius, 6 April 2003 - Vanuatu's new introduced lands tribunal - whose task is to resolve custom land disputes - has hit opposition.

The problem has arisen because men from other islands and their male children, who are regarded as outsiders, no longer claim customary ownership of land in their villages.

In the latest example, a custom chief of the Tanna Islands has appealed to the
Land is a sensitive subject in Vanuatu. Therefore, the strategy to understand current practices of rights of access to land in Mele involved a seemingly indirect approach of questioning/ surveying. However, as explained, this was an essential angle to take, in beginning research on land right practices. Thus, the household surveys and interviews begin with an in-depth look at home garden plots (the major use of custom land in Mele) and then proceed on to family land management practices.
MELE VILLAGE HOUSEHOLD SURVEY (Part 1)

HOUSEHOLD PROFILE

Household Code: _____

Date: ________________          Interviewer: ______________________

Time: ________________          Interviewee: ______________________

Age: ______________________

Name of household/ family: ______________________________________

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<th>Age</th>
<th>Occupation (time-based)</th>
<th>Relationship to Int.</th>
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</tbody>
</table>
MELE VILLAGE HOUSEHOLD SURVEY (Part 2)

Household land

Total size: __________

No. of plots: owned and farmed ______ owned but not farmed ______
Farmed but not owned ______ Sharecropping ______

Location: ______________________________

Quality of soil: Poor ______ Medium ______ Rich ______

Land-use: Settlement ______ Cultivation: subsistence ______ cash crop ______
Fallow ______ Lease ______

Who works in the family garden?

Household member? Yes ______ No ______

If no, where is the person (people) from? ______________________________

*Cultivated crops:*

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<th>Grown (check)</th>
<th>Subsistence</th>
<th>Market</th>
</tr>
</thead>
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<td></td>
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<tr>
<td>Chinese Cabbage</td>
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<td></td>
</tr>
<tr>
<td>Coconut</td>
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<tr>
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<tr>
<td>Eating Banana</td>
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<tr>
<td>English Cabbage</td>
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<tr>
<td>Grapefruit</td>
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<td>Island Cabbage</td>
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<tr>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lettuce</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manioc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nagae nut</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Namampe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nandau nut</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orange</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passionfruit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pawpaw</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pumpkin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taro</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watercress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watermelon</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yam</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Animals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cattle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chickens</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Cash use
School fees ____ Church ____ Alcohol ____ Kava ____
Housing supplies: kapa ____ cement ____ cinder blocks ____ timber ____
Glass ____ fly screen ____ paint ____
Other __________________________

‘Luxury’ food: sugar ____ tea ____ coffee ____ milo ____ rice ____
tin fish ____ corned beef ____ bread ____ biscuits ____
snacks ____

Cultural obligations ____ (explain: ________________________________)

Is household land registered under the Mele Land Trust? ______________________

Notes:
GUIDING QUESTIONS FOR:

Interviews

- How is land accessed by your household? (Nafilaki [totem] system of inheritance, gift, lease, informal arrangement)
- Which totem or nafilaki do you claim rights to?
- What is the status of your nafilaki land? (diminishing area to share amongst family members, enough land for gardens, sufficient land for settlement)
- Is there a difference between the amount of land to which you have the rights of cultivation and the amount of land to which you have the rights of access to the resources (e.g. fruit trees)?
- How are decisions made within the household regarding land-use? What factors are considered in the decision-making process? (e.g. financial need, cultural obligations)
- If the household land is registered with Mele Trustees why and how was it decided? How involved are you and your family with Mele Trustees?
- Is the registered land under an individual or under the family as a whole?
- How do you view outsiders to Mele land, who reside on the land?
- Do you think Vila town is responsible for changes to land in the village? How so?
- Given the choice, would you rather hire a non-family member to work your land, or would you rather work the land yourself?
- If you hire someone, would you rather a Tannese immigrant or someone from another island?
- If you could develop your land, what would you choose to do with it?
- Would you rather lease your land to a business or to a private individual?
- What is your view of Village Land Tribunals?

Focus Group Discussions

The focus group discussions concentrated on the topic of access to land and resources. Questions included:

- How do you and the members of your focus group acquire access to land and resources?
- What is land needed for?
- What are land rights?
- What are the perceived threats to these rights? Is Vila a threat to Mele?
SURVEY OF COMMERCIAL DEVELOPMENTS ON MELE LAND

Date: __________

Name of development: ____________________________________________

Date of inception: _____________

Development type: agriculture ___ industry ___ ranch ___ tourism ___

Other (explain) _________________________________________________

Size of development: __________________________________________

How was land for the development obtained? Mele Land Trust_____

Length of Lease: ________________________________

Agreement with a family___

Name of family: ________________________________

Other ________________________________

No. of employees: _________________

How many are from Mele village? _________________________________

How many non-village employees live in the Mele area? ________________

Is there a company policy with regards to hiring Mele villagers? ________________

If yes, please explain: ________________________________

__________________________________________________________________

__________________________________________________________________

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## APPENDIX C

Census Data for Mele Area

### Table 1. No. of Households and Population by Sex*, 1999

<table>
<thead>
<tr>
<th>Village Name</th>
<th>Household</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mele</td>
<td>312</td>
<td>962</td>
<td>889</td>
<td>1851</td>
</tr>
<tr>
<td>Mele Bay</td>
<td>36</td>
<td>68</td>
<td>54</td>
<td>122</td>
</tr>
<tr>
<td>Mele Maat</td>
<td>111</td>
<td>315</td>
<td>201</td>
<td>616</td>
</tr>
</tbody>
</table>

Source: National Population Census 1999  
* The data include both de jure and de facto residents.

### Table 2. Other Citizens and Islanders in Vanuatu on Mele Land*, 1999

<table>
<thead>
<tr>
<th>Village Name</th>
<th>Other islanders in Vanuatu</th>
<th>Overseas citizens</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mele</td>
<td>250</td>
<td>5</td>
</tr>
<tr>
<td>Mele Bay</td>
<td>60</td>
<td>31</td>
</tr>
<tr>
<td>Mele Maat</td>
<td>561</td>
<td>5</td>
</tr>
</tbody>
</table>

Source: National Population Census 1999  
* These members of the population have also been included in Table 1.

### Table 3. Household Land Ownership*, 1999

<table>
<thead>
<tr>
<th>Village Name</th>
<th>Yes, On this island</th>
<th>Yes, on another island in Vanuatu</th>
<th>Yes, in another country</th>
<th>No</th>
<th>Yes, on this island, and another island</th>
<th>Yes, on this island and another country</th>
<th>Yes, on another island and another country</th>
<th>Yes, on this island, another island, and another country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mele</td>
<td>252</td>
<td>38</td>
<td>14</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mele Bay</td>
<td>18</td>
<td>7</td>
<td>1</td>
<td>7</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mele Maat</td>
<td>27</td>
<td>55</td>
<td>17</td>
<td>8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: National Population Census 1999

* Household land ownership includes both custom landownership and formal lease titles. Renters are counted as those who do not own land. Mele village households owning land on other islands are typically those where Mele women have married outsiders but remain in the village, where the household has access to the wife’s family land.
### Table 4. Household Gardens, 1999

<table>
<thead>
<tr>
<th>Village Name</th>
<th>Has food garden, subsistence only</th>
<th>Has food garden, subsistence and sale</th>
<th>Has food garden, sale only</th>
<th>No food garden</th>
<th>Not stated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mele</td>
<td>201</td>
<td>98</td>
<td>N/a</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Mele Bay</td>
<td>15</td>
<td>1</td>
<td>N/a</td>
<td>17</td>
<td>3</td>
</tr>
<tr>
<td>Mele Maat</td>
<td>69</td>
<td>31</td>
<td>N/</td>
<td>4</td>
<td>7</td>
</tr>
</tbody>
</table>

Source: National Population Census 1999

### Table 5. Individual Economic Activity, 1999

<table>
<thead>
<tr>
<th>Village Name</th>
<th>Work for pay/salary/business (no pay)</th>
<th>Helping family business (no pay)</th>
<th>Other work (no pay)</th>
<th>Looking for work</th>
<th>Subsistence farmers</th>
<th>Do not work (not looking)</th>
<th>Not stated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mele</td>
<td>349</td>
<td>9</td>
<td>58</td>
<td>2</td>
<td>173</td>
<td>620</td>
<td>289</td>
</tr>
<tr>
<td>Mele Bay</td>
<td>34</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Mele Maat</td>
<td>96</td>
<td>8</td>
<td>2</td>
<td>12</td>
<td>36</td>
<td>204</td>
<td>146</td>
</tr>
</tbody>
</table>

Source: National Population Census 1999
APPENDIX D
Mele Trustees Data

Table 1. Families of Mele

<table>
<thead>
<tr>
<th>Anatu</th>
<th>Bangalulu</th>
<th>Lakeloraiwia</th>
<th>Lakolotaua</th>
<th>Langa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lapua (2</td>
<td>Malapa</td>
<td>Malas (2</td>
<td>Malasikoto</td>
<td>Mansale</td>
</tr>
<tr>
<td>representatives)</td>
<td></td>
<td>representatives)</td>
<td>- Kaltanak</td>
<td></td>
</tr>
<tr>
<td>Masai -</td>
<td>Matuatu</td>
<td>Matautava</td>
<td>Nabanga</td>
<td>Natokora</td>
</tr>
<tr>
<td>Sokumanu</td>
<td>Poilapa</td>
<td>Saraperia</td>
<td>Sigia</td>
<td>Sope</td>
</tr>
<tr>
<td>Numalo</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soromon</td>
<td>Taravaki</td>
<td>Tarimiala</td>
<td>Taripako -</td>
<td>Tastuki</td>
</tr>
<tr>
<td>Vatana</td>
<td>Toolimau</td>
<td>Vatanu -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nganga</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2. Annual Lease Activity on Mele Land

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Leases Granted</th>
<th>Purpose</th>
<th>Total Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>16</td>
<td></td>
<td>Agriculture = 241ha 2a 37ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rural Residential = 10ha 20a 39ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rural Residential = 2ha 20a 39ca</td>
</tr>
<tr>
<td>1981</td>
<td>NO LEASE</td>
<td></td>
<td>Residential = 0ha 38a 75ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(N.B. Total area of one lease agreement unavailable)</td>
</tr>
<tr>
<td>1982</td>
<td>3</td>
<td>Rural Residential = 3</td>
<td>Residential = 0ha 38a 75ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(N.B. Total area of one lease agreement unavailable)</td>
</tr>
<tr>
<td>1983</td>
<td>16</td>
<td>Agriculture = 14</td>
<td>Agriculture = 589ha 52a 85ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial = 2</td>
<td>Commercial = 51ha 4a 34ca</td>
</tr>
<tr>
<td>1984</td>
<td>4</td>
<td>Agriculture = 3</td>
<td>Agriculture = 998ha 66a 5ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial = 1</td>
<td>Commercial = 58ha 17a 15ca</td>
</tr>
<tr>
<td>1985</td>
<td>6</td>
<td>Agriculture = 4</td>
<td>Agriculture = 182ha 41a 10ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Class E Special = 1</td>
<td>Class E Special = 1ha 35a 5ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural Residential = 1</td>
<td>Rural Residential = 0ha 28a 90ca</td>
</tr>
<tr>
<td>1986</td>
<td>2</td>
<td>Agriculture = 1</td>
<td>Agriculture = 39ha 80a 0ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential = 1</td>
<td>Residential = 0ha 41a 2ca</td>
</tr>
<tr>
<td>1987</td>
<td>2</td>
<td>Agriculture = 1</td>
<td>Agriculture = 1ha 3a 73ca</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial = 1</td>
<td>Commercial = 1ha 82a 73ca</td>
</tr>
</tbody>
</table>

*a In some of these cases leases were post-dated to 1980 as there was a 'legal limbo' period when alienators had surrendered their freehold titles but had not yet been issued a leasehold title (Farran 2002:2). For this reason there was difficulty in obtaining the actual year for which activity on the plot began.

*b ha = hectare, a = are, ca = centiare (square metre)
Table 2. (continued) Annual Lease Activity on Mele Land, 1980 - 2003

<table>
<thead>
<tr>
<th>Year</th>
<th>Units</th>
<th>Lease Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>1</td>
<td>Industrial = 7ha 28a 54ca</td>
</tr>
<tr>
<td>1989</td>
<td>NO</td>
<td>LEASE ACTIVITY</td>
</tr>
<tr>
<td>1990</td>
<td>1</td>
<td>Commercial = 6ha 78a 0ca</td>
</tr>
<tr>
<td>1991</td>
<td>NO</td>
<td>LEASE ACTIVITY</td>
</tr>
<tr>
<td>1992</td>
<td>NO</td>
<td>LEASE ACTIVITY</td>
</tr>
<tr>
<td>1993</td>
<td>48</td>
<td>Commercial = 4ha 87a 38ca</td>
</tr>
<tr>
<td>1994</td>
<td>13</td>
<td>Agriculture = 3 Residential = 10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agriculture = 19ha 55a 17ca Residential = 15ha 43a 58ca</td>
</tr>
<tr>
<td>1995</td>
<td>51</td>
<td>Agriculture = 7 Residential = 44</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agriculture = 257ha 84a 18ca Residential = 20ha 31a 53ca</td>
</tr>
<tr>
<td>1996</td>
<td>35</td>
<td>Agriculture = 3 Residential = 32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agriculture = 158ha 44a 6ca Residential = 68ha 23a 41ca</td>
</tr>
<tr>
<td>1997</td>
<td>7</td>
<td>Residential = 2ha 49a 20ca</td>
</tr>
<tr>
<td>1998</td>
<td>NO</td>
<td>LEASE ACTIVITY</td>
</tr>
<tr>
<td>1999</td>
<td>4</td>
<td>Agriculture = 3 Commercial = 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agriculture = 25ha 25a 72a Commercial = 9ha 15a 0ca</td>
</tr>
<tr>
<td>2000</td>
<td>9</td>
<td>Agriculture = 1 Commercial = 4 Residential = 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agriculture = 3ha 1a 1ca Commercial = 1ha 60a 22ca Residential = 1ha 62a 75ca</td>
</tr>
<tr>
<td>2001</td>
<td>3</td>
<td>Commercial = 2 Residential = 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial = 0ha 20a 32ca Residential = 0ha 93a 49ca</td>
</tr>
<tr>
<td>2002</td>
<td>INFORMATION</td>
<td>NOT AVAILABLE</td>
</tr>
<tr>
<td>2003</td>
<td>Est. 65</td>
<td>Commercial = 5 Residential = 60²</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial = 2ha 15a 46ca Residential = 96ha 35a 48ca</td>
</tr>
</tbody>
</table>

(Years 1980 – 2001 Source: Farran 2002; Years 2002 – present, own research)

² Approximately two thirds of these leases are subdivisions of previously registered agricultural land, therefore no extra land has been alienated.
APPENDIX E
Survey Results

Household Case Studies, 2003

It should be noted that most interviews were conducted without the use of a tape recorder, due to interviewees’ reluctance to be recorded. This is to be expected in Vanuatu where there is general suspicion of a person’s word being recorded, and where land rights are an extremely sensitive topic. Due to research participants’ desire to remain anonymous, survey and interview data has been tabled in a manner that conceals identity. For this reason also personal accounts of village experience are not included, although they guided my own understanding of Mele land tenure, as represented in this thesis. Statements were extracted from these accounts to illustrate the land experience in Mele. Tables 4, 5, and 7 in the main text summarize village data.
Focus Group Discussions, 2003

THE WOMEN
On 19 May 2003, at 9:30 am, twenty-seven women ("ol mama") were in attendance at the discussion. They had kindly given me half an hour of their time during their weekly Women's Club meeting. The group is generally formed of older married women, most of whom also have children.

- **What do women in Mele need land for?**
  - kaikai mo flaua lo garen
  - berem ded man
  - berem waste
  - ples we bushes i stap
  - pat blo laef blo vilij
  - samtaem papa i givim lo
  - communiti
  - yangfala we i stap prepare
  - bisnis
  - blo buildem haos blo hem
  - kava

- **How do women in Mele get access to land and resources?**
  - tru man (husband)
  - gladhat blo wan naraman
  - papa i givim graon
  - (I givim graon lo wan
  - raet tru ol famli (extended
  - God i givim raet
  - family)
  - Jif i givim raet blo grup
  - folem ol fasin blo ol
  - blo ol mama blo usum
  - olfala blo mifala nomo
  - communiti graon blo
  - wokemgaren

- **What are LAND RIGHTS?**
  - mi gat raet lo graon ia
  - o mi fala i bat raet blo ol olfala blo mi nomo, ol mama we i bat bigfala graon
  - i save jusum hu nao oli wantem givim graon lo olgeta
  - o man i ona, man i stampa lo graon, olsem mifala lo graon
  - (naf'lak i folem mama, be hemi fasin blo taem bifo, mifala i nomo folem).

- **Does everyone in Mele have equal land rights?**
  - I no evriwan i bat graon
  - I stap lo wanwan famli

- **Are there any threats to land-use/land rights in Mele?**
  - man aelan (i mekem garen blo olgeta i go lo market blo salem afa taem
  - mifala i go lo market blo salem ol samting blo mifala mifala i no salem
  - gud lo market)
  - I had blo ronem ol man aelan nao.
  - Ol papa i letem graon i go lo man aelan, ol mama i no save toktok
o Leases: mifala i nomo fri blo wokbaot lo ol eria, mas go lo point nomo (nidim trak, mas pem trak, be vatu i had blo kasem from se mifala i no salem gud lo market) blo tekem faeawud
o Mifala i live lo wan hole nomo, mifala i fas lo fenis, sapos mifala i wantem go lo wan saed lo Mele mifala i fas nomo, mifala mas stap lo eria ia nomo nao.
o Mifala i no fri gud lo kakai blo solwora tu, samtaem mifala mas pem.

o I no mo gat respect (e.g. man Tanna i mekem garen i no respectem ona, mo tu ol tabu pIes i no mo gat respect).

o VATU hemi big problem (e.g. ol subdivision i jenjem pIes, from se ol ona i wantem vatu), fasin blo salem graon, from se living tedei i stap jenis. Man i salem graon from se i gat plante tingting lo mind blo hem, olsem ol nara bisnis we hemi wokem.

THE YOUTH

On 19 May 2003, at 8pm twenty-four youth were in attendance, of which 15 were males and 9 were females. They kindly gave me 45 minutes of their time during their bi-weekly youth group meetings. The average age of this group would be in the late teens/ early twenties. Married people are also members of the youth group (usually after 30 yrs of age they then tend to join either the men or women’s groups). An older woman and man, as youth group organizers, were present and also offered their opinions.

• What do youth in Mele need land for?
  - planem root crops
  - buildem haos
  - planem flaua
  - planem wud/ tri
  - blo buildem haos
  - planem cash crops
  - graon emi mama
  - graon, hemi
  - producem plante
  - samting we i
    
  switim laef, olsem
  ol tri. Tedei i
  important from se
  populesen i kam
  antap, so mas
  usum gud graon
  blo lukaotem spes
  - plante i gat pig,
  fowl, ol livestock.

• How do youth in Mele get access to land and resources?
  - papa i givim raet blo usum graon, folem line blo papa. Ol uncles tu, mo ol aunty, ol famli i save givim raet blo usum graon tu.
  - Jif i givim raet, especially taem populesen i antap, hemi locatem ples blo yangfala i go live lo hem.
  - Graon i folem ol tribes mo famli we i pat lo land.
  - Spos mi pem kofin blo wan ded man, no mata sapos hemi no stret famli blo mi, bae famli blo hem i givim wan pis graon, be fasin i no stap tumas tedei.
  - Adoption, “tama fakare,” i stap go hed tedei.
- Tawain i givim graon (ol man mo ol woman, i sem mak).
- Exchange for labour (fasin inside lo vilij mo wetem ol man outside lo vilij tu).

- **What are LAND RIGHTS?**
  - follem blood line blo papa (olsem we ol Kot blo Vanuatu i talem), “birthright”, sam taem mared tu.
  - Naf’lak tu, but takes longer than Courts from se blood line i mo strong, i no gat confusion lo blood line. Naf’lak i bin put blo unitem ol man blo Vate bifo, so sapos mi mi naf’lak kokonas, mo mi go long Narasaed mo mitim wan nara man blo naf’lak kokonas, mi bae mi gat raet lo graon blo hem. Be naoia, wetem blood line, i min se ol man we i stret nomo lo graon i gat raet lo graon ia.

- **Does everyone in Mele have equal land rights?**
  - ol man i stap mekem decision, e.g. ol brata taem papa i givim graon lo olgeta oli gat raet.
  - Ol gel i olsem ol chicken wing, taem oli mared oli flae.
  - Taem papa i ded, mo hemi no bin sherem land finis wetem ol pikanini, bae 1st son i responsible blo sherem land.

- **Are there any threats or changes to land-use/land rights in Mele today?**
  - I mo gud blo tekem fasin blo waet man wetem titol blo makem boundary, hemi “security blo fiuja,” mo tu nidim titol blo gat loan blo bank.
  - Taem mifala i brosem garen, mifala i severn pis graon blo 2-3 years’ time (reservem sam ples). From se naoia sam ples we oli dak bus i nomo dak bus. Sam man we oli gat bigfala graon i save bros evri yia, be graon i stap kam smol, from se populesen i antap. Ol garen i kakai graon.
  - Mas avoidem fasin blo ol squatters (e.g. man Tanna antap lo dak bus). Fasin blo Mele blo givim graon (wan famli i givim raet lo wan man aelan afta famli blo hem i gro lo ples) i mekem problem ia. Naoia ol man aelan i stap askem compensation, be i no gat formal lease.
### Commercial Development Survey, 2003

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Established</th>
<th>Length of Lease</th>
<th>Size</th>
<th>Lessor</th>
<th>No. of Employees</th>
<th>No. from Mele</th>
<th>Residence of Non. Mele Employees</th>
<th>Company Policy for Employment of Mele villagers</th>
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<tbody>
<tr>
<td>Agriculture</td>
<td>1980</td>
<td>30 yrs</td>
<td>217ha</td>
<td>MTL</td>
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<td></td>
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<tr>
<td>Industry</td>
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<td>50 yrs</td>
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<tr>
<td>Tourism and Agriculture</td>
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<td>2.5ha</td>
<td>Tavaro Family</td>
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<tr>
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<td>75 yrs</td>
<td></td>
<td>Commercial Lease 15 ha Agriculture Lease 52 ha</td>
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<td>1</td>
<td>Mele Maat</td>
<td>Yes</td>
</tr>
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