

Philosophical Perceptions of Pacific Property - Land as a Communal Asset in Fiji

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Abstract: This paper explores the philosophy of land as an asset within the conflicting paradigms of communalism and capitalism that affect many developing nations in the Pacific region. Using Fiji as a case study, the nature of land ownership is investigated within a framework of influence from the traditional chiefly systems, religions, individual aspirations and external capitalist development impacts.

The concept of communalism involves 83% of the land area of Fiji. Within a static non-evolving framework there are indications that hypothetically it could remain operational. However, reality brings different pressures and motivations to bear. Education and evolving individual aspirations can overtake tradition in this regard. Entwined with this evolution is a reaction to a supplanted western land tenure structure that adds to the conflict.

Through an investigation of contrasting philosophies and contemporary conflicts between duty, obligation, tradition and capitalism this paper attempts to unravel the confusion, suggesting directions for development and education in this critical issue.



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The Department of Land Management and Development is involved in all aspects of buying, developing, investing, managing, valuing and selling land and buildings in the Pacific region. The University of the South Pacific is a truly regional university being jointly owned by the governments of 12 Pacific Nations: the Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

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“If the University (of the South Pacific) is considering and discussing questions of land tenure, its own responsibility is to examine the subject with an academic approach. Anything we have to say must be based on adequate research and rigorous academic standards and any contribution we may make to discussions on land tenure must be made quietly and must be sensitive to the wider issues involved. We must, of course, so far as possible avoid the political and emotional overtones which are unfortunately too often associated with this issue. It is only in this way that we can make an appropriate contribution to the economic and social welfare of the Pacific.”

(Aikman, 1969)

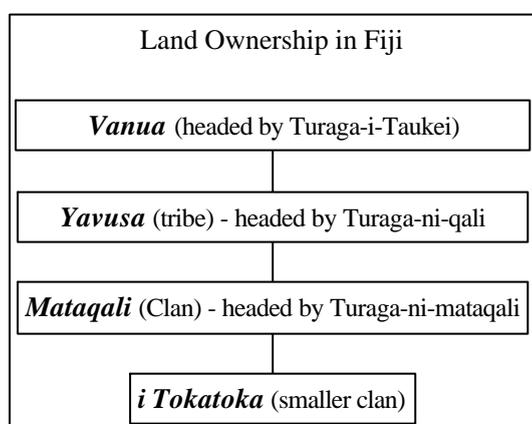
Three common definitions are provided in the Oxford English Dictionary for the word ‘communalism’. These are the principle of political organisation based on federated communes; the principle or practice of living together and sharing possessions and responsibilities; and allegiance to ones own ethnic group rather than to the wider society (Pearsall, 1998). All three are relevant to this paper and the philosophical challenges that concern land in Fiji. Communalism is derived from the Latin root *communis*, community is a concept fundamental to an understanding of human societal order (Daley, 1997). Daley suggests communalism can only be studied in terms of the interaction of communalist groups, one with the other and not non-communalist third parties, such as secular parties and the colonial state. *“A community is formed when a group of people share something in common which distinguishes them from members of other groups and the shared element becomes the primary reference of identity. The nature of a community thus embodies a sense of discrimination - a feeling of ... being encircled by a boundary within which members are supposed to act.”* (Das, 1991) Communalism implies a working together for the benefit of the group. However, in a plural society such as Fiji we are confronted with a multiplicity of ‘groups’ resulting in inter and intra-race conflict.

“In plural societies the constitution, the supreme law of the land, is of more than usual importance, for during the formative period of the nation it provides the broad framework for the development of mutual relations among the various communal groups and more importantly, it indicates the thinking and attitudes of the majority indigenous community (who believe that they have an inherent right to political paramountcy) towards other communities and towards the fundamental problems of communalism and nation building.” (Vasil, 1972) At the time that Vasil wrote his paper he was relying on 1966 Census statistics which apportioned the indigenous Fijians as comprising 42.4% of the total populace, less at that date than their Fiji Indian compatriots. As a minority, and in subsequent years with a marginal majority, there has been an enduring fear of dispossession of their own land or *vanua*. As Fiji Indians, then and still today (despite the putsch of May 19th 2000 and subsequent military coup), have a predominant share of economic and commercial power, there was a fear that if granted equal political rights they would take over the country. Such a fear was perceived as manifest when the liberal contemporary 1997 Constitution facilitated the installation of Mahendra Chaudhry as the first Prime Minister of the Republic of Fiji Islands to have Fiji Indian ethnicity.

This fear was recognised (even inspired) by the British Constitutional rulers. It was the British who introduced the divisive and unworkable system of communal representation and communal electoral rolls. Thus, different communities were represented by their own kind. This still extends to schooling in a prevailing quasi apartheid educational system. A communal roll stands for divided loyalties; it inhibits national consensus amongst the people, identified with religious fanaticism or racial separation or economic or social privilege. If one is to question nationalism as an extension of indigenous communalism, and where such thought processes may evolve from, one has to acknowledge that as recently as 1970 the paramount chief and more recently President of Fiji, Ratu Mara, was proposing partition for Indians within Fiji.

The nature of land tenure in Fiji and perceptions of the events that led to the putsch of 19th May 2000, the subsequent military coup and continuing unrest have been well documented elsewhere (Boydell, 2000; Boydell and Reddy, 2000). By way of introduction some background is relevant. Land tenure systems are manmade social definitions. They exist to serve the needs of the people (Crocombe, 1968). The system is made to accommodate the particular way of life of the people, laws and most importantly the physical environment. It is subject to change and is transmitted from generation to generation with efficient modification. Marchak, who argues that land tenure systems only exist as long as society is willing to enforce them, reinforces this view. If a system of (or belief in) enforcement is missing, they cease to exist (Marchak, 1998). Around the world colonial white man, in building empires for their respective sovereigns, impacted the structured tenure systems and religious order of nineteenth century Europe on the traditional commonhold and clan structure of the under-developed world.

Land Tenure patterns in Fiji were fixed at the time of Cession to Britain in 1874. According to Ward (Ward, 1965) one of the first acts of the Colonial Government was to issue a notice to the effect that “no sale, transfer or assignment of land” would be recognised by the government until a



decision had been made on the settlement of existing titles (Gazette: No.2, 12.10.1874). After the signing of the Deed of Cession, rights of Fijians to the land were guaranteed and rights of Europeans and other foreigners who had acquired land in a *bona fide* manner prior to Cession were also recognised. In 1874, during the time of Cession, there were many foreign occupiers and claimants to large areas of Fijian land. These claims mostly originated through dealings with chiefs, traders and settlers. At that time some 400,000 acres of land was registered as Freehold. The current land tenure patterns and policies were based on the views of Gordon,

the first substantive Governor of Fiji. He set up a framework, establishing the Lands Claims Commission, under which the validity of European claims were determined and the protection of native forms of tenure systems were recognised. Among other issues the *mataqali* was accepted as the main land-owning unit in Fijian Society.

In Fiji 83%¹ of the land is owned in trust by indigenous Fijians. The residue is state land and freehold. This is in stark contrast to land ownership in Australia and New Zealand where the indigenous owners were dispossessed through colonisation. As a result, the Fijians (indigenous Fijians) remain a proud race and have retained strong spiritual and family connections with the land (Boydell and Reddy, 2000). The Native Lands Trust Board (NLTB) administers the indigenous land that is not required for occupation by members of the *mataqali*.

Is the communal approach to land ownership so inappropriate? The indigenous approach demonstrated by Australian aborigines or native Fijians to their land is one of co-operation. Indigenous Fijians in particular demonstrate within the village structure what would be perceived as contemporary *permaculture*, or permanent agriculture. As Mollison suggests, there are ways of asking the same basic question: "What can I get from this land, or person? or, "What does this person, or land, have to give if I co-operate with them?" (Mollison, 1988) The former (which is a liberal 'developed' or capitalistic western approach) leads to war and waste. The latter leads to peace and plenty. He goes on to suggest that most conflicts lay in the way a question is phrased

¹ The figure of 83% has been commonly cited. However, with the recent transfer of Crown Schedule 'A' land to the NLTB, the unconfirmed percentage of land vested in the ownership of indigenous Fijians is now approximately 90%.

rather than how it is answered - the 'wrong' question should be rephrased or rejected. The semantics of westernised land tenure are particularly difficult outside the English language. However, the traditional (and contemporary) 'feudal' approach to land is synonymous with the underlying ethos of permaculture - the principle of co-operation. Mollison reminds us that co-operation, not competition, is the very basis of life systems and of future survival.

The common view that indigenous Fijians blame their exclusion from the contemporary wealth of their nation on Fiji Indians is also purported by Katz in his anthropological consideration of the *Vanua* (Katz, 1993). He quotes one Indigenous Fijian elders' view of Fiji Indians as *'Everything we Fijians believe in, they destroy. Where we share, they hoard; where we are quiet, they are loud; and where we are humble, they are arrogant. We can't live with them in our place.'* There are two sides to every story, and in this context the 'sharing' lacks good business sense to the more commercially minded Fiji Indian. Similarly the quiet nature and humility are interpreted as timidity and passivity. Katz sees such misinterpretation of respective values as an eerie negative reflection, representing an insurmountable gulf between the two cultures.

Katz simplifies the definitions of "Western" and "Indigenous" in a pragmatic manner alluding to two different but overlapping and interrelated ways of being which are themselves dynamic and evolving (Katz, 1993). He suggests the application of the term "Western" to people and institutions affected by forces such as modernism, capitalism and urbanism. In contrast, "Indigenous" applies to people and institutions more affected by traditionalism, co-operative economics and rural or 'bush' life. In many ways this would place "Indigenous" as relevant to the communalism of the Fiji Indian groupings, or that whole species, as it is to the native Fijians to whom it is meant to allude. Katz does indeed qualify this in identifying indigenous people as being descended from the first or original inhabitants of a place, acknowledging that whilst they are 'more' traditional, they are often influenced by the Western values of the larger nation within which they reside.

The first Indians arrived in Fiji in 1879 under the colonial indenture system. They were drawn from various parts of the Indian Subcontinent, separated from their prior communal groups and thrown into a homogenising plantation life. The Hindus were the first Indians to organise communally on an exclusive basis, externally against non-Hindus and internally against each other 'Aryas' -v- 'Sanatini' (Daley, 1997). Later (1930s) this became Muslim -v- non-Muslim and later, likewise, internally 'Sunni' -v- 'Ahmadi'. In a similar manner, the 'Indian' internal divisions of 'South India' took a locational divide of those in the Suva/Rewa area -v- the rest (*Sangam*). The communal divisions of Fiji Indians were the opening up of ancient wounds that for centuries had left their mark on Indian society. Under the stress and tremendous shocks of modern Fijian life have these wounds broken open to bleed from old scars... or are they an original action of people and traditions with a new place?

There is a depth of intra-communal racism in terms of colour in Hindu Society. Hindus (of higher caste) are acutely aware of their fairer complexion and the need to maintain pristine purity of their blood stream (*Varna*). They consider there to be no greater crime than miscegenation. Faith in the sanctity of caste/colour endures and abides in Hindu society. In citing Chaudhuri (Chaudhuri, 1951), Daley goes on to suggest that there is no Brahminical aspect to Fiji - that there is no priestly class to dispense legitimacy to the leadership elite drawn from the 12 communal Indian groups which comprise the Fiji Indian 'species'. This is interesting, given that most Hindus that one may meet in Suva would claim, without hope of substantiation, to have pure Brahmin ancestry. Seemingly one of the privileges of international travel, contemporary or historically through indenture, is an ability to reinvent ones past and once abroad be the person that one would wish to be with the benefit of a more appropriate genealogy.

In his conclusion, Daley places the blame for the lack of Indian homogenisation within their new society largely on external influences. *"Fiji Indians were vulnerable to manipulation from afar, not only from the (Indian) Subcontinent, but also from London and Sydney, from the Colonial Office and the head of the CSR Company. Many disparate hands pulled the strings which made the Fiji Indians do the things they did: requiring Fiji Indians to live in quarters separate to the Fijians, persuading Fiji Indian families to espouse their children only to others of their own kind, manipulating the sugar production and marketing process so as to work the cane farmers at a minimum rate of return, and encouraging Indian nationalist cadres to go to Fiji specifically with a view to organize the Fiji Indians politically along Indian nationalist lines. Some of these external manipulating hands were British, others were Australian, still others were Indian and one famous pair was Ghandian."* (Daley, 1997). The causes of the present dilemma include British officials, Fiji European settlers, Indian nationalist cadres as well as homegrown Fiji Indian communalists and secularists. There is pluralism within the communalism of the Fiji Indian 'species', but beyond their internal disorder and in the eyes of the wider community the issue is presented as the racial dualism of Fiji Indians -v- the rest.

Class conflict, gender competition and racial animosity are the three things which most pre-occupy current Western susceptibilities. Communalism in the late 20th Century was perceived as an undesirable political mode, albeit that communalism had been encouraged internally by the major ethnic groups of Indians and Fijians, and then by the Europeans (who were seeking post-Colonial political power to add to their economic strength) in pre and post Independence politics. Whilst the concept of communalism pervades both major ethnic groupings, in the case of Fiji Indians it is not grounded on the land. From a western perspective this is quite common, as renting and leasehold tenure is the norm. Land and money both represent power, but it is land ownership that ensures a community its future. This is where Fiji Indian communalism is left disadvantaged and uneasy.

In expounding traditional Fijian values and contemporary challenges, Katz's dialogues include some relevant insights. The concept of traditional exchange and the give-and-take process. The introduction of money destroyed the freedom of exchange: *"Money ruins the sound relationships of blood and family. Money can be used to buy clothing and pay for education, but we don't need it for food. Food is bountiful in our sea, reefs, rivers and mountains. Money is not for life. Money makes a line between rich and poor."* However, the very nature of 'communal' land ownership and access to *qoliqoli*, the traditional fishing rights, precludes access to this bountiful resource for over half the population. Such bounty is still free in rural Fiji amidst village life, but the westernism of urbanisation and the tourist coastal areas ensure that, in an evolving world, money becomes the primary medium of exchange.

The concept of 'synergistic community' is developed, whereby valued resources are renewable, expanding and accessible. In a situation where all such resources are shared equitably with all communal members, the sentiment is that the whole of these resources becomes greater than the sum of the parts. There is less wastage, heightened sensitivity to and greater respect of the resources. Conversely, what is good for one member becomes good for all (Katz, 1993). This concept still holds true for indigenous Fijians when members of the communal group move away from the 'village' setting to an urbanised life. The 'good' fortune (wealth at the threshold of westernisation) is expected to be shared (to a degree) for the good of the entire communal group. This creates a pressure for the urban dwellers, who are confronted with western values, most notably the need for money as a medium of exchange. Today we can observe many first generation urban dwellers, who spent their formative years in their village. Thus, with their parents and the village elders still alive, they are bound by an often overbearing and conflicting sense of duty to contribute financially to the well-being of their forebears, relatives and wider communal group.

The extent to which such duty will pervade in subsequent generations is open to question and represents a threat to traditional Fijian communalism and respect.

There remain subtle boundaries in 'self' evolution. This is the Fijian conception of the self-embedded-in-community that Katz contrasts with the Western value of individualism with its idea of the self as separate and separating from others. When you ask a Fijian where they come from, they usually answer you in terms of their traditional communal home, their village, rather than where they happen to reside at present. This is often the case of urban dwellers who may never have lived in the village and only visited briefly. Such strength of traditional roots and connectivity with the *vanua* is dependent on upbringing and parental/societal influence. However, we can also cite examples of our own indigenous Fijian students who have no connection with their village, have never visited and the ties have broken. Such westernisation will inevitably increase significantly in future generations, both increasing and greying the divide between urban/global and village life. Moreover, like the Europeans and Fiji Indians, the global Fijian may also assert their opportunity to reinvent their genealogy and their past to appear of more 'chiefly' lineage than they would claim in a communal environment. With western values, tomorrow's global Fijian may only acknowledge tradition from a westernised perspective - when it serves to benefit self. At that stage, individualism will have consumed the mind.

As Mollison says: "*Whether we approve of it or not, the world about us continually changes. Some would want to keep everything the same, but history, palaeontology, and common-sense tells us that all has changed, is changing and will change.*" (Mollison, 1988) So how are we, as land managers, to advise and guide within the framework of inter and intra-communal complexities and change that confront us in our small corner of the Pacific? My departmental team comprises the three primary ethnic groupings that are the cause and hopefully the cure for the challenges we today confront, Indigenous Fijian, Fiji Indian and European. The concept behind *Philosophical Perceptions of Pacific Property* is to sensitively embrace change whilst being respectful of tradition. Our approach may require the courage to break away from the 'established' western property research format (of Introduction, Literature Review, Methodology, Data Analysis and Conclusions) into a style that can instead provoke thought and stimulate considered discussion... the Pacific way. Of course essays such as this, as opposed to tried and tested research papers, are a dangerous route professionally if they prove too confronting to our peers – particularly those refereeing journal articles. However, we of the property profession are all too oft pre-occupied with the dollar, with our materialist mode of exchange. Our education systems encourage this. The professions demand it, for all those educating in the property arena can recount tales of accrediting bodies wanting more valuation/appraisal taught. We fail our future cohorts and ourselves by overlooking the need for philosophy and an appreciation of sociology in our curricula. Capitalists of the world unite, Microsoft may strive to take over the world, but ultimately our profession is about matching and managing people with property. Thus it is imperative that we strive to understand the people that we serve.

In Fiji there is a sense of belonging and interconnectedness between the indigenous Fijian and the land (*vanua*). Within the Fijian language, the *Taukei* (which is the name taken by the nationalist movement associated with the recent unrest) and *kai vanua* literally mean 'land people' (Walter, 1978). The Fijian, as with many other indigenous groups, views the land with sacredness and spirituality. Philosophically and spiritually there is a deep-rooted belief in the stewardship of land. It is an accepted Fijian permaculturally sensitive belief (that would gratify Mollison) that the current generation has a responsibility in respect of the land that relates to the spirits of their forefathers along with the expectations of their descendants, in addition to the needs of the current generation. There is also a view (Lea, 1997; Ward, 1995) that the perception of tradition or 'custom' is a moving idealism, and is varied and recreated as needed to reinforce and support a particular stance,

which we now see manifest as nationalism. The traditional economy has evolved whilst traditional social and political order is being reinforced and entrenched (Overton, 1987).

The insularity of society in Fiji gives rise to the belief that land holds a special place in the Pacific. The reality, in contrast, is that land holds a special place in all societies of the world. This supports our call for a greater understanding of society in advising on land matters. What varies is the nature of the tenure – and what is important in contemporary society is how that tenure was arrived at. The difficulty, as Hann observes, is that a standardised model of private exclusive ownership has now been disseminated in most societies (Hann, 1998). More recently Western advisers supplanted this on the former communist societies of Eastern Europe and Asia, merely completing a trend established elsewhere under Colonial rule. The western consultant's perspective is presumably that the 'western' system is better than the alternative (in Fiji this would equate to quasi-feudalism) where ownership is imposed arbitrarily by those in power (Boydell, 2000). This perception is reinforced by liberals who allege that communal ownership gives rise to the over exploitation of scarce natural resources. This view is totally at odds with Mollison's perception outlined above (Mollison, 1988). Moreover in Fiji, as a less developed country, the communal feudal approach to subsistence farming has supported considerate stewardship of the land resource over the years, allowing fallow and recovery sections of land, to ensure against over-cultivation. Over-exploitation and over-cultivation is a western, rather than traditional indigenous, paradigm.

There are parallels with Godwin's classic essay on *Property* written in 1793, some eighty years before Fiji was ceded to the British. Godwin wrote about the materialistic wants of developing society questioning if such materialism would be important if one resided on a desert island with no spectators of the economy (Godwin, 1890). Whilst termed *political justice*, Godwin's views on communal benefit from property relate closely to the ideology of *social justice* in the current millennia. Such rational ideologies can be traced back to More's *Utopia* (More, 1974) and Plato's *Republic* (Plato, 1937).

The pre-eminence of property within the liberal paradigm is largely a myth (Hann, 1998). In all societies the property rights of individuals are subject to both political and legal regulation. In dealing with the anthropological essence of land and ownership Hann refers to the 'embeddedness of property'. It is this embeddedness, or preconception from prior upbringing, which clouds and confuses attitudes to property and land ownership. Lawson supports this view in respect of contemporary myths that surround land in Fiji (Lawson, 1990). She suggests documented and respected views of land and the *vanua* (such as (Ravuvu, 1983); (Lasaqa, 1984) and (Scarr, 1983)) may inadvertently, rather than deliberately, mislead the reader. Ravuvu stresses the psychological attachment that Fijians are said to have with the land (*vanua*): "*The vanua contains the actuality of one's past and the potentiality of one's future. It is an extension of the concept of self. To most Fijians, the idea of parting with one's vanua or land is tantamount to parting with one's life.*" Lawson identifies the generalised nature of such views by Fijians as an acceptable communal view in the face of the perceived threat to their culture and land by the 'alien' Fiji Indian population. "*So too there are very few people who know what our future will be because only a few really know our past*" (Katz, 1993). At the time of writing, Professor Ravuvu, who failed to enter politics as a nationalist candidate in 1999, has embraced the task of chairing the Constitutional Review Committee initiated by the current military appointed non-democratic administration.

'Plural Society Syndrome' prevails in Fiji where most political activity is interpreted in terms of and motivated by perceived racial or ethnic interests. It is initiated and sustained through two mechanisms: the doctrine of paramountcy of Fijian interests and the concept (or myth) of Fijian cultural homogeneity. Communally the homogeneity fell apart in 1987 as in the unrest of 2000 when intra-communal power politics were apparent between the three paramount chiefdoms. In

1987 Alliance leaders of the East had long represented themselves as guardians of all things Fijian, including Fijian land ownership. Bavadra, the deposed Prime Minister who emanated from the West, tried to draw parallels between the Fijian 'commoners' and the Fiji Indians. This represented a threat to the foundation of chiefly power in a democratic political situation. Myths remain a useful tool in Fijian society. The myth of cultural homogeneity was used to support an equally mythical notion of political homogeneity in the same rhetorical device Rabuka used to justify the destruction of democratic politics in Fiji in 1987 (Lawson, 1990). Despite the clear protection of all things Fijian, including the land, the *vanua*, under Rabuka's subsequent liberal Constitution of 1997 (Boydell, 1999), the perceived threat to land reached a peak under the Chaudhry led government in the months after their establishment in May 1999. The desire by a non-indigenous led government to perpetuate an unworkable agricultural leasing system, unprecedented compensation on lease expiry to cane farmers (203 to date, of which 193 were of Fijian Indian ethnicity (FT, 2001)) and concerns over the establishment of a Land Commission represented a major threat to the special rights and privileges enjoyed by Fijians. They formed, along with the familiar 'race' card, enough justification to replicate assertions of paramountcy through the 2000 putsch and subsequent coup. Fijians now remain clearly in control of their communal land.

It is over 30 years since C.C. Aitkin, the then vice-chancellor of the University of the South Pacific, provided his insightful Welcome Address to the South Pacific Commissions Symposium on Land Tenure. His advice has been often overlooked in the intervening period, but the words still hold critical relevance today: "*It is, of course, always useful and helpful to be able to look at what other people have done and the solutions that they have arrived at in regard to legislative and other problems. On the other hand, we must appreciate that Land Tenure problems are problems to which new answers have to be sought continuously and that the problems of a particular country are the problems of that country alone. A country may have particular problems and particular ways of handling those problems which are best suited to its own physical environment, culture and economy*" (Aikman, 1969)

So from a land management perspective, we must strive to make the controlling parameters work for all parties to facilitate growth of the economy. This means that we must understand and work with the people of all sections of society. More than anything else, we are constrained by myth and fear. Education is the key to reconciling the myths and abating the fear. The role of the Department of Land Management and Development at the University of the South Pacific is critical to educating the participants of tomorrow, and helping the players of today. We strive to operate in a culturally sensitive and non-provocative way. We hope that within our faculty we combine sufficient sensitivity to and understanding of the multiplicity of complexities. Only then can we proffer detached, respectful, considered and workable solutions that account for the plural and communal society that we operate in. These solutions are not supplanted western ideals. It has been demonstrated that western ideals can be the cause of the problem rather than the solution. What is required is a Pacific property paradigm – a *Philosophical Perception of Pacific Property* that finds a 'new' and appropriate people sensitive solution to the economic and sociological land management issues that we confront. Like this paper, we must step outside the comfort zone in order to make our contribution.

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