

“We affirm that God is both creator and the Judge of all men. We therefore should share his concern for justice and reconciliation throughout human society and for the liberation of men from every kind of oppression...”

Lausanne Covenant, cited in The Grand Rapids Report, p.17.

DEDICATION

This thesis is dedicated to my mother,
Sereana Vudi Rokomasi
who was called to rest on 15th June 1996 six months after
I left home to do my Postgraduate programme.

DECLARATION

This is to certify that the thesis comprises only my original work except where due acknowledgment is made in the text to all other material used.

Keresi Rokomasi Fonmanu

February 1999

ABSTRACT

The rapid increase of land development, the increase in population and the exploitation of natural resources have caused great concern to most governments in the world today. Land and land tenure systems are the key elements and the key forces which shape the society. However, the constraints of the land tenure system and the effects of rapid economic development are visible throughout the world today, especially in less developed countries. Therefore land problems often break out as disputes. In this context, this thesis concentrates on customary land tenure and the customary land problems in Fiji.

The main purpose of this thesis is to propose an alternative centre for the administration and management of customary disputes, which will utilise land information and geographical information to its maximum capabilities. It is anticipated that this model would assist customary landowners, land administrators and land managers to resolve customary land disputes. The Fiji customary land tenure system is examined, in particular, landownership, land boundaries and land administration. These three topics are discussed individually and then discussed as a basis of land disputes. It is in these three areas that a procedure is developed into a system that may help in customary land dispute resolution.

This thesis aims to assist all other countries with customary land tenure problems, especially those countries of the South Pacific that share the same principles and the same flexibility.

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TABLE OF CONTENTS

	Page
<i>Introductory Quote</i>	<i>i</i>
<i>Dedication</i>	<i>ii</i>
<i>Declaration</i>	<i>iii</i>
<i>Abstract</i>	<i>iv</i>
<i>Acknowledgments</i>	<i>v</i>
<i>Table of Contents</i>	<i>vii</i>
<i>List of Maps and Figures</i>	<i>xii</i>
<i>List of Tables</i>	<i>xiii</i>
<i>List of Acronyms</i>	<i>xiv</i>
<i>Glossary of Terms</i>	<i>xv</i>
 CHAPTER 1: INTRODUCTION	 1
1.1 Introduction	1
1.2 Fiji's Land Tenure System	3
1.2.1 The Western Land Tenure System	3
1.2.2 The Customary Land	5
1.3 Basic Concepts	6
1.3.1 Land Disputes	6
1.3.2 Dispute Resolution	8
1.3.3 Information	10
1.3.4 Land Information Management	11
1.4 Overview of Thesis	12
1.4.1 Objectives and Application	12
1.4.2 Research Method	13
1.4.3 Data Collection	13

1.4.4 Structure of Thesis	14
1.4.5 Flow of Thesis	16
1.5 Chapter Summary	16
CHAPTER 2: LANDOWNERS IN FIJI	18
2.1 Introduction	18
2.2 The Concept of Land Ownership	19
2.3 The Concept of Rights in Land	19
2.4 The Concept of Communal Ownership	21
2.5 The Taukei (Indigenous Fijians)	23
2.5.1 History of the Taukei	23
2.5.2 The Social Structure	23
2.6 Customary Land for the Taukeis	24
2.6.1 Native Lessees	26
2.6.2 Vakavanua Lessees	27
2.6.3 Native Reserve Claimants	27
2.7 Villagers	29
2.8 Absentee Landowners	31
2.9 Chapter Summary	32
CHAPTER 3: LAND BOUNDARIES	33
3.1 Introduction	33
3.1.1 The Concept of Land Boundary	34
3.1.2 Cadastral System	35
3.1.3 Registration	37
3.2 Land Boundaries in Fiji	38
3.2.1 Colonial Legislation	38
3.2.2 Survey of Native Lands	40
3.3 Unsurveyed Native Lands	42
3.4 Chapter Summary	43

**CHAPTER 4: CUSTOMARY LAND ADMINISTRATION AND
LIS / GIS INITIATIVES 44**

4.1 Introduction	44
4.2 Ministry for Fijian Affairs	45
4.3 Fijian Affairs Board (FAB)	46
4.4 Native Lands Commission (NLC)	47
4.5 Native Lands Trust Board (NLTB)	50
4.6 Fiji Land Information System (FLIS)	51
4.7 Cultural Issues in LIS / GIS	52
4.8 Chapter Summary	53

CHAPTER 5: CUSTOMARY LAND DISPUTES IN FIJI 55

5.1 Introduction	55
5.2 Disputes Over Landownership	56
5.2.1 Communal Ownership	56
5.2.2 Reserve Ownership	59
5.2.3 Register of Native Landowners (VKB)	60
5.2.4 Summary	63
5.3 Disputes Over Land Boundaries	63
5.3.1 Surveyed Boundaries	63
5.3.2 Reserve Boundaries	65
5.3.3 Unsurveyed Boundaries	66
5.3.4 Summary	67
5.4 Disputes Over native Land Administration	68

5.5 Chapter Summary	70
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CHAPTER 6 : DISPUTES RESOLUTIONS IN OTHER JURISDICTIONS

	72
6.1 Introduction	72
6.1.1 The Forces that shape Land Tenure	73
6.2 Western Samoa	75
6.2.1 Land Tenure in Western Samoa	75
6.2.2 Customary Land	76
6.2.3 Customary Land Disputes	76
6.2.4 Dispute Resolution	77
6.2.5 Information Available	78
6.3 Vanuatu	79
6.3.1 Land Tenure in Vanuatu	79
6.3.2 Customary Land Disputes	81
6.3.3 Dispute Resolution	82
6.3.4 Information Available	83
6.4 Papua New Guinea	84
6.4.1 Land Tenure in PNG	84
6.4.2 Customary Land	85
6.4.3 Customary Land Disputes	86
6.4.4 Dispute Resolution	87
6.4.5 Information Available	87
6.5 Indonesia	89
6.5.1 Land tenure in Indonesia	89
6.5.2 <i>Adat</i> : Customary Land	90
6.5.3 Customary Land Disputes	90
6.5.4 Dispute Resolution	91
6.5.5 Information Available	93
6.6 Chapter Summary	94

CHAPTER 7: PRESENT AND PROPOSED CUSTOMARY DISPUTE RESOLUTION IN FIJI	95
7.1 Introduction	95
7.2 Management of Customary Land Dispute in Fiji	96
7.2.1 Management of Customary Land Disputes in the Village	98
7.2.2 Management of Customary Land Disputes at District Meetings	99
7.2.3 Management of Customary Land Disputes in the Ministry of Fijian Affairs	101
7.3 Dispute Resolution	104
7.4 Dispute Resolution System for Fiji	105
7.4.1 Centre for Dispute Resolution (CDR)	106
7.4.2 Where to Base the CDR	111
7.5 Chapter Summary	116
 CHAPTER 8: CONCLUSIONS AND RECOMMENDATIONS	 118
8.1 Introduction	118
8.2 Summary and Conclusion	119
8.3 Recommendations	121
<i>References and Selected Bibliography</i>	124

LIST OF MAPS AND FIGURES

Map 1	: The Republic of Fiji	xvii
Map 2	The South Pacific	xvii
Figure 1.1	: Comparison of landownership by Area	4
Figure 1.2	: Land Information management challenge	11
Figure 1.3	: Flow of Thesis	16
Figure 2.1	: Classification of Fijian Social Structure	24
Figure 2.2	: Division of Native Lands	25
Figure 2.3	: Village within the Hierarchical Structure	30
Figure 4.1	: Institutions Affecting Customary Land Disputes under Ministry for Fijian Affairs	45
Figure 4.2	: NLC LIS/GIS Initiative	48
Map 3	: Western Samoa	75
Map 4	: Vanuatu Administrative Boundaries	80
Map 5	: Papua New Guinea Administrative Boundaries	84
Map 6	Indonesia	89
Figure 7.1.	: Flow Chart on Procedure for Customary Land Dispute	97
Figure 7.2	: Dispute Management in the Ministry for Fijian Affairs	102
Figure 7.3	: Proposed Centre for Dispute Resolution	111
Figure 7.4	: Option 1 Expanding the Provincial Office	112
Figure 7.5	: Option 2 Expand Native Land Commission	114
Figure 7.6	: Option 3 Centre for Resolving Customary Disputes under the Ministry of Fijian Affairs.	115

LIST OF TABLES

Table 2.1	: Rights, Restrictions, and Responsibilities associated with Customary Tenures in Fiji	20
Table 2.2	:Figures from Ward (1995)	26
Table 2.3	: Comparative Figures on Five Villages	30
Table 3.1	: Transactions that could be noted on the Register of Native Lands Title	41
Table 4.1	: Number of System Queries	49
Table 4.2	: Advantages and Disadvantages of Releasing Data to Landowners	54
Table 5.1	: Summary of Landownership Disputes	63
Table 5.2	: Summary of Land Boundary Disputes	67
Table 5.3	Summary of Native Land Administration Disputes	70
Table 6.1	: Demographic Statistics on the Jurisdiction	73
Table 7.1	: The values of Aboriginal dispute resolution and the value of the western legal system	104
Table 7.2	: Advantages and Disadvantages for extension of Provincial Office	113
Table 7.3	: Advantages and Disadvantages for extension of NLC	114
Table 7.4	: Advantages and Disadvantages of setting up a new Department for Dispute Resolution	116

LIST OF ACRONYMS

ADR	Alternate Dispute Resolution
ALTA	Agricultural and Landlord and Tenants Act (Fiji)
APPRA	Asian Pacific Peace Research Association
AUSAID	Australian Assistance for International Development
BAL	Basic Agrarian Law (Indonesia)
CDR	Centre for Dispute Resolution
Dist	District
DOSLI	Department of Surveying and Land Information System (New Zealand)
EB	Evidence Book (Fiji)
FAB	Fijian Affairs Board (Fiji)
FIG	<i>Federation International des Geometers</i> or International Federation of Surveyors
FLIC	Fiji Land Information Council
FLIS	Fiji Land Information System
FORGIS	Forestry Geographic Information System
FSC	Fiji Sugar Corporation
GIS	Geographic Information System
LAGIS	Land and Geographic Information System (Papua New Guinea)
LIS	Land Information System
LIS/GIS	Land Information System and Geographic Information System
LTC	Lands and Titles Court (Samoa)
MFA	Ministry for Fijian Affairs
MPI	Ministry of Primary Industries (Fiji)
NL&FC	Native Lands and Fisheries Commission
NLC	Native Lands Commission

NLTA	Native Land Trust Act
NLTB	Native Land Trust Board
NLTB LIS	Native Land Trust Board Land Information System
PNG	Papua New Guinea
PNGLIS	Papua New Guinea Land Information System
PNG LAGIS	Papua New Guinea Land and Geographic Information System
PRA	Participatory Rural Appraisal
Prov.	Province or Provincial Commission
USP	University of the South Pacific
VALRD	Vanuatu Land Registration Database
VKB	Vola ni Kawa Bula

GLOSSARY OF TERMS

(Unless indicated all are Fijian terms)

<i>adat (Indonesia)</i>	Community or customary.
<i>Adat lands (Indonesia)</i>	Lands that are held or claimed under the customary law
<i>ai cavuti</i>	Unique generic name of which a tribe (Yavusa) is known. These names are usually used during special tribal gatherings as sign of respect.
<i>aiga (Samoa)</i>	head of extended family
<i>ai lakovi</i>	Traditional presentation of <i>yaqona</i> , <i>tabua</i> (whales tooth) or any other material goods in request of a person to return home. The traditional request is made with great respect for the hosting family. This word is also used to request a lady's hand in marriage.
<i>ai soro</i>	To give up; to admit one's guilt by proffering <i>yaqona</i> or <i>tabua</i> to the injured party and to ask for forgiveness and reinstatement (Ravuvu, 1983).
<i>Galala</i>	individualism, not part of the community or group
<i>Hak bangunan (Indonesia)</i>	Right of Building

<i>Hak guna uasha (Indonesia)</i>	Right of Exploitation :long term lease
<i>Hak membuka tanah (Indonesia)</i>	Right of opening up land
<i>Hak memungut hasil hutan (Indonesia)</i>	Rights of collecting forest products
<i>Hak milik (Indonesia)</i>	Right of ownership: a full legal ownership
<i>Hak pakai (Indonesia)</i>	Right of use
<i>Kalevu</i>	Traditional title for the paramount chief of Nadroga
<i>Kana veicurumaki</i>	interdependent usage of land
<i>Matai(Samoa)</i>	Chief
<i>Mataqali</i>	an aganatically related social unit and is referred to as the land owning unit in this thesis <i>See page 43.</i>
<i>Matanitu</i>	government or state
<i>na noqu i kovukovu</i>	my parcel or my gift
<i>na qau vanua</i>	my land which sustain me and from which I eat
<i>pulefa'amau</i>	individual ownership
<i>tabua</i>	(whales tooth) used in exchanges and other ceremonies
<i>taukei(s)</i>	indigenous Fijian(s)
<i>Tokatoka</i>	Family unit (<i>see Page 45</i>)
<i>Tukutuku Raraba</i>	historical description of the movements of all tribes and their inheritance
<i>turaga</i>	chief
<i>vanua</i>	land, place, the body politic
<i>yau bula</i>	living treasure, land and fishing ground
<i>yaqona</i>	ceremonial drink made from the root of the <i>yaqona</i> plant
<i>yavu</i>	foundation; a house platform
<i>Yavusa</i>	the widest patrilineal kinship unit (<i>See Page 44</i>)
<i>yavutu</i>	origin place

MAP 1 : The Fiji Islands

(Lamour et al, 1985)

MAP 2 : The South Pacific

(Lamour et al, 1985)

