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**Tonga's Contemporary Land Tenure System:
Reality and Rhetoric**

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A thesis submitted in fulfilment of the requirements for the degree of
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Glossary

<i>anga (adj)</i>	character
<i>annga-fakapalangi (adj,v)</i>	Western way
<i>anga-faka-Tonga</i>	Tongan way, Tongan tradition and culture
<i>faikava (n)</i>	ceremonial or social <i>kava</i> party
<i>faitotonu (v,adj)</i>	honest
<i>faka- (prefix)</i>	to derive adjectives from noun
<i>(causative prefix)</i>	added to verbs, meaning 'cause to'
<i>faka-ma (adj, adv)</i>	shameful
<i>fakapotopoto (adj)</i>	prudent
<i>faka'apa'apa (v)</i>	respect
<i>fala (n)</i>	mat made out of treated pandanus leaves
<i>fale (n)</i>	house, building
<i>fale faka-Tonga or fale-Tonga</i>	Tongan house (thatched roof and walls)
<i>fale faka-palangi or fale-palangi</i>	Western or European style building
<i>fale-koloa (n)</i>	shop
<i>famili (n)</i>	family
<i>fatongia (v)</i>	duties, responsibilities, obligations
<i>feangai (n)</i>	experience
<i>fetokoni'aki (v)</i>	assisting each other
<i>feveitokai'aki (v)</i>	respecting each other
<i>fono (n)</i>	community meeting
<i>fonua (n)</i>	land, county; placenta
<i>hala (n)</i>	road
<i>(adv, adj)</i>	wrong

<i>hihifo (n, adj, adv)</i>	west
<i>hou'eiki (n, pl.)</i>	chiefs, nobles, king and the chiefly relatives
<i>ilifia (adj)</i>	afraid, fearful
<i>kainga (n)</i>	relatives, extended family, village residents
<i>kalapu (n)</i>	co-operatives, social club
<i>kautaha (n)</i>	corporation, alliances, partnership
<i>kava (n)</i>	<i>kava</i> plant (<i>piper methisticum</i>), <i>kava</i> drink
<i>kelekele (n)</i>	soil, ground, dirt
<i>kele'a (n)</i>	conch
<i>kofu or vala (n)</i>	dress, clothing
<i>kolo (n)</i>	village, town, settlement
<i>(adj)</i>	urban settlement
<i>komiti (n)</i>	committee
<i>laumalie (n)</i>	spirit
<i>mateaki (v)</i>	loyal
<i>matapule (n)</i>	chief's attendant
<i>ma'ukelekele (n)</i>	landholder
<i>mehikitanga (n)</i>	father's sister
<i>nofo'anga (n)</i>	residence
<i>nopele (n)</i>	noble
<i>ngatu (n)</i>	tapa cloth
<i>ngaue (v,n)</i>	work
<i>ngoue (n)</i>	farming
<i>(v)</i>	work at the farm
<i>papa (n)</i>	timber

<i>pa'anga (n)</i>	Tongan currency
<i>potungaue (n)</i>	department
<i>pule (n,v)</i>	polity, authority
<i>pule'i (v)</i>	controlling
<i>pule'anga (n)</i>	government, state
<i>siokita (n)</i>	selfish
<i>talangofua (v)</i>	obedience
<i>ta'e'ofa(n)</i>	opposite of love
<i>ta'ovala (n)</i>	small finely woven mat worn around the waist
<i>tufa (v)</i>	to distribute, to give away
<i>tupenu (n)</i>	piece of material worn like a skirt)
<i>tui (v)</i>	belief
<i>tu'a (n)</i>	commoners
<i>vao (n)</i>	weed, bush
<i>'api (n)</i>	household, land allotment
<i>'api-tukuhau (n)</i>	tax allotment, agricultural allotment, bush allotment
<i>'eiki (n)</i>	chief
<i>'eiki-ma'utofi'a (n)</i>	estate-holder
<i>'ilo (n)</i>	knowledge
<i>'ofa (v)</i>	love, affection
<i>'o'ona (adj)</i>	ownership
<i>'ulu (n)</i>	head of the family
<i>'ulu-motu'a (n)</i>	head of the clan

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CHAPTER 1.

INTRODUCTION

Part 1: Land issues

“Ko e ‘Otua mo Tonga ko hoku tofi’ a”

These words are inscribed on the Kingdom of Tonga’s coat of arms. The inscription stands for ‘God and Tonga are my inheritance’, which fundamentally spell out the rights of Tongan subjects to Tongan land. Essentially, it is also the principle engraved in the Constitution and the Land Act. This basic land right is revered by Tongans and admired by other Pacific nationalities for the fact that land, as Tongan’s constitutional entitlement, is formally free in the small island kingdom. However, it also presents a challenge for the kingdom at the start of the millennium given changes in the local, national and international scenes. While land related laws, policies and administration have remained virtually unchanged or slowly changing, other aspects of life have changed and continue to change at a faster rate. The economy is increasingly monetised, agriculture has become commercialised, political movements shift towards democracy, socio-cultural changes have continued. In a nutshell, Tonga has changed in many ways, hence the challenge for the country is whether the earlier land tenure system can still cope and how it has coped with contemporary changes. This study seeks to examine this question. However, it is necessary to explore fundamental issues common to land in order to lay out the platform for specific research within Tonga.

1.1 The Aim and Objectives.

The main purpose of this research is to examine the contemporary land tenure in Tonga concentrating on the last three and a half decades. Significantly the research focuses on the importance of culture and the economy (particularly the impacts of commercialisation), and the effects of these on the land tenure system. Equally important, the existing bureaucracy cannot be overlooked in terms of its evolving role in managing and mediating Tonga's contemporary land tenure system. The thesis overall therefore examines the impacts of recent social, political, institutional and economic changes on the land tenure system.

This thesis is based on an analysis of the changing roles and activities of three vital groups of people: the village people (the land users), the bureaucrats (the land administrators), and the estate-holders (the landowners). These three groups combine and influence the development of land tenure system in Tonga, but all have different perspectives on land tenure and use, and play different parts in its development. The similarities and differences in perceptions and practices define the actual land tenure system in Tonga. No study of this nature has hitherto been done in Tonga, in a detailed analysis of the three different groups as they combine, so terms of the present study will provide a more comprehensive view of land issues. This should highlight rural development issues, problems and successes. For Tonga to achieve sustainable, long-term development and for the people to benefit from their land, a study of the land tenure system is long overdue.

The following issues are deemed central for this study. Firstly, there is a focus on demography, since land tenure is a function of relationships between people and land. Population growth and population movements, both internal and external have led to variations in population dynamics, with critical influences on land use and tenure. In some cases this may result in situations where there are increasing numbers of landless people while land belongs to absentee landowners residing somewhere else (see Chapter 6). Furthermore, in areas of high density for instance, there is likely to be more competition for land.

Secondly, the thesis examines notions of land customs and practice, with reference to modern written land laws. Social transformations initiated during the protectorate era are not only inescapable but are continuous, hence the thesis examines both the modern legal framework of land tenure and land customs as experienced through land practices, and focuses on the

convergences and divergences between them. This necessarily presents an opportunity to gauge the appropriateness of the legal tenure system in terms of contemporary needs, and the manner in which the bureaucracy has implemented and maintained the legal tenure system in a manner which functions effectively.

Thirdly, the thesis examines the extent to which traditional cultural practices, as they relate to land, remain significant within the more evidently contemporary, capitalist context. Traditions are revered in most cultures but capitalist principles and values have threatened the continuity and relevance of some traditions. Capitalism, through colonialism and maintained by globalisation, has entrenched the value of money in all aspects of life. This may be seen as either a degradation of, or progress within, the Tongan culture. Traditional customs are still practised but with some variations. For example, the notion of gift-exchange is still observed but increasingly foreign materials, especially money, are used instead of the Tongan cultural items (see Chapter 5). In addition, such cultural principles are also being exploited in the modern systems like bureaucracy (see Chapter 7). In general, the thesis focuses on such issues as the role of non-traditional valuables in customary activities and the practice of customary traditions in modern systems. The incorporation of traditional procedures complicates further the complexity of the land tenure system in terms of governance and management.

Fourthly, the thesis examines the increasingly important issue of land use and land productivity. The rapid transformation of ordinary land use from subsistence into commercial use is a major influence on land tenure issues. In the Pacific, and especially Tonga, agriculture is the dominant land activity and the basis of the local economy, but use of land for residential purposes may also be significant. The transition from subsistence to commercial production meant both that land use has changed and the productivity and value of land has similarly changed. Two principles exist in parallel, commercial use driven by profit and subsistence use for domestic consumption, although most small farmers employ a mixed land use, subsistence and commercial concurrently (see Chapter 6).

The impact of commercialisation on the tenure system and on its governing institutions is the fifth issue of concern. Across the Pacific the legacy of colonialism is evident in structures of capitalism, governance and bureaucracy. In general, individualism within land tenure systems is a common outcome. Necessitated by colonialism and now maintained by commercialisation, land

rights were individualised which has an effect beyond the tenure system. The extent to which this is true of Tonga, and the impacts of this, will be examined here.

Stemming from this is the issue of land governance and bureaucracy, rarely examined due to its cultural sensitivity. Despite the diverse social, economical and political changes in Tonga, the land tenure system has hardly changed in terms of its legal framework and administration (see Chapter 7). The thesis will therefore examine the relationship between more rapidly changing land practices alongside a relatively consistent and stable legal framework. Similarly, it will examine the way in which the unwritten rules within the customary land polity have also stayed virtually the same, and the extent to which some elements have changed. The thesis therefore seeks to examine the extent to which both authorities over land, legal and customary polities, have or have not changed, the extent to which they both function effectively, and the manner in which they combine or confront each other.

Overall, Tongan society, like every other society in the Pacific, has changed and continues to change, as does therefore Tongan land tenure and land use. However, the uniqueness of Tonga in that it has had land laws, namely the 1927 Land Act, that followed nineteenth century land legislation (see Chapter 4). No other Pacific society has codified land tenure at such an early date, hence, at least in theory, 'modern' legislation should long ago have acquired prominence. A study of changing land tenure in Tonga thus presents a unique and valuable opportunity to examine the long-term relationships between law, culture and practice.

1.2 People and Land

Land is the greatest material resource, sometimes seen as the basic natural resource for humankind. Given its definition as 'the space on, above and below the earth's surface' (Crocombe 1974:1), land ultimately carries and sustains a tremendous variety of flora and fauna, including human beings. Throughout human history land has provided for almost every human need. Historically, land meant both a habitat and living space; a matter of life and death; the basis for survival and sustenance (Mather 1986:1). Human beings have established an incomparable capacity to transform or change the earth's surface at either local or regional scale (Sauer 1956). Human activity has been recognised as a major force in shaping the biosphere alongside natural

forces (Meyer and Turner 1994). This highlights the importance of human-land relationships, and justifies the need to examine land tenure in order to understand these relationships.

Land tenure refers to the legal, contractual or customary arrangements, especially the rules and procedures, governing the rights, obligations and liberties of individuals and groups in the use of and control of land resources. It thus relates to a static state of affairs, describing the situation at a point in time. Land tenure essentially refers to the social relations of property rights in land (Wunderlich and Chryst 1958). These land rights vary in formality and duration. However, Gilbert and Beckley (1993) have identified two important types: benefit rights and use rights. Land tenure embraces social order and political ideology, legal privilege and lifestyle, technological change, gender relations and fertility dynamics, residency patterns and exchange behaviour, and the exercise of power (Geisler and Salamon 1993). This raises various issues to be considered in the thesis. Every aspect of human life must be explored in order to paint a complete picture of any land tenure system. These include a particular society's culture (including their religion in pre-contact and post-contact eras); political principles and bureaucratic systems; the local economy and globalisation, however these are all defined. The influence of such factors on land varies between societies and they are not mutually exclusive.

1.3 A Concept of Land Tenure

In advance of any attempt to describe and analyse land tenure it is necessary to define the term. Crocombe (1974:1) summarised land tenure as follow;

Land tenure may be broadly defined as the system of relationships between men in respect of land. In describing land tenure as a system it is not intended to suggest that it is a discrete entity. On the contrary, it is a product of diverse forces and is merely one of the means through which man's total relationship to his environment is mediated.

This description of land tenure is very useful because it explicitly defines land tenure as a system: a non-discrete system. Taking this further, land tenure can be more than a system. Indeed, it is a structured set of beliefs about land. Land tenure is dynamic, never totally in or entirely out of synchronisation between different interests, a way of seizing or missing different opportunities, and a language for expressing degrees of exclusivity and mutual obligation (Rodman 1995).

Long periods of evolution, sometimes extending over centuries, have supposedly given those involved in land tenure considerable experience of practice and customs, well-tempered procedures for taking and modifying decisions on land issues, sophistication and tenacity in negotiating local boundaries such as physical restrictions or political volatility. In more recent years of more rapid change such systems have come under pressure, because of technological, demographic, social and economic changes. These in turn have had environmental consequences. Land tenure systems have not always coped with the pace of change.

1.4 Land: a multifaceted concept.

The diversity of land means that land can be a resource itself or a resource base. Consequently land has a wide range of uses and is entrusted with various values that involve various ideas and beliefs, within different societies across the face of the earth. However, there are three commonly accepted ideas about land, namely socio-religious concepts, economic concepts, and political concepts (Acquaye 1984). As stated in the previous section, these three concepts are not mutually exclusive, hence the perception of and value of land varies according to a particular society's complexity and value system. The importance of all of these concepts in terms of providing a comprehensive platform for studying human-land relationships cannot be emphasised enough. These concepts will be discussed next with the intention of raising issues that are fundamental for studying land tenure.

Land is a function of social relationships and interwoven with issues such as kinship, the family system, and the entire field of human relationships. Culturally, almost every aspect of social relationships depends on kinship; life in most societies revolves around kinship. Farming is a way of life as well as an occupation, and the individual choice of type of land use and economic success often rests upon non-economic forces. These forces include ethnicity, nationality, religion and psychology, but at the core of these, is human relationships or kinship. Cultural factors shape intergenerational land transmission practices even among American farmers (Salamon, 1993); as a result, social inequalities (gender, family, and community) are continued with intergenerational land transfers. Land ownership itself is a prerequisite for any transfer of land. In Pacific land tenure systems, there is no land ownership as in the Western concept of

ownership (Guiart 1996). Hence land rights in the Pacific, which are multiple and conditional, link land ownership, use and transfer. In most Pacific tenure systems land rights are transferred by inheritance.

The history of land ownership and use in more developed countries has increasingly favoured individualism and, according to Needs (1988), in such societies impersonal relationships are oriented around commercial production. Changes within societies have led to changes within land customs and practice as people have needs, sometimes capitalist driven, to satisfy. These may be, as they have been throughout human existence, due to necessity more than anything else, as people try to cope with the daily challenges of life, especially commercial agricultural production, and now, various aspects of globalisation, notably global marketing and trade systems. This raises the question of the effectiveness and efficiency of individual land tenure system, as opposed to the fluidity of culture, and their ability to combine to meet changing needs.

Land, besides its physical properties, is no longer just a medium of social and political value but now has economic value. It has become much more valuable as a resource that can be traded as a commodity. Beyond being simply a source of livelihood, and possible income, it is also a source of power, and provides a sense of socio-economic security. In various contexts people at present can either sell or mortgage their land for financial benefits and personal securities respectively. Historically, land was usually transferred, acquired by force or otherwise and to a lesser extent traded or exchanged. Increasingly land sale is an attractive option for some due to the rising value of land, as it becomes scarce. An increasing demand for a limited resource such as land sustains local and international land markets.

Ultimately, human livelihood is intimately tied directly or indirectly to the land, whether people use land as a resource or a base resource. Most people, especially in less developed countries, depend on primary produce for sustenance and financial income. Other people, especially in more developed countries, deal directly with land as a form of commodity. Increasingly, this commodification of land is also occurring in less developed countries. Land has not only become the basis, or one element, of people's immediate subsistence but also become the basis for their cash transactions. This raises the issue of land distribution as essential to the organisation of social relations. In most places the distribution of land ownership has been and still is uneven, presenting an ethical dilemma of inequality within tenure systems. The trend is increasingly

towards a situation where land is owned and controlled by few but used by many. In general, in terms of customary tenure, those who primarily own land (nominally or actually) are at the top levels of society, such as kings and chiefs. As society moves towards a situation where all people, regardless of social origin, have equal opportunity in terms of education, commerce, migration and land rights (landholders), the few at the top of the social ladder may be either joined or replaced by a modern 'elite' group. The days of relying on other people's daily support for sustenance has long gone as individualism and materialism become increasingly entrenched in Pacific societies. Increasing commodification, due to escalating capitalism and the increasingly individualised nature of land tenure, has contributed to more uneven land distribution. In the same instance, uneven distribution means that the few landholders would make certain that affiliated rights are reserved for members of their own families, not the whole extended family, maintaining and further emphasising individualisation within the system. Unfortunately more and more people are denied access to land, compounded by an absolute lack of land as populations grow, and hence an opportunity for economic advancement. This is a common phenomenon because at present both social and economic issues are major factors in alienation of land ownership. For example, one of the Pacific's worst dilemmas is Fiji's political instability, which to an extent stems from land tenure and contestation for power. Farm leases, mainly to Indo-Fijian tenant farmers, are expiring and native Fijians have demanded these lands back. According to Kurer (2001) the rationalisation for this demand by native Fijians includes 'economic equality', cultural preference for Fijian culture, and Fijians autochthonous status (political supremacy). Fiji's dilemma is however as much an intra-Fijian power struggle as it is an ethnic fight for land. In contrast, individual land tenure has been embraced in parts of (Western) Samoa, as opposed to their customary system, and in suburban areas in American Samoa. According to O'Meara (1990 and 1995) this was necessary in Western Samoa because of the need to increase land security for long term cash crops such as coconuts. In American Samoa, individual land rights were necessary for residential land security and vital to a more 'modern' economy (Stover 1999). These arguments in favour of individualism and movements towards it are typical of current Pacific ideology and practice where land is being perceived as a sign of political, social and economic superiority.

Local social organisation in most Pacific societies is increasingly a mix of traditional and Western elements. This is evident in the malleability of tradition¹ and the ways in which people continue to interpret and understand their past. The balance between these cultural elements, foreign and indigenous, depends on how societies have evolved within a broader political and economic system. Generally Pacific societies have tended to trade their traditions and customs in whole or part with reference to western culture, either intentionally or otherwise, as the world has become smaller, as modern technology and changing political structures have fuelled new forms of globalisation. Physical distance and national boundaries no longer serve as international barriers, especially between less developed countries and the developed countries. The sphere of influence is increasingly extensive so that local economies, whether intended or not, respond to events within the world economy.

1.4.1 Globalisation

Globalisation² has become a common term, so common that its utility is now minimal. In its initial coinage, the concept emanates from the neo-liberal ideology and social practice that permeates traditional national boundaries. However, globalisation is a process through which capitalism is being universalised; essentially globalisation signifies the transnationalisation of capitalism (Jusdanis 1996). Consequently, capitalism is on a logical path towards creating a one-world market. Harris also added that colonialism was an extension of mercantile capitalism and imperialism as the highest stage of industrial capitalism. However globalisation has also accounted for 'information capitalism', as the unprecedented development of technology allows new transformations. Digital and electronic technology has broken down national economies boundaries, as they became part of an immediate interconnected world economic system. Information technology has driven investments away from manufacturing into global speculative and industrial technology, as previous changes have directed investments away from land into industry. Technology has continuously changed the forces of production. Globalisation has thus led to greater flexibility in moving money and manufacturing ventures around the world,

¹ 'Tradition' is not pure nor it is static in view of local cultures. However, tradition seems 'fixed' relative to foreign cultures especially the western culture, at a point in time.

² Globalisation has many definitions but it is still a very important organising principle for an increasingly 'interconnected' world.

allowing commodities to be produced and sold from many locations regardless of national boundaries.

This general trend of globalising production, alongside the global interconnection of national and regional economies, has necessitated economic, social, political and cultural restructuring in every country and region. At a regional level, Lawrence (1999:187), in reference to the restructuring of agri-food sector in Australasia, recognised that class relations had also changed as the control over production processes moved off-farm, because financial institutions (banks), factories (food processing) and food outlets (supermarkets) have greater influence on on-farm decisions (production) so reducing individual farmer's freedom of decision. Consequently, the labour-capital relationship had changed with capital gaining strength, even to the extent that national industrialists are seen as being overpowered by the modern global bourgeoisie and information elite. Campbell and Coombes (1999) attributed the 'greening' of New Zealand agriculture to economic and international trade necessities, rather than corporate commitment to green values. In short, international trends have influenced national agricultural development policies and practice.

In the Pacific, globalisation can be seen as linked to Hau'ofa's widening 'sea of islands' (1993, 1994) as Pacific islands and islanders established a wider presence, in response to and as part of globalisation. Kempf (1999:111) has noted that such vision not only initiated a critical reflection about the universality of globalisation but also emphasised new perceptions of space and the exercise of power. According to van Fossen (1999:2), the current phase of globalisation, or according to Hau'ofa, the Oceanic expansion, led some Pacific Islands into ventures where their sovereignty has been used as a resource. An example of this is Tonga's claim on orbital slots in space and its satellite enterprise, Tongasat. More generally, Pacific islands have valued and enforced individual EEZs because, according to the *Pacific Magazine* (2001:40), fishing is expected to intensify as the population continues to rise. In a vast range of arenas, whether economic or cultural, Pacific island states have not only been drawn in by globalisation but have themselves expanded beyond national boundaries, as sovereign states in a global political arena.

In pure economic terms, land productivity is increasingly linked to agricultural exports and produce supply for local markets. Productivity per capita has been linked to factors like population density (Maude 1965), hence, following Boserup's theory, Maude (1973) argued that

more study should be done on assessing the economic impact of population growth on land shortage, taking into account 'nutrition' as an indicator. Therefore the critical issues to be examined in this research are tied to the idea of land shortage, in view of population growth, and actual land use (See 1.4.3 below). Information on household livelihoods at the local level offers a realistic picture of daily life in society. One of the models that is useful for studying local economy in small island nations is the MIRAB (migration, remittances, aid and bureaucracy) theory (Bertram and Watters, 1985). Despite of its limitations, the MIRAB model presents a practical approach to studying small PICs with limited resources. The role of remittances and its impact on local land tenure system will be investigated in following chapters. Bertram (1986, 1993) proposed that as long as the 'rent' from remittances and foreign aid can be obtained for an indefinite period, this is a sustainable development strategy. Despite this Poirine (1998) perceived 'reluctance' among officials and economists from the South Pacific countries and foreign donor country agencies, regional institutions and international financial institutions (World Bank and the International Monetary Fund) to validate the MIRAB strategy as sustainable. Sustainability, as a concept and a strategic goal, has dominated development programmes in the Pacific, and has become 'a prime candidate to be the watchword of the 1990s' (Netting, 1993: 143). Not only is there a growing literature on sustainability but also variability of interpretations among various scholarly fields and the use of the concept (Lieber 1999:13).

More than a decade after he proposed the notion of MIRAB, Bertram commented that it is the land production, both actual and potential, that offers security for living standards in Pacific countries. However, it is the movement of people to other sectors besides the primary sector, to other islands and or other countries that opens the way for higher incomes (1999:107). Such movement away from the primary sector, is integral to land use, and thus impacts on land tenure, and will be investigated here. Land and land tenure are crucial for local economies regardless of external phenomena such as the ramifications of globalisation.

In human history, societies have nearly always become masters of their land despite the fact that the drive for success in working the land has intensified within the last half century, allowing changes in the dual role of people as producers and consumers with respect to land. This dichotomy, according to Schumacher (1973:87), means that as a producer a farmer must raise his efficiency even if he exploits or overuses the land. On the other hand, the health of the soil or the land may be destroyed through technological change. Farmers have taken up more advanced

chemicals, mechanical and biological technologies, either to maintain production due to physical vulnerability, to improve production, or to introduce new crops. Governments have provided expert advice alongside banks and other private financial institutions providing and/or financing equipment and other purchases needed by land users. In developing countries, foreign donors, such as foreign states and international agencies, provide technology, expertise and finance at a national level. Aid delivery, and consequent technological changes, is a further dimension of globalisation.

1.4.2 Religion and Land

Historically, the dual issues of land use and land customs have dominated studying land and tenure. One issue that has been relatively neglected, but is significant in Tonga, is religion. In a region that has strong cultural ties to land, beliefs and religious issues are significant for land tenure. Turner (1997:363), commenting on the authenticity or genuineness of tradition in the Pacific, more specifically in Fiji, stated that whatever beliefs and practices that have once existed will continue to inform the consciousness and behaviour of actors. Islanders will continue to contemplate, evaluate, and interpret tradition whilst it is relevant to both the present and the future. However customs and traditions have altered as new values, practices and beliefs are either added or omitted.

Religion is a part of a culture but has been given limited attention in agricultural geography. Religion is commonly defined as a system of faith or belief and worship. The interaction of culture and land in particular are illustrated in the underlying beliefs and norms. In some societies, land has religious significance that varies both in context and practice. According to Sopher (1967), the land even provides a record of religion that is subject to geographic scrutiny. On one extreme, land has a mystical power with a sense of stewardship and common property attached. On the other, land is just another form of individual property or commodity.

The history of religion generally reveals that across time and space, the understanding of the experience of Divine presence varies and is contradictory at times. In many societies, the Divine is a pervasive, diffusive presence throughout the natural world. A strong feeling of belonging exists or provides a sense of relating to the divinity that unites human beings with nature,

especially land. Consequently, land is not only referred to as just a resource to be manipulated but it is numinous and must be treated with respect. This approach is common in various societies, and has recently been re-emphasised in environment conservation. In Pacific mythology, land is definitely a part of the divine world. The divine figure, usually in human form, played a vital role in forming the land. For instance, land was fished out of the ocean or originated from the heavens, as it is perceived in Tonga. In parallel, the Christian belief that man was made from soil in the Book of Genesis is strikingly similar to ancient myths within Pacific mythology. Thus a sense of stewardship has been engrained in many Pacific societies, especially in Polynesian cultural beliefs, which linked people and land with religious ideology. Fundamental basic beliefs, with respect to land and stewardship, had already existed before Christianity was even introduced, but were similar to them. In most Polynesian island countries, where Christianity is strong, honouring the covenant between God and human is important. However, the way in which this is carried out is open to people's interpretations and justification of their actions.

The strength of social and religious attitudes to land varies between societies but there is an increasing rate of change due to new mobility, technology and the commercial expansion of modern economies. All over the world, the phenomenon of an increasing population and urbanisation, alongside environmental change, have made land increasingly important. In many regions urban land use has increasingly taken up rural land. As this has occurred there has been a change of attitude to land in the developing countries, as socio-religious principles have given way to a more utilitarian approach, but not without resistance.

Land is now increasingly looked upon as a high value economic commodity, which is an important asset, factor of production and source of wealth. These economic issues have presented a challenge to religious beliefs, and thus the cultural systems of particular societies especially in the Pacific. Some observers (Lawrence et al. 1992; White and Lindstrom 1997) have proposed that the ecological basis of agriculture will soon be of limited relevance as the level and intensity of production continues to increase. This poses a greater challenge for less developed countries, especially those with limited land areas, such as the small island nations of the Pacific. Urban expansion affects the social character of rural communities; contributes to land price inflation, farm fragmentation, decreasing investment, and also influences the quality and cost of rural servicing. Despite such shifts, cultural and religious values remain influential in most land tenure systems.

1.4.3 People –Land Ratio

One way of looking at people-land relationships is to examine people-land ratios. Since the time of Malthus more than one and a half centuries ago, concern with the population-environment relationship has attracted enormous attention. In general, Malthus was concerned with the relationship between the food supply and population with the assumption that technology and land resources remained constant. The Malthusian model posited that the population would outgrow its capacity to produce sufficient food, while so called 'positive checks', namely poverty, disease and war, in the absence of fertility control, would slow population growth. On the other hand, the more recent Boserupian model claimed that high population growth, more specifically high population density, was a prerequisite for technological innovation. Technological innovation within the agricultural system would result in increasingly land-intensive forms. Furthermore, through this process agricultural systems had moved away from shifting cultivation with long fallow periods towards multiple cropping (Boserup 1981). The views of both Malthus and Boserup isolated population as a single cause and treated land as a resource base for food production.

Blaikie and Brookfield (1987:32-34), concerned with the relationship between population and land degradation, asserted that land degradation was not an inevitable consequence of population pressure, unlike the Malthusian and the Boserupian ideology. They argued that land degradation could occur whether population pressures increased, decreased or were absent. Nevertheless, intensification in land use, more specifically for agriculture, is an ecological response to population growth. Intensive land use is not only a consequence of population growth; commercial cropping has also contributed to the intensification of land use (Simmons 1996, 201). Sage (1994) isolated population as an independent variable and then suggested four ways in which it interacted with the environment. Firstly, in the absence of institutional and technological change, population growth can lead to an expansion of cultivated land area. Eventually this might lead to resource depletion and environment (land) degradation, along the lines of the Malthusian model. Secondly, population growth could lead to intensifying production, in a similar scenario to the Boserupian model. Thirdly, population growth can be neutralised by means of food importation and out-migration, both reducing population pressure on the land. Lastly, is the more rare scenario where a changing environment has a reverse effect on the determinants of

population, in the sense that changes in the production potential of the land may influence the mortality, fertility and migration of the concerned population.

These four scenarios present a context for studying the relationship of population to the environment in Tonga, though population size and technology are alone inadequate to examine the complexity of evolving people-land relations as the new millennium begins. Other factors are of considerable importance.

1.4.4 Land customs and practices

In most contexts there are discrepancies between daily land practices and land legislation, where it exists, partly due to the difference between unwritten customs and written laws. Land laws, like any other set of laws, are simply a system enabling governments to keep order in their respective societies. However actual land customs are flexible daily pragmatic practices for using land and are unwritten. Land customs are more responsive to everyday situations and to internal and external changes in the wider physical, political, social and economic environment. Pacific societies have different customs and laws, based on different physical and social environments, cultural complexity and historical evolution, especially relationships with colonial powers.

Land customs may be commonly based on cultural values, but the law directs dealing and using land. Pragmatism is the key to people's everyday behaviour because, as part of the whole natural system, humans must do what is necessary to survive. Land practices may or may not be always legal due to the rigidity of legal frameworks, but they are almost always linked to customs. Necessity is a priority especially in difficult circumstances or strained situations, hence the importance of individual and group motives and principles guided by economic and cultural values. This will be of some importance in studying land tenure in Tonga.

In aristocratic societies, such as most of those of Polynesia, the relationship between estate-holders (or chiefs) and the land users (or common people) can be influenced by principles upheld with respect to land. This relationship is often overlooked, but it is a crucial link between commoners and land. With contemporary changes between generations (nobility and commoners), alongside economic change, this relationship may have acquired a new structure. This social aspect of land ownership will be examined in some detail here.

1.4.5 Land registration and use

Lawrence (1984) has pointed out that land registration can accommodate change in agricultural systems by facilitating simple and safe methods of dealing in land, which would accommodate mortgaging land as security for credit, provide security of tenure through guarantee of title, and reduce litigation cost and time. Lawrence also pointed out that there is still not enough quantitative data and analysis to back the general and theoretical proposition that land registration is an agent of agricultural productivity. Although land registration can guarantee some sort of security in terms of rights of ownership and access, it does not guarantee any level of land productivity. However, registration guaranteed ownership of a particular land parcel, individualising relevant land rights. Nevertheless, two of the most important factors in land productivity are benefit rights and use rights (Gilbert and Beckley 1993:569). The benefit rights refer to the enforceable claims of ownership and benefits from the land while use rights refer to control or operating the land, hence registration only guarantees benefit rights and not necessarily use rights. Although registration is necessary for land security, productivity rests extensively on use rights. In terms of operating or controlling the land, Ushman (1984:100-01) argued that in Fiji, registration is necessary for tenure security but land, labour and capital remain the three factors of production. Similarly Sisikefu (1984) asserted that registration in Niue is not a serious obstacle to productivity. This is an interesting point because land registration in Tonga may give little advantage in terms of productivity. Land registration will therefore be looked at in later chapters.

1.5 Bureaucracy

It is necessary for any study of land in the modern Pacific to consider bureaucracy, since land is increasingly regulated through bureaucratic systems. The bureaucracy then is a critical part of people-land relationships and is highly influential for the tenure system. The nature of bureaucracy is usually one of the important legacies of colonial influence. The British usually employed the traditional system of leadership when they implemented colonial administrative systems, and colonial authorities sometimes designed tenure systems based on what they thought

were ancient customary principles (France, 1969). However, bureaucracy was never imposed in full, in principle at least, since local leaders were often employed as bureaucrats even in the early colonial era. Even in post-colonial times, the assumption that leaders should be the bureaucrats, is still a common practice in many states, although generally improved income and education have introduced the principle of merit into the national and regional bureaucracy. Bureaucracy still has not completely displaced the traditional administration in some societies. Both forms of administration, bureaucratic and traditional, exist within the present administrative system. In part, this co-existence is necessary since traditional leaders hold both bureaucratic posts and the social status by birthright. The extent to which this overlap has occurred in Tonga, and whether it creates conflict, will be examined here, in terms of its implications for land administration. This will provide further information on the nature of the relationships and discrepancies between legal and customary power in land tenure.

1.5.1 The structure of bureaucracy

The contemporary bureaucratic structure in Tonga remains basically similar to the social structure. At the same time however in Tonga as elsewhere, current bureaucratic systems are of foreign origin, at least in theory, to Pacific nations. At a national level, the king and the nobles remain at the top, holding most of the power and land. However, there is evidence of changes within the social structure, which eventually may influence bureaucracy. For instance, elite commoners may affect the social organisation by effective self-elevation due to their wealth. In the same manner, however, the elite may also promote themselves within the bureaucratic structure, either due to their academic merit and/or their attained wealth. The impact of such changes within the bureaucratic and the social structures on land will aid in society and the bureaucratic system.

Since the beginning of last century, bureaucratic growth has occurred almost continuously in Western societies. One definite sign of growth is the size of the government. Nevertheless, bureaucratic growth, according to Meyer et al (1985), can mean two things. Conventionally, this organisational growth or bureaucratic growth is an increase in the number of personnel within an organisational unit, whether an entire bureaucracy or one of its departments or sections. However, in a less conventional manner, bureaucratic growth can mean an increase in formal

organisation or of formal organisational structure. Based on both definitions, bureaucracy literally increases with time. For instance, in Tonga the Ministry of Lands and Survey of the 1940s has now grown to become the Ministry of Lands, Survey and Natural Resources. The organisational structure has expanded in size, as has the number of bureaucrats. Despite this there is backlog of work awaiting the attention of bureaucrats, a situation typical of most Pacific countries (Asian Development Bank 1998). Despite the fact that bureaucracy has grown in most island nations, power is still concentrated at the top of the structure. The structure of bureaucracy will be examined here, in terms of its appropriateness and efficiency in land matters.

1.5.2 Bureaucracy: growth and downsizing

The nature of bureaucratic growth is important because it can reveal the relationship between traditional and Western based governing models. Meyer et al (1985: 109-112) offered three models of growth for bureaucratic systems. The first model, the *task determination bureaucratic growth*, treats bureaucratic growth as a function of quantifiable task demands. It is assumed that the nature of the socio-economic environment gives rise to the size of bureaucracy, thus size determines the extensiveness of formal organisation, and all organisations are treated as equal. The second model, *Function of Inertia*, defines growth as a function of inertia. The basic assumption is that the environment created organisations and, in turn, the organisation acted upon the environment to support its existence. Subsequently, new organisations are created when existing ones are inadequate. The third one, *Preferences for Organisation*, explains growth as an outcome of preferences for organisation as a solution to problems arising externally. Unlike the first model, the last two assumed that the existing organisation is retained, despite the changes in the environment. The mechanisms that cause the retention differ between the second and the third models. These theories basically argue that many environmental elements, other than efficiency and effectiveness, shape bureaucracy. One has to be cautious in applying these models, but they will provide a basis for studying bureaucratic growth in relation to Tongan land.

In all developing countries in the Pacific, the public sector absorbs a large share of resources and skilled labour, but in most public service areas the availability of skilled workers is still limited. However, the ADB has suggested that governments are attempting far too much and should reduce their activities to those with the highest priorities and privatise less crucial activities

(1998: 115-116). Generally, the common problems within small island bureaucracies have been nepotism, and increasing shortfalls in government recurrent and development budgets, resulting in inappropriately located, underutilised and underfunded staff. In turn this may lead to rising government borrowing to cover public deficit. Advantages of downsizing include the reduction of fiscal deficits, thus reserving more domestic resources for the private sector, limiting the role of the state to those activities that can not be performed by the private sector adequately (Macgregor et al. 1998: 62-63). For the purpose of effectiveness and efficiency, 'downsizing' is commonly targeted but bureaucratic restructuring offers one alternative. Elsewhere, Kersell (1987, 1988), in reference to the Cayman Islands, and Turks and Caicos islands, argued that downsizing the governments could solve the problems of public administration in small states. This thesis will examine the extent to which the problems commonly cited in small island bureaucracies occur in Tonga, and consequently whether restructuring or privatisation appeal are appropriate solutions.

1.5.3 The management and content of bureaucracy

Bureaucracy obviously relies on the bureaucrats for it to work effectively and efficiently. This, at least in principle, depends on the skills and qualifications attained by the bureaucrats concerned. However, skills may be under-valued and used, especially in an hierarchical society where kinship is the basis of social relations, though in most Pacific nations skills have become increasingly important in influencing the structure of bureaucratic leadership. Nevertheless, at least according to James (1997), some roles are left vacant in Tonga by the removal of older notions of chieftainship and by the unwillingness or inability of traditional leaders to provide effective modern leadership. Hence there are conflicts and uncertainties between new and old leadership roles. Moreover, modern leaders in society, including bureaucrats, face some problems in having their authority widely recognised if they are from a lower social rank in society. Hence although people with skills and qualifications, but from a lower social rank, can assume leadership roles, it is more difficult for them to assume a position of wider and effective leadership within society. Yet, despite the inequities of the current Tongan system, where positions of political and economic power are in the hands of a few, many prefer to retain the symbols of cultural heritage and identity in Tonga (Marcus 1989: 190-191). Changes in the

structure of leadership, inside and outside the bureaucracy, are extremely important for land tenure, since land is bound up within the traditional system (see Chapter 4). Any change with respect to the bureaucratic system and social organisation affects the governance of land, and will be examined in detail here.

1.5.4 Pressure on the bureaucrats

In any small island nation with a growing population bureaucrats face persistent dilemmas. With the development of the education system, there is a growing number of graduates who are concerned over land ownership and rights. In general, this increases the extent of debating land issues within the political arena, at the same time as land has become more important as a social, economic and political issue in every nation. Moreover, this importance will probably only increase in the future as populations continue to increase, thus pressuring bureaucrats to re-think and re-organise in order to make sure that the administration and the land tenure systems are in step with changes in both national and international scenes. One of the main issues here is whether bureaucracy can cope with the government of land in the new millennium.

Larmour (1992) has raised questions about the appropriateness of what he has termed 'foreign-style political institutions' for Pacific societies. In the Pacific where traditional structures are hierarchical, at least in Polynesia, the question of appropriateness has taken on a more conservative quality. Island countries, such as Tonga, may prefer to retain the unique institutions that remain a symbol of their culture and identity (Marcus 1989: 190-191) rather than foreign styled institutions. Yet changes in generation have fuelled pressures for change. The younger skilled and educated generation, are less likely to be satisfied with the status quo, has been influential in calling for a change (Fairbairn et al., 1991). In an increasingly commercialised and monetised economy, Chand and Duncan (1997) have called for bureaucratic change as a pre-condition for growth. The effectiveness of the bureaucracy is a key issue in any effort to facilitate improvements to land tenure (ADB, 1998). Ironically, any changes to the present bureaucratic system require bureaucratic support. This can be further complicated given the size of small island bureaucratic systems, if most senior bureaucrats are more conservative and have valued traditional customs, a situation that will be examined here.

1.5.5 Bureaucracy in practice

Wilson (1989:315-332) identified several problems with bureaucracy. Firstly, there is the problem of accountability or the difficulty of getting agencies to present the promised product or service. Secondly, equity means that the agency must treat all people fairly based on clearly defined guidelines. Thirdly, bureaucracies must be responsive and able to react reasonably to a specific situation and address special needs, either government or people initiated. This also raises the question of land mobilisation. The government's ability to implement land management and reform are vital for success (Ballard, 1997). Fourthly is the efficiency dilemma, which means that the agency should be able to produce the maximum feasible output. Last is the problem of fiscal integrity, where the organisation must be able to make sure that public funds are spent wisely for the good of the public. This raises the question about the skills and qualifications of bureaucrats and, in effect, the whole system of governance with respect to land. The main concern here would be the functions of these land administrative organisations, their inter-relationships, and the impact of these on land tenure. Reiterating this point further, Macdonald (1997) has stated that local good governance is a significant factor in donor's requirements for providing foreign aid, a point that developing countries cannot overlook since much of their development programmes are funded by foreign donors through foreign aid programmes. Most foreign aid donors believe that development in developing countries depends on good governance (OECD 1997). The five points listed above will serve as guidelines for reviewing land bureaucracy in Tonga (see Chapter 7).

1.6 Land Tenure and Bureaucracy

Generally, developing nations, like those of the Pacific islands, are overwhelmingly rural. It was reported by the South Pacific Commission (1998) that only about a quarter of the Pacific population lived in urban areas. For most island nations, agriculture is the main source of livelihood, hence the importance of land as both a basis of and a source of livelihood can not be over-emphasised. Urban areas and townships are important as centres for residential, government and business activities, but rural areas produce goods for both consumption and for export and

most Pacific island settlements are still rural villages. The relationships between people and land and among people are the basic concerns of this thesis. People formed their relationships with one another relative to land; the representation of this is the system of land tenure. Such systems now operate under the guidance of written laws in many developed countries. The successes of people in using and developing the land 'have an indirect connection with how well bureaucracy is performing its multiple roles' (Wallis 1989:78). Agricultural production and exports remain the key economic issue for the majority of Pacific islands (Cole and Parry, 1986), hence the need for bureaucracies that efficiently, effectively and appropriately manage and govern land.

Land tenure and bureaucracy are not mutually exclusive in the case of Tonga, since the bureaucracy defines and administers land tenure policies and laws. Ordinary people, on the other hand, have not only exploited the tenure system but practically influenced it. The inevitability and necessity of changes, in principle at least, not only have the potential to influence tenure and bureaucracy but also to re-invent either system. In advance of looking at the case of Tonga, it is necessary to briefly consider the Pacific as a region of change.

1.7 The Pacific in transition

At first glance, the Pacific is characterised by a vast extent of maritime space with scattered islands. Unlike its neighbours around the Pacific Rim, the basic resources of the Pacific are its people, the ocean and the land. Island nations vary widely; some countries comprise a single small island, like Nauru and Niue, whereas others comprise hundreds of dispersed islands, such as Tonga and Fiji. Fourteen island states (Table 1.1) illustrate the vast differences between island countries. Land mass also varies from 21 square kilometres for Nauru to over 460,000 square kilometres for Papua New Guinea. Natural resources of economic value range from almost none in some atoll states to immense mineral, land and forest resources in Papua New Guinea (Overton and Thaman 1999). Such variations in the Pacific influence the complexity of land tenure. Land tenure has evolved to accommodate various ways of life, the laws and/or customary principles, and most importantly the physical environment of each country and cultural region.

Table 1.1 Pacific Islands: Land and Sea Area

	Population (2001)	Land Area (km²)	Sea Area (000 km²)	Government
Cook Islands	19,300	240	1,830	Self governing 1965 (ass. NZ)
Fiji	824,300	18,270	1,290	Republic 1987
Kiribati	88,500	717	3,550	Independent since 1979
Marshall Islands	52,500	181	2,131	Independent since 1986
Federated States of Micronesia	119,800	702	2,978	Independent since 1986
Nauru	12,700	21	320	Independent since 1968
Niue	1,900	260	390	Self governing 1974 (ass. NZ)
Palau	20,000	458	629	Independent since 1994
Papua New Guinea	5,221,600	462,840	3,120	Independent since 1975
Samoa	170,900	2,860	120	Independent since 1962
Solomon Islands	428,300	28,450	1,340	Independent since 1978
Tonga	99,400	748	700	Never colonised (Constitutional Monarchy)
Tuvalu	10,000	26	900	Independent since 1978
Vanuatu	195,600	14,760	680	Independent since 1980
TOTAL	7,264,800	530,533	19,978	

Source: Secretariat of the Pacific Community 2001.

There are limited and conflicting accounts of the period between the great migrations and early European contact. However, respective island groups evolved in some degree of isolation, despite inter-island contacts either by intention or by accident. The most important development in the Pacific in terms of political, social, and economic change was the advent of the colonial era. Furthermore, colonial demarcations took heed mainly of the political, physical, security and

economic advantages and only secondarily, if at all, acknowledged local socio-cultural divisions. Decolonisation, mainly in the 1960s and 1970s, marked the beginning of the re-positioning of independent states in the Pacific Ocean. Colonial powers had set up and empowered local institutions for self-government, but the appropriateness of established structures has become, in many places, a matter of concern. That concern is significant in Tonga, especially within the land tenure system, in terms of practice and principles, and will be looked at in detail (see Chapter 8).

The fostering of bureaucracy and democracy in all states, has become more controversial because these touch core issues of how power is distributed or re-distributed in Pacific societies, the relationships between the state (governance and bureaucracy) and society, and the duties and limits of political authorities. Culturally, the state and societies were intertwined. However, foreign values generally emphasised liberal democracy while local values emphasised conservatism and traditionalism. Independence found many island nations with a combination of these characteristics. Most of the island nations' governments are parliamentary systems, which not only reflect the influence of the British but the continuation of ties with the former colonial (or protectorate) power. Liberal democracy is generally apparent across the Pacific but, on the other hand, traditional customary conservatism is represented overtly in Tonga and more implicitly in Fiji and elsewhere, though customary polity has weakened among all Pacific cultures, especially in Polynesia.

Independence among Pacific nations obviously meant self-government. For most island nations, the local government finally became both a regulator and controller of key sectors of the economy. Yet economies continued to be outward oriented because they had to generate capital from export earnings. Necessity, based on physical and technical limitations, compelled local economies to secure and rely on foreign aid and technical assistance to maintain export endeavours. Commonly however increasing import costs far outweighed export gains among most nations, but to a lesser extent in the larger states and resource rich islands (South Pacific Commission, 1998:15). Regardless of these economic handicaps, traditional Pacific economies are increasingly commercialised and monetised. These economic developments and political transformations are not mutually exclusive, and structures of state and capital are the main pillars of modern island economies.

Most Pacific states are significant aid recipients. Foreign aid donors have assisted Pacific nations because it meets, or has met, their political, strategic and economic self-interests. Most but not all bilateral donors of today were previously the colonial powers, New Zealand and Australia. In addition to these nations are multilateral donors such as the Asian Development Bank, World Bank (International Development Association) and UNDP. The primary motivation for donors has been politically driven (Krueger, 1986), but coupled with economic interests such as strengthening commercial ties between donor and recipient. As conventional aid and trade structures with the former colonial powers have weakened, the Pacific island states have increasingly competed and cooperated in their pursuit of the benefits of links with Asia. Reportedly, Ratu Sir Kamisese Mara, the only survivor of the inaugural 1971 Pacific Forum meeting, stated that the Forum had to move closer to the ASEAN and the European Union; and that the Pacific island states should fully use their presence in the United Nations (Pacific Magazine 2001:17). This has highlighted the need for Pacific island states to rethink their position in the global scene and collectively seek changes in global systems, as global issues and institutions have become more important.

Pacific nations are no longer relatively isolated; regional ties are more important and global influences more critical to local development. Island nations and states have taken up the challenges of development and modernisation, have modified traditional economic and political systems, sought to improve health and education, and protected and adapted aspects of their traditional cultures. These challenges and the associated responses have imposed tremendous strains on the social life of many Pacific islands. Aided by capitalism and political reforms, the common production unit of extended families has been effectively reduced into smaller units, namely the nuclear families.

Population has increased in most island states due to improvements in health systems, and people are increasingly mobile (both through emigration and internal migration). Population growth rates have been highest in Micronesia (2.7 percent), and lowest in Polynesia (1.3 percent), where growth was offset by out-migration though most Polynesian states have high population densities. Population growth has put pressure on resources especially the land resources of the small islands of Micronesia and Polynesia. Population movement has led to uneven population distribution due to steady urbanisation. Urban growth rates are commonly higher than rural growth rates. Taking into account both birth and death rates, out-migration explains the low

national population growth rates in island states such as Tonga (0.3 percent), Samoa (0.5 percent) and Cook Islands (0.6 percent) in the 1990s. Migration in these cases, and the small Pacific nations in general, is relatively important because it has limited the effect of natural increase on population growth rates. Migration, although dependent on host countries' immigration policies, is generally an advantage for small islands with very limited resources.

The out-migration of people has also led to a large contingent of Pacific islanders in such destinations as New Zealand, Australia and the United States. Increasing island populations overseas, whether by birth or migration, have resulted in a substantial flow of remittances to the islands. Although difficult to determine exactly, remittances range from 8 percent (Tuvalu) to over 30 percent (Samoa and Tonga) relative to other sources of foreign exchange earnings in the late 1980s (Australian Government, 1989). These proportions are even greater in the 1990s.

The Pacific islands have experienced profound changes with regard to social, economic, and political life as a result of interaction with the outside world. Inequality is one issue that has been emphasised in the course of recent transitions. According to Hau'ofa (1987:5), there is an existing 'single regional economy upon which has emerged a South Pacific Society, the privileged groups of which share a single dominant culture with increasingly marginalised local sub-cultures shared by poorer classes'. In general, the region had been described as having an 'uneven' pattern of development and distribution of resources and population (South Pacific Commission, 1998:24). This is paralleled in national development issues. Island states have been described as 'having high population growth rates, a proportionally large and rapidly growing working-age population, and high levels of unemployment and underemployment. Corruption and abuse of public office appear to be on the rise' (Asian Development Bank, 1998:5-12).

Politically, the Pacific, but principally Polynesia, is relatively stable compared with other regions. Independence allowed the Pacific islands some degree of autonomy in both the domestic and international arena. Unfortunately, economic growth does not reflect this stability, low or negative growth rates of GDP per capita are a common scenario. However, economic deficits are lessened by the effect of remittances and aid. Various specialised regional organisations exist for cooperation at almost every level, from the grass-roots to the national and regional level. Unfortunately, development constraints such as limited financial, natural resources and human capacity have meant that Pacific island states have continued to depend on foreign financial and

technical assistance. Recently, this has emphasised the challenge of pursuing sustainable development, a notion that is closely related to land issues among the island nations.

Throughout the Pacific change has emphasised capitalism and commercialism - with increased production of marketable goods - and widespread impacts on land tenure. Transforming communal into individual rights, especially land rights, backed by commercialisation has had a considerable impact on social structures. Kinship has been transformed because members or individual nuclear families no longer depend on kinship ties for access to livelihood. Macpherson (1999) has asserted that in Samoa wage and salaried labour have changed the kinship relationships in two ways. Firstly, paid employment meant that the employee may not need land (residential or agricultural) from the 'aiga³, which makes such a person free of obligations or service in return for land. This is similar to what Morton (1987) described as 'atomisation' of the Tongan social structure. Secondly, there is competition between two authorities for an individual's loyalty, one based on kinship and the other based on employment principles. However, Macpherson also stated that increasing monetisation would mean that authority of managers assumes increasing importance at the expense of the chief (1999:85). Nonetheless all societies are in some way embedded in their respective social, economic and political history.

Part 2: Land Tenure in context

1.8 Land Tenure in the Pacific.

The Pacific has thousands of mainly small islands strewn over one third of the earth's surface. Culturally, the Pacific can be summed up in one word, diversity. The three principal broad cultural regions are Polynesia, Melanesia and Micronesia; however, these three regions represent a diversity of customs, and within these particular island cultures developed various systems of land tenure (Ward and Kingdon 1995). Despite the Pacific experiencing colonialism later than elsewhere, colonialism often had a disruptive impact on indigenous land tenure. By the late eighteenth century, Pacific islanders in some places were alienated from the land by the newcomers. The customary rules for acquisition and transmission of land rights were understood and known though there were no written records (United Nations 1966). Most island states did

³ 'aiga' is a Samoan term for an extended family. Samoan culture is basically evolved around the *fa'amatai* government system, where a *matai*, who is responsible for the *aiga*.

not have a central system of government, which was an advantage for the colonial powers, who sometimes employed force to acquire native land. Despite a diverse and complex history of colonisation, under a range of colonial powers, one exception to colonial acquisition was the tiny Kingdom of Tonga never colonised, but forced to seek the protection of a formidable colonial power, Great Britain. Belated decolonisation after World War Two, beginning in Western Samoa, saw some island groups acquire independence (Crocombe 1989). By then most islands had two land tenure principles, the indigenous and the foreign systems, which coexisted in different ways. Some colonial governments intentionally attempted to 'civilise the natives' by doing away with traditions and customs. Each island nation went through different experiences under the respective colonial government hence the complexity and variety of tenures in the Pacific.

In a fast changing world, traditional land tenure provided some degree of stability for many Pacific Islanders. However, colonialism and European settlement in many Polynesian societies made their impacts on land tenure, by moving towards a system of greater individualised ownership, as particularly in American Samoa (Stover 1999). Even in Pacific societies where customary tenure is still maintained through traditional practices, land holding is increasingly individualised or in small family units instead of the extended kin-based groups (Ward and Kingdon 1995). Land holding might have been collective but Crocombe (1978) observed that the use of the term 'communal' within the Pacific context, as in communal ownership, could be misleading, since a particular individual, such as the head of the clan/family, or chief or king, effectively held land ownership for the wider group. Land use on the other hand was actually more of a collective activity. Nevertheless, most islanders have always done their farming on an individual or household basis and, for most, the agricultural unit was smaller than the household unit (Crocombe 1978:4). The impact of colonialism on land tenure, especially land rights, varies between island nations. In some countries, such as Papua New Guinea, nearly all land is under customary ownership; whereas in others, such as Fiji, some is Crown land and some privately owned, alongside some in customary ownership. In other island states like Tuvalu, the families own all land, and in some cases several families have title to the same plot. In many places, such as Tokelau, land cannot be sold or leased. Changes in Pacific land tenure have been highly significant as they redefined relationships among the people relative to land. One of the common justifications consistently advanced by many colonial officials, and even echoed by contemporary bureaucrats, in support of replacing community-based tenure with a more centralised system of

individual titles, is that this would increase the efficiency of land administration, reduce land disputes and enable more effective participation in a market economy. However, the misunderstanding of traditional tenure systems and local cultures has proved a problem for both colonialists and post-colonial authorities. Moreover, Some Pacific resettlement projects have caused problems when people have been settled on land they do not own, compelling some settlers to migrate; more generally collective ownership is less of a problem than the demands of imported economic systems on traditional land tenure (Secretariat of the Pacific Community 2001:32-33). One of the tools employed or imposed, as part of land changes was surveying and registration of specific land areas. Although smaller Pacific islands had been surveyed at least outside Melanesia, and land had been registered, the larger islands have lagged in this respect. The notion of registration, as a western concept, would lead to the assumption that surveying is a prerequisite for registration, but this is not necessarily the case in the Pacific. For instance, the island states of Tuvalu and Kiribati have village lands registered without surveying but based on oral and visual descriptions. Employing traditional principles from the 'old' communal tenure in the contemporary tenure system is common in the Pacific. The durability of boundary markers, since some natural features change over time or are moved (such as boulders), is a problem for recording and registering these plots.

The indigenous people in many Pacific countries had little choice but to accept land alienation and new tenure systems. According to Finney (1973), this resulted in "unhappy marriages" of indigenous custom and the western civil code, not surprisingly since the Pacific and Europe were a world apart in terms of culture and tenure. The individualistic value of Western culture was forced on societies that valued extended kinship and inherited rights; as a result of European changes, there are problems of multiple ownership and land fragmentation. In Tahiti, the French Civil Code confirmed individual rights of ownership, however this threatened multiple claimants on a single land area by second or third co-heirs, the descendants of the original landholder. The benefits of individual land registration, such as smooth sale and transfer procedures, have also been compromised by the customary multiple co-heirs (Panoff 1964). Cultural insensitivity is a common drawback of most reforms, but especially land tenure modernisation, in the Pacific. In the case of Rarotonga (Cook Islands), the courts (a foreign innovation) failed to acknowledge the fact that while lineages are usually central in inheriting land rights, social obligations sustained those rights. Crocombe (1987b:60-1) directly linked land fragmentation in Rarotonga to the

court's decision to grant equal rights to the children of the previous landowner a decision based on the inaccurate belief that bilateral kinship was the basis for inheritance.

During the colonial era, Pacific tenure systems were transforming towards a kind of landlord-tenant leasing arrangements, emulating European tenure systems. However, the closeness of land ownership and social polity in Pacific tenure systems politicised any changes to land tenure. Land rights and the ability to exercise those rights are central for identity, political power and leadership. This latter point has been evident in the case of Fiji in the last two decades where a small proportion of the land area, but a valuable one, was under freehold. That land could be bought and sold with conditions. A larger land area, more than 80 percent of the total, but of lesser value, had long been designated as native land and owned by indigenous Fijians. Most of this land was under the Native Lands Trust Board with a portion of it held under customary tenure. The remaining 8 percent was again acquired by the government for public purposes including land bought from the Colonial Sugar Refining Company in the 1970s. The government proposed to sell much of the leased land to lessees, most of whom were Indo-Fijian cane farmers. Such a move was aimed at giving landholders security and confidence, enabling a more efficient market economy. Native Fijians claimed that these land areas should be returned to the Fijians, hence the very point of the Government's exercise resulted in the opposite, insecurity and no confidence on the landholders' part. Moving land towards the market economy, in terms of greater permanence of individual tenure and greater ease of transferability, has posed problems throughout the Pacific. Considering Tonga, such economic change and potential problems, in view of the land tenure system, will be investigated.

These issues emphasise the cultural insensitivity of capitalism and the particular significance of this for something as central as land transfer and inheritance. Land rights are predominantly patrilineally inherited but in some island cultures they are matrilineally inherited. The process of transferring customary rights involves various principles and qualifications. Efforts have been made to simplify this by introduced systems with good management and administration intentions but this may open the door for oversimplification and negligence. Such potential problems, associated with introduced systems, have usually become more challenging and complex in the post-colonial era, especially where there were appropriated individual rights.

Capitalism, and the extension of commercial production is a major cause of, although it is not the only reason for, monetisation of land in the Pacific. Associating land and capital has become a necessity for the Pacific islands. Moreover, exploiting land as collateral for loans and mortgage agreements is a common practice in the Pacific, even in non-freehold systems such as Tonga. Mortgaging land is and may be the only method for people to access capital investment on the one hand. On the other hand, the complexity and contingency of land principles, especially customary tenure, pose some problems. It is often difficult for finance institutions to sell or exploit land titles repossessed for dishonoured contracts. Furthermore, in other cases where land is being held under customary tenure with multiple land right holders, as in Samoa, it is problematic for any financial institutions to accept land as collateral due to the multiplicity of land right holders.

Most current land tenure systems in the Pacific are based on some common characteristics of both western and customary principles. They are thus doubly complex since customs vary between cultures and locally. For instance, Polynesians have hierarchical social structures (chiefdoms) with land rights being commonly defined by descent. Melanesians on the other hand have a more localised leadership system, which is more open to contest. This is complicated further by the fact that land use and tenure are characteristically flexible, emphasising the current divergence between codified practice and customs within tenure systems, since systems established during colonialism merely westernised customary tenure. Subsequently, new administrative structures and legal frameworks were invented in order to support the westernised systems, but these inventions lagged behind existing land customs in terms of adaptation and progression.

According to Ward and Kingdon there has been little comparative analysis of land tenure in the Pacific, despite land being still central to Pacific islanders' life, and economic, political, environmental and social changes (1995: 1-33). Much of these changes in the Pacific were initiated by the foreign powers during colonisation and subsequently Robinson and Gallagher (1953) argued that European powers did not have to formally colonise in order to exert strategic and economic influence in a region. In this context Tonga was never colonised but became a Protectorate State of the British Empire (1900-1970) and still experienced the influences of colonialism and capitalism. This was evident early in the development of the Tongan land tenure. Significant influential factors, emphasised by Crocombe (1987), were the influence of

missionaries, especially Reverend Shirley Baker (missionary and Premier), the King's desire to improve living standards and the Government's need for revenue.

1.9 The approach on land tenure

The fact that land tenure, more specifically the defects of its operation, has interfered with national progress in several Pacific states is not in dispute. Land productivity is complicated by land related social, political and economic issues. Not all economic development problems for instance are economical. Instead of viewing land tenure in a purely economic manner, a more comprehensive approach must be adopted. Crocombe (1974) recommended one such approach with four main determinants of a land tenure system. This analytic view of land tenure (Figure 1.1) has been adopted here with modifications for the Tongan context.

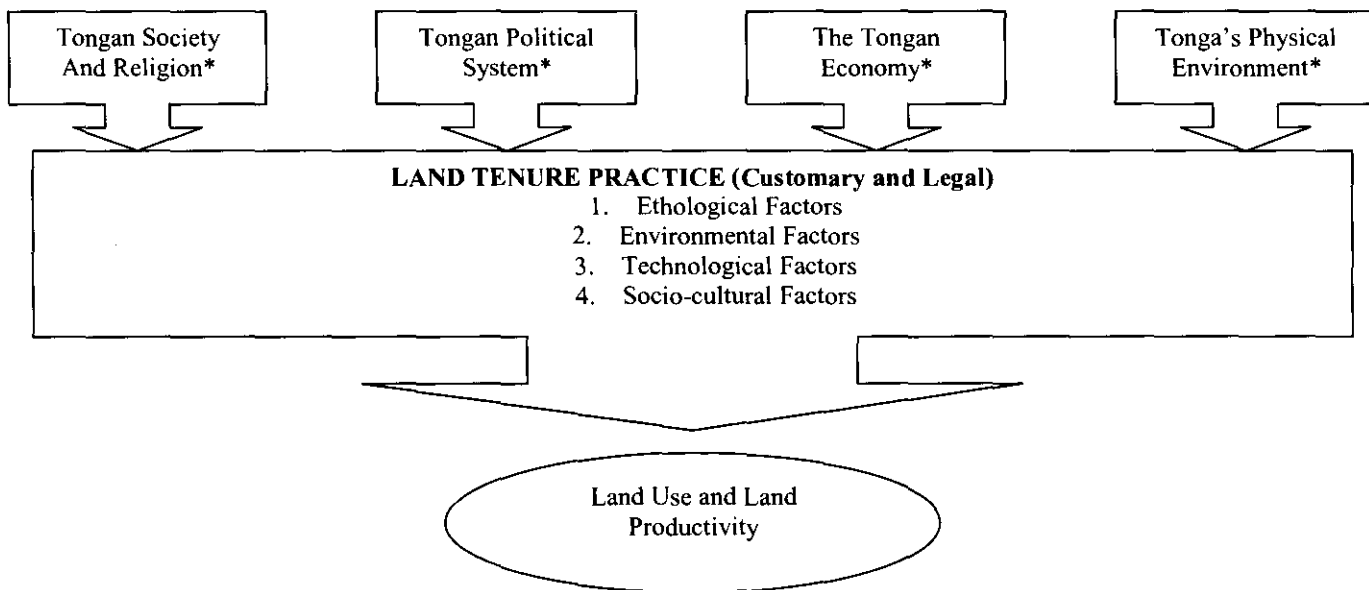
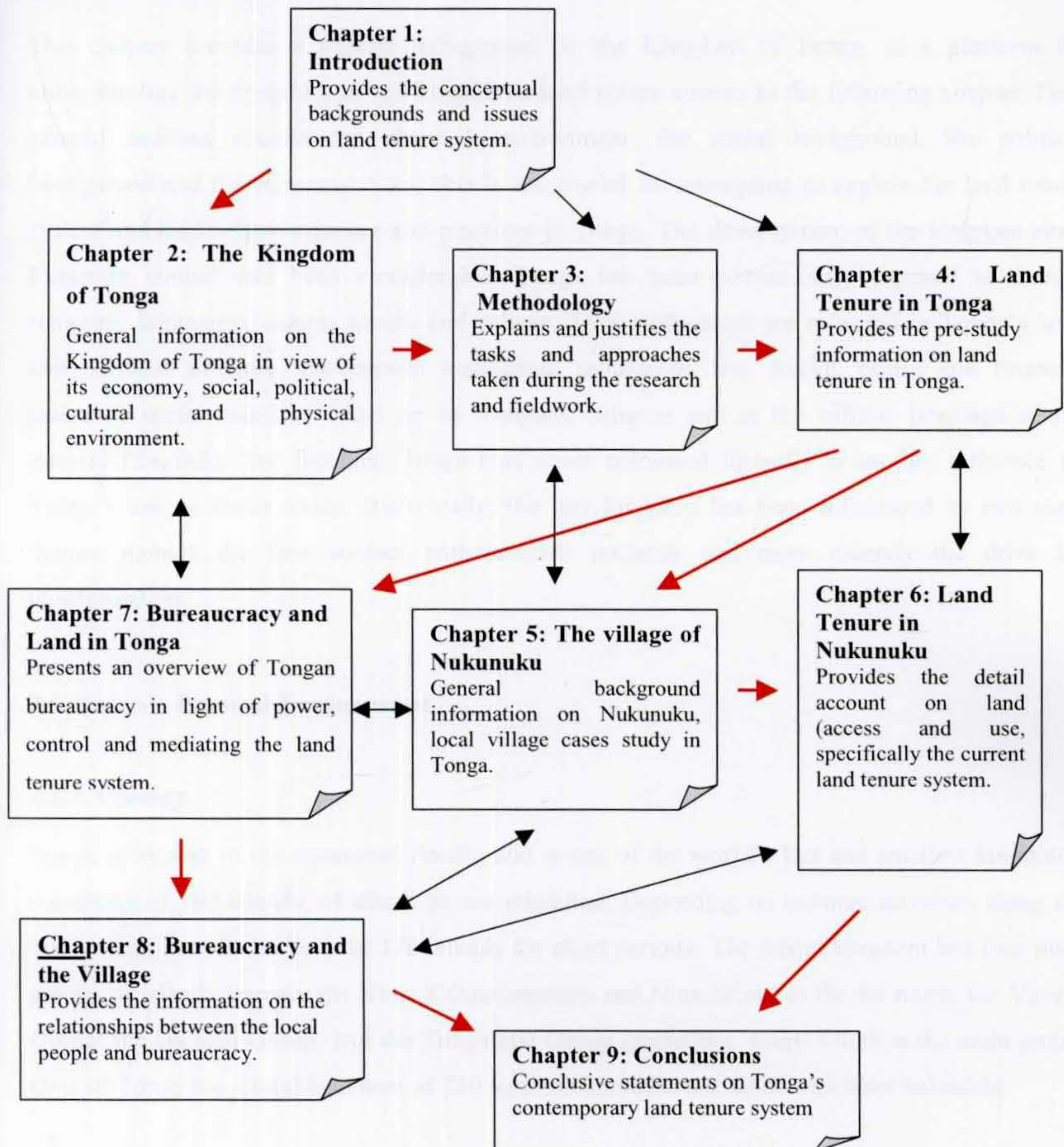


Figure 1.1: The land tenure system within the Tongan context.

For the purpose of this study, four aspects of the Tongan system have been stressed (marked by * in Figure 1.1), in order to encapsulate a comprehensive view and analysis of the Tongan land tenure. Furthermore, the greatest opportunity for studying land tenure lies in the involvement of families or family farmers, the most widespread type of land users in Tonga. Various aspects of

land tenure, notably its early formalisation, distinguish Tonga from elsewhere in the Pacific, and this should be the starting point of any strategy for analysis, and perhaps for change. The following diagram (Figure 1.2) outlines the subsequent detailed structure of the thesis.

Diagram 1.2: Thesis arrangement.



CHAPTER 2

THE KINGDOM OF TONGA

This chapter provides a general background on the Kingdom of Tonga, as a platform for understanding the dynamics of the kingdom's land tenure system in the following chapter. Four general sections discuss the physical environment, the social background, the political background and the economy. Such details are crucial for attempting to explain the land tenure system and land related customs and practices in Tonga. The development of the kingdom since European contact has been considerable. Tonga has been continuously exposed to foreign religions, languages, values, wealth and culture. These influences are reflected in Tonga's laws and political structure, government institutions (education, law, health, police and financial systems), social practices taken up by Tongans, religion and in the official language of the country (English). The fact that Tonga was never colonised formally is another influence on Tonga's unique status today. Historically, the tiny kingdom has been influenced by two main themes namely the first contact with western societies and more recently the drive for modernisation.

2.1. Tonga's Physical Environment

2.1.1. Geology

Tonga is located in the equatorial Pacific and is one of the world's last and smallest kingdoms, consisting of 169 islands, of which 36 are inhabited. Depending on tectonic activities along the Tonga fault line, it can be over 170 islands for short periods. The island kingdom has four main groups of islands, namely the Niua (Niua-toputapu and Niua-fo'ou) in the far north; the Vava'u Group; the Ha'apai Group; and the Tongatapu Group (including 'Eua), which is the main group. Overall Tonga has a total land area of 720 square kilometres not all of which are habitable.



Figure 2.1: Map of Tonga

Prepared by S.Halatuituia and S.Taufa, 2002

The Tonga islands are built on two ridges, the Tonga Ridge and the Tofua Ridge, running in parallel to one another in a southwest-northeast direction. The Tonga Trough cuts through the group in the same direction thus dividing the group into two types of island. Also in parallel to these ridges is the axis of the Tonga-Kermadec Trench, which is one of the deepest locations on earth. The islands on the Tonga Ridge are coral in origin and low and flat; these include the Tongatapu Group, Ha'apai and Vava'u groups, which accommodate almost all the national population. The Tonga Ridge is not volcanic but it is tectonically active. The islands on the Tofua Ridge are volcanic in origin, high and rugged, including the islands of 'Ata (southern most island), Kao and Tofua (Ha'apai Group), Late Island (Vava'u Group), and the Niuas.

2.1.2. Soil

The coral islands have poor soil but Tonga is fortunate because the volcanic islands on the western side provide the necessary minerals for fertile soil on the eastern coral islands. Early works on Tongan soil include a preliminary survey by the New Zealand Soil Bureau (Gibbs, 1969), and selected sample analyses (Maude, 1965; Spier, 1971). These studies allow some general descriptions of the soils. Thaman (1975) has given a general classification of the soils of Tongatapu into two main classes, namely the *kelefatu*, upland soils, and the *tou'one*, lowland soils. The former are deep friable clays of moderate to high natural fertility, which cover approximately 90 percent of Tongatapu, and are the most valuable for agricultural purposes. Gibbs (1967) separated the *kelefatu* into two subgroups: the 'Lapaha clays' and the 'Vaini clays'; in general, the Lapaha clays are predominant in Eastern Tongatapu (Vahe Hahake) and the Vaini clays cover most of Western Tongatapu (Vahe Hihifo). The *Tou'one* lowland soil was also divided into two subclasses, namely the 'Nuku'alofa soils' and the 'Sopu soils' (Gibbs, 1967). These soils cover most low-lying areas, mainly along the northern coasts of Tongatapu. These are considered useful for most crops except for the frail 'ufi (yams). Thaman (1975:36) found that the soils in Tongatapu provided 'an excellent basis for traditional Tongan agricultural practices', and there were also 'few if any cases of soil erosion.'

2.1.3. Climate

In general Tonga's climate is sub-tropical rather than tropical. There is a slight cool season between the months of June to October with a mean temperature of 24.5°C, and a rather hot and humid season from November to May with a mean temperature of 29°C. The cold or winter season runs from June to October and is commonly referred to as the *fa'ahita'u momoko*, and the warm or summer season runs from November to May, and known as the *fa'ahita'u mafana*.

The spread of two general types of small islands over a considerable ocean area means that rainfall varies temporarily and spatially. The period between the months of December to April are the wettest and from June to August the driest. This is a common scenario with the heaviest rainfall during the hot season but it varies from year to year and between the northern and the southern islands. These are further influenced by the El Nino and La Nina phenomena. Niuatoputapu in the north has an average rainfall of about 2540 mm while Tongatapu in the south has an average of 2032 mm per year. The variation between the northern islands and the southern islands affects land use. For example, commercial kava farming seemed to flourish in Vava'u rather than Tongatapu, which most local people attribute to the climate.

On the main island of Tongatapu rainfall is generally convectional because of the dominance of ocean over land area. Tongatapu generally experiences adequate rainfall but there were extensive droughts in the periods 1982-1983, 1986-1987, and 1991-92, which brought down the average from 1770 mm to 1406 mm for Tonga.

Tonga's prevailing winds blow from the east and the southeast at an average of 9 knots throughout the year (Thaman, 1975). Tonga's location puts it well within the 'hurricane belt' in the Southwest Pacific, consequently it experiences severe weather systems, averaging half a dozen tropical cyclones per year. Cyclone activities mostly occur during November to March when the sea is warmest (Revell, 1981, Sturman and McGowan 1999). The researcher personally experienced two natural disasters: Cyclone Isaac 1982 (Hodgkinson 1982) and Cyclone 'Ofa 1990, when damage to both subsistence and cash crops was visible; and many buildings especially Tongan *fale(s)* were either damaged or destroyed. Severe wind damage, especially to wind sensitive products (breadfruit, bananas, kava etc.) can cause supply difficulties, which persist for several months or longer. Wind damage can also affect the foliage of root crops, which

are usually inter-cropped. Climatic hazards mainly cyclones and droughts, are not uncommon in Tonga and pose problems for a country dependent on agriculture in a fragile environment.

2.1.4. Water Resources

The primary source of water in Tonga is groundwater with some people using rainwater as a supplement. Geologically, limestone, which is typically porous, formed most of the inhabited islands. Subsequently, the islands built up from a heterogeneous mixture of coral, shells, shell fragments, algae and foraminifer cemented together by carbonate cement (Lao, 1978). Rainfall permeates to form a lens of fresh water on top of the underlying seawater. There are no perennial streams in Tonga due to the high rainfall infiltration. In general, the amount of water trapped in the lens depends on the cross-section of the island. The largest and most densely populated island is Tongatapu, which has the biggest lens, which is about 41 feet (12.5 m) to 1 foot (0.305 m) above the mean sea level (Tonga Water Board, 1992). The smaller islands, especially those of the Ha'apai Group, have a problematic relationship with water quality and quantity. By contrast, in Tongatapu, there is no overuse of water but rather under-development (Tonga Water Board 1992). There are plans to improve the public water systems operated by the government among the main settlements on each island group. The groundwater quality is commonly hard as the rainwater infiltrates through the limestone. The hardness of the water leads to problems like scaling when it is heated or deposited in and around metal plumbing.

Despite these minor problems, groundwater is still the main source of water for Tonga. Individual villages in the rural area of Tongatapu, unlike Nuku'alofa, have their own water bore. Committees (commonly known as the *Komiti Vai*) maintain these water sources in each respective village. However, the national water resources are watched over by the Ministry of Health and the Ministry of Lands, Survey and Natural Resources, in terms of maintaining the quality and quantity of the water table. In terms of daily maintenance of water, the Tonga Water Board, especially in rural areas such as Nukunuku, provides technical assistance.

The rural *komiti vai*(s) are made up of selected local individuals to manage and maintain the village water source (bore and pump) and the distribution system around villages. These organisations are non-profit and non-governmental; they answer to their respective communities' needs. In terms of funding, the *komiti vai*(s) are self-funded therefore each committee is

responsible for raising and managing its finances. Finance is commonly raised by holding a local fund raising event such as a concert and/or charging a small fee periodically to each consumer. Like other community bodies, *komiti vai(s)* also tap into the vast potential for remittances from overseas Tongans. Overseas residents of respective villages, upon local people's request, often hold their own fund raising activities overseas. The money collected is either sent to their respective local *komiti vai* or used to purchase hardware materials for the water projects.

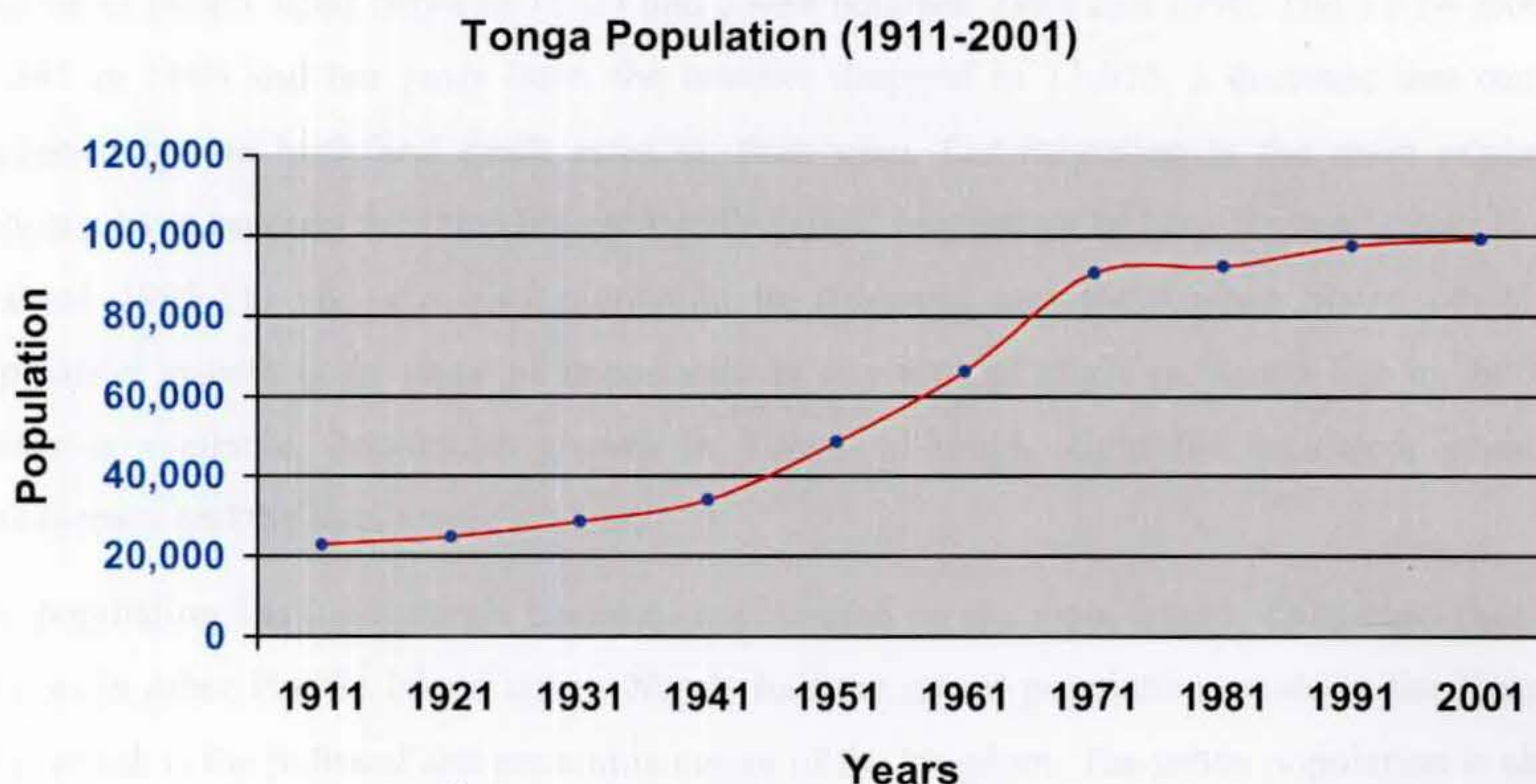
Rainwater is another source often collected by the local people for daily use but, in most cases, it is for emergency use. However, not every village household has a water tank. Water tanks are either made out of cement or corrugated iron. The latter are decreasing in number due to the problem of corrosion and non-durability. In some villages non-governmental organisations aim to provide cement water tanks for those who cannot afford them. These local non-governmental organisations have very limited funds but overseas donors often assist in terms of technical advice and/or direct funding. These overseas donors in their attempt to promote local participation and co-operation usually provide a fraction of the assistance. This method also benefits the local village people because it gives them a sense of responsibility (ownership), which empowers them to overcome water related difficulties. Thus the effect of these village initiatives has a wider influence on local communities in a very positive way. Not every water project or development project runs smoothly. Problems often arise from mismanagement, especially of finance, and/or abuse of power by some individuals. External pressures from both bureaucracy and local polity on the committee are sometimes intense, such that they influence the performance of the local committee to a point where it deviates from its original objectives. Sometimes projects are implemented without considering local social structure and politics, which often divide the community concerned. This is a parallel situation to use or production projects with regard to land.

2.2. Social Background

2.2.1. Population and Urbanisation

Since the unification of the island groups and the emancipation of the people from serfdom in the 1800s, Tonga's population has steadily grown until the second half of the twentieth century (Figure 2.2).

Figure 2.2 Tonga Population (1911-2001)



Source: Tonga Government Gazettes 1912, 1921, 1932, 1933-34, Tonga Censuses 1956 – 1996, Secretariat of the Pacific Community 2001.

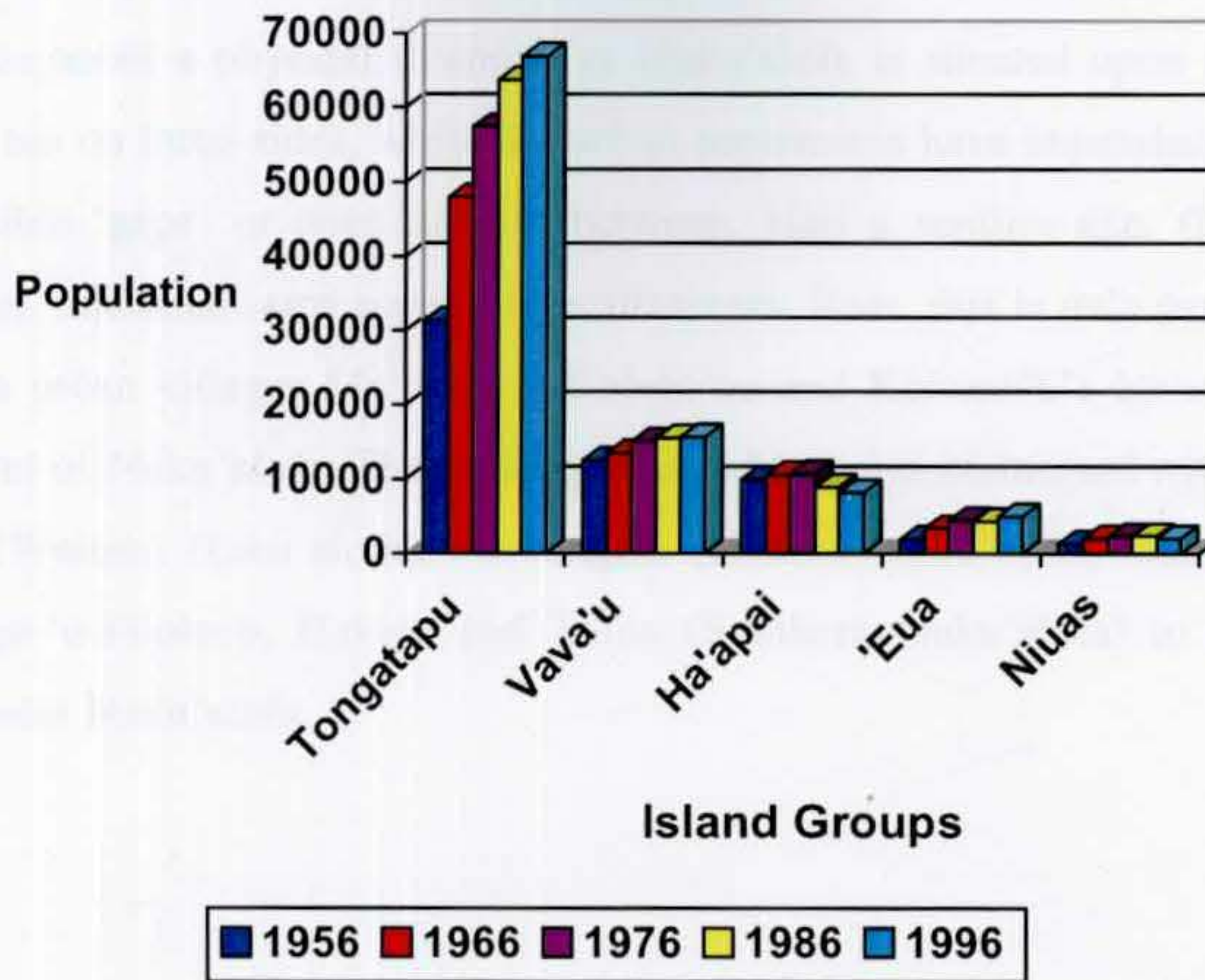
The population has grown since the early decades of last century. However, the population has grown very little since the 1950s, as the annual growth rates experienced by the Kingdom over these years have been countered by emigration (rather than by Family Planning programmes and education), leaving a low real annual growth rate. The annual rate of population growth pattern has declined since the period 1956-66, when it was about 3.6 percent to 1.6 percent in 1966-76 and 0.5 percent in 1976-86 (1993 Statistical Abstract) to 0.3 percent in 1986-96 (Statistics

Department 1999). Since the 1970s, the total population has stayed around the 100,000 mark. Some 70 percent of the population resides on the largest island of Tongatapu, on which Nuku'alofa is situated. Nearly half of these people reside in the Nuku'alofa area, the capital of Tonga (Economist Intelligent Unit, 1998).

Tonga's population at the time of this survey was estimated at 97,784 persons with a sex ratio of 103 males per 100 females (Tonga Statistics Department 1999). The sex ratio has a special interest to this research because of the socio-cultural values of gender within the Tongan society. Tonga has a very young population with a median age of 19.9 years (Statistics Department 1999: xix) due to high fertility and out migration over the past three decades (South Pacific Commission 1996:5). This is highlighted by the fact that there was a significant decrease in the number of people aged between 15-24 and 25-34 between 1986 and 1996. The 15-24 group was 21,341 in 1986 and ten years later, the number dropped to 13,675, a decrease that cannot be explained by the birth and death rates on their own. Out-migration is the main explanation. Tongans have become the third largest Pacific Island population in New Zealand (Statistics New Zealand 1995:11) and are also numerous in Australia and the United States of America. Population growth is an issue of importance in any area of study in Tonga due to the limited resources available. Population growth in Tonga, although slight but localised, strains both bureaucracy and the land tenure system.

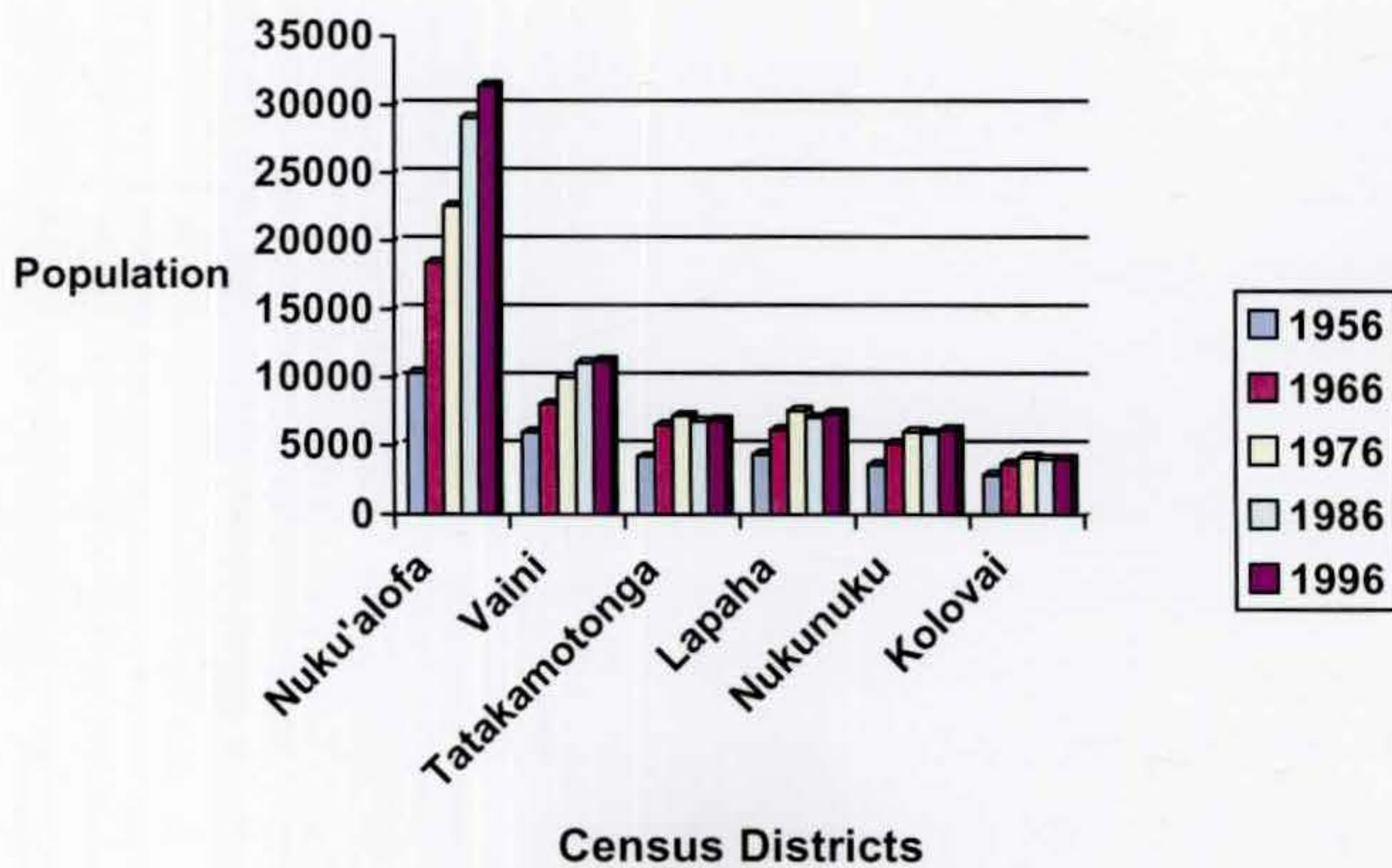
The population has increasingly become concentrated on the main island, Tongatapu (see Figure 2.3), as in other Pacific Island states. Nearly half the island population reside in the Nuku'alofa area, which is the political and economic centre of the kingdom. The urban population is about 36 percent of the population (South Pacific Commission, 1998). For internal migrants the most obvious attractions of Tongatapu, especially Nuku'alofa, are education and employment, followed by family reunion and to a lesser extent valued land availability, which will be investigated further in later chapters. Consequently, the population distribution is nationally uneven and also concentrated in Nuku'alofa. Nuku'alofa's share of the Tongatapu population has grown over the years (Figure 2.4). The population density in Nuku'alofa increased from 184 persons/km² in 1966 (Statistical Abstract 1989 and 1993) to 245.1 persons/km², which is well above the national figure of 150.5 persons/km² in 1996 (Statistics Department 1999).

Figure 2.3 Populations by Island Group



Source: Tonga Government Gazettes 1912, 1921, 1932, 1933-34, 1936-38 and Census 1956-1996, Secretariat of the Pacific Community 2001.

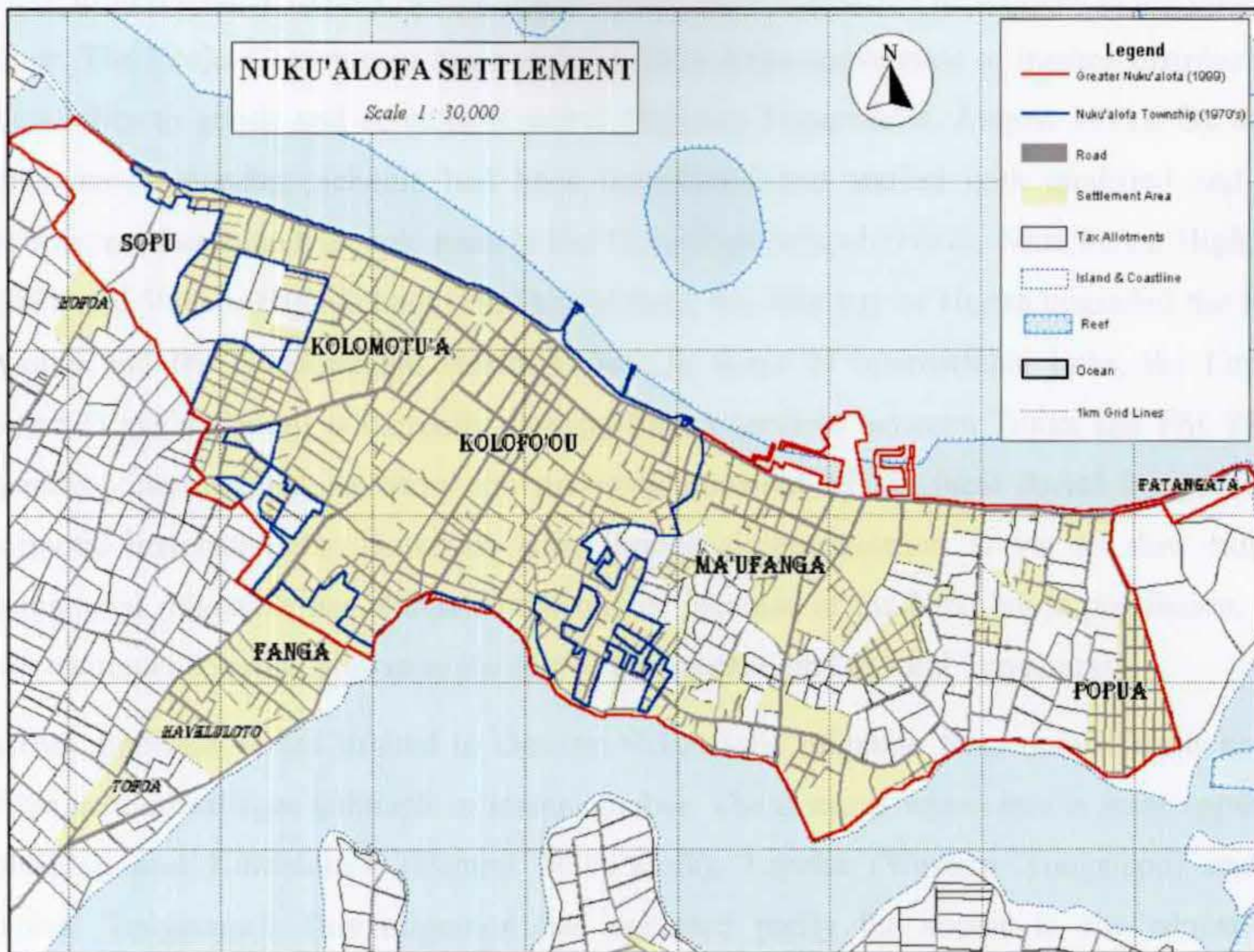
Figure 2.4 Population of Tongatapu by District



Source: Tonga Census 1956-1996.

Urbanisation has required an extension of the settlement area to cater for the increasing population. This poses a physical dilemma as Nuku'alofa is situated upon a limited land area, surrounded by sea on three sides, while the urban settlements have expanded towards each other leaving no visible 'gaps' or open area in between. Half a century ago, the settlements were distinct, with an 'unsettled' area separating settlements. Now, this is only true in the rural areas. The three main urban villages Ma'ufanga, Kolofo'ou and Kolomotu'a have joined up into one whole settlement of Nuku'alofa. These villages have been also connected with other settlements, namely Sopu (Western Nuku'alofa), Pa-Tangata (Eastern Nuku'alofa) and Longolongo, Pahu, Halaleva, Fanga-'o-Pilolevu, Havelu and Tofoa (Southern Nuku'alofa) to make what is now considered Greater Nuku'alofa.

Figure 2.5: Greater Nuku'alofa area.



Prepared by S.Halautuituia and Francis Latu, 2002

The internal expansion of settlements may eventually require external expansion of the whole Nuku'alofa area. Physically, land reclamation is an expensive option, which leaves the southern direction as the only practical alternative for expansion. The latter will mean that agricultural land will be absorbed by urban sprawl. Such processes of agricultural land being subdivided into town allotments are currently occurring within areas considered agricultural some decades ago, especially in areas like Ma'ufanga, Halaleva, Longolongo, Sopu and Tofoa traditionally considered as the outskirts of Nuku'alofa. Further urbanisation in Tonga would mean the expansion of Nuku'alofa and the transition of more semi-rural villages into the urban area. Recent transitions are now referred to as being part the Greater Nuku'alofa area.

Alternatively internal migration to Nuku'alofa might be discouraged through a reduction of push factors from the outer islands; which might follow decentralisation of services to the other island groups. The Tonga Government has sought to address the unevenness of income distribution and accessibility to goods and services (Central Planning Department, August 1991). By the mid-1990s, new secondary schools had been established and staffed with qualified and skilled teachers in other island groups, namely the 'Eua High School (1986), Niua Fo'ou High School (1989), and Vava'u High School (1991). Similarly, the Ministry of Health upgraded the Niu'eiki Hospital and the Niuatoputapu Health Clinic. In terms of international links, the Lupepau'u Airport (Vava'u Group) is currently catering for air services between Tonga and Fiji. Plans for expanding international air travel are presently impaired by the local Royal Tongan Airlines enormous financial debt. However, such limited decentralisation is yet to slow migration. International migration has alleviated the rate of increase of the Nuku'alofa population, but the town continues to grow relative to the rest of the country, and to rural Tongatapu.

Internal migration is not limited to Greater Nuku'alofa; migrants from outer islands have also settled in rural villages although in lesser number. The districts where this is most apparent are Kolofou and Kolomotu'a (Central Nuku'alofa), Lapaha (Western Tongatapu) and Vaini (Central Tongatapu). This migration has occurred partly for access to the education and employment opportunities of Nuku'alofa; but also because of land accessibility and availability in the rural areas. Other reasons, such as family reunion also attract migrants to rural areas of Tongatapu.

2.2.2 International Migration

Overall, international migration is an influential force upon population numbers. Nationally, it has been estimated that every year 2,000 people emigrate, thus Tonga lost 20,000 persons over the decade ending 1986 (Central Planning Department 1991:62). Another estimate by the South Pacific Commission (1996:22) stated that about 3,000 people left Tonga annually based upon the 1976 and 1986 Census. There is some return migration but it is unfortunate that there is a scarcity of data on return migrants in general and very limited literature on return migration in Tonga (Fonua 1987; Small 1997).

Overseas foreign policies affect international migration by regulating the point of entry into overseas countries. The scale of international migration is closely determined by the vicissitudes of the international economy rather than the domestic island economies (Brown and Connell 1993). New Zealand as a migration destination is quite unique because it is small and isolated compared to other hosts, namely Australia and the United States. Recently, New Zealand has tightened up on immigrant selection to reduce the excessive number of immigrants and also to reduce displacement costs. Overseas migration from the Pacific for employment purposes is indicated by the fact that the working age group of 20-40 is mostly influenced by emigration, and especially the age group 25-29 (South Pacific Commission 1996:6). This is not surprising since overseas countries have given this age group favourable consideration. Tonga may not necessarily be able to continue to rely on migration to mitigate local development issues as constraints to migration increase. The 'narrowing' opportunities for migrating based on host countries' policies, are increasingly favouring the skilled and qualified segment of the population.

From a local point of view, the age groups of 20-25 and 25-29 are perceived as 'mature' (or *fakapotopoto*) thus are normally supported to move overseas for education and employment. Consequently, the 1986 and 1996 population pyramids reveal a significant narrowing at the ages of 20 and over. In fact despite the population's youthful characteristic, the number in this particular age group seemed to remain roughly under the 6,000 mark since the 1966 Census (Statistics Department 1989:7). The effect of foreign policies, and the demand for international migration, were both evident between December 1986 and February 1987 when New Zealand temporarily allowed non-visa travelling and 5,000 Tongans took up the opportunity, most never to return. Overall, the number of emigrants reduces demands on land but the value of emigrants in terms of remittances is the issue of benefit to the local people in Tonga.

Tonga is likely to continue to lose people overseas, as long as international migration remains possible. This is emphasised by the fact that the modern population is generally better qualified for international migration because of attributes such as education, and most have family members overseas already. By 1986 few people in Tonga had a secondary education, subsequently there was an increase in secondary education (South Pacific Commission 1996) and this continued to improve after 1986 with an increase in tertiary education levels (Statistics Department 1999:xxiv). In the most common destinations like New Zealand, Australia and the

United States, there are substantial groups of Tongans and part-Tongans, thus presenting recent and potential migrants with better chances of support than four decades ago.

Overseas Tongans have also migrated again to other destinations. For example, New Zealand-Tongans have migrated to destinations perceived as having 'better opportunities', such as Australia or the United States. In Australia for instance, Tongans had the highest growth rate of all Pacific Islanders between the years 1971-1986 (Australian Bureau of Statistics 1986). This contingent of Tongan Australian residents had become both the cause and effect of continuous Tongan migration to Australia under the Family Reunion Scheme. Some overseas residents return to Tonga for a long vacation or to live permanently or temporarily, alongside seasonal and temporary visits by overseas resident Tongans. In the early 1990s, Tongans seemed to be leaving New Zealand, because there was a negative net migration of about 1,884 (South Pacific Commission 1996:24). Not all of these people returned to Tonga, most being attracted by 'better' opportunities in other countries.

Returning overseas migrants have some impact on local society. Early studies associated returning migration with retirees, refugees or those who had failed in overseas missions (Connell 1983; Connell 1990; Bovernkerk 1982). These return migrants had limited capabilities in terms of contributing to local community developments. Those few who are deportees carry some degree of embarrassment, especially where they are convicted criminals. The attainments, experiences and achievements of some returning migrants benefit at least their local family (*famili*), the extended kin (blood related *kainga* or *fa'ahinga*) and the village residents (territorial *kainga*), both commonly referred to as the *kainga*. The 'successful' returning migrants most of which are non-deportees do move up the social ladder to join the local 'elite' in buttressing the local economy, restructuring the local society and empowering local politics in their respective villages. There are multiple reasons for return (Rogers 1984:288-290); the returning movement now includes 'the flows of goods and capital as well as the ideas, attitudes, and skills of the migrants themselves' as Thomas-Hope demonstrated in the Caribbean (1985:172). Maron concluded that Nukunuku (Tonga) return migrants data 'strongly contradicts the notion that return migrants are retirees or failures' (2001:89). Many of these returning migrants have made their mark at both the national and local levels, by taking up appointments within the government, or non-governmental organisations or the local communities. Examples of the impacts of returning migration at a national level are the current Minister of Police, Minister of Finance and the

Minister of Health; all waived their residential rights in New Zealand or Australia, to take up their appointments in Tonga. In a small way, these cases represent a reverse of skilled out migration, while their return consolidated the new elite class. Return migration means an increase of local population and advances in ideas, attitudes and skills, but also means more people competing for land but these returning migrants may have an advantage over the locals based on their elevated social and economic status. At the same time, ideas and attitudes of the returning migrants, especially about land, may not be similar to local perceptions.

The scarcity of information on migration (emigration and return migration) in Tonga has resulted in the crude estimates listed above. Tonga is not only losing people overseas, but slightly more males than females have migrated overseas. This can be attributed to both local and overseas circumstances. Locally, it is customary for the male to be the provider, thus migrating overseas and seeking better opportunities is a male prerogative, as he is usually the head of the family. In addition, most of the jobs readily available for unskilled and/or unqualified migrants are labour-intensive jobs in factories and farms, which are mostly perceived as male tasks within the Tongan context. The implication of this migration is that there should be more absentee landholders and apparent heirs to land, which may imply leaving allotments unused. Most return migrants' notions and perceptions of their identity change through their migratory journey (Bonnemaison 1985:61). Since 'the identity of person and place is always continuously being produced' (Connell 1995:277), migrants develop 'multiple identities' (Castles and Miller 1998:297). The implication of this on the tenure system is of significance because in the Pacific 'cultural identity does not exist without land' (Bonnemaison and de Deckker 1993:19). The impacts of migrants on social, economic, and political aspects of the tenure system are represented in changing land practices. These will be discussed in Chapter 4.

2.2.3. Tongan Society

The people of Tonga are mostly Polynesian by race and Christian by religion, making up 98 percent of the total population; the other 2 percent are foreigners (non-Tongans) hence Tonga has an unusually homogeneous population. Tonga's first contact with Europeans was made in 1616 with two Dutch explorers, Schouten and Lemaire. In later days, voyagers such as Tasman, Wallis and Bligh visited Tonga at different times. Captain Cook visited three times before his demise. It

was Cook in 1777 who named the islands the 'Friendly Islands'. The most influential visitors were the missionaries who first arrived in 1797 from the London Missionary Society (LMS). First attempts to Christianise Tonga failed. It was not until 1822 that Tongans started to convert to Christianity through the influence of Wesleyan missionaries. From this point onwards, the Kingdom and its people changed. The influence of the British and Britain's former colonies, particularly New Zealand and Australia, has been pervasive and continual.

Since first contact and religious conversion, missionaries successfully established foreign religious beliefs, supported by their education system, language, cultures and values. The most powerful and dominant were the Methodists whose impact is evident in the current education system, in the laws of the country and the English conventions adopted by Tongans. This is not to say that other foreign religions and nationalities such as the French priests and German traders were insignificant but they were less significant overall. This difference in accomplishment could be attributed to the fact, or coincidence, that the Methodists were associated with the powerful and prestigious local people at the time, for example through their conversion of the Polynesian chief Tauha'ahau, who became King George Tupou I of Tonga in 1845.

Subsequently, Tongan society was transformed due to the influences and interactions of the new values (Western culture), institutions (social and political structures), and ideology (religion and education). Interaction with the outside world has become more intensified and extensive over time. Bott has thus claimed that the political, economic, educational and religious development in the last two centuries has changed the Tongan system of stratification (1981:75-76), which at present resembles a system of social class instead of what Maude (1965:29) described as 'the smaller social groupings of old Tonga.'

In order to shed more light on changing Tongan society it is necessary to look at social and political structures. Traditionally Tongan society was highly stratified. The social structure was based on kinship networks, thus allowing both the political and the social elements of society to either overlap or be synonymous. In essence, although social classifications are now based on modern values, the social structure operates on similar principles as in the pre-contact era: 'people are ranked both personally and collectively' (Gailey 1987:49).

The concept of rank is central within the stratified Tongan socio-political structure. Stratification is a common theme across Polynesian chiefdoms. Kirch (1984:13-15) catalogued evolutionary

processes operating in many Polynesian islands, such as the development of specialised ceremonial and public architecture, the development of militarism and more importantly, a trend toward increased stratification and differentiation in social status and rank. According to Bott, rank is the 'quality directing respect and deference', it is inherited from an individual's parents and cannot be changed by an individual's achievements and failures (Bott, 1981:10). However, the kinship network defined by blood ties sets an individual's rank within his or her family and in society. This ranking by blood is not the only concept that defines social and political status. Sex and age are also considered especially when it comes to determining one's authority. These three principles, rank, sex and age, all operate in all three levels of the society namely the *'api* (household), *kolo* (village) and *fonua* (nation) in modern Tonga.

Within a family unit or household, commonly referred to as an *'api*,¹ the father held authority, being the head of that particular family. However, any one of his sisters could outrank him in terms of social status. In terms of siblings, sisters outranked their brothers and older siblings outranked younger siblings of the same sex. Furthermore, children of the father are ranked lower than their father and his family but of higher rank than their mother and her family. Overall, every member of the family has a social rank, which she or he is expected to follow. Access to land was and still is attained through the father. However, this norm was at various instances broken as land might have been offered by the mother's family as part of their obligation to the woman and her children. In this regard, it was more common among chiefly families' marriages before the European contact and the encoded land law. However, the pre-contact patrilineal primogeniture has been made the legal root for inheritance by the noble class (Gailey 1987:50).

Challenging these principles of hierarchical classification based on rank, gender and age, are recent social developments that have allowed increasing westernisation. At the *'api* (household) level as well as in the *kolo* (village), education and wealth both decisively affect individual status and, to an extent, the individual's rank. In some cases the elder brother may be forced to seek the younger brother's approval of his decisions on general family affairs, just because the younger sibling is superior in terms of qualifications, skills and wealth. Similarly, at the *fonua* or national level, crucial decision making posts used to be dominated by the *hou'eiki* (chieftains and royalty)

¹ The term *'api* in Tongan terminology means 'a household' which is the basic social grouping in Tongan society, an equivalent term to a nuclear family in Western society. In terms of land tenure, *'api* refers to a defined area or an allotment. Hence the distinguishable terms like *'api kolo* (residential or town allotment) and *'api 'uta* (agricultural or bush allotment).

who were the natural born leaders because it was believed they had some mystical substance involving strength and wisdom. The cause and effect of these changes is clearly demonstrated by the fact that there is an increasing number of common people (*kakai*) attaining or possessing what was once reserved as the chiefly and/or royal domains such as crucial political positions and/or materialistic wealth. In politics, there is a movement towards greater democracy, while the aristocratic government itself has slowly changed as revealed by the increasing number of commoners selected by the King as government ministers. The Cabinet, at the time of this study, is composed of six ministers of commoner origin and five of chiefly origin. The latter include the two governors: the Governor of Ha'apai and the Governor of Vava'u. This transformation or advancement in class by the lower social strata follows modernity. On the one hand it represents the ineffectiveness of traditional high ranks to promote themselves as modern leaders through personal attainments besides their chiefly inheritance, whilst on the other some commoners have excelled in these areas, thus promoting themselves further up the social ladder.

A small section of the population now forms a new middle class. This new middle class, according to Campbell (1992:210), was both the result and instrument of the modernisation process. In effect, the middle class has increased steadily as both the government and the private sector have expanded. This new social class is in effect the elite of the commoners (*kakai*). They are the backbone of the whole country from agriculture to government to private businesses. There are clear indications now that the traditional leadership, the chieftains and royalty, are interacting closely with the elite group, especially in the commercial domain. This is manifest in various new partnerships within different organisations and companies in Tonga.

2.3. Culture in Transition

Tongan culture is both elaborate and evolving. European contact and Christianity brought the most dramatic changes but there was cultural transformation in the pre-contact era. The fact that Tongans sailed back and forth between Tonga and other Pacific island groups such as Fiji and Samoa, ensured that local culture constantly evolved. Subsequently Tongan culture has continually changed as Tongans have adopted foreign beliefs and values. New ideologies, although more social, economic and political than religious, continue to influence Tonga as the

tiny kingdom experiences enhanced globalisation. The ultimate result of such extended contacts with the outside world is that current Tongan culture is a combination of local and western culture. At the same time foreign beliefs and values are not precluded from being influenced by local indigenous culture.

In order to entertain this concept of an evolving Tongan culture some examples are necessary. The basic social unit (household or *'api*) of the Tongan society has changed hence Tongan society itself has changed. Campbell (1992:227) attributed this transitional character to the re-definition of roles and obligations by the people. Increasingly complementary to the men are 'modern' women who not only provide for the family, but in some families have become very successful. This is apparent in the traditionally male dominated domain of agriculture. Furthermore, Needs (1988) and Hardaker (1987) acknowledged the fact that women are actively participating in both cash and subsistence production, ranging from copra to vanilla plantations and *tutu* (mulberry tree) management for tapa making. Women are now engaged in producing and maintaining regular incomes for the family (household), and even overseeing other household units within the wider kinship. Fleming and Tukuafu (1986), in their research into women's work and development, concluded that women's role in smallholder agriculture was not simply that of being housewives. Their traditional roles (cooking and washing) are complemented by roles such as handicraft producers and farmers. Based on personal experience of the squash industry in Tonga, it is estimated that over two thirds of the labour employed during the harvesting season are females. Women are increasingly involved in production phases, whether it is agriculture, services or in Tonga's light industry. In 1986 women made up only 19 percent of the employed population and a decade later they made up 37 percent (Statistics Department 1999). Women who were unable to find employment sought to earn cash through marketing activities and craft production; tourism stimulated craft production (Gailey 1987:237) but the buyers also included Tongans who had neither the time nor the skills for handicraft production, including both local people and overseas migrants. The increasing emigration and wage employment of males have led to more women becoming managers of individual smallholder farms (Fleming and Tukuafu 1986:68). In Tongan society women have also become small entrepreneurs, for example by becoming a manager/storekeeper of the family owned shop or selling goods from overseas at the local market. These business ventures, especially the family shops (*fale-koloa*) and co-operative shops (*fale-koloa sosaieti*) franchised by the family, have a

market because of the need for imported foodstuffs. Gailey (1987:240) linked this need to the increasing focus on commercial farming and land shortage. The trend of males seeking better employment overseas is one factor among others that obligates women to become the breadwinners and overseers of their respective households.

The configuration of the household (*'api*) within Tongan society has changed not only in form but also in structural organisation. A household is instituted by marriage, according to both the cultural and religious convictions of both families and society in general. Ordinarily, the higher the family up the social ladder, inspired by social rank(s), wealth and/or education attainments, the more concerned they are with social customs and traditions. One of the main reasons for this is to protect themselves against others or maintain the distance between them and those, in their view, who are second-rate to them. Legally, the age of eighteen is the legitimate age for marriage and under age marriage is only possible with parental consent. However, special legislation gives royal and noble families both more and less freedom than ordinary people regarding marriage. For instance, apparent heirs to the throne cannot marry commoners, but royalty can marry close relations. Bloodlines and titles must be maintained according to traditional beliefs and values. However, this practice also raises controversies on legal grounds for instance the fundamental equality and freedom of all Tongans, and on religious grounds, which generally assert that marriage is a divine institution that involves the potential couple and God. Marriage is a revered institution in Tongan life, and marriage is the norm; the married population in Tonga over the age of 15 is about 52 percent and teenage fertility is 22 percent (South Pacific Commission 1998:68). Similar percentages of married and not married people have been the case for the last five census periods (1956-1996 Census), meaning that the foundation for (land) inheritance and potential need for land is consistent. Changes have come in the widowed and divorced/separated categories. The percentage of widows has increased as health care has improved and mortality slightly improved; the mortality rate decreased from 4.3 percent in 1986 to 4.1 percent by 1993 (Statistical Abstract 1993). In terms of divorced/separated numbers this had increased from 353 (Tonga Census 1956) to 946 (Tonga Census 1996). The foundations of marriage may be less solid, but divorce rate is much lower than in most societies. Nonetheless this may make land related issues more complicated and delicate.

The most common manner of getting married is conventional (love marriage) or elopement but the practice of arranged marriage is still widely upheld in different ways by many families. It is

more common at the higher levels of the social order, especially in the Royal Family. Arranged marriages are usually employed by the elite of society to maintain their superiority, while commoners have employed it either to improve or just maintain their status. The decision is based on a combination of previous experiences, ambition and pragmatism by parents and/or the extended family elders. Without arranged marriage the chiefly line would become 'impure' and the line of succession for the title and associated hereditary estates would be open to contestation. This is partly a result of the codification of the succession procedure whereas in earlier days 'customary descent rules were quite flexible' (Gailey 1987:56).

In terms of family composition, the number of people per household has been steady for the last half-century at about 6 people per household, though the number of large households, with nine or more people, is decreasing. Tonga is moving away from having large families, and these shifts in family structure reflect the transition of society from traditional to the current modernised order. Aiding this trend are recent developments, such as commercialisation, that increasingly draw attention to both values and costs of having children; and social developments such as the Family Planning programme, which always emphasise both social and economic advantages of small family units. The extent and intensity of contacts with other ethnic societies has resulted in more intercultural marriages.

The three pillars of social organisation in Tonga, namely obligation (*fatongia*), loyalty (*mateaki*) and respect (*faka'apa'apa*), had tended to be re-emphasised by Christianity by emphasising love ('*ofa*) (Kavaliku 1977). Thus, the three pillars are now practised out of love rather than fear (*manavahe*) as in ancient times. Tonga as a Christian society has recognised '*ofa* as the main feature of its society (Kavaliku 1977). The three pillars are not only confined in practice towards the upper class (royalty and chiefs) but are also applied towards immediate family, the church and the kingdom. In accord with greater modernity social relations have become individualised, and increasingly emphasise horizontal rather than vertical relations (Gifford 1929 and Sahlins 1958). Hau'ofa (1978) also recognised a movement towards nuclear family units (*famili* or '*api*) with less interest in affairs beyond this social unit, though the networking structure still upholds the extended kinship system. This can be attributed to the close ties at the consumption or exchange level alongside the individualised production level. Maintaining long-term economic independence among the reduced household sizes and extended families, which Morton (1978) referred to as the Tongan communal economy, is difficult in view of the current commercial

economy. Opportunely, remittances from Tongan migrants have assisted in mitigating the limitations of the domestic communal economy.

2.3.1. Religion

Tongans revere the fact that Tonga is a Christian country. The Free Wesleyan Church is the dominant denomination; FWC missionaries, whether by clever strategy or pure chance, were associated with some of the powerful chiefly lines in Tonga, especially that of Taufa'ahau who later became the creator of modern Tonga. The new faith of Christianity 'provided the rationale for class relations and civil authority' (Gailey 1987:192). At present, the FWC is the religion of about 41 percent of the total population. The Roman Catholic Church is the second dominant religion with 16 percent. This is not surprising because of the early affiliation of the Catholics with the ancient Tu'i Tonga clan. The third dominant religion is the Latter Day Saints (Mormon) with 14 percent, which has been one of the fastest growing religions in Tonga since the 1960s. The next three religions are all factions of the original FWC, namely the Free Church of Tonga (12%), the Church of Tonga (7%) and the recently established Tokaikolo Church (3%). Over the years an increasing number of people have either refused to declare themselves as belonging to a religious institution or declare no religion at all. Some of these people either belong to small fellowships other than the main religions, or to non-Christian religions. People are no longer effectively born into the families' religion but may make alternative choices based on their own convictions. This has caused concern among the main religions, especially the FWC. Individual choices may not be based on religious grounds; social, political even commercial values also influence choice. The increasing number of religions also means differentiation of religious faiths between households, and even within a single household, implying individualisation and the collective's weakening power over an individual's expression of faith.

The FWC, despite its dominance, has declined from 50 percent of the population in 1986 (1986 Census) to 41 percent in 1996 (Statistics Department 1999). Therefore similar membership losses during the same period for the Free Church of Tonga and the Church of Tonga which went from 14 to 12 percent and from 9 to 7 percent respectively. At the expense of these religions, which are often seen as the traditional religions in Tonga, other religions increased their share of the population. The Latter Day Saints almost doubled in numbers, and the Tokaikolo Church, which

came into existence in the 1980s, also gained members mainly from the FWC. The other significant increase came from the 'Others' category, which inflated from 0.8 percent (1966 Census) to 2.5 percent (1996 Census), mainly through an increase in non-Christian religions. These religious dynamics reveal a departure from traditional beliefs and convictions. On the one hand, the FWC, which is often closely linked with the traditional chiefs, has shown some losses, whilst the Latter Day Saints, once seen as totally foreign (and from the United States of America and not closely linked with traditional values) has continued to increase in numbers.

Collectively, most of the churches have become the guardian and sanctuary of Tongan culture for Tongan migrants elsewhere besides the individual households and various Tongan associations. Despite the fact that by joining another denomination or forming a new one is an expression of freedom of faith the endorsement of the chieftom is still significant as a ceremonial element of recognition. The recent splinter group of the FWC, the Tokaikolo Church, has recently named two members of royal heritage as official *hou'eiki* (plural of a chief or '*eiki*) of the church. This is not an isolated incident but is common among most of the new religions or fellowships, especially in communities where there is no 'real' royalty or chiefly presence. This is much more elaborate in Tongan parishes abroad although it happens in Tonga. In Sydney and Auckland, various fellowships of the Tonga parish each have one or more people designated as the fellowship's *hou'eiki*. The basic condition for certifying someone to be the '*eiki* is based on blood ties. The closest relation of the monarch or a particular noble or minor chief is more than likely to preside over the concerned church as the '*eiki*. This blood tie criterion is also open for debate as some relations are questioned or challenged by other members of the same church. Such cases are due to the fact that the alleged 'point of connection' with the royal or chiefly line is either distant or aged. Churches, more specifically the Tongan congregations, have become the advocates of Tongan culture overseas. Church services and internal affairs are customarily Tongan but external affairs have been modified to meet foreign circumstances. Members of a particular Tongan congregation uphold the *faka-Tonga* (Tongan way) within the church on foreign soils. This is expected of the religious *faka-Tonga* since Christianity, 'promoted loyalty and obedience to the central administration, where the state could not' (Gailey 1987:192). This mediation role of the Tongan church is still experienced locally and internationally. Most churches continue to nurture the *faka-Tonga* regardless of the social space where it is embedded. This is one of the

reasons that people still believe in and practise *faka-Tonga* overseas, especially in terms of land issues (see Chapter 1).

2.4. Politics

2.4.1. The Government

Tonga as a nation, with an independent government, is justly proud of the fact that it was never fully colonised. However, the influence of foreign colonial powers and especially of the missionaries was very significant in the development of the island nation, whilst Great Britain, Australia and New Zealand influenced the political structure and government institutions.

Politically, Tonga has been under monarchical rule for centuries; it is now an independent constitutional monarchy. The unification of all the island groups in 1845 under King George Tupou I, led to long-standing political stability in Tonga. Tonga has a 'constitutional government' (Latukefu 1974:260), similar to the British model but structured differently. The Tongan government is composed of the King, a Privy Council, a Cabinet, a Legislative Assembly and the judicial system. The King still holds power within most of these bodies, unlike the British government, with the administration of government mandate being carried out by different government ministries.

The Privy Council is presided over by the King and the Privy Councillors consist of the Cabinet Ministers and two Governors (Governors of Vava'u and Ha'apai). The King, with Cabinet consent, appoints both Governors. The King, also, as he sees fit, may at times, call a Member or Members of the Legislative Assembly to attend his Council. However, the Cabinet is presided over by the Prime Minister and it includes all the Ministers of the Realm. The King himself elects all these Ministers. Furthermore, Cabinet members by virtue of their offices are also members of the Legislative Assembly. According to Wylie, the Privy Council and the Cabinet represent the executive authority in the Tongan Government (1967:25-26). The Legislative Assembly consists of Privy Councillors and Cabinet Members, the elected representatives of the Nobles, and the elected representatives of the people. Every three years the 33 chiefs elect 9 representatives, and the majority, the people, elect 9 representatives. People's representatives are made up of three

from Tongatapu, two from Ha'apai, two from Vava'u, one from 'Eua, and one from the Niua. On the other hand, the executive bodies (the Privy Council and the Cabinet) are not elected but appointed and hold offices at the King's pleasure (8 Ministers and 2 Governors). A minister can hold more than one portfolio during his time in office, again at the King's discretion. Overall, the people's representatives only make up one third of the Legislative Assembly, in other words, of the national decision-making and law enactment body. It is possible to argue that the nine representatives of the nobles do partially represent the people as well. This argument is based on the assumption that chiefs have, in addition to obligations to their fellow nobles, responsibilities to the people, but this claim rests solely on an individual noble's integrity and personality.

The judiciary complements the government system. Fundamentally, the judiciary interprets the law but does not form it. The latter is the Parliament's job. In Tonga, the judiciary is made up of four courts: the Court of Appeal, the Supreme Court, the Magistrate's Court, and the Land Court. The Court of Appeal presided over by the Chief Justice and the King from time to time with the consent of the Privy Council appoints other judges. The Supreme Court, presided over by the Chief Justice and other judges appointed by the King with Privy Council, consent with or without a jury. The Supreme Court has jurisdiction in all cases of Law and Equity arising under the Constitution and Law of Tonga. The only exceptions are cases where the accused chooses to be tried by jury and where cases concerning titles to land are judged in the Land Court, and are subject to an appeal to the Privy Council. The Land Court primarily deals with land title litigation; although limited in its functions, it highlights the fact that despite the law's rigidity, the centrality of land warrants acknowledgement of flexible land customs.

The Land Court is presided over by the Judge assisted by an assessor. The Judge selects an assessor from a panel of assessors. The King, with consent of the Privy Council, appoints the Judge and the panel of assessors. The main duty of an assessor is to assist the Judge, who is more likely to be a foreigner, with explanation and advice in regard to Tongan land use and customs. The Land Court has jurisdiction in determining land area and boundaries, hearing land cases and also determining all disputes, claims and questions of land title. It also appoints a person or persons considered fit and proper with or without remuneration to act as trustees for any Tongan land if required by law. The Land Court has powers similar to those of the Supreme Court in terms of enforcing court orders, issuing writs of possession and injunctions, and punishing contempt of court. Any appeals are forwarded, through the Land Court Clerk, to the Privy

Council. Every judgement, either from the Land Court or the Privy Council, is registered with the Registrar and the Minister of Land, Surveys and Natural Resources (see Laws of Tonga, 1988 ed.).

The Laws of Tonga have as their basis the Constitution, despite the fact that they are from time to time contradictory. The architect of modern Tonga, King George Tupou I, realised the discrepancies between customary law and Christianity. Employing the assistance of the missionaries, he devised Tonga's legal system. The first written laws, known as the Vava'u Code, were declared in 1839. One of the many significant transformations achieved was the restriction on the powers of the chiefs. In fact the written law treated both chiefs and commoners equally. The Vava'u Code was revised and added to the 1850 Code. At this point land became an issue legally; sale of land to foreigners was prohibited. Further revisions of the 1850 Code were added through the 1862 Code. Commoners were now emancipated from all bondage to the chiefs. It was unlawful for any one (chief or commoner) to seize, or take by force anything from anyone. Furthermore, every person had control over everything that was legally theirs (Latukeyu 1975:34). The 1862 Code most importantly, allowed commoners to own land individually, and made education compulsory. All of these new developments were again written into the 1875 Constitution, setting the basis for the current laws and the foundation for modern Tonga. Thus modernisation of legal procedures (including a constitution), that covered land issues, occurred at an extremely early date in modern Tongan history, and long before anything similar in other Pacific island states.

The Constitution provided for individual rights and freedom, including the liberty of the individual, and equality of all persons (men and women, commoners, chiefs and foreigners); freedom of speech and worship, and people's right to expect Government protection in terms of their liberty, life and property. In the second part of the Constitution, the form of Government is described, including powers and mandates of each branch of the Government. The third part is mainly concerned with the land. The prohibition of land sale in the 1862 Code is also spelt out in this section. All land in Tonga was declared the property of the crown. However, landed hereditary estates were created and awarded to chiefs with the intention that they be granted to the people. In terms of land issues, there have been changes over the years (to be discussed subsequently) but the integrity of the Constitutional principles has largely remained relatively intact.

No provision for local government was included in the Constitution. Most probably this was left for the concerned chiefs of their respective estates. This was in line with the customary form of government where the government of an estate rested on the reigning chief and his power within his own territory. The only form of contact between local government and people at the local level is through town officers (*'ofisa kolo*) of each village and district officers (*'ofisa faka-vahe*) of each district. These representatives are nominated and either selected from the Prime Minister's Office, or elected by the local people. However they act as the local 'eyes' and 'mouthpiece' of the government in assuring that the land is cultivated according to the provisions in the Land Act. At present, their role is unclear partly because the fundamental legality of their existence is unclear. For instance, one of their duties is to inspect tax allotments (*'api tukuhau*), making sure the landholders planted 200 coconuts, a practice now perceived as unfeasible and impractical, relative to changes in commercial exports (where copra has little value) and thus abandoned. Furthermore, the officers' customary obligations to their respected estate-holders (the nobles) can complicate their roles as civil servant. Both the town and district officer's duties are too general and often too contradictory and confusing for local people. Consequently, many people now question such positions and their authority over what is considered to be a legally bound 'individual land rights' (see Chapter 4). Having limited representation in the local scene is another issue. Lack of contact between the people and the government has led to many people being ill informed on different issues, especially the provisions of the Land Act. Still the town officer's role as a 'mouthpiece' for the government is voiced during community meetings or *fono*. The *fono*, in ancient days constituted 'assemblages of people to be informed of what their chief wanted them to do' (Latukeyu 1974:15) and is still employed by both Government and chiefs.

There are three types of *fono* according to The Fono Act of 1924. Firstly, there is the Great Fono, which can be proclaimed by the Prime Minister, the Speaker of the Legislative Assembly, any Minister of the Crown, a Governor or a representative of the Government. Secondly, there is the Nobles Fono, which is proclaimed by the Noble or *matapule ma'u tofi'a* (Petty Chief) and held at the hereditary estate. Lastly, an Ordinary Fono can be proclaimed by the District Officer of a particular town, and held within that town. All *fono* proclamations are directed to all people residing (permanently or temporarily) in any town or part of the district being summoned. The Nobles Fono is the more common of the three because of their frequent involvement with village

affairs. The Great Fono and the Ordinary Fono are only exercised for matters of national concern and regional/local concern respectively.

Traditionally, attendance at any *fono* is compulsory and this now can be legally upheld. Absenteeism is punishable by law, alongside social condemnation, but can be avoided if an absentee has at least one good and valid reason. Since the *fono* is the only legal official link between the government and the local communities it is inadequate and insufficient (see Chapter 8). This arrangement is meant to be a dialogue but results in a monologue. Consequently local democracy is being compromised. Various ways exist for the government to contact local people, but these also emphasise the predominance of a monologue of government. For example, the media, namely the radio, newspapers and now the television, are the common public information sources. Two television stations currently operate in Tonga: Oceania Broadcasting Network and the government operated Television Tonga. Furthermore, Tonga has one government operated radio station, and three other non-government FM stations. In terms of printed news, there is the Tonga Chronicle (government owned and operated), the non-government newspapers, namely the Taimi Tonga, Tonga Star; and magazines such as the Matangi Tonga and 'Eva magazine. There are also two religious papers: Taumu'a Lelei (Roman Catholics) and the Tohi Fanongonongo (FWC), and also a political paper, such as the Kele'a. However, almost every paper printed in Tonga has been involved in expressing political and economic views, even the church papers. Unfortunately, very little space is given to land affairs except general advertisements of repossessed mortgages, land and/or dwelling for rent, and MLSNR public notices. And again, these modern communication modes are another monologue in view of the columns printed and programmes aired. There are ample reports on opinions, criticisms and analysis of the present government system and changes perceived and/or experienced are expressed and reported publicly, yet they have a limited impact.

2.4.2. Signs of Change?

Political changes in Tonga do not necessarily mean a change in the system itself but more accurately involve the people working within the system. The most obvious example is the transformation in the composition of the Cabinet and hence the Privy Council. More members are now of commoner (*kakai*) origin as opposed to members from the chiefly (*hou'eiki*) section of

society. Moreover, the level of knowledge and qualification of members is now higher. Various Ministerial posts have changed hands either by reshuffling of the portfolios, due to new ministers, retired ministers, or resignation. The more frequent reshuffling of these top jobs indicates, firstly, that the notion of 'lifetime appointment' is no longer true and, secondly, that the government has sought to cope with current social, political and economic transformations by introducing or allowing some degree of flexibility. The pro-democratic movement has welcomed these signs of political change, but changing the actual system of government is more difficult.

The rise of some degree of dissent to the established order of governance is an important sign of change. Political parties are a phenomenon that is relatively new but, during the last two decades, some people's movements have resulted in political parties being established. Despite these parties' different agendas, they all seek to modify or change the system of government and structure. People's increased awareness and concern over inflexibility became evident in the 1970s when leaders left the country in protest over 'Tongan politics', and church leaders intensified their criticisms of social and economic inequality. Nevertheless, the majority of the new and growing social class, commonly referred to as the 'elite' (overseas graduates and businessmen), were frustrated through lack of representation. The movement for democracy gained momentum unlike any other in Tonga's political history and became known as the Pro-democracy Movement when it officially formed in 1992. However, internal division emerged 'based on local, personal and business interests, church affiliation, or noble patronage' (James 1995:257). The movement, despite some fading popularity, has shifted Tonga's politics to a new level where the government has taken issues of accountability more seriously, and it has also raised awareness among the people of their rights and political power. Recently, two parties have been formed, namely the Kotoa Movement and the Sustainable Development Action Party. Though both these parties agree that systematic changes are needed, neither have come up with a realistic strategy for change, and a different degree of allegiance to the monarch differentiates the two movements.

Tonga is disadvantaged due to its smallness and geographical distance from the developed nations. Tonga has endeavoured to nurture its international ties with major governments, cooperate with neighbouring small states, and also secure membership of various multinational organisations. Similar to its independent Pacific counterparts, Tonga has been diversifying international affiliations and aid relationships beyond the former colonial powers. For instance,

Tonga is currently a member of the United Nations and of institutions such as the International Monetary Fund (IMF), Asian Development Bank (ADB) and the World Bank. Regionally, Pacific governments and societies realise the need for regional co-operation, in terms of exchanging and reinforcing relationships, to deal not only with local and national issues but also with regional and global issues from trade to climatic change. For instance, Tonga had become a member of regional organisations such as the Forum Secretariat, South Pacific Regional Environmental Programme (SPREP) and South Pacific Commission (now the Secretariat of Pacific Community), focussing upon both economic and social issues, and establishing co-operative links among the Pacific's political leaders. Regional and international coalitions have become both a means of empowerment and also a sanctuary for small and aid dependent nations like Tonga. In such milieu of both regional and international networking, Tonga is able to encounter more powerful and wealthy nations. Tonga's future on the regional and international scene is linked to its national image in terms of political stability.

2.5. The Economy

'Since the inception of modernisation policies undertaken by post-colonial governments, moves to commercialise agriculture and rationalise 'traditional' systems have been pronounced' (Storey and Murray 2001:294). Increasingly in the last three decades 'Tongans became more involved in a cash economy' (Maude 1965:45). Subsequently, the economy is comprised of an 'expanding cash sector and a correspondingly shrinking subsistence sector' (Helu 1999:159). The cash sector is dominated by agriculture with tourism, fisheries and some degree of manufacturing. Appropriately defined 'Tonga is an overwhelmingly agricultural socio-economy' (Storey and Murray 2001:295).

Tonga's domestic economy is primarily agrarian with subsistence farming still important in village life. The Tongan government relies heavily on foreign aid (and effectively on remittances) to fund its development programmes however agriculture is still the main basis of the local economy. In the 1980s, economic growth in Tonga was moderate, averaging 2.2 percent per annum, which in turn led to slowly rising levels of income per capita (UNISEARCH 1991). In 1991 Tonga had a GNP per capita of about TOP\$1100, placing Tonga in the lower-income category of the developing countries. However, by the fiscal year 1999-2000 the GNP per capita

reached TOP\$ 2,551 (TNRB 2002) mainly due to the impact of the lucrative squash industry. Agriculture thus has a continued significance for commercial development and for the structure of the national economy. The GDP climbed to 6.1 per cent in 1999/2000, up from 4.6 per cent 1998/99 and 2.5 per cent in 1997/98 (Tonga Statistics Department 2000). The economy of Tonga has been growing rapidly in recent years as opposed to its moderate performance in the 1980s.

The economy of Tonga has been growing rapidly in recent years and future prospects for growth are from exports of agricultural products and the growth of fisheries. Growth in the exporting sectors and the associated rise in income will create demand for services. (Harkness 2001:19)

Aid from traditional donors was stagnating while economic difficulties in countries of emigration affected the level of remittances. Locally this was partly due to a drought period in late 1991 to early 1992 and the January 1993 cyclone, both of which affected the agricultural sector (National Bank of Tonga 1994:3). This was also coupled by late 1980's export restrictions on export quota to control disease and low profitability (National Reserve Bank Annual Report 1992/93:1). Since Tonga's economy rests mainly on the agricultural sector, weather and fluctuations in international markets are crucial factors in determining the contribution of agriculture.

In the 1990s, squash dominated agricultural exports being about 65 percent of the total (National Bank of Tonga 1994). Farmers are becoming more market oriented in supplying domestic markets for roots and tubers, horticultural produce and other foods. Tonga's economic policies involved inward-oriented strategies with limited success in diversifying the economic base. Frequent damage from cyclones and droughts, and limited progress in the private sectors, further contributed to Tonga's relatively poor economic performance. Until now, the economy has struggled to recover with static but promising results that it will improve in the mid-1990s. The real agricultural GDP was estimated to have grown in mid-1990s as the production for the domestic market return towards normal (National Reserve Bank of Tonga, March 1994). In fact the agricultural, forestry and fisheries sector grew by 9 percent in 1999/2000 (Harkness 2001:19).

Tonga has endeavoured to maintain adequate foreign exchange reserves (Tonga Reserve Bank 1999), in light of high levels of imports of consumer and intermediate goods. As in most countries, taxation is one of Tonga's main sources of government revenues. It was not until 1976 that the principal taxation act was enacted, which was the first code of law written in terms of a

Tongan perspective on how the economy was functioning. Tonga's taxation system is monitored by the Inland Revenue Department under the Minister of Finance. However, the system relies heavily on the taxation of trade with high effective rates of import duties. There were serious problems in the implementation of taxation duties in the last decade, which caused government to review its taxation system.

The main source of export earnings has invariably been primarily a single crop. For a long time it was coconuts (from the early to mid-1900s), then bananas (mid-1900s to late 1970s), vanilla (still exported in small quantities), and now squash pumpkin. The squash pumpkin industry has been instrumental in supporting a strong growth rate in agriculture, and contributes at least 30 percent of the total value of exports. Current agricultural exports include root crops and vanilla with other prospects such as re-establishing fruit and vegetable exportations. Root crops export is slowly rising as farmers shifted back from squash production. Vanilla production is also recovering with production increase from 4.4 tonnes in 1998 to 35.5 tonnes, valued at TOP\$ 0.9 million in 1999 (Tonga Statistics Department 1999). There has also been recent growth in retail and wholesale trades, transportation and communications, hotels and restaurants, manufacturing and electricity and water, which have led to a late 1990s economic growth (National Reserve Bank of Tonga 1994). Both bananas and coconuts are harvested for local consumption and market sales. Higher quality vanilla production, although in very small volumes, means continuous production well into the 1990s. Other produce such as pawpaws, *manioke* (tapioca), yams, and taro etc. are exported besides the main crop but in a much lesser quantity. These products are mainly sent overseas to be sold among Tongan and other Polynesian migrants, in countries including New Zealand, Australia, and the United States of America. The income received through these private exports cannot easily be estimated despite its considerable significance to the local economy, because of the lack or non-existence of financial records on these private sales.

Simulating the rest of the economy, fisheries have been growing rapidly in the last decade. The export of fish exceeded TOP\$ 10 million per annum and the domestic sales exceed TOP\$ 3 million. The fishery industry contributed 7 percent of the national GDP in the fiscal year 1999/2000 (FAO 2002). Investment in the industry has also risen notably in the number of private commercial companies currently operated in Tonga besides the Ministry of Fisheries (successor of the Fisheries Division). However, commercialisation of both the agricultural and fishery sector subsequently led to the decline in the number of persons engaged on these

industries. For example, in a decade, participants in agriculture and fisheries declined from 49.1 percent (1986) of the total work force down to 30.2 percent in 1996 (1996 Census). Nevertheless, there are 1,067 people employed in the primary fishing sector with an estimated 7,500 people involved in subsistence fisheries (Tonga Census 1996). Despite the seemingly vast ocean resource, the fishery industry faces threats from destructive fishing, pirate fishing, overfishing and pollution (World Bank 1999). Up to the 1960s, domestic demand was almost wholly met through catch from reefs and lagoons. Population growth and growth of cash economy led to overfishing in many inshore areas.

Tonga is an ideal destination for tourists because 'islands have become one of the most attractive destinations' (Lockhart 1997). Tonga has long recognised the role that the tourist industry played in economic diversification, especially in human resource development for example the generation of employment, and improving and/or expanding skills, but more importantly, the multiplier effect of foreign exchange earnings. Tourism is the primary source of hard currency earnings (CIA 2002). The tourist industry in Tonga provides direct employment in local hotels, beach resorts, restaurants, eco-touring operators (diving and whale watching). Indirect employments are also generated in the wholesale, retail and distributive trades. The commerce sector has become the largest sector in the cash economy besides the government, contributing about 13 percent to the GDP (Tonga Statistics Department 2000). Subsequently, tourism has accelerated to become the second main source of revenue for Tonga.

The Tonga government, spearheaded by the Tonga Visitor's Bureau, is currently endeavouring to develop the tourist industry further by selling Tonga overseas. The common selling attractions include Tonga's physical separateness from developed countries, its Constitutional monarchical government, cultural uniqueness as the only kingdom in the Pacific, and natural attractions of its climate and environment.

Despite the moderate growth in industry, the manufacturing sector is in a decline. Its contribution to the national GDP decreased from 7.0 percent in 1980 to 5.5 percent in 2000 (CIA 2002). Clothing production ceased in 1994 and the leather item output followed suit. There are very few industrial activities in which Tonga has either an actual or potentially comparative advantage. It is unfortunate that there is little prospect for manufacturing industry to be successful in the foreseeable future.

2.5.1. Foreign Aid

Tonga, like any other developing country, faces a large financial gap due to the disparity between gross domestic savings and investments, and between imports and exports, hence the need for foreign aid and private remittances to close up these gaps. Concessional loans have allowed Tonga to maintain a low debt service ratio (National Bank 1994a and 1994b). This pattern of relying on foreign intervention is typical of a small, narrowly based economy like that of Tonga. This is evident when considering its export and trade patterns, which have remained virtually unchanged over the last half century in their reliance on agricultural exports and manufactured imports. Trading partners and export products may have changed but exports have consistently been less than imports. This is not surprising given the nature of resources in Tonga, few in number and limited in supply. Overall, Tonga continues to rely on foreign aid, both bilateral (grants and concessional loans) and multilateral, to fund its development programmes.

The British Government's Development Act of 1929 and the British Colonial Development and Welfare Act of 1940 in general initiated aid to the Pacific. The British were concerned with the social and economic welfare of both her colonies and protectorates (Meredith 1975; Miskell 1968). Following the British lead, Australia and New Zealand developed similar strategies by signing the Canberra Agreement of 1944. This scheme was more comprehensive in the sense that it included both regional security and social progress. Overall, the new context for foreign aid has led to an increase in aid to the Pacific, including Tonga, after the Second World War (Campbell 1992). Substantial levels of foreign aid have been transferred to Tonga; for example it received TOP\$ 5.4 million in 1984/85 fiscal year, which was TOP\$ 3 million more than the previous year (UNISEARCH 1991). Evidently, foreign aid continued to fall in the late 1980s (TOP\$ 5.1 million in 1987-88) but rose to TOP\$ 12.1 million (1990-1991), again it fell to TOP\$ 8.7 million in 2000-2001 (TNRB 2002). The amount of foreign aid varies according to the donor's motivations, which may be different from the recipient's motivation based on regional and global atmosphere.

The Tongan government has sought to compensate for its smallness by exercising effective management of its international relations. In the Cold War era, Tonga coerced Western foreign donors into increasing financial assistance by offering the then USSR a site for a Pacific naval base. The Cold War effects disappeared as the USSR disintegrated, thus reducing some western

motivations for aid delivery to a region that was no longer of strategic significance. Tonga moved on by officially affirming a relationship with the next communist superpower, the People's Republic of China. Tonga has thus sought to exploit every avenue it can, even conducting much of its diplomacy through the person of its monarch, to allow the island kingdom access to various foreign donors and foreign assistance, a measure of the need for foreign aid.

2.5.2. Remittances

Remittances are one of the main pillars that support the local economy and must be discussed in their own right. Faiva (1989:42) has asserted remittance practices are a result of the remitter's traditional obligations to the extended family. Furthermore, he also noted that the amount and frequency of remittances may depend on the relationship of remitter and recipient(s), the income of the remitter(s), the economic status and needs of the recipient, and the purpose for which the money is sent. The social status, of both the remitter and the recipient, is also important. Remittances are thus centered in the social context of Tongan society. The discrepancies between the GNP and actual living standards can partly be explained by the amount of remittances from overseas in terms of both volume and value. Exact figures of value and volume are difficult to calculate because of inadequate records. Helu (1999:160) estimated that 'about eighty percent of domestic consumption and household sector expenditures are covered ultimately by remittances.' The majority of remittances are used for everyday household goods or in conspicuous consumption (Connell 1980, Tongamoa 1987) but increasingly their use has, where possible, shifted towards investment. The current consumption level relies heavily on the efforts of Tongans abroad and the bulk of remittances are being directed into consumption of imports not investment (Campbell 1992:213). Faeamani (1995) attested that second only to religious donations, household food consumption is the main use for remittances and these were mostly of imported food. Contrary to these findings, Walker and Brown (1995) found that Tongan and Western Samoan remittance-dependent households save and/or invest a significant part of their remittances domestically. Similarly, another survey in Tonga revealed that a significant part of remittances is used for investment purposes, namely housing and agriculture (Brown and Connell 1993). The transition in using remittances from consumption to include savings and/or

investment shows the shift from the short term concerns of daily consumption to long term strategies for family security. Furthermore, investing remittances in agriculture, fishing, education, and community/village projects, shows how people have increasingly sought to stimulate local economic development.

The benefits of remittances are real but their full effect, like their real value, can only be estimated. Socially, remittances assist the government by enhancing the standard of living. At the same time, the remittances received by Tongans foster economic dependency and economic inequality within Tonga (James 1993:136). Remittances vary in terms of form and quantity, which leads to discrepancies in their total value in various reports. Many people do not declare the exact value of most remitted products in order to save money on customs duty and government tax; this has become a common practice among those who benefit from remittances. For example, Sevele (in Brown 2000:32) estimated that 'about ninety percent of cigarette sales occurred in this manner' subsequently denying the government revenue duty. Overall the government is either unable or reluctant to accurately either assess remittances figures and/or gain revenues directly from remittances through income taxes (Gailey 1992:61).

Remittances provide some business opportunities for both local and international organisations. Besides the established financial institutions such as the banks (Bank of Tonga, MBF, ANZ) and multinational organisations (Western Union) there are private organisations, which are either partly or fully owned or run by Tongans, which provide money transfer services. Tongans overseas employ different types of methods for sending remittances. The obvious ones are registered organisations such as the banks and other established financial institutions, including private Tongan businesses. In terms of private businesses, a number of people privately cater for money transfer but are not registered as business organisations. These people are from the more affluent section of Tongans abroad who usually have a money distribution partner or family member in Tonga.

All the above organisations, private or otherwise, operate in a similar fashion with respect to transferring money to Tonga. There is a certain fee or fees for every transaction made which may vary based on organisation policy, the exchange rate and/or the amount being transferred. This relies on individual discretion when it comes to private unregistered money transfer businesses. In many cases, Tongans abroad are attracted towards these private companies for two reasons: it

is seen as natural to deal with a Tongan owned organisation where staff are also more likely to be Tongan, there is convenience in not having to fill in any form for processing. Furthermore, most of these organisations, especially those that are unregistered and privately owned, do their business from home without any defined office hours.

Whilst migration may lead to a reduction of a nation's productive capacity, this is countered by incoming remittances. There is still conflicting evidence on whether migration leads to labour shortages, both through migration itself and due to remittances' discouraging effect upon labour force participation (Fairbairn 1985:204). The fact that living standards in Tonga and Samoa would have been lower without migration and remittances mitigates any loss of labour force (Ahlburg 1991:34). In terms of numbers, recent migration policy developments in overseas host countries favour skilled migrants; hence future migration selectivity may reduce the number of migrant labourers resulting in agriculture retaining a viable labour force. Agriculture, on the other hand, has developed as a commercial industry somewhat diversifying the nature of the agricultural labour market to include educated and skilled personnel. There is no obvious evidence of agricultural labour shortage in Tonga, though many people employed in industries other than agriculture also do some farming activities.

Table 2.1: Tonga's Employed Population by industry.

	1966	1976	1986	1996
Agriculture, forestry & Fisheries	14,064	9,529	10,607	9,953
Quarrying & Manufacturing	502	402	615	6,753
Electricity, Gas & Water	40	114	316	504
Building & Construction	89	1,153	1,698	
Wholesale, Retail, Hotel & Restaurants	481	825	1,523	2,506
Transport, storage & Communications	372	829	1,120	1,209
Financing, Insurance & Real Estate	-	61	448	657
Services	2,648	4,082	5,086	7,253
Miscellaneous	802	1,631	191	72

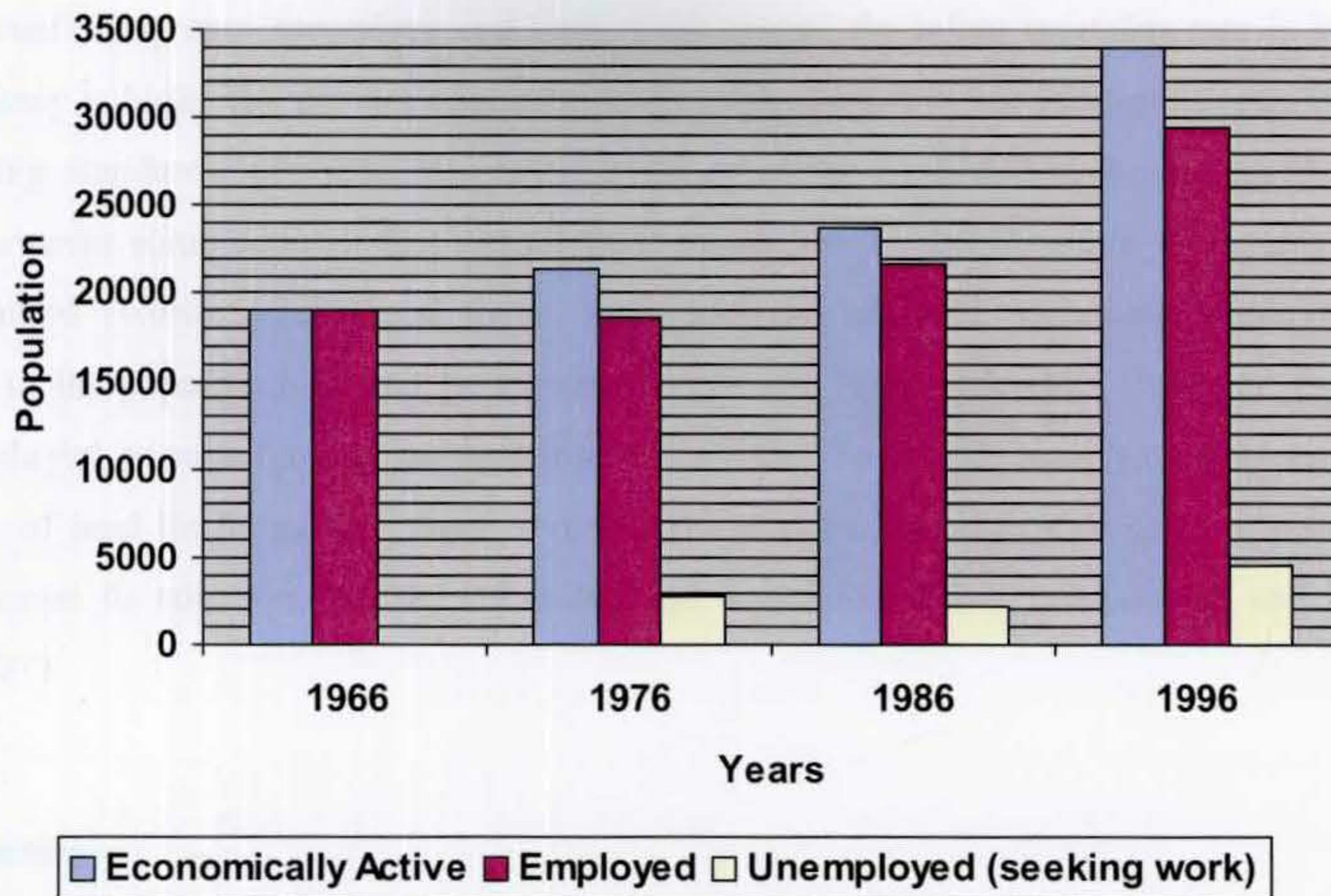
Source: 1993 Statistical Abstract, 1996 Census Report.

Generally in the Pacific, social obligations, communal ownership of agricultural land and gerontocratic decision-making have hindered investments (Connell 1981, Macpherson 1985). These assertions are true in the case of Tonga where there are limited opportunities for profitable investments and high demands in terms of social obligations (see Chapter 5).

2.5.3. Economically active sector within the Population

The population of Tonga is becoming more economically active according to recent censuses, particularly in the age group fifteen and over (15-64 age group). Economic activity refers to any activity that could be valued in monetary terms, though payments, in cash or otherwise, are not necessary for any activity to be economically active. This would cover the 'employed' (permanent and part-time), the 'unemployed' who are looking for employment, and the 'temporary absent' work at the time of the survey. Despite limited resources and a slowly increasing population, there is an increasing number of people who are economically active (Figure 2.5). Between 1986 and 1996, the number of people employed increased from 21,604 to 29,406 people, and agriculture remained the main employment sector, accounting for 54 percent of the employed population (Statistics Department 1999).

Economically Active and Employed Population



Source: Population Census 1996

Figure 2.6 Economically Active Populations

An increasing number of school leavers have either become casual or part-time workers seeking full employment. There is limited formal sector employment in Tonga despite expanding government institutions, and increasing numbers of non-governmental and private organisations. Primarily, the government is the main employer in Tonga but as a bureaucratic institution, there is a paradox in that it is seen as needing to 'downsize' to be efficient (see Chapter 7), while slow population growth means an increasing number of potential employees. Emigration has helped reduce unemployment for decades but the real challenge is for Tonga to develop and retain its skilled labour force, as the economy modernises.

2.5.4 The Social Benefits

Tonga's social indicators reveal that living conditions in the Kingdom are comparable to those of the upper-income nations (World Bank 1993), despite the relatively low GNP per capita. During the period 1986-1996 the social indicators for Tonga showed some positive characteristics. For

example, educational attainment showed an increase from 57 percent to 64 percent in the number of people continuing onto secondary and tertiary education; the infant mortality rate is low and life expectancy is high. The present education and health conditions are adequate to maintain the current living standards, provided that remittances assist the moderate economic performance. There is however some concern that not all the Tongan people equally share the average good living standard (Needs 1988), and there are significant regional variations, since a good proportion of the population has no permanent income and land ownership. However, over half of the employed population rely on agriculture for their livelihood, signifying the continuing importance of land for living in Tonga. Overall, Tonga does not have a problem of poverty in terms of access to nutrition, health, safe water and sanitation, literacy, education and income (UNDP 2001).

2.6. Conclusion

Modern Tonga effectively started with the unification of the island group and emancipation of its people from serfdom, which eventually led to the introduction of the Tongan Constitution in 1875 by King George I. However, contemporary Tonga was really the achievement of King Taufa'ahau Tupou IV who inspired international politics and technological developments (Campbell 1992:227), which launched Tonga towards modernisation. Tonga joined the world scene as a developing nation similar to other Pacific islands, so remaining dependent on foreign assistance from overseas donors. However, Tonga has managed to navigate and negotiate both internal and external relations accommodating changes in the world setting. In support of domestic development efforts, remittances from Tonga's large number of emigrants overseas keep the local economy afloat and maintain a good standard of living for most people, despite some inequality.

The unevenness of development has meant that internal migration has concentrated on the capital Nuku'alofa in Tongatapu. Tonga faces a slowly growing population, attributed to the enormous improvement of health institutions, and uneven population distribution because of its growing concentration in Tongatapu. Overseas countries control immigration, and Tonga has little impact

on this; although emigration not only lightens population pressures but leads to economic and social benefits based upon the emigrants' remittances, it can thus never be guaranteed.

Overseas contacts, entrenched Christian beliefs and values, and an increasingly commercialised economy has influenced Tongan culture and customs. Tongans are well aware of these changes of value and relationships (Campbell 1992:227). Yet traditionalists still hold on to the myth that Tonga, or more specifically Tongans, have not changed. Politically, Tonga has never been more involved in international society or more active in its quest to secure valuable international relations. Internally, the influence of concerned residents and institutions, and the pro-democracy movement, and concerns from both local and overseas academic researchers and scholars, have influenced movements towards domestic reform. However, the extent and direction of internal reform was and is still in the hands of the government, and the government's handling of economic issues has often been strongly criticised. The economy of Tonga still relies heavily on the agricultural sector and a very limited number of commercial products. Increasing monetisation and commercialisation in the tiny kingdom, with limited resources, requires pragmatic reforms. Money has increasingly become a measure of wealth linked to the emergence of a new elite. Socially, there is evidence of atomisation or individualism as people have adapted in modernised Tonga by re-adjusting values and relationships. People are concerned more with individual families, especially the immediate families, though the extended family is still powerful. Religious beliefs, values and practices among the people have also revealed some changes and new structures of diversity.

Overall, Tonga is in a transitional state but it must manage 'change'. The need for further development is paramount but this is coupled with environmental trade offs. Population pressure has led to exploitation of some resources and overuse of others. The newly heightened policy making now encounters areas that were not envisaged half a century ago. This includes environmental concerns, such as waste disposal, deforestation and afforestation, excavation of sand and soil and reclamation of shallow mudflats. In addition, control of urbanisation is virtually non-existent because Tonga has neither zoning nor housing codes. Legislation has barely kept pace with change. The first step, to recognise and address some of these potentially dangerous issues in government mandates and policies, is either under way or completed, but effective public regulation is largely absent, hence further problems arise due to limited change. Consequently, necessity and pragmatism are two daily choices that often dominate people's

behaviour and eventually lead to extra-legal practices. Motives for such behaviour may be complex, but their existence ensures that legal declarations and customary principles co-exist.

Historically, there have been two main points in time when changes were set in motion. Firstly, was when the Tonga islands were effectively discovered by Europeans and later became one nation (late 1800s), and the second subsequent shift into more accelerated modernisation and globalisation in the 1960s, linked to improved communications and international migration. The first instance was dominated by political and social westernisation. The second period emphasised modernisation of the economy and to a lesser extent the political system, as a part of the contemporary development processes. Although politically unique among Pacific nations, it has some striking characteristics similar to its Polynesian neighbours; agriculture and fisheries are dominant features of the economy, migration is substantial and hierarchical political systems are prevalent. It is this context that the land tenure system has changed influenced by a range of social, political, religious and economic factors.

CHAPTER 3.

METHODOLOGY

Fieldwork for this thesis lasted almost a year in Tonga. Although the focus was on land tenure, most aspects of life in the kingdom had to be considered. Although the primary focus was on changing land tenure in the village of Nukunuku, and on the Ministry of Lands, Survey and Natural Resources (MLSNR), who regulated and monitored land issues, the role of other organisations, governmental and non-governmental, and cultural institutions (social and religious) were considered as well. The research and the specific questions were designed to gauge the present structure of land tenure and analyse the factors that have accounted for change and stability in the system. The information collected in this survey was both quantitative and qualitative.

Initial interest in the changing economic and social organisation in Tonga came about as a result of earlier research on community development in Tonga (Halatuituia 1996). This provoked some focus on the role of land in development and showed that the benefits of all development endeavours, both governmental and non-governmental, were jeopardised by the lack of reviews and inaction of both bureaucratic and customary authorities in maintaining the land tenure system. Basically, development processes had transformed almost every aspect of life in Tonga, except the land governance system, where change had been relatively slight. Whilst individual land practice and customs had changed substantially, governance arrangements and approaches were largely unchanged.

The author's view of changes in Tonga and their relationship to land tenure were expressed to various prominent and influential figures within the bureaucracy and the society during 1996-97. In 1997 the MLSNR agreed to support a proposed study of the land tenure system. The greatest support came from His Royal Highness the late Prince Fatafehi Tu'ipelehake. A Special Proposition was circulated on the 8th of August 1998, among members of the Privy Council (PC). Most of the Ministers of the Crown approved this (PC 217, 22 August 1998) hence the MLSNR and the Ministry of Education established the scholarship and allocated funding for it. The present thesis is the outcome of this.

3.1. Case study selection: the village of Nukunuku

It is difficult to define and identify a 'typical' village in Tonga, in terms of issues concerning land tenure, or other socio-economic factors. However, after careful consideration of several possibilities, the following aspects were all considered and eventually the choice favoured Nukunuku:

- a) The fact that Maude in 1965 carried out research in Vaini, Ha'akame and Nukunuku was one of the decisive factors for selecting Nukunuku. Maude's research provided a wealth of material for assessing changes in Nukunuku between the 1960s and the end of the 1990s.
- b) The village of Nukunuku had about 1,200 people, and was thus about average size for a village settlement, which also made the number of households manageable in terms of surveying and analysis.
- c) Demographically, the features of the Nukunuku population were also seemingly typical of the current transformations and the diversity of Tongan society. There was a range of people who could be categorised as educated as far as tertiary level, employed (in the government and private sectors), involved in the agricultural sector (subsistence and commercial) or absent through migration. Again this is typical of many villages. Furthermore, Nukunuku, relatively similar to most villages in Tonga, is a village of overall in-migration, hence it is likely to reflect a situation where land is coming under increased pressure.
- d) The village social structure was also typical of what could be described as a modern Tongan settlement. In terms of traditional customs, there was the chief (Tu'ivakano), his personal aides (*fototehina*), 'mouth piece' (*matapule*) and the people (*kakai*). However, there have been recent but distinctive stratifications, which resulted in the emergence of a new wealthy and educated 'elite', something that was absent thirty five years ago. This has created a new stratum between the people and the chief, in comparison to the 'aide de camp' (*fototehina*) and the mouth piece (*matapule*). In the religious realm local church ministers are also elevated by the people as being equivalent to the elite. Bureaucratically, the only links with national government are the Town Officer and the District Officer, which is unusual in a society that evolves around power and status.

- e) Nukunuku can be considered rural, based on the fact that it is residential and agricultural at the same time, yet it is within the vicinity of the capital, Nuku'alofa. It is therefore a village that has been influenced by its proximity to the capital, though that is true of most others in Tongatapu.
- f) The infrastructure in Nukunuku and current developments had made Nukunuku an exemplar of a increasingly modern settlement. Nukunuku is predominantly Free Wesleyan, paralleling the national religious situation. Like any other village, it has small shops, community associations and community halls. In terms of development, Nukunuku, unlike most villages, has a local produce market and at the time of this survey, work was being done on building a local sports stadium.

No village can ever typify a nation, but Nukunuku exemplifies many of the changes that have resulted in substantial rural change in the past three decades.

3.2. Data collection

The focus of this research is on the contemporary land tenure system and bureaucracy in Tonga, which technically refers to the legal, contractual and customary arrangements, procedures, and rules that govern Tongan individual rights and obligations in controlling and using land. Consequently, a series of issues and indicators were examined which covered economic, social, cultural, religious and political issues (Appendix 1 and Appendix 4). The information and data collected were both qualitative and quantitative in nature, and multiple methods were employed for data collection and analysis.

Employing different methods is typical of the reflexive approach recommended by Hammersley and Atkinson (1983). These authors suggested that reflexivity requires the researcher essentially to be a part of his or her fieldwork; common sense and local knowledge are central to it. Here the research involved a constant interplay between observations and explanations, thus the research methods employed were both descriptive and explanatory in nature.

3.2.1 Techniques Employed

The following techniques were employed for collecting the necessary data and information. In terms of recording data, a voice recorder, camera, and notebooks were used in the field. All data were stored on computer disks for subsequent analysis later in the year.

a) Literature Review

Existing literature provided the background for the proposed study. This was accessed in Tonga, at the University of Sydney and Massey University (Palmerston North, New Zealand). Previous research and papers concerning land in general and especially land tenure in the Pacific and in Tonga were reviewed. Research studies done on Tonga, like that of Maude (1965), Sevele (1973), Thaman (1977), and Needs (1988), were crucial stepping stones for this research because they provided the basis for examining even more recent changes in Tonga. Although that of Maude (1965 and 1987) was the only research dedicated specifically to land tenure, the others (amongst a range of more anthropological approaches) did explore land tenure as part of related themes. This present research was therefore designed to examine recent changes and the current practice and customs of land tenure (1965-1990s), with particular reference to the structure of change that had occurred since the last detailed evaluation of land tenure in Tonga in 1965. In addition, the role of the bureaucracy, hitherto relatively little studied in relation to land (or indeed studied in any detail at all in Tonga), was given specific focus.

b) Official Documents Review

Official documents of value included maps and other government reports, which provided a basic picture of the bureaucracy and land tenure relationships. The key governmental establishments targeted were the Ministry of Lands, Survey and Natural Resources (land administrative organisation), the Department of Statistics (demographic data), the Ministry of Agriculture, Forestry and Fisheries (land use and land productivity data), the Ministry of Labour and Commerce (commercial data on primary produce), and the Ministry of Health (nutrition data). Non-governmental organisations (NGOs) were also included, especially those that were involved in the agricultural sector. Due to the fact that NGOs operated at the grass-roots level in villages, information from these organisations complemented the

individual household surveys and bureaucratic perspective. NGOs were close to the people at the village level, hence their importance in providing informed accounts on living standards and development progress in rural areas.

c) Interviews

Interviews were of crucial importance, and lasted for the whole fieldwork period in Tonga. Key officials within the government ministries (bureaucracy), the estate-holders (chiefs), some NGO members, and local households made up the main interviewees (Appendix 2 and Appendix 3). The main aim was to determine the relationships between people, and between the government and the people, with respect to land. The bureaucrats involved were selected according to their positions and the role of their organisations within the government; most were from the middle levels of management. This focus emphasised the roles and activities of those who were most involved in the daily mandates or actual 'work' of ministries. However, to examine the direction and decisions within the organisations, high ranked bureaucrats (heads of departments, directors and ministers) were also approached.

The fact that people interviewed were from different social backgrounds, with respect to the social structure, meant that the vocabulary used and the manner in which questions were asked had to vary accordingly. The Tongan language has special terms that relate to social status in three categories, namely the royal family, the chiefly families and the common people. Employing the distinctive terms appropriately was important especially in a face-to-face situation. Vocabulary adjustments had to be made between interviews based on the interviewee's social status. This was done carefully so that the objective of the questions did not change. During many interviewing sessions, some questions had to be repeated, sometimes with examples, for clarification purposes.

The location of an interview was critical for getting impartial and truthful opinions from the respondents. Most interviews were carried out on a one on one basis. The interviewees selected the locations and most of the employed interviewees opted to be interviewed behind closed doors at work. Those who chose otherwise were not very helpful because their answers were predictable, cautious and elementary. Almost all of the home interviews were more informative and more direct in their comments.

d) Field Observations

Field observations were a crucial part of the fieldwork, especially in an environment like Tonga where people, for one reason or another, may be cautious about divulging personal information or opinions on land issues. Common beliefs, attitudes, and norms with respect to land are often revealed in people's everyday activities with respect to land customs and land use. Observations of people's daily behaviour, both in the village and workplace, were recorded by way of field notes on the spot or immediately at the end of the day.

There are four possible forms of taking notes in the field. Taking notes is important because it is not efficient to rely on memory since the collected data can be considerable. Taking notes in a systematic manner made analysis easier. It was vital to spend at least two hours every day working on writing up field notes and coding at the end of each day's exercise. These field notes covered a lot of areas from simple activities observed and experienced to thoughts about a specific instance in the field, such as the methods employed for dealing with a specific task or informant in the field. This dealt with techniques used in collecting data. During the first period of fieldwork awkward situations arose due to unfamiliarity.

Detailed descriptions of events captured information on behaviour and the environment, in other words 'what was going on' in the village. Actual accounts of happenings considered significant were also recorded, though some of these were not directly relevant to land issues. In addition, analytical notes were also made in the field where relevant. During these visits, ideas and opinions on how things occurred in Tonga were recorded. These may have been partial judgements on minor things, such as clothing and interactions among members of a household, but this was considered an important exercise, and was a product of the researcher's own understanding of Tongan culture. In general, note taking, despite its importance, was done with caution in mind, due to the fact that in some circumstances, this could put off individuals, particularly when land matters were discussed. A few people declined to continue on with their line of answering when eye contact was temporarily broken in order to write some notes, especially when they were criticising the system.

e) Questionnaires

Critically important to the exercise was the way that questions were designed and asked. Taking into consideration the sensitivity of land as an issue and the cultural context in Tonga, the Tongan wording of the questionnaire was important (Appendix 1). The style and

vocabulary used had to demonstrate some respect towards the respondents, regardless of their social, financial, religious or political status. Proceeding in this manner guaranteed that the respondents were well aware of what was needed. That is, that they had been asked not only in a clear and specific way but also in a respectful manner, the Tongan way. This was considered crucial because not only was the requested information vital but the perspective in which this was viewed by the respondents was also considered important.

3.3 Ethics

The main concern during this thesis was the relationship between the researcher and those in authority. In the Tongan context, this covers an extensive number of people at various levels of the societal social structure and bureaucratic configuration. Taking into account the scope of the research three categories of social groupings were the main focus: specifically those who monitor and manage land (bureaucrats), those who effectively 'control' the land (estate-holders or the chiefs) and those who use the land (people). Each of these groups represents not only the legal land tenure system (bureaucrats-royalty/chiefs-people) but also the customary tenure (royalty/chiefs-people).

In advance of the fieldwork exercises, relevant permissions were obtained from the appropriate authority or authorities in Tonga. For instance, the consent of Honourable Tu'ivakano to carry out research in his village was acquired at the beginning of the fieldwork in Tonga. Some office holders, both in government and the community, were reluctant at first to be involved in this study. Nevertheless, it was discovered that most of these people misunderstood the nature of the research. Their views were clouded by political issues, which had to be demonstrated to be both irrelevant to the whole exercise and to the researcher. These few instances posed some inconvenience but were not serious enough to compromise the fieldwork.

In line with the Scholarship Secretariat's and the MLSNR's view, the Privy Councils' endorsement (see above) was necessary for this study, whilst the aim and objectives of the proposed research were also covered in the Privy Council Circulation. In accord with the Privy Council's positive consideration, there was also general support from the estate-holders (chiefs), local non-governmental organisations, and the common people. In addition to bureaucratic approval, the consent and support of the locals and chiefs were necessary to

ensure the success of the fieldwork. However, it was not a difficult task to appeal for the chiefs' and the people's co-operation. The bureaucrats needed more persuasion. Getting people either to talk or fill in questionnaires was one half of the challenge. The other part was getting them to be as truthful as possible.

The most difficult part was convincing people to express their opinions freely. Since the researcher had previously been identified with the bureaucracy and the Government, people were initially hesitant about participating. Over time this hesitation declined. Great effort was made by the researcher not to influence the local opinion nor to disturb the traditional roles of villagers and the local chief. Nevertheless the original relationships among the people and between the people and the chief tended to alter slightly because they knew they were being studied. Local people were protective of the structure and principles that united their community especially towards a Tongan academic researcher. Additionally, it was difficult not to place moral judgements on behaviour or attitudes and to refrain from reacting. It was crucial to treat both the bureaucracy and the Nukunuku people equally yet from different perspectives: at a governmental administrative level, seeking intellectual and logistical support while at the same time endeavouring not to be identified with the bureaucracy at the local level (village). In these circumstances the co-operation of the administration was not wholly critical due to the local contacts already established prior to the research. The researcher tried to achieve identification with every participant (interviewee or questionnaire respondent) during specific exercises. Through this approach, the opinions and attitudes of the participants were expressed, in their view, to a sympathetic researcher rather than to an overseas scholar or a bureaucrat.

There was concern that villagers would not be willing to impart what they might regard as sensitive and confidential information, and similarly there was concern over access to sensitive information held by the bureaucracy. It was imperative for the researcher to avoid any entrapment with regards to acquiring information from the study subjects, especially in terms of entering into particular obligations and liabilities. This was the reason for purposely expressing the researcher's avowedly 'neutral' position with respect to the local structure, seeking to be identified neither with the chiefs nor the bureaucrats nor the local people, just a straightforward researcher – a position, which could never be quite attained.

Being identified with the bureaucracy or the village polity, and/or segments of the Tongan society, carries inevitable biases, yet the research would have been impossible without both bureaucratic sponsorship and endorsement by the local Nukunuku polity. Informants,

especially those in a subordinate socio-economic background or insecure land tenure position, were hesitant to co-operate until they were assured of the village authorities' endorsement. Holding a number of informal social kava parties at various locations in Nukunuku did this. Significantly, the first introductory *kava* session was held at the residence of the Free Wesleyan Church minister, Reverend Tava Tupou. Prominent village leaders, such as local elders and elite members, and office holders, such as the Town Officers, were invited to this particular social meeting. This session was used for an introductory lecture on the aim, scope and method of the research, assuring the villagers that the chief (Tu'ivakano) and the sponsor (Government) supported the research, but that the research was totally independent of both the Government (MLSNR) and the cultural polity (estate-holders). At the conclusion of this crucial meeting, it was clear that these representatives were convinced, which almost guaranteed that within a few days information about the research spread across the whole community. This is not uncommon in a village like Nukunuku.

Following the first meeting, a number of subsequent *kava* sessions were held successively around the village and these involved the common villagers. The objective here was to become familiar with local situations and to clarify any queries people might have. The primary idea of these *kava* sessions was to allay any suspicion among informants and to bring them up to date on the context of the fieldwork. This enabled the smooth administering of the questionnaires and lessened the chance of having to explain details repeatedly.

3.3.1 Moral judgements

Moral judgements are a crucial aspect of fieldwork, especially when people are perceived as study subjects. Local people and the researcher had different opinions about morality with regard to land issues. However, in the field all the participants, the researcher, the bureaucrats, the chief and the villagers, are part of the same social system. This highlighted the importance of a cautious initial engagement with the local community in order to identify with the locals. Differences disappeared gradually, and people became more open and direct in their comments, especially in the village. In terms of investigation, it was clear that the bureaucracy assessed the villagers and vice versa. However, the researcher evaluated both the bureaucrats and the villagers. All these evaluations occurred despite differences in moral codes. However, being a Tongan instantly put the researcher on similar cultural grounds to the

informants, which highlighted the importance of role definition. The definition of the researcher's role as a scientific investigator as opposed to being a Tongan researcher was constantly stressed throughout the whole research in Tonga. Eventually, local people were assured of the fact that the data collecting exercise was for research purposes only.

Making decisions on what represents authenticity in regard to land tenure in Tonga presented some challenges. Two simple but important aspects were considered in terms of people's thoughts on land issues. Firstly, the reliability of the informant's valuations of land matters, depended on them being people's actual valuations of their community (village) and the wider society. It was important that the information gathered reflected local valuations not images from literature. The significance of such valuations was the second matter of concern. All valuations were relative and assessed against those of the majority of the people and a group of prominent and powerful local people. Local expertise and knowledge were treated with respect and caution. Principally, relevance and significance must always be judged in relation to Tongan society rather than through what was attained from the literature review. In effect the result was a report of the local valuations not an evaluation of manufactured valuations.

3.3.2 Role definition

Based on the multiplicity of contexts in which observations and interviews were made, the difficulties of defining and refining roles in the field recurrently arose. Taking into account Tongan culture and the nature of the research, it was not just necessary but crucial to maintain informal association with villagers. One of the best ways was through occasional *kava* sessions and regular 'stroll and chat' sessions, where the researcher purposely walked around Nukunuku village, engaging in informal conversations with the locals. This allowed villagers to be more informative, sometimes producing information that was complex and contradictory, especially when people got emotional about land issues. For this reason, the researcher attempted to constantly cross reference the variety of local accounts.

Sometimes it was appropriate to be identified with local social norms but not at other times. When conflicting situations occurred, especially when locals requested the researcher's opinion on land disputes, the sensible option was to maintain a neutral role. This was critical because the researcher must not be perceived as taking either the bureaucracy's, or the estateholder's, or the people's side, when conflicting issues were discussed. It was also important to

steer clear of associating too closely with any faction, in general and especially in Nukunuku. In practice, the sensitivity of land issues in the kingdom sometimes warranted 'covert' techniques. This is not to say that information was either forced or stolen but issues were sometimes pursued cautiously. For instance, when probing for information on exchanging money for land the term *faka-fetongi* (barter) was employed, and this was always emphasised instead of the term *fakatau* (buying). The objective was to distance informants from the controversy over *fakatau kelekele* (buying land), which is not legal. In fact, informants were forthcoming because they felt that the practice of gift-exchange or barter is neither non-legal, because such practice is not specifically prohibited by the law, nor illegal, as the practice did not actually break any specific law. Inevitably, in some instances, although with difficulties, the researcher became a facilitator for an individual's quest. This was particularly apparent when people on a few occasions requested advice with regard to their respective household's private land concerns. When this happened, people's perceptions towards the researcher shifted from that of a pure researcher, one who is endeavouring to find knowledge, to an advisor, one who had knowledge. In effect, people not only asked for advice but sometimes purposely looked for any reaction from the researcher as an assurance that what they said was correct. These situations were resolved by restoring the confidence of participants by emphasising the fact that it was they who knew best about local matters.

All informants were informed verbally and in written form of the purpose of the survey, then they were asked to sign an agreement of consent. However, considering the Tongan socio-political context and the sensitivity of land issues, informants were given an option of being disguised, for example by using pseudonyms, when comments were made against an individual of social seniority and greater power. Although informants jokingly worried about their identity being used as references, none actually requested the privilege of being disguised. In support of this trustworthy relationship between the informants and the researcher, confidentiality was guaranteed. The sensitivity of land issues in Tonga also warranted total confidentiality in a number of contexts.

3.4 The field study

The methodology for this study was that of participant observation, which involved an array of data collection methods. These included various kinds of interviews (structured, semi-structured, and unstructured), checklists, questionnaires, and unobtrusive methods. This fieldwork was undertaken during a trip to Tonga between April and December 1999. The actual field exercise in the village of Nukunuku commenced in August of the same year. The delay was due to an unforeseen family tragedy. Traditions and customs prevented the commencement of the fieldwork until August 1999, mainly due to a hundred days and nights of mourning, by command of His Majesty the King, for the late Prince Fatafehi Tu'ipelehake's death. The fact that His Royal Highness Prince Fatafehi Tu'ipelehake was not only the mentor but the central father figure in the life of the researcher meant that personal grief and customary obligations interrupted the scheduled fieldwork tasks. The only option was to carry on preliminary tasks such as observations and establish contacts with the relevant people and associations. Although difficult to endure, nothing more could be done during the hundred days mourning without running the risk of being ostracised. The risk of this was too severe to ignore. Consequently, the fieldwork had to be postponed until August 1999.

Despite cultural restrictions in the first four months in Tonga, some activity was undertaken in identifying key sources of information and informants. Additionally, the whole experience was valuable because it was a rare opportunity to view Tongan culture in its entirety. Regardless of social, economic, political and religious backgrounds, the whole kingdom supposedly mourned. This also revealed transformations in Tonga. Since it would have been disastrous economically to observe the full mourning period of a hundred nights, ten nights were ceremonially observed by the nation. Only the immediately family had to observe the full period of mourning. Even an occasion as central as this to Tongan culture, it had to give way to modern values.

In advance of the trip to Tonga it was decided that participatory methods would be appropriate for this research. Other recent studies of village communities, such as those of Perminow (1993), Morton (1996) and Small (1997), attested to the success of participant observation. There were also other reasons for selecting participant observation. Firstly, participant observation made it possible to examine most aspects of land tenure in much greater detail than just one field technique would allow. Secondly, participant observation reduced the problem of people changing their behaviour or attitudes during the period. This

was of crucial important due to the sensitivity of Tongans to land-related issues. It meant that both words and actions could be heard or observed. Thirdly, it allowed the researcher to draft some detailed research questions having experienced the local culture and norms. Studying land tenure in Tonga simply cannot be addressed adequately by anything other than participant observation.

From the start of the village field study in August, the village was frequently visited. Most of the time a trip to the village lasted a whole day except in a few cases when the informants requested otherwise. For some people, it was more convenient for them to be interviewed in the evening, which meant leaving very late at night. Staying in the village was considered but it was decided that it was much more of an inconvenience to the host family if this was to be the case. The fact that the researcher has a chiefly background, it was decided that living in the village would have caused inconvenience to the host family in terms of social obligations and economic disadvantage. Furthermore, it was desirable that the researcher, being a Tongan, was not in a position that was too close or deeply involved with the study participants that it could compromise the objectivity of the data.

Equally important, it was also vital to be perceived as part of the local community but only to an extent of securing good relationships with the local villagers. On certain occasions, it was necessary to participate in community functions such as church services and social occasions such as an evening *kava* session. Attending functions such as religious meetings was important because it was critical to be perceived as part of the community and such meetings were central to that. The *kava* sessions were important for the same reason but they also allowed informal conversations that transpired into better relationships with the local people and provided additional insights. In a couple of instances, and by request, the researcher's knowledge on community development was shared with a few villagers. This effectively assured people that the researcher's intentions were honourable, which influenced village reception in a positive way.

3.4.1 *The units of study:*

Studying land tenure warranted discussion with a large number of people from the village of Nukunuku and representatives of the bureaucracy. However, concentrating on the land tenure

system with particular reference to a single village narrowed the potential subjects to two principal groups: the people and the bureaucrats.

a) The households

The focus of this research was not on individuals but on the lowest level unit within which individuals are organised – the *'api* or household. Maude (1965:49) described the household as 'the small grouping of people living, eating and largely working together'. In fact, activities of household members and their use of time and resources can be conceptualised as strands that interweave to make up the fabric of household livelihood strategies. What people do for sustenance is a function of available opportunities, individual preferences and group needs (Preston 1992).

The household or *'api* is considered here as an appropriate sample unit for this study because it is the unit of kinship and of Tongan society. With respect to land tenure, households are also the units of production, though they are not the only unit of production (van der Grijp 1993: 223). This is where the land tenure situation is most significant on a daily basis because the relationships between households are representative of the system. They are the social units that exist closest to the land in terms of livelihood and as a unit of subsistence and commercial production.

In a typical Tongan village the average number of households is about two hundred and the average number of person per household is about six (Tonga Census 1996). All the households in Nukunuku were initially approached in an attempt to involve them in this study. Twenty households out of the whole village sample were selected by using the systematic random sampling method (de Vaus 1995) for detailed study, namely interview and general observations. Every participant household was given a questionnaire to be completed. The selected twenty households were imposed upon further with visits and extended interviews in addition to the questionnaire issued. The main objective of the detailed studies of the twenty *'api(s)* was to present some in-depth background to life in Nukunuku besides the general survey data.

b) The bureaucrats

With respect to bureaucracy, the Ministry of Lands, Survey and Natural Resources (MLSNR) was the main organisation, since it administers all land matters in the kingdom. As far as possible a complete study was made of how effective and efficient it was as a land administration agency. Bureaucrats in key positions within this organisation, especially the mid-management, were the main objective of study. Decision-makers like the Minister and the Secretary for the Ministry and the head of departments were also approached but not all were willing to participate. Bureaucrats may act differently, may think differently, and/or hold a different beliefs and norms from the public (Beethan 1996). Although working for the Government often drew respect from the public in general, misunderstanding of bureaucracy also drew criticisms. During the fieldwork, bureaucrats were not only aware of but recognised the values of the increasing number of public critics. This was certainly crucial given the recent political atmosphere, sensitive and tense due to government shortcomings and pressure from the pro-democratic movement and the public in general. This marked a new era for Tongan politics and a fairly sensitive situation for the bureaucrats. At the time of the fieldwork, three occurrences highlighted the awkwardness among bureaucrats especially within the MLSNR. Firstly, there was controversy as a former Minister of Lands, Survey and Natural Resources had just been tried and acquitted of misconduct. Secondly, the controversy gave the call for change from the Pro Democratic Movement particular emphasis in the eyes of the public. Lastly, there was some public concern on the changes made by Parliament to the Land Act. There was no referendum or public involvement though the change affected many people. Amidst this politicised atmosphere, it was necessary to let all people know repeatedly that the fieldwork was independent and had no political or social affiliations.

3.4.2 Approaches and informants

Careful planning and executing of the fieldwork was as important as the information required. Given the Nukunuku social structure and cultural order, certain procedures were crucial for getting informed and accurate responses. The following information sources were considered imperative for the study. At the same time, relevant approaches were consciously thought out.

a) Bureaucracy

Studying the bureaucracy was focussed on the Ministry of Lands, Survey and Natural Resources, which manages and monitors land and natural resources in Tonga. Working as a Deputy Physical Planner at the MLSNR between 1996 and 1997 and frequent observations during the fieldwork in 1999, enabled detailed observation of the operations of the land bureaucracy. Moreover, crucial information sources on land tenure, such as MLSNR Annual Reports and official documents like maps, were also obtained. Equally important was the Ministry of Agriculture and Forestry, which focussed on development and usage of land within the agricultural sector. Overview information on land use was obtained from this administration as well.

b) Non-governmental organisations

i. Nukunuku based NGOs

Local Nukunuku NGOs, especially those affiliated with the agricultural sector, were approached for information. Unfortunately, written documents were rarely kept. These NGOs are unregistered associations made up of unemployed youths, some of whom had very limited education. They did manual labour as a group in exchange either for other people's services or money. Overall, these individuals were sometimes apprehensive in talking with a stranger, who is a researcher and of dissimilar social status. This presented an awkward situation especially within the Tongan context. Therefore the researcher made every effort to alleviate the situation by behaving and speaking in a casual manner, even dressing in similar fashion to the 'village' casual attire.

ii. The Bank

Unlike the village NGOs, the Tonga Development Bank was approached in a more formal manner, similar to that of the bureaucracy. For instance, the consent of the General Manager was secured in advance before probing into the TDB's information base. However, for legal reasons, a written agreement of confidentiality was presented to the bank. The TDB was approached because it is the only bank in Tonga set up to assist development programmes, including those in the agricultural sector.

c) The estate-holders

Approaching the estate-holders, namely the chiefs (nobles), was a more delicate task than gathering other sources of information. This was expected because the estate-holder's positions hinged on old aristocratic authority. Objectively, it was decided that interviewing the estate-holders involved two factors. One was to approach them at a neutral but noteworthy venue, and in a manner that would encourage participation. The best venue to meet a number of nobles was the Parliament. The order of interview was also thought out carefully. Targeting the most significant nobles in terms of customary status of their titles and seniority taking into account their age and service years as parliamentarians, were important considerations. Superiority in terms of customs and seniority in terms of service gave informants confidence and experience. If interviews could be undertaken with this specific group of estate-holders, then the junior members would be likely to participate subsequently. Non-Parliamentarian estate-holders were approached and interviewed at their own residences.

Time was the only major hindrance for these interviews for two reasons: Parliament was only in session for a few months, and meeting durations were irregular. The Parliamentarians (estate-holders) had to be interviewed during breaks and after parliament sessions. Intermissions between sessions were not on time most of the time. Furthermore, other chiefly and Parliamentary duties and unscheduled obligatory requirements often took precedence over interviews. However, important features, such as persistence and tolerance on the researcher's part, were critical when these interruptions occurred. Moreover, land issues were directed more at the nobles in their estate-holders capacity rather than as Parliamentarians. A considerable amount of time and effort was made to clarify the aims and objectives of the study and identify with estate-holders. Extreme caution was taken not to give the wrong impression by leading informants to falsely believe that the researcher knew and understood their situation.

d) People (Nukunuku)

The focus of the interviews and questionnaires was on Nukunuku village. However, informal conversations raising the issue of land also involved people from other villages. This was maintained throughout the fieldwork. An opportunity for dialogue with regard to land issues was always welcomed. The main purpose of these informal conversations was to approximate

the general applicability and significance of land issues across the kingdom. Information from sources other than Nukunuku was important for keeping the research realistic, relevant and accurate, and for placing Nukunuku in a relative context.

In Nukunuku, local assistance was needed for the administration of the questionnaires and introductory explanations before the interview sessions. Selecting an assistant was carried out with caution. The assistant's main task was in two parts: firstly to provide guidance and, secondly, to help the researcher with setting up interviews with local people. Through understanding the importance of the Nukunuku polity and the centrality of land in Nukunuku, the following steps were taken. First and foremost, the consent of the estate-holder was attained. The estate-holder, Tu'ivakano, was approached at his Nuku'alofa residence and permission was granted. The next group approached were the local office holders, both customary and government. Taking into account the customary positions these included the local FWC leader, the *fototehina(s)*, and the *matapule(s)*; government officials were the Town Officer and the District Officer. Having won over the support of these prominent members of the Nukunuku community, their advice on selecting a local assistant was considered. A local retired policeman was considered to be the best candidate and contact was made. Further arrangements on the best approach for administering the questionnaires were discussed and set in place. By this time most villagers were already aware of the research. The information trickled down after the meeting with the estate-holder and especially the *kava* session with the office holders, which was the intended objective. In general, most of the local population were not only aware of the study but of the fact that the estate-holder and most of the Nukunuku leaders approved the survey.

3.5 Sample Details

The following table shows details of the case study and sample population involved during the fieldwork in Tonga (Table 3.1). It should be noted that not all of the households were covered, and that not all of the participating households returned and/or completed the whole questionnaire paper (see Appendix 1).

Table 3.1 Details of the sample

Sample Details	
Total population	1,363
Total Number of Households (1996 population Census)	243
Total Households Receiving Questionnaires	148
Household Probe Interviewees	11
Number of individuals identified as 'farmers'	134
Number of Estate-holders Interviewed	16 (out of 33)

Source: Fieldwork Data 1999, Population Census 1996

3.6. Problems encountered

During the fieldwork certain problems were significant and worth mentioning. Appointments were often not on time, delayed or abruptly interrupted. Moreover informants were sometimes apprehensive to express their own opinions or were too general in their comments. This was often intentional to avoid commenting directly on or discounting specific superiors or elders. In these instances, the comradeship among people took precedence over accurate opinions.

Despite the fact that there are no political parties in Tonga politics, it was still crucial to be considerate of the local political environment. The atmosphere in Tonga at the time was tense due to internal bureaucratic problems regarding the MLSNR at high levels. Effectively it made land related matters more sensitive than before. This made certain issues sensitive for particular individuals. Understandably such political sensitivity was difficult for both bureaucrats and village people hence also the research issues. This was apparent when repeated requests for an interview with the Minister for Land, Survey and Natural Resources and some estate-holders were deferred indefinitely. Although most individuals were willing to assist, it was not always in a readily forthcoming manner.

Despite these problems, Nukunuku provided a good picture of what a typical village is like, and there is every reason to believe that the data on land tenure are as accurate as it is possible to be.

CHAPTER 4.

LAND TENURE IN TONGA

In order to avoid the common danger of thinking that changes in Tonga, or more specifically, changes in land tenure, are solely recent phenomena, a historical account of land tenure will now be given. The main focus of this chapter is to present some historical and ideological background on land tenure, as a background for understanding the subsequent chapters on contemporary land tenure and bureaucracy in Tonga and especially in Nukunuku village. The focus of this thesis is the changing relationships of people with respect to land, exemplified in the land tenure systems and land use and management practices. Land tenure in general refers to the legal and/or customary arrangements, especially the rules and procedures governing the rights, obligations and liberties of individuals and groups in the use of and control of the land, and is also a representation of the interdependence between the social and the natural spheres in Pacific societies.

Land as an issue, although not openly discussed, is central to Tongan life. In Tonga, as in most other Pacific cultures, there is a deep emotional attachment to the land. Land tenure holds social, economic, and political importance to the people of Tonga. It is central to their feelings of self-worth and security. The centrality of land is well described by the former Prime Minister of Tonga, the late Prince Fatafehi Tu'ipelehake, when he said that:

Divine Creation has bestowed upon Mankind the right to life and enjoyment of his creations. Today...everywhere in the world, the right to obtain land is not free except in Tonga. We as Tongans are fortunate enough for over a century to have enjoyed these rights [land rights and freedom of use] which our first Constitutional Sovereign, George Tupou I enacted into our laws as a heritage for his people...the Tongan people. (pers.com. 21 June 1996; 'Api-ko-Fatai, Nuku'alofa, Tonga)

Given the extent of changes in Tonga, the appropriateness of this optimistic view in contemporary Tonga is debatable. Nonetheless it is a common belief that this basic right to land is the backbone of Tonga's unique land tenure. Land is an element in most kinds of human

activities and the principal basis for socio-economic development in the kingdom. The importance of land to the Tongan people's survival cannot be emphasised enough.

One of the main problems attributed to the land situation in Tonga at present is the widely publicised 'land shortage' due to the increasing population (Maude 1965; Thaman 1973; Rathey 1984; Crocombe 1984; Needs 1988). Land shortage is directly related, firstly, to the growing population. Population growth has been steady in Tonga, due mainly to natural growth. The population was estimated to be 97,800 people in 1997. Under the current tenure system the total land area of 747 km² cannot supply all the adult males with land allotments. Secondly, the redistribution of island populations is also a factor in defining the pattern of shortage in certain locations. Unevenness in population distribution is caused by internal migration from outer islands to Tongatapu. The extent of a practical land shortage is a function of changing land use and wider economic changes. The extent to which there is land shortage will be examined in detail below for Nukunuku (Chapter 6), though there is little contemporary national concern over the matter.

As early as 1975, the notion that there is a land shortage was publicly voiced by leaders of major Tongan churches in a seminar on land and migration. More importantly, the problems of land shortage and unemployment were freely discussed, and appeals were made for reform (Campbell 1992: 81). Almost three decades later, Honourable Tu'i'afitu, the Minister of Land, Survey and Natural Resources, acknowledged the same problems. In his 1997 annual report he stated that the carrying capacity of land is limited, and, with the increasing population, land cannot be created for every child that is born (Government of Tonga, 1998). The issue is not new and such deliberations have become a common theme, but no major initiatives or changes have been implemented, and no realistic studies have been undertaken to examine the extent and significance, of any shortage, hence the role of the present study.

Crocombe (1987) warned that necessary changes were needed if the land tenure system was to meet the problems raised by the growing population. He also emphasised the need to avoid serious social, economic and political problems that might result from a large proportion of the male population being without land, despite being legally entitled to it. Secondly, he suggested that reform was needed to ensure the efficient use of the Kingdom's limited land resources. The land shortage problem has been attributed to the discrepancies between the growing Tongan

population and the available habitable land area. To fully comprehend this land shortage issue, it is crucial to consider the complete Tongan cultural, economic, political and social context and how it has changed within the last three decades.

This study is concerned with the current relationships between people and land. It is impossible to cover the whole history of Tonga, hence this study covers the most recent period between the 1960s and the 1990s. This seemingly short period is not only feasible for research but is of significance as a time of transition for Tonga, paralleling the present monarch succeeding to the throne in 1967. The king endeavoured to modernise Tonga as opposed to the more conservative period under his predecessor. Consequently, Tonga's commercialisation was more rapid in the 1960s. Living standards improved dramatically, and external diplomatic ties grew to a new level. Improvements in agriculture, education, health, infrastructure, tourism and trade laid the platform for further developments, which were planned in the first of a series of national five-year developmental plans. Finally, this period represents one in which no detailed study of land was undertaken.

4.1 The development of land tenure

The current land tenure system is a product of nineteenth-century European contact but its principles were established at an earlier time. Crocombe (1975) has suggested that Tonga was first settled about 1,250 B.C. and by around 2,000 B.P. had probably developed a complex tenure system to meet its needs (Crocombe 1975). It took at least an additional 1,000 years to master and refine what we know now as the 'ancient' or 'traditional' land tenure that was influenced by European contact. This is what is usually referred to as customary land tenure.

4.1.1 The ambiguous beginning (pre-1850s)

'Inadequate' and 'conflicting' were the two terms used by Crocombe (1987) to describe the evidence available on pre-contact land tenure in Tonga. However, social organisation and cultural setting were the guiding principles of land tenure. People did not then live in villages. In Captain Cook's account, it was clear that Tongans had an established agricultural system because there was a farming system, with plantations and fallow areas, as well as a structured settlement

system, divided by roads and footpath networks (Tupouniua 1977). Based on historical accounts, Maude (1965:27) estimated that by the end of the eighteenth century Tonga's population would have been about 30,000. It seemed that the respective chiefs allocated people land. However, settlements seemed to have a focal point, the chief's residence, with attendants and followers settled in and around it. There are suggestions that the Tu'i Tonga, one of the three senior chiefs in Tonga, was the nominal owner, and the chiefs were the actual owners of the land and the commoners were tenants (Gifford 1929, Nayacakalou 1959, Beaglehole 1941). Local narratives seemed to indicate that as the human form of the gods, the creators of the land, the Tu'i Tonga was the owner of the land. People were obliged to co-operate by contributing to the community in terms of offerings, labour and military service. The most significant example of this was the annual *'inasi*, when people (including chiefs) paid their respect and gratitude to the Tu'i Tonga by means of offerings. These offerings were the *polopolo* (first fruit) of the land they occupied. Such offering/sharing customs became the basis of the contemporary gift-exchange phenomenon. Civil disputes, such as the one that led to the unification of Tonga, compelled people and petty chiefs to live within the boundary of the chief's land or in a fortified settlement. This was the most probable origin of modern villages in Tonga. The primitive land tenure system was not only patrilineal but was already intertwined with then local socio-political systems, and, like today, was tied in with culture. Since the economy was based on subsistence production, monetary values were not contemplated until after European contact. The transition from the gift economy played some role in increasing production.

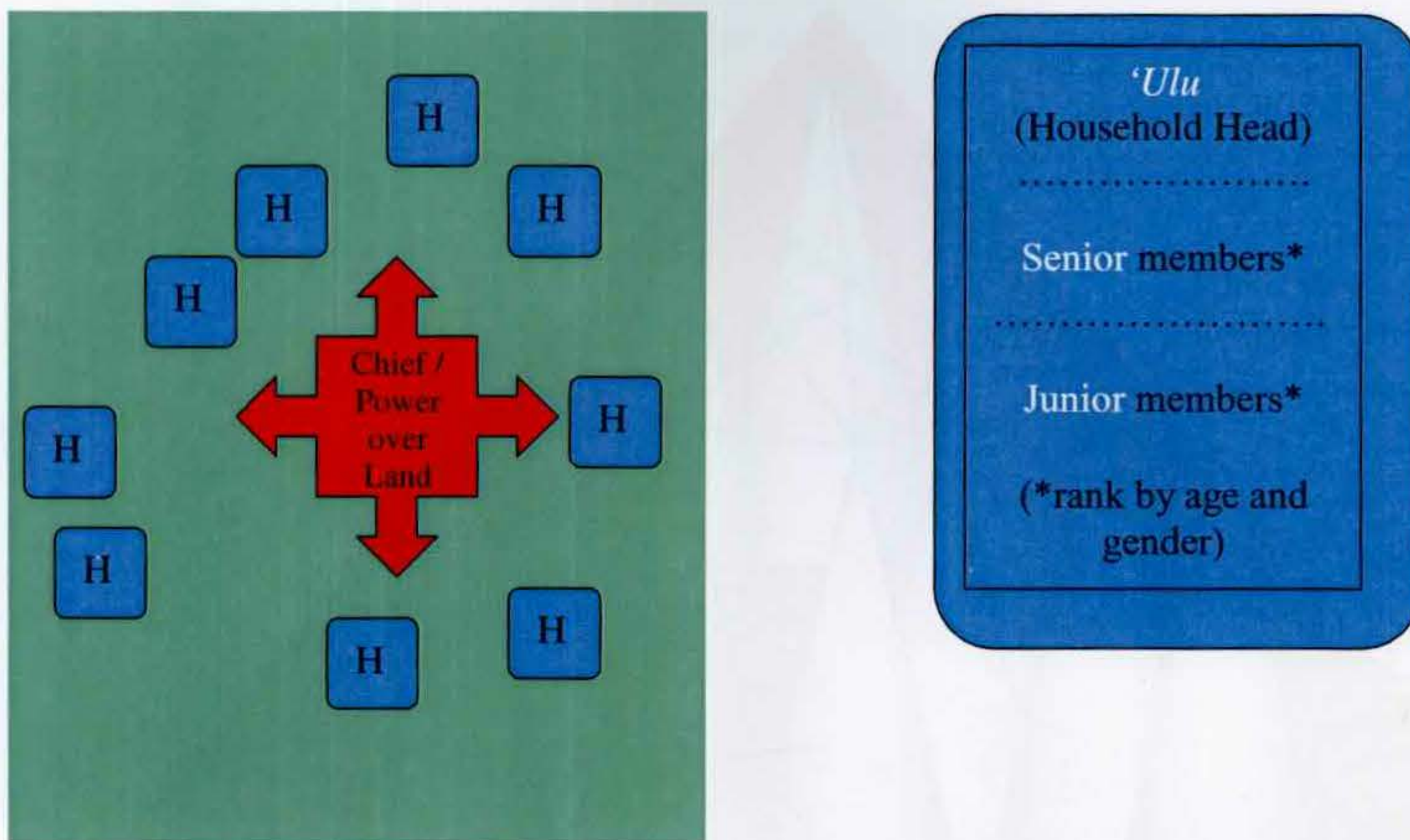


Figure 4.1: A potential model of village conception in Tonga. Early settlement (left diagram) where a single chiefly household is socially superior to his kin relations and non-relations on his territory. Individual settlement groups (H) had their own internal ranking, but were still inferior to the chief, as indicated in the diagram on the right.

When people congregated together as a result of civil disputes and foreign intervention, the early settlements became transformed into villages. The changes were not simply physical; bringing various *'api* (households), *fa'ahinga* (extended families) and even *ha'a* (related kin) together also meant collectively reorganising and possibly restructuring both political and social structure. The *ha'a* is partially a kinship group, in the sense that the chiefs were related to each other and to most people under them, but it also had the character of a political association of people around a lineage core (Nayacakalou 1959). However, since each settlement group, such as the *'api* (household) or more likely to be *fa'ahinga* (extended family), had its own internal social structure (Figure 4-1), aggregation meant that people not only adapted to but adopted the collective grouping. The communal social structure would have been more complicated and complex as various households and/or kin settled in together within a smaller land area (Figure 4.2). However, the re-structure meant re-positioning social statuses relative to other households and kin in view of their relation to the chief.

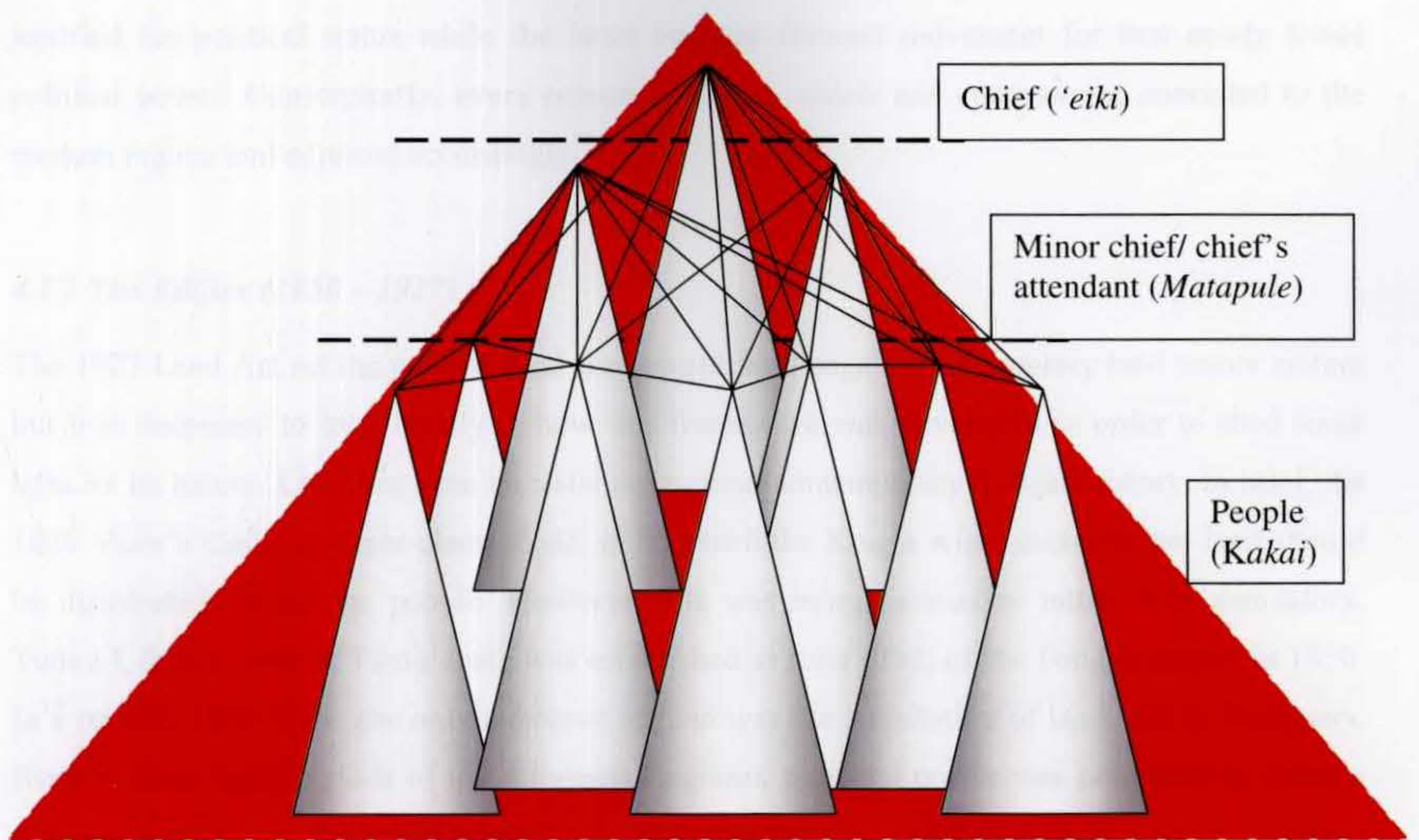


Figure 4.2: Social organisation in a Tongan community. Converged settlement groups forming a village and levels of social rank. The cones represent individual settlement groups (marked by H in Figure 4.1) and the connecting lines represent the 'relativity' of each head's rank to another.

In the nineteenth century, Tongan governance was under three major titles (*ha'a*). In precedence, the Tu'i Tonga was the most ancient and paramount, and the only one elevated to godly status (Gifford 1929). This specific title was perceived as the fundamental link between the soulless humans and the god(s). Holders of the Tu'i Tonga title became sacred beings, hence their contractual obligations were ceremonial. Second in seniority was the Tu'i Ha'atakalaua, but at its best, this title was not totally independent of the Tu'i Tonga as a governing institution. The distance of the Tu'i Tonga from reality, and the ineffectiveness of the Tu'i Ha'atakalaua as a governing institution, facilitated the rise of the third title, the Tu'i Kanokupolu. The Tu'i Kanokupolu not only took over from the former powers but was more effective as a monarch in Tonga. In due course, the unifier of Tonga, Tupou I, exploited his right as an heir to the Tu'i Kanokupolu title to establish himself as the rightful king. Such an action, together with his visionary leadership on land reform, was very significant for the future of Tonga. The former

justified his political status while the latter ensured forward movement for that newly found political power. Consequently, every person in Tonga, chiefs and commoners, conceded to the modern regime and adjusted accordingly.

4.1.2 The Edifice (1850 – 1927)

The 1927 Land Act set the present legal framework for Tonga's contemporary land tenure system but it is necessary to look briefly at how this framework was developed in order to shed some light on its nature. Land has been an issue throughout contemporary Tongan history. In brief, the 1839 Vava'u Code, an eight-clause code, in line with the King's wish, declared that land should be distributed among the people. However, this was more persuasive rather than mandatory. Tupou I, then known as Taufa'ahau, was established as ruler of all of the Tongan islands in 1850. In a revised 1850 Code, the only reference to land was the prohibition of land sale to foreigners. Even at those early periods of the reformed kingdom, financial power was perceived as either a threat or a means of threat to Tongan land. This was later extended to include land sales among Tongans in 1872. In a high chief's meeting in 1852, it was announced that no-one owned land unless the Government had granted it. More specifically, land was no longer under the control of the chiefs but of a central government, a situation unique in the Pacific islands and still respected by many Tongans due to its effective protection of land, and its consideration of all Tongan people, especially since Tongans then were underprivileged in comparison to most aliens on Tongan soil. Leasing was allowed, but only under Government control. This tightened the authority of the monarch as the head of government, and with sovereignty over Tongan land.

Tupou I's 1853 royal visit to Sydney coincided with the debating of Charles Wentworth's constitutional Bill, which may have influenced him. The king was concerned and distressed with his experience of poverty in this otherwise civilised country (HRH Prince Tu'ipelehake pers. comm.1997), and decided then that it was appropriate to distribute land among his people so that they would have access to a critical means of livelihood. In 1862, commoners were freed from all compulsory labour and contributions to their chiefs. In parallel, it was also declared that as much land would be granted to people as they needed for farming, and chiefs could not dispossess them as long as people paid tribute and rent to the chiefs. Chiefs were instructed to distribute land to people, but 'compensation' for the chiefs was maintained as people were persuaded to pay tribute

and rent in return. People already had definite interests in land because it was their means of livelihood, and the means to pay both tribute and rent to their chiefs (Rutherford, 1966). However, tributes at this point were more of a voluntary act rather than mandatory. This might then have been the origin of the later principle that each tax payer was entitled to an allotment. Under the traditional tenure system the holding or usage of a parcel of land was probably also linked with payment of tribute to the chiefs.

Despite owning all land by conquering opposition during the civil war, and unifying Tonga in 1850, it was not until 1864 that the remaining power of the Tu'i Tonga was finally conferred upon Tupou I by the chiefs. It can therefore be argued that 1864, rather than 1850, was the birth-date of modern monarchical governance, since Tupou I was then elevated to the ultimate position of divine monarch. This is significant within Tongan culture, as people revered the monarch as divinely bestowed, a belief which was fundamental to general beliefs about land. Since the Tu'i Tonga was semi-divine and land was divinely created and/or given, people perceived the new king as the rightful and sole owner. Beliefs associated with land traced the relationships of people, chiefs, land and God. The transformation of this fundamental belief is one of the crucial elements that have defined land tenure today. This will be discussed later on this chapter (See Section 4.2)

The foundation for modern Tonga was completed in 1875 when King George Tupou I announced the written Constitution as the ultimate power and guideline for governing and for all rulers of Tonga. He referred to the 'old' Tonga as a dark era ruled by a monarch but the 'new' era as an enlightened era under a constitutional monarch. Seven years later, Tupou I moved to protect the people by some degree of empowerment. The chiefs' traditional power to evict people from their hereditary land was negated because none of the chiefs had legal rights under the new government system. The chiefs were judicially equal or similar to the commoners in this regard. Logically, this move would have carried some political risks especially after the civil war, but it was a necessary step for establishing the modern tenure system. Historically, any ruler in Tonga had to have the full support of majority of the chiefs, and hence the people, and Tupou I was no exception. Subsequently, between 1875 and 1882, Tupou I appointed a number of chiefs and petty chiefs as virtual landlords of districts; in most cases these were districts that the chiefs traditionally controlled (Maude 1965:98). This move maintained a somewhat similar structure to

the 'old' era, namely a landowner (the king), land controllers (the chiefs) and land occupiers (the people).

More significantly, allotments (*'api*) were also then defined, hence the boundaries of land areas became physically demarcated. These allotments became hereditary for the landholder's family, effectively individualising the collective land rights of the old tenure. In effect, ownership became a more private affair involving land taxation and land inheritance. Land tax (*tukuhau kelekele*) was maintained, but as a monetary fee, instead of cultural items (mats and tapa) and labour services. Monetary fees came from the landholder's income and, to earn this, people had to use resources such as land, labour and even cultural items as commodities. This effectively monetised the subsistence economy. Since there was unequal access to certain resources, the chiefs acquired commanding positions with respect to land dealings.

The transition in land governance had some disadvantages, including disputes over land, as individual claims were placed over areas that were previously accessed privately by other members of the same kin group. This was the probable cause for the 1903 move to empower the Minister of Lands with the responsibility of judging land claims. The system of land law was reinforced with the establishment of a Land Commission in 1903. In its endeavour to achieve greater impartiality and equality, the government abolished the 1903 judicial system and later established a Land Court in 1921. This effectively accentuated the parallel existence of both the foreign legal system and the indigenous customary system.

In 1915 estate-holders were granted the right to be consulted before any land was allocated from the chief's (estate-holder's) hereditary estate by the Minister of Lands. This re-introduced the earlier people-chief relationship within the 'new' system. Although the new system had supposedly 'freed' the people and centralised power over land, the 1915 amendment disrupted such centralisation. In fact, 'on many estates custom and the will of the title-holder are considerations at least as important as the provisions of the Land Act', consequently, the procedures set and legal provisions are 'rarely in the straightforward manner intended' (Maude 1965:99).

The period 1850-1927, marked by insincerity, set the trend for the development of land tenure in Tonga. The system originally centralised control giving the sense of uniformity, but amendments

afterwards rekindled traditional controls, although to a lesser extent, effectively allowing both the customary and the legal tenure systems to co-exist.

4.1.3 Shaping of the tenure system (1927 – 2000)

The legal framework for the current tenure system was established in the 1927 Land Act. Allotment areas were changed in an attempt to inspire agricultural development; 12 and 3/8 acres were the standard size. This enticement did not attract many people away from the nucleated settlements since, according to MLSNR data, only 23 land applications were lodged between 1927 and 1934. However, these allotment areas may have been too large, and people who were used to collective land use found them too much for an individual landholder. In 1934 the area was reduced to 10 acres, a change that was subsequently attributed to the growing population.

During the subsequent period, one of the few changes to tenure was the subdividing of the land, which physically marked allotments with definitive boundaries. In 1957, a New Zealand firm carried out a proper survey and subdivision of Tongan land. This survey contract was completed in 1962 for all of Tonga, except the two outliers (the Niuas) and a few small uninhabited islands. The concept of individual land rights was physically defined relative to others, and became plainly visible, as an area of land belonged to a single landholder. However, there were few other changes after the ratification of the 1927 Act. During the pre-1927 era, when many changes to land tenure had been made, the motivating factor was primarily political. Changes in the post-1927 era were more commercial than political, which perhaps explained the limited changes. This does not mean that socio-economic factors had no effect, but their effects were largely evident in changing land customs and practice rather than law: the context of this thesis.

Effectively, in the 1960s Tonga entered the world scene as a participant in the international commercial market but it was not until 1976 that a major amendment to the land tenure framework was made, namely allowing land mortgage. For the first time since the leasing provision of 1850, finance and land came together again in the form of land mortgaging. Collateral agreements using land were allowed for up to 10 years. This was necessitated by the need for security and collateral for loans and followed the establishment of the Tonga Development Bank in 1974. Leasing periods were increased to up to 50 years for Tongan leases or up to 99 years with the consent of the Privy Council. Promoting the commercialisation of

agricultural production led the government to increase the number of allotments that could be leased by one individual from five to ten tax allotments, and up to five town allotments. These amendments (mortgage and leases) empowered people financially by extending their capabilities to exploit the land. Unfortunately, although the means were given by the government there were no protective measures, legal or otherwise, to protect people from being exploited or unfairly dealt with. Nevertheless, the mortgage period for tax allotments was increased from 10 to 30 years in 1980. The last amendment was made in 2000, allowing Tongan farmers to mortgage their crops. Somewhat similar to the previous amendments, this was based on both economic and political rationales. The main argument for this amendment was 'discriminatory in nature' because in the original clause only Tongan subjects were prohibited from mortgaging their crops. Foreigners and Tongans were treated differently and Tongans were denied freedom of choice on how to exploit their crops, whether to sell, consume and/or mortgage them. Legally sound, politically masked and economically motivated, is the appropriate description for this amendment.

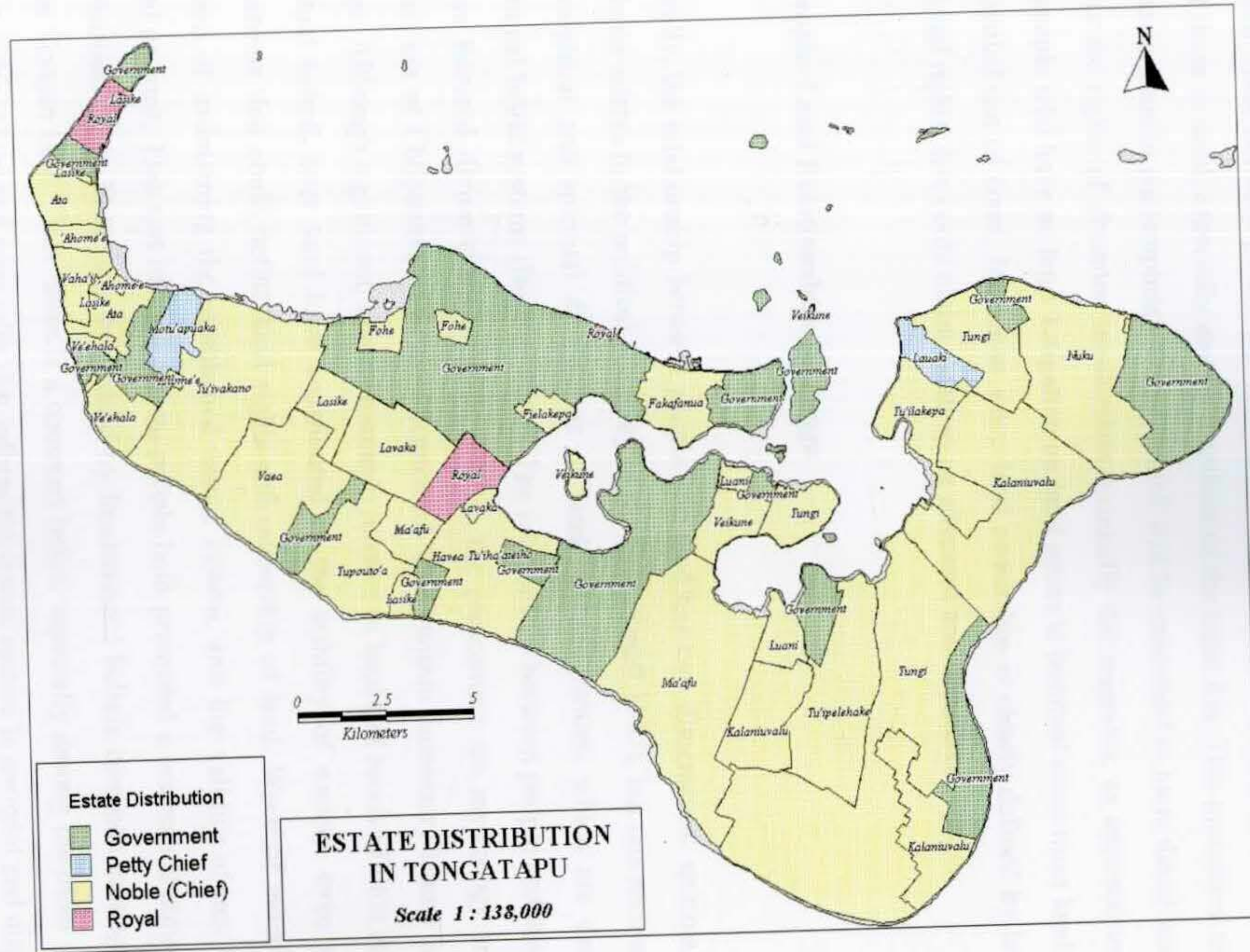
4.1 4 The outcome: Contemporary Tongan tenure

All land in Tonga is the property of the Crown and at the time of framing the Constitution, the (Crown) land was divided amongst the Government (Government estates), the King (Royal estates), selected Chiefs as Nobles of the Realm (Noble estates) and Matapule Ma'u Tofi'a (petty chiefs) (Appendix 2). The map of Tongatapu Island (Figure 4.3) depicts how land on the main island is sub-divided among estate-holders. However, the present Law (Land Act 1927) requires estate-holders to subdivide land among all Tongan males. Under the Constitution, all Tongan males, upon reaching the legal tax-paying age of sixteen, are entitled to an area of 3.3387 hectares of tax allotment ('*api tukuhau*) and 0.0759 hectares of town allotments ('*api kolo*). Potential '*api*-holders must apply to the Minister of Lands, Survey and Natural Resources requesting land parcels. Successful applications must have the Minister's approval, if it is Government estate and the estate-holder's consent if it is a Royal or Noble estate. Granted '*api* or land allotments are legally secure only if they have been registered with the Ministry of Lands, Survey and Natural Resources (Tonga 1988). The manner in which land is being distributed, and

thus the structure of land ownership, reflects the power structure and social organisation of Tongan society.

All *'api*-holders (landholders) can be considered owners of their parcel of land in the sense that they can reside on their *'api kolo* (town allotment) and cultivate their *'api tukuha* (tax allotment), or lease their parcel of land in perpetuity, but land cannot be sold. The prohibition on selling land was to protect Tongan soil for Tongan subjects. (The relevant part of the Tongan Constitution is strikingly similar to Leviticus 25:23 in the Holy Bible, which prohibited land sales because the land belonged to God). This is one of several examples of the influences of Christianity and the missionaries on the current land tenure system.

Figure 4.3 Hereditary estate divisions in Tongatapu.



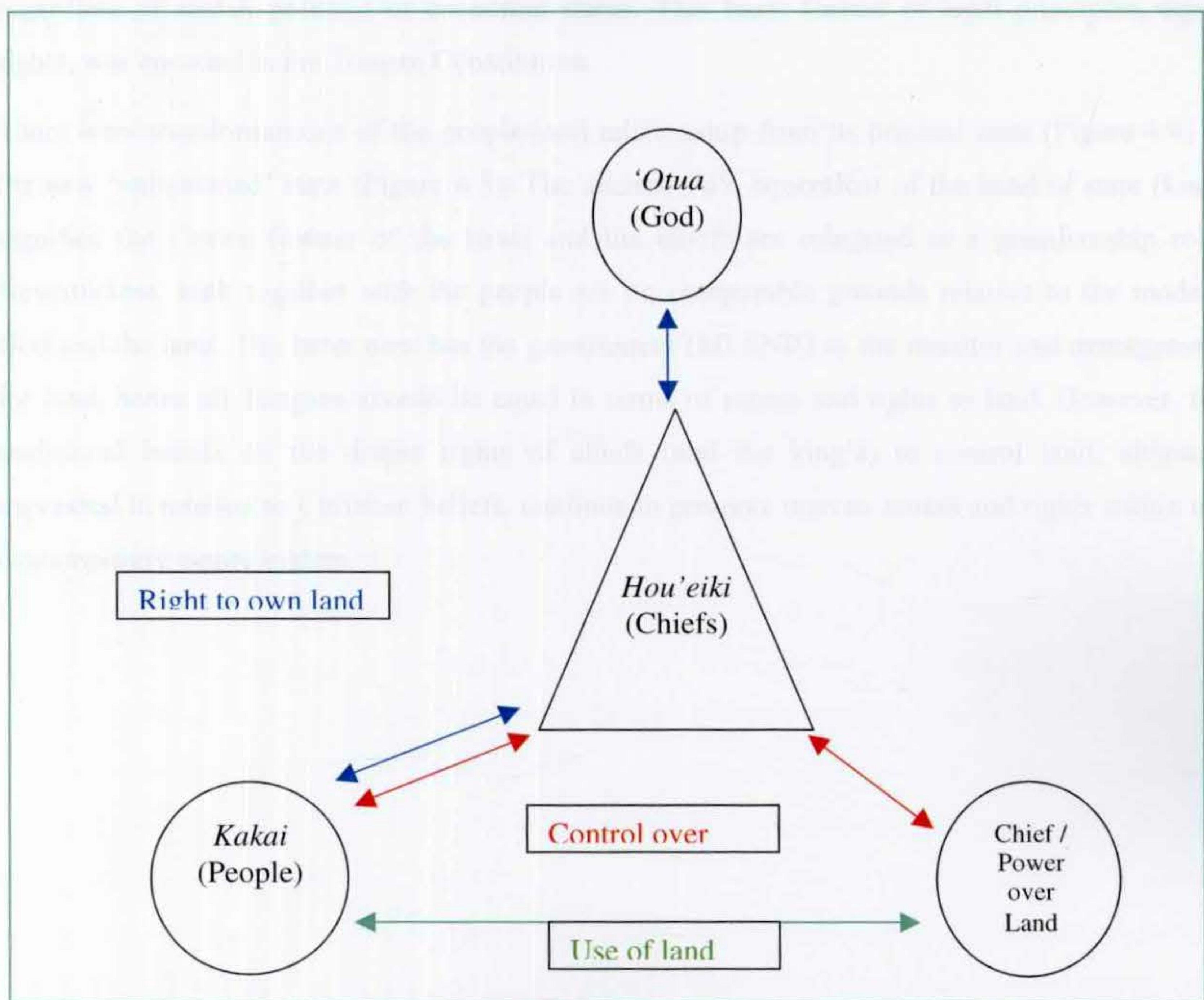
The land tenure system has managed to free Tongans from deprivation and protect them from losing their home ('*api*). There is little real poverty in Tonga compared to that in other parts of the world. Land has been perceived as the main reason for this, but culture has provided a safety-net for those in need, especially among members of the same kin. This protective notion has now become an issue in contemporary Tonga, which will be examined in more detail later. In effect, it protects the rights of absentee landholders, primarily the migrants, as opposed to the rights of local people who have no land. Litigation on land issues is minimal since most land disputes have been settled out of court. Moreover since land ownership is clearly defined by law in terms of individual rights, few could claim rights to an allocated and registered '*api*.

4.2 People–Land Relationships in Tonga

Generally, the relationship between people and land has two dimensions: spiritual and material. The latter relates to the political economy of the land (Small 1997), but this section examines the philosophical and spiritual dimensions of land use and tenure, which are deeply rooted in traditional belief systems (Boydell 2001). The relationship between people and land in Tonga had always featured divine characteristics, both in the pre-contact era mythology and in the post-contact era of Christianity. The significance of 'God' within customary tenure is not unique to Tonga. Although significant, this relationship relative to land had received little attention, though spiritual beliefs over land have contributed to the stability of society, even without written documents that could define land rights and ownership of land. Word of mouth was the main method of maintaining the established tenure system, and the validity of any land claim was based on trust. This sort of trust among people both promoted a communal atmosphere and was emphasised by it. Trust was buttressed by fundamental beliefs common among Tongan people about Tongan land. Thus, there is a common belief, especially among the older generations, that abusing the values and principles that inform the tenure system is arrogant and disgraceful.

The societal structure in the pre-contact era was typical of a hierarchical chiefly society, with a parallel relationship between Tongans and land (Figure 4.4). The belief that the *hou'eiki* (chiefs) were half-human and half-god, in association with the belief that land was divinely made and

given, gave the chiefs boundless control over land. The chiefs, more specifically the high chief or the ancient monarch (*Tu'i Tonga*), became the link between land and people, and also between people and God. This type of relationship allowed for authoritarian rule over land. The divine being, embodied in the *Tu'i Tonga*, owned the land, local chiefs managed it and the people exploited it. Based on their beliefs, people assumed that they had to appease God by appeasing the chiefs in order to have some valid claims on land. Consequently, the chiefs, more specifically the *Tu'i Tonga*, mediated the relationship between people and land.



Note: At the apex of the 'hou'eiki' (chiefs) is the king, then the *Tu'i Tonga*, believed to be part human and part God.

Figure 4.4: The Relationships between people and land in ancient Tonga

Relationships changed following European contact, especially with the arrival of Christianity. The Christian God displaced Tongan gods alongside associated beliefs. People, for the first time, had a direct link to God, bypassing the chiefly connection. However, land was still appreciated as a divine gift because it helped secure the status of chiefs and royalties as 'landowners.' The declaration that all land belonged to the Crown effectively dispossessed chiefs of their customary land, consequently, accentuating the significance of the new system of government, a constitutional monarchy. Government not only had symbolic ownership but it managed all land in Tonga. Fundamentally, bureaucracy administered land for the benefits of all Tongans, regardless of social, political or economic status. This basic feature of legal principles, equal rights, was encoded in the Tongan Constitution.

There were transformations of the people-land relationship from its original state (Figure 4.4) to the new 'enlightened' state (Figure 4.5). The ancient *Tu'i*, equivalent of the head of state (king) signifies the Crown (owner of the land) and the chiefs are relegated to a guardianship role. Nevertheless, both together with the people are on comparable grounds relative to the modern God and the land. The latter now has the government (MLSNR) as the monitor and management for land, hence all Tongans should be equal in terms of access and rights to land. However, the traditional beliefs on the divine rights of chiefs (and the king's) to control land, although expressed in relation to Christian beliefs, continue to promote uneven access and rights within the contemporary tenure system.

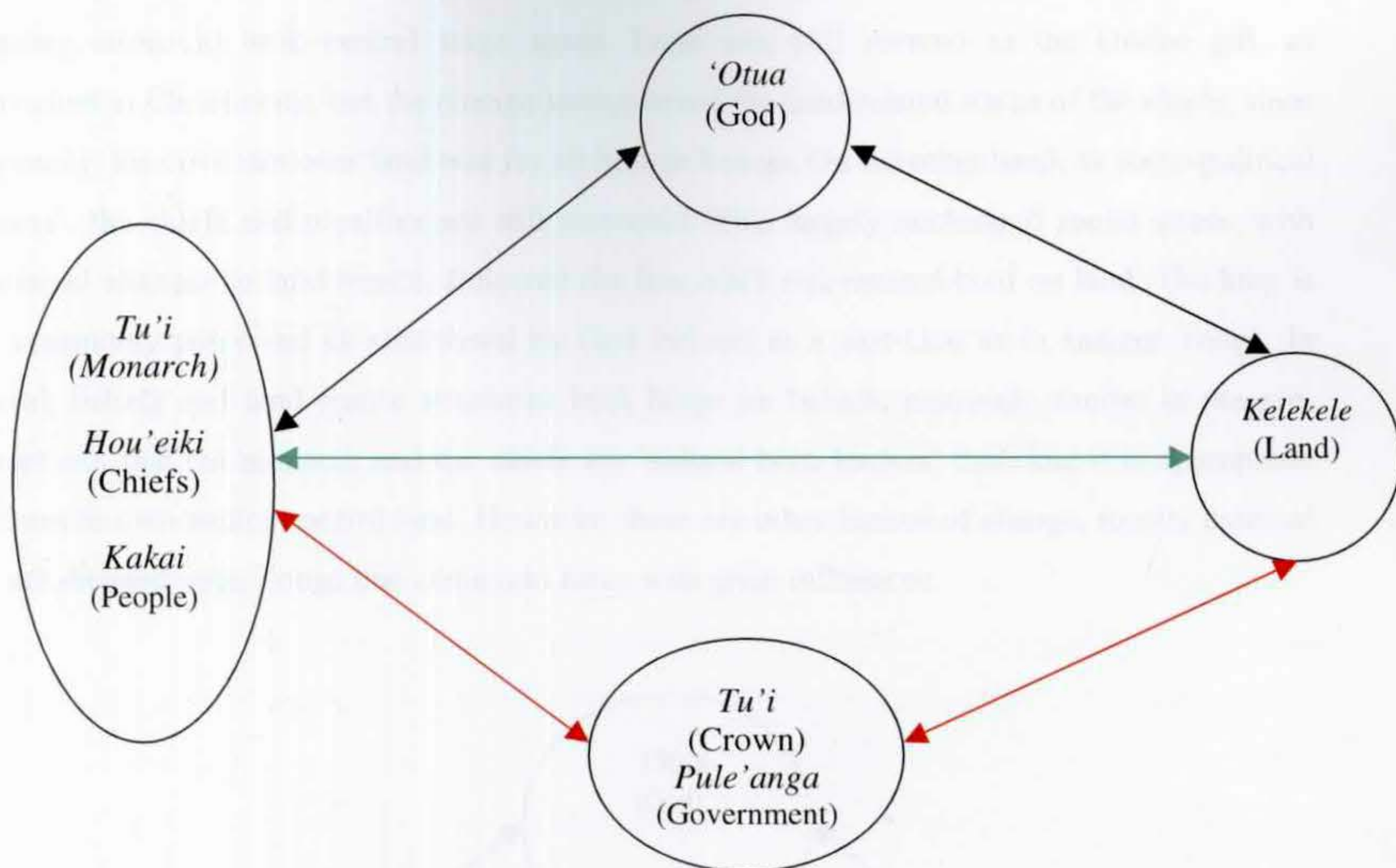


Figure 4.5: The enlightened people-land relationship (post-contact era). All Tongans have a right to use land (green arrow) but the control rests with the government, and ownership belongs to the Crown.

The government, through its bureaucratic organisations, manages the land within the legal framework but the chiefs' symbolic land rights were never completely abolished. Emancipation meant individual freedom from the traditional 'people-chief-land' relationship, which was supposedly replaced by a 'people/chief-bureaucracy-land' relationship. Few of the 'old' chiefly titles were revived as *nopele(s)* (nobles); though commonly perceived as a modern ruling class they were actually the old *hou'eiki* (chiefs) with new responsibilities and duties as estate-holders. This was necessary for the stability and security of the newly established kingdom. Acknowledging the pre-contact regime by including the *hou'eiki* (chiefs) in the new social and political structures was significant, since it assured collaboration from the national chiefly rank and implied a consensus among leaders from the old regime, all in support of the new democratic monarch. However, re-establishing the chiefs as a formidable force within the land tenure system subsequently revived key elements of the abolished customary tenure system. In effect, chiefly powers over land were re-established, accompanied by the beliefs and customs, hence the

relationship of people and land changed further (Figure 4.6). The *hou'eiki* (chiefs) and the *Tu'i* (reigning monarch) took central stage again. Land was still revered as the Divine gift, as entrenched in Christianity, but the change strengthened the land-related status of the chiefs, since religiously, the covenant over land was for all human beings. On the other hand, as socio-political 'leaders', the chiefs and royalties are still respected. This largely unchanged social status, with significant changes in land tenure, followed the *hou'eiki's* rejuvenated hold on land. The king is still commonly perceived as sanctioned by God but not as a part-God as in ancient Tonga. In general, beliefs and land tenure structures both hinge on beliefs, relatively similar in the pre-contact era, that the monarch and the chiefs are 'natural born leaders' therefore it is appropriate for them to own and/or control land. However, there are other factors of change, mostly external and not dictated upon Tonga that came into force with great influences.

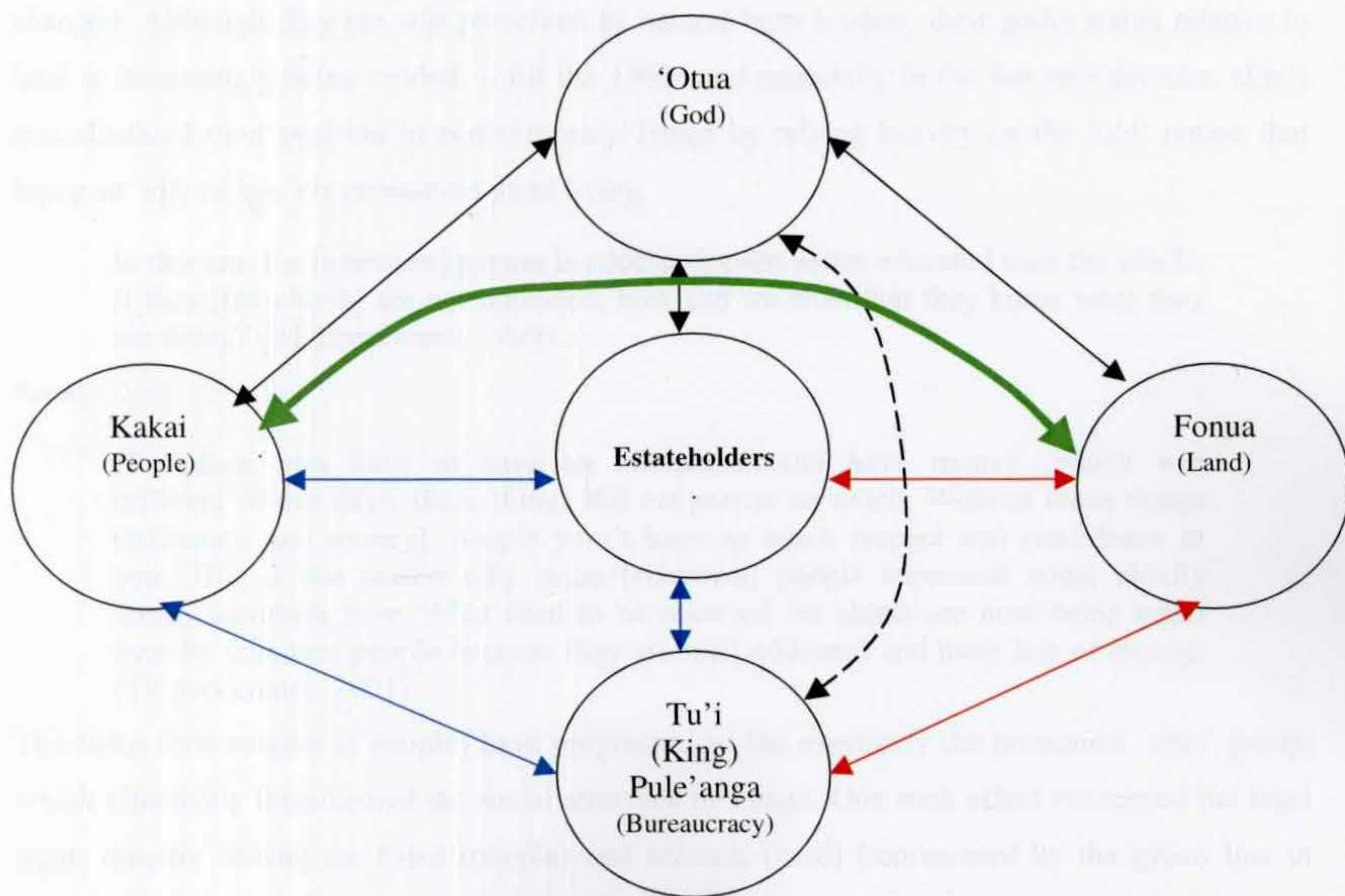


Figure 4.6: The contemporary relationships between people and land in Tonga (with the estateholders playing a pivotal role in controlling land.)

NOTE: Estate-holders include the King (Royal estates), the Chiefs as Nobles (Noble estates) and the Government (Government estates).

The contemporary depiction of the relationships within land tenure (Figure 4.6) is a modern version of the old relationship, where chiefs mediated people's direct accessibility by signalling their symbolic ownership and control over land. Commercialisation and globalisation have influenced underlying beliefs about land. In terms of Christianity, land is still perceived as a divine gift, but factors, such as demography, commercialisation and globalisation, have led people to question the position of the chiefs and their influence. More people are now entitled to land than there is land available, and since the population is relatively young the prospects of potential landholders are getting worse. Commercialisation, on the other hand, has created monetary value within the Tongan economy, especially for land, in an economy that relies primarily on agriculture (and aid). As this becomes more evident, attitudes to chiefs have changed. Although they are still perceived as natural born leaders, their godly status relative to land is increasingly being eroded. Until the 1960s and especially in the last two decades, chiefs miscalculated their position in contemporary Tonga by relying heavily on the 'old' notion that being an *'eiki* or *hou'eiki* guarantees good living.

In this era, the [common] person is educated, even better educated than the chiefs. If they [the chiefs] are not educated, how can we trust that they know what they are doing? (ST pers.comm. 1999)

And:

Nowadays, you have to have an education...and have money...which was different in our days, these things did not matter so much. Without these things [education and money], people won't have as much respect and confidence in you. This is the reason why some [common] people supersede some chiefly family members here. What used to be reserved for chiefs are now being taken over by common people because they are well educated and have lots of money. (TP pers.comm. 2001)

The *kakai* (commoners or people) have progressed so far, especially the prominent 'elite' group, which effectively transformed the social structure in Tonga. One such effect concerned the legal rights directly linking the *kakai* (people) and *kelekele* (land) (represented by the green line in Figure 4.6). This means that because people are socially and economically empowered, they can exercise their legal and customary rights, often bypassing chiefs and/or manipulating land deals. This effect essentially reveals not only the *hou'eiki-kakai* (chiefs-people) relationship, where

elites have more influence than common people, but a land tenure system transformation in terms of *ma'utofi'a-ma'ukelekele* (estate holder-occupant) relationship, where elites have the capacity and the ability to manipulate land transactions especially in the unofficial land market. The most obvious examples of these changes would be the land inheritance where people are able to divert land inheritance away from the legal patrilineal lineage.

Relationships between people and land have been transformed in practice in a much more dramatic fashion than the underlying beliefs. Commoners, though some are less enthusiastic than most, maintain these beliefs in terms of duties to the *hou'eikis*, and also the validity of chiefly control, while valuing their individual land rights and constitutional freedom. In complement, the modern nobles continue to rely on their people for material wealth, especially traditional goods to meet their obligation to the royal family and other nobles. This type of relationship is contrary to the claim that traditional chiefs, as modern nobles, are being transformed into landlords (Gailey 1987; James 1993), implying a purely landlord-tenant relationship. The overall result of all the historical changes is that the land became the central avenue of links between the main social groups relative to God: *Otua* (God), *Hou'eiki* (Chiefs), *Kakai* (People) and the *Pule'anga* (Government) (Figure 4.6). These relationships and beliefs both made and distinguished Tonga from elsewhere in the Pacific and provided stability within Tongan society.

In relation to the land, both *kakai* (people) and *hou'eiki* (chiefs) are linked to each other as in ancient times except that the authoritarian control of chiefs has been reduced and a corresponding freedom for the people. However, a small section of the *kakai* (people) had made their presence more significant than the majority. The *hou'eiki* have inherited their social status (genealogical lineage, cultural wealth, control of land) whilst an emerging elite has attained their own individual social status, in terms of wealth and high education levels. The elite class began to establish itself in the 1960s in response to commercialisation and improvements in international relations, hence educational developments. Nevertheless this transformation within the commoner class has resulted in a new stratification between the elite and the commoners, on social, political and economic grounds. The chiefs and the elite group, being on a higher level than the commoners, are closely linked to each other. Within the land tenure system, both the chiefs and the elite basically have similar reasons for demanding land, but from different perspectives. Land served as a source of power and money for chiefs, while it is the opposite for the elites, for whom both money and power are attained, making it easier to access land.

However, both groups understand the economic value of land but the chiefs see this in terms of social and political power whilst the elite see it as a means of financial and political power. The masses are likely to be disadvantaged in terms of access to land, a point that will be investigated. People are increasingly aware of the land situation in Tonga and, in response, extra-legal practices are becoming common. Changes in relationships relative to land redefine the land tenure system, at least in practice. The contributions of external forces (commercialisation and migration), and internal forces (population growth, limited land resources), and local situations (improved living standards and an expanding cash sector), have transformed the land tenure (see Chapter 6). At present, consensus between two or more members from various groups within the land tenure system - the people, including the elite, the chiefs (estate-holders) and the *pule'anga* (government) have allowed legal and extra-legal practices to exist in parallel. Consequently, there is control on behalf of the estate-holders and the government but little or no management of the changes within the tenure system (see Chapter 8).

The structure summarised earlier (Figure 4.6) is a result of both independent and interdependent responses of the main two parties, namely the *kakai* (people) and the *hou'eiki* (chiefs). The chiefs, based on land, exercised their power and control of the local socio-economic structure, whilst the people mostly rely on chiefs for land. The changing needs among each social group and/or between the two groups often fall beyond the existing rigid legal framework, hence the extra-legal land practices. These extra-legal practices thrived due to collusion between the participants, whether among commoners (*kakai-kakai*) or between commoners and chiefs (*kakai-hou'eiki* and elite-chiefs), permitted by the government's disinclination either to review and/or impose the land law in full (see Chapter 8). Some thirty-five years ago Maude (1965:99) discovered that 'on many estates custom and the will of the title-holder are considerations at least as important as the provisions of the Land Act.' The existence of extra-legal practices highlights the need and the importance of the MLSNR in its capacity as a land administrator. The role of MLSNR (bureaucracy) will be discussed in more detail in Chapter 7, but a brief summary is necessary here.

4.2.1 The role of the MLSNR

The Government, through the bureaucracy represented by the MLSNR, is charged with managing the land, which thus includes managing the land tenure system. The MLSNR may have some difficulties with its mandates because of the centrality of land in Tongan culture, and the otiose legal provisions. One of the main hindrances to MLSNR operations is that it focuses on land as an item for consumption and thus fails to recognise that land is multifaceted (see Chapter 8). Its objective is basically to manage land by administering the land law. The MLSNR, as a land administrator, has been responsible for sustaining the land tenure system (Figure 4.5), based on the centrality of land and affiliated beliefs, to enable social and national stability. In this capacity, the MLSNR has so far managed to provide some degree of security for land-based livelihood in Tonga.

4.3 Land use: norms and the law

Land tenure in Tonga has norms and laws that direct land use. Employing Crocombe's approach (1974) and Damas' examples from Pingelap Island, Federated States of Micronesia, (1994:75-92) an attempt will be made to define the norms related to land use. Crocombe (1974:7-8) identified four dimensions of land rights: an area dimension, a time dimension, a population dimension, and 'a complex of legal and customary criteria' dimension. Except for the area dimension that will be discussed below, the other three will be considered later (see Chapters 6 and 8).

The area dimension concerns the spatial dimensions and designations that people have employed to divide their land use. In Tonga, an island is commonly known as the *motu* however the term *fonua* is also used. This is divided further in terms of geomorphological origin, namely *fonua afi* (volcanic island) and *fonua motu* (coral island); or relative distance as in *fonua mama'o* or *motu mama'o* (outliers); or physical area such as *fonua lahi* (big island) and *fonua si'i* (small island). However, an island or *motu* has different 'area dimensions' with affiliated norms of use. Normally large *motu*(s) are capable of sustaining life and most of these coral islands are inhabited. Smaller *motu*(s), especially the outliers, can only sustain life temporarily and therefore are not usually inhabited but simply used as 'stopover' stations for fishermen. In addition to such tradition, names are surveyed (and registered) for land areas with defined boundaries. These surveyed areas, whether newly created or created with names of the respective landholders, have new sets of rules governing their use, in practice and in law.

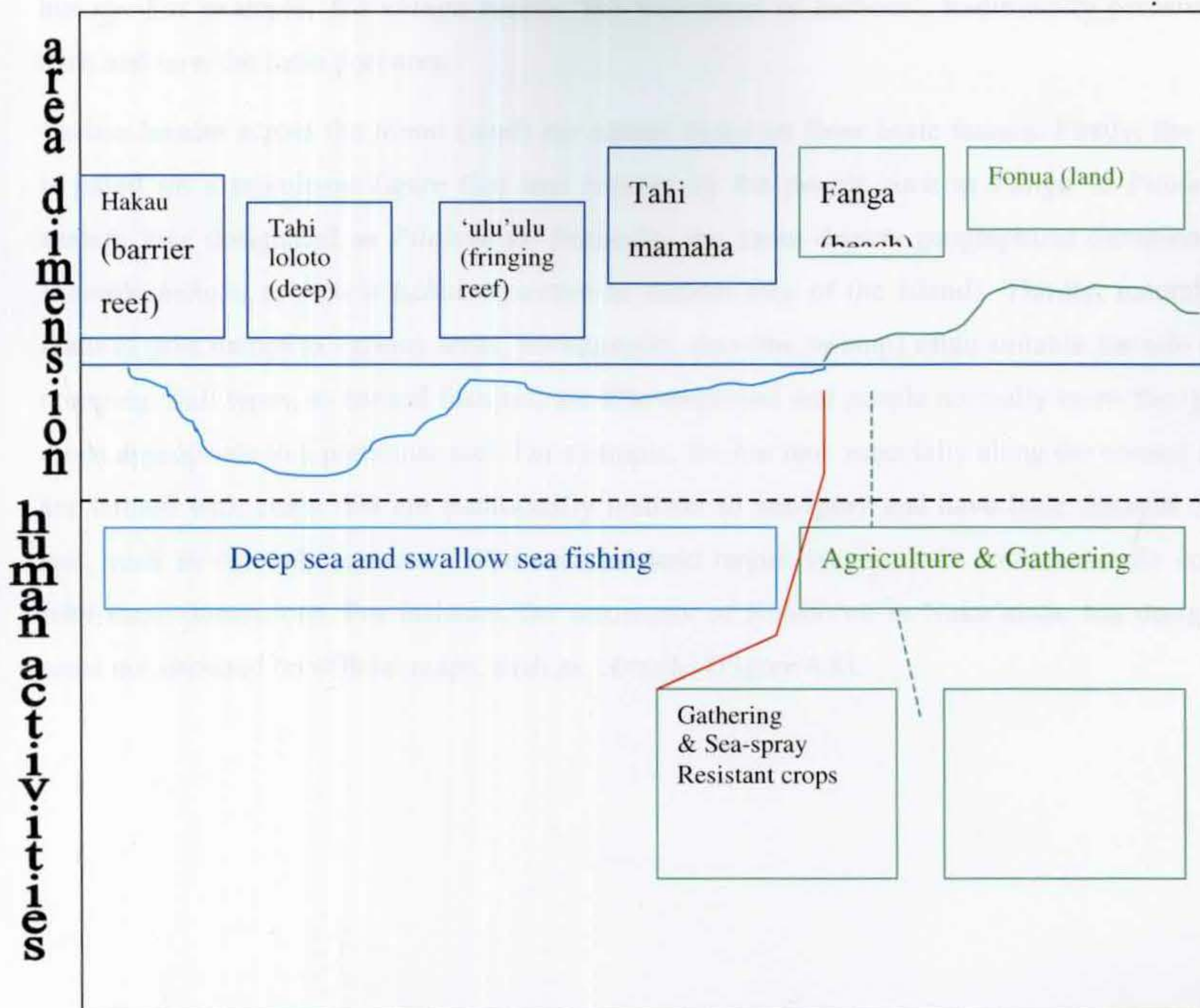


Figure 4.7: Nomenclature of a *motu* or *fonua* with associated activities.

In addition to the spatial divisions of *motu* (Figure 4.7), are the directional orders of the land, for example *fanga* or *matatahi* (seaward), *loto fonua* (inland), *hakau mama'o* (barrier reef). Every island in Tonga has a name with a social meaning. For example, *Tongatapu* means 'the sacred southern *fonua*' which indicates that this was the centre of ancient Tonga, where the *Tu'i Tonga* resided. The names of the settlements or villages also depict a part of that particular village's

history. For example, *Ma'ufanga* means 'the waterfront or harbour', traditionally perceived as such and now the main port area.

Certain locales across the *fonua* (land) are named based on three basic factors. Firstly, the name is based on a prominent figure that was revered by the people such as *Fanga 'o Pilolevu* (a seaside area designated as *Pilolevu's*). Secondly, the name depicts geographical directions, for example *hahake* or *feitu'u hahake* (eastern or eastern area of the island). Thirdly, natural land features give names to various areas, for example, *Ano* (the swamp) often suitable for *talo* (taro) cropping. Soil types, as natural features, are also employed and people normally know the type of crops appropriate to a particular soil. For example, the *tou'one*, especially along the coastal areas, are farmed with crops that are traditionally resilient to sea-spray and have little demand on the soil, such as *manioke* (cassava). The encoded land tenure system does not necessarily comply with these dimensions. For instance, the settlement of *Kolofo'ou* in *Nuku'alofa*, has designated areas not depicted on official maps, such as *'Amaile*. (Figure 4.8).

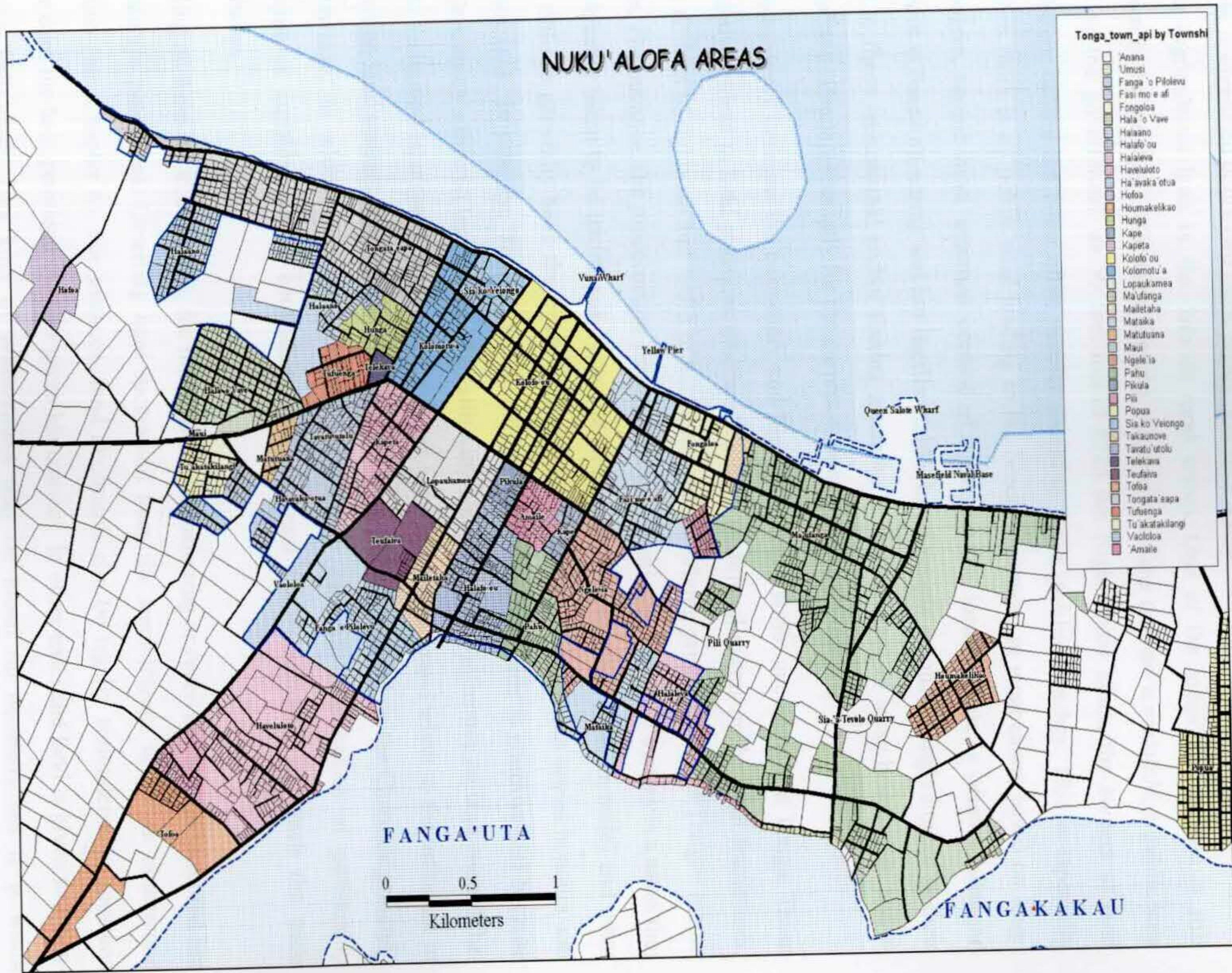


Figure 4.8 Nuku'alofa: Customary designated areas, not recognised by the official sub-divisions.

Land areas are now subdivided, boundaries are fixed and land allotments are privately owned. Land use is organised under two basic terms '*api kolo* (residential land in the village or *kolo*) and '*api'uta* (agricultural land in the '*uta* or rural areas). One of the areas where there is still confusion is the *matatahi* or seaside (beach). Although the law defined a *matatahi*, a public area owned by the government, as 50 feet inland from the High Water Mark, the owners of land immediately behind the coast often restrict access to these 'public' beaches. This is especially true when there is no public road leading to the beach. However, in most cases, based on long-held norms, people have assumed control of some seaside locales. This is often challenged because it is based on norms and not legally viable. Local people are increasingly limited in their access to these recreational and/or fishing grounds, in their attempt to lease beach sites and/or tiny isolated islands, especially for the current expanding tourism industry.

The controversy between the customary and legal in practice is not uncommon in Tonga. These are mostly evident in land practices whether based on traditional norms or the legal framework. These notions of rightness and realm of norms are the underlying principles of the Tongan tenure system. For instance, the predominant featuring of patrilineal descent in the system is a norm that is mistakably taken to be traditional. However, at present the heir (the first-born male) and other male siblings generally have the rights to land whilst female siblings retain social honours and superior rank. In practice, Tonga's patrilineal land inheritance scheme is controversial because despite women's limited legal rights, they still have some degree of influence on land control that will be examined later (see Chapter 6). However, very few males would admit to the influence of women on land matters. One rationalisation for these practices is based on the Christian principle of marriage, in which wife and husband are lifetime partners. This notion of partnership presupposes equality, which contradicts the patrilineal family structure in which the male dominates.

Leading on from the above point, the mode of land transferring or receiving is time-honoured but not always patrilineal. Diverting land succession from the legal lineage is not an uncommon practice (see Chapter 6). For instance, land allotments can be legally surrendered to someone other than the heir, provided the heir gives his consent. In other cases the land is given to a non-relative individual. This kind of arbitrariness may be based on necessity but it is worth investigating (see Chapter 6).

Based on existing law, there is a notion of justice set for both the people and the encoded land tenure. Unfortunately, the fact that extra legal practices have occurred, regardless of the reasons for them, implies that the encoded land tenure system is inflexible and cannot respond to contemporary issues, needs and practices. One classic example of this would be the discrimination against Tongan women when it comes to land issues. Landholders have had different options for using their land, namely to use the land themselves, divide the land among their sons, lease or mortgage the land, or surrender or sell the land to another person. However, the common practice of arbitrariness between legal and customary made it difficult for the MLSNR to rise above socio-politics and standardise land practices. Privileges of having land, such as the right to use, primarily belong to the landholder. The norm is that the male siblings, except the heir, must find their own land. Usually, male siblings with no land can share in using their father's land or other siblings' land provided that they have the landholder's permission. Effectively, the landholder has a customary obligation to share his land, whilst legally, he is not obliged to share unless he wishes to do so. Thus it is important to investigate the extent to which the customary principles hold against legal provisions in view of an increasingly commercialised economy.

4.4 Land tenure: The issues of concern

Crocombe (1987) summed up the benefits of the then current land tenure systems in six significant points. Firstly, it provided lifetime security for males. Secondly, it enabled the Kingdom to prevent potential problems associated with the kind of 'fragmentations, subdivisions and multiple ownerships found elsewhere'. Thirdly, there was no tie between a specific land area or areas and a particular social group. Fourthly, the system safeguarded Tongan land from falling into foreign ownership and or foreign rule. Fifthly, foreign accessibility by leasing arrangements was restricted. Lastly, estate-holders could not dispossess landholders of their land, a situation that also prevented an over-concentration of land rights. These points are typical of the pretences and reservations expressed by local people that cause inconvenience to the tenure, especially with the current commercialised economy. Logically, the benefits would be unevenly distributed and/or accessed but this will be investigated later.

Despite the system's alleged integrity and benevolence, it is of concern, in view of the changing economy, that there is a lack of development and application of the land law. Crocombe (1975, 1987), and Maude (1965) emphasised that the growing population adds greater pressure on land. Furthermore, Crocombe also suggested that low productivity was an additional problem. However, Fleming and Hardaker (1995:45-6) concluded that the lack of developments in the tenure system resulted from the fainthearted pressure for change. However, the call for change has not always been voiced by academics, researchers and never been defined by the Tongan people themselves. Nevertheless, Maude (1987) suggested that the nobles' lack of enthusiasm when it comes to land distribution and registration is because registration would reduce their power. This line of thinking regarding the authorities of landholders, principally the local males, will be investigated further (see Chapter 6).

The very intention of the set land tenure system is to protect the land or to secure the inheritance of all Tongans, which is the land. However, the Tongan land tenure system, like any other human-structured systems, is open for exploitation and/or misinterpretation. This point will be revisited in order to determine whether such practice occurs in Tonga. The idea of a land reform suffered opposition in view of the protection issue; people discard reforms in favour of the status quo because any reform would take away their rights to their inheritance. For the common people, this means their rights to use but for the estate-holders, it is their rights to use and control.

4.5 Conclusion

Changes since the 1960s have brought concerns in view of Tonga's most cherished resource: land. However, two themes have always been apparent, although they complement each other: land shortage and population pressure on land, and in each case, population increase was the underlying cause. The general understanding was that the land tenure needed to change consistent with the population growth, as well as other factors such as economical and political changes. Such understanding was highlighted by Maude (1965), and persisted through the 1970s (Fonua 1975; Hau'ofa 1977) and the 1980s (Needs 1988) up to the 1990s. This is noteworthy because, as this research will investigate in later chapters, the population has remained relatively stable in the

last thirty years, suggesting that there is/are factors other than the population as the motive for the land shortage claim.

Now that land tenure in Tonga has been described, the next task is to analyse this system by putting it into a real Tongan context. Studying land tenure by concentrating on a Tongan village is the next logical step, and enables a comprehensive approach to all facets of land use and tenure. In an environment like Tonga many discourses in terms of physical, social, economical and political domains play a role within the whole land tenure system.

CHAPTER 5.

THE VILLAGE OF NUKUNUKU

This chapter provides a particular local context for the examination of the changing structure of land tenure in one village, Nukunuku, in Tonga. It provides an explanation and description of the social, political, economic and physical environment of Nukunuku. In regard to the evolving land tenure practice, the causes and effect of changes are linked to changes in land use and land ownership in the village.

5.1 The village setting

Nukunuku village is situated on Hon. Tu'ivakano's *Tofi'a* (Estate) in the western region of Tongatapu Island. The village is just one part of Hon. Tu'ivakano's estates which extend from coast to coast in a north to south direction. The other three villages on Tu'ivakano's *tofi'a* are Matafonua, Vaotu'u and Matahau. Due to the fact that these four estates are all under the jurisdiction of Hon. Tu'ivakano, the boundaries between them are debatable according to the local people. However, boundaries between these estates of Tu'ivakano and neighbouring estates of other nobles are clearly defined. On the western boundary of Tu'ivakano's estates are Te'ekiu and Haufolau (Motu'apuaka's estate), Masilamea (Government estate) and Fahefa (Hon. Ve'ehala's estate). On the eastern boundary are Fatai (Government estate), Lakepa (Lasike's estate) and Houma (Hon. Vaea's estate) (Figure 4.3, Chapter 4).

Tu'ivakano's *Tofi'a* (Nukunuku) appears as one estate with four settlements or villages according to the official MLSNR estate sub-division map. However, local people in each of the four villages claimed that there are boundaries that divide the whole *tofi'a* into four separate estates, albeit with imprecise boundaries. In other words, there are four estates under Tu'ivakano but the hereditary estate map of Tongatapu reveals just one vast estate. Legally, the provision in the Land Act does state that Tu'ivakano has four estates. The reason for the discrepancy between the mapping and the law is due to the method of classification and mapping of estates; all of Tu'ivakano's estates are within two boundary lines, separating them from neighbouring noble's

estates. However, the boundary lines between Tu'ivakano's own estates are unclear as local people of various village settlements have various ideas of where such boundary lines should lie. The following map shows an estimated boundary for the Nukunuku Township and affiliated tax allotments.

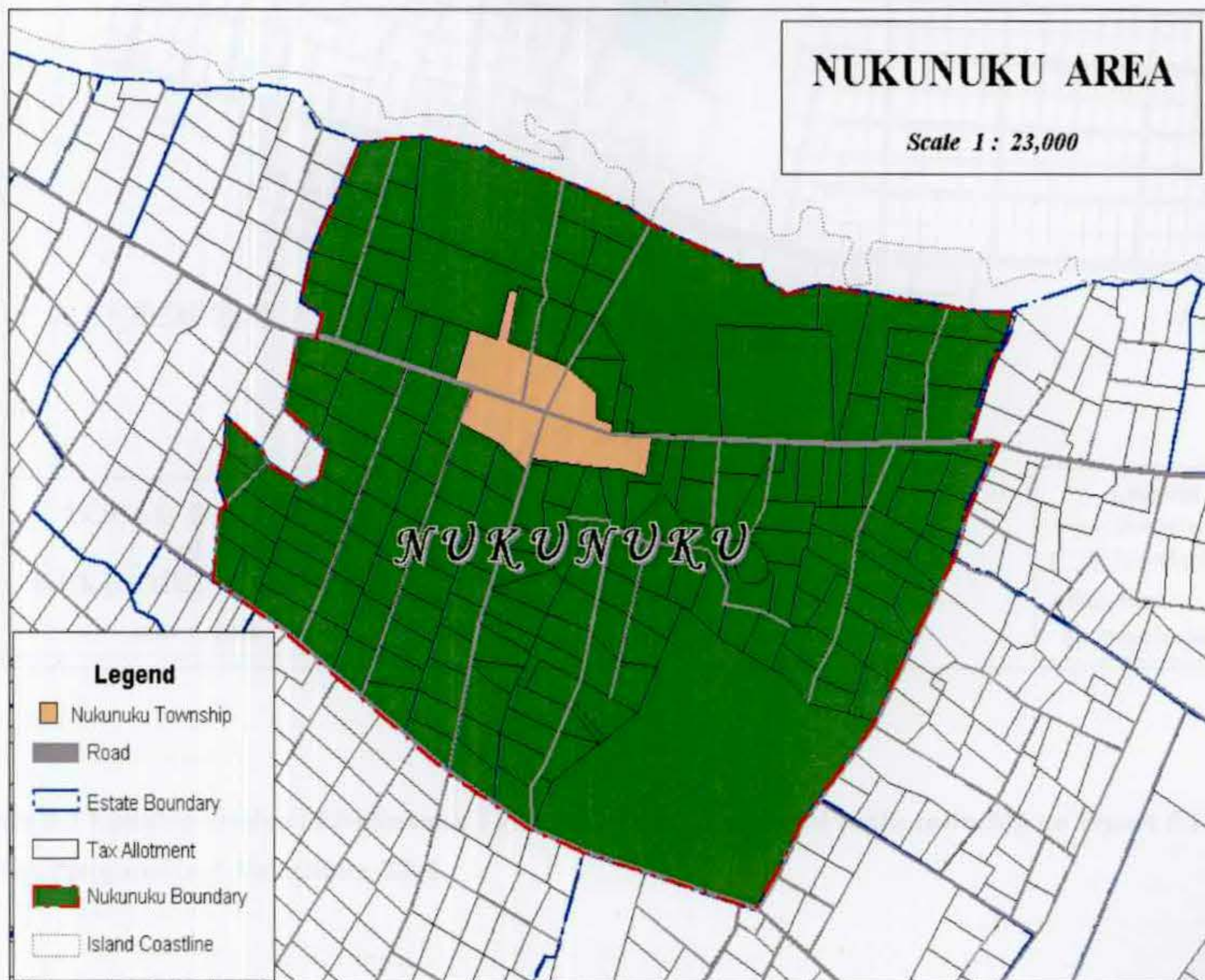


Figure 5.1 Nukunuku area according to the local people.

Source Prepared by S.Halautuituia, 2002

Nukunuku village (Figure 5.2) is situated on a hereditary estate, which is also titled Nukunuku. This is typical in Tonga; names of villages, estates and sometimes districts can be identical. Consequently, unless stated otherwise, Nukunuku refers to the village and the respective estate area.

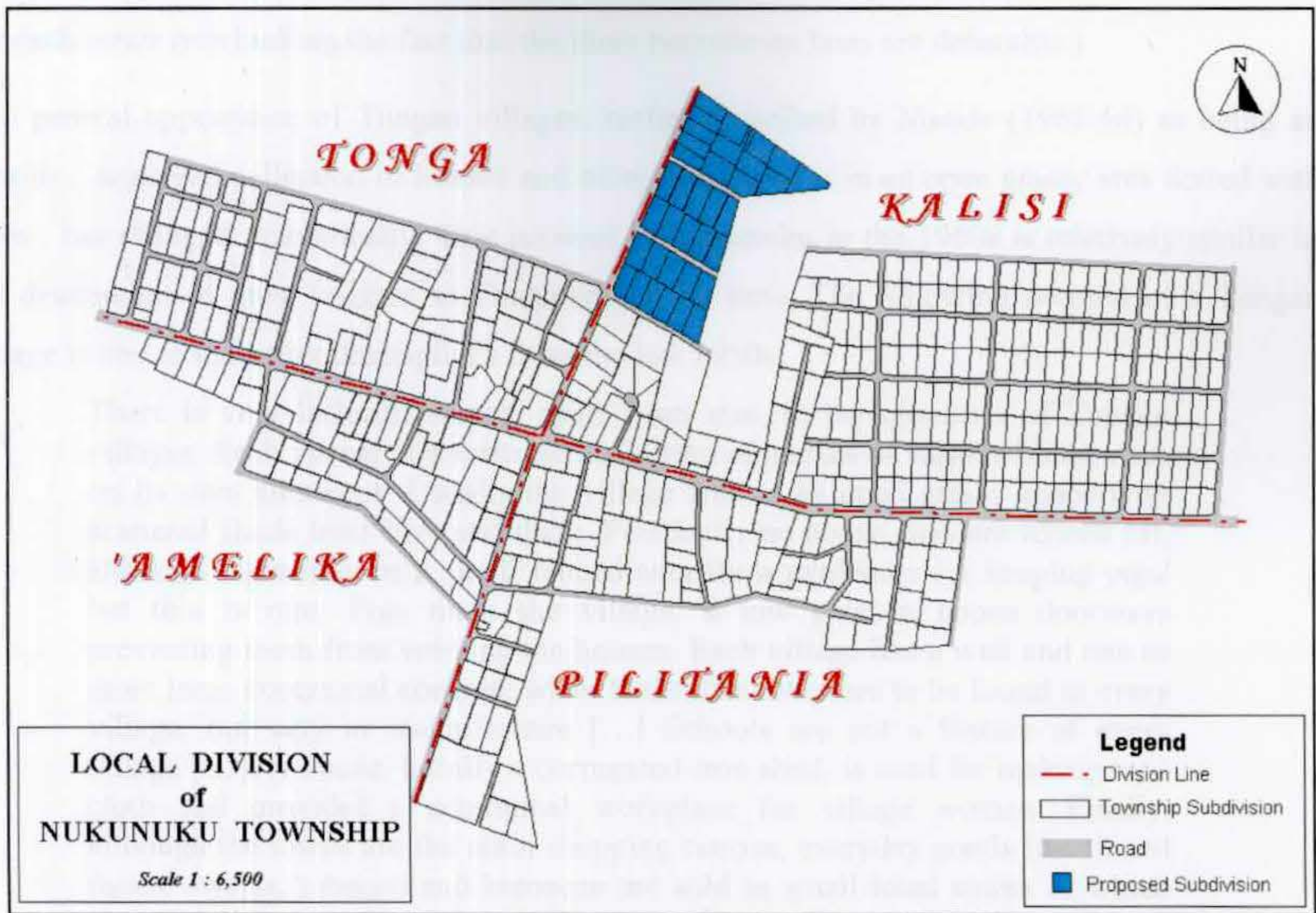


Figure 5.2 Updated version of Nukunuku Township (1999) as opposed to the township on Figure 5.1.

Source: Prepared by S.Halautuituia, 2002

Tu'ivakano, like any other estate-holder, has a '*api fakatofi*'a. This is a portion of the hereditary estate land reserved for the sole use of the estate-holder and his successors. Legally, the Land Act allows estate-holders to hold a '*api fakatofi*'a but it does not specify any limitation in terms of area relying on the estate-holder's discretion. In Nukunuku, the '*api fakatofi*'a was estimated to be 70 acres (Maude 1965:114). In addition to the '*api fakatofi*'a, an estate-holder is able to lease out portions of his estate provided that the area is vacant and does not exceed 5 percent of the total estate area. (This particular provision is ambiguous for Tu'ivakano's estates because it can refer to 5 percent of the total estate area, which according to the MLSNR map, combines all four estates. In this case, the total area legally allowed (5% of estate area) would be much higher than considering each estate individually. However, few villagers were apparently concerned about the

percentage of land leased by the noble, and many assumed that the 5 percent had been calculated for each estate overlooking the fact that the three boundaries lines are debatable.)

The general appearance of Tongan villages, earlier described by Maude (1965:54) as being an 'untidy...scattered collection of houses and other buildings set in an open grassy area dotted with trees', has changed dramatically. That account of Nukunuku in the 1960s is relatively similar to the description of most villages in Tongatapu at the time. The following account of a Tongan village is one of the better descriptions from the late 1950s.

There is very little difference, apart from size, in the character of Tongan villages. Each village is a scattered collection of houses of various kinds, each on its own allotment. Usually the village area is an open grassy space with scattered shade trees here and there. Practically no house sites are fenced off, although there may be a small fenced area for a garden or for keeping pigs, but this is rare. Pigs roam the village, a low gate in house doorways preventing them from entering the houses. Each village has a well and one or more large communal concrete water tanks. Churches are to be found in every village, but vary in magnificence [...] Schools are not a feature of every village [...]. A house, usually a corrugated-iron shed, is used for making *tapa* cloth and provides a communal workplace for village women. Finally, although the towns are the main shopping centres, everyday goods like tinned foods, sweets, tobacco and kerosene are sold in small local stores of which there may be one or more in a village, according to the size of the population. Since the introduction of payment for quality copra, small hot-aired dryers have also become a feature of many villages.

Most villages have a population of between one hundred and fifty and four hundred people. There are villages of over eight hundred [...] apart from the towns – of over one thousand. [...] A village of three hundred people consists of about fifty houses, and although families range from four to fifteen people, the average size is about six. (Kennedy 1958:166-168)

Nukunuku village at the turn of the millennium thus presents a different look from these earlier accounts. The most evident features of the 1950s and 1960s that have disappeared are the small hot-aired dryers and communal concrete water tanks. People have transformed the village through building western styled buildings, with indoor bathroom fixtures and kitchens. This development in building style meant the disappearance of once common structures such as separate bathrooms and kitchens. The only 'grassy open areas' visible are not necessarily vacant land but allocated allotments that lie idle. In addition, the traditional Tongan house (*fale-Tonga*) made of thatched-coconut leaves is rare not only in Nukunuku but also all over Tonga. The once 'nucleated village settlement' (Maude 1965:61) has grown into a larger but well organised

settlement. In the following sections, Nukunuku will be described, in a manner that testifies to its considerable transformation over the last thirty five years.

5.1.1 The Nukunuku landscape

The main island of Tongatapu is geologically tilted towards the north; hence the north coastal areas are lower than the southern coasts. Since Nukunuku is situated close to the northern coast of the island, part of the settlement is just above the water table line making flooding a common predicament especially during the rainy season. On the other hand, the wide mud flat formed adjacent to the village presents a good opportunity for fishing. Unfortunately, the shallow ocean resource is apparently becoming critically depleted according to the local people.

Nukunuku village resembles a typical 'nucleated village settlement' or a *kolo* in Tongan language (see Chapter 4). Maude quoted the meaning of *kolo* according to Mariner (Maude 1965:61) as a fortress or village or town. *Kolo* is a common reference to a settlement area or area of residence, as opposed to the term *'uta*, which means literally the bush or the area of cultivation. Fortress on the other hand is synonymous with *kolotau*. The location of the *kolo ko Nukunuku* (settlement or village of Nukunuku) is similar to settlements in most Pacific islands which are close to the coast. Given the sizes of Tongan islands however, any location is within the vicinity of the ocean but to most villagers who think in terms of units all their lives a few kilometres is far.

5.1.2 Housing in Nukunuku

Living standards have improved significantly in the past thirty years, based on, firstly, improved housing and sanitation. The number of new houses built has obviously increased since the 1960s, especially on the recently allocated land (Figure 5.3). Quite a few of these are homes for young families. Evidently, Nukunuku has grown in size because of local population growth. The expansion of the village in terms of land allocated does not mean that all land is being built upon. Some local villagers claimed that the rise in landholders was associated with an increase in the number of residential allotment lying idle.

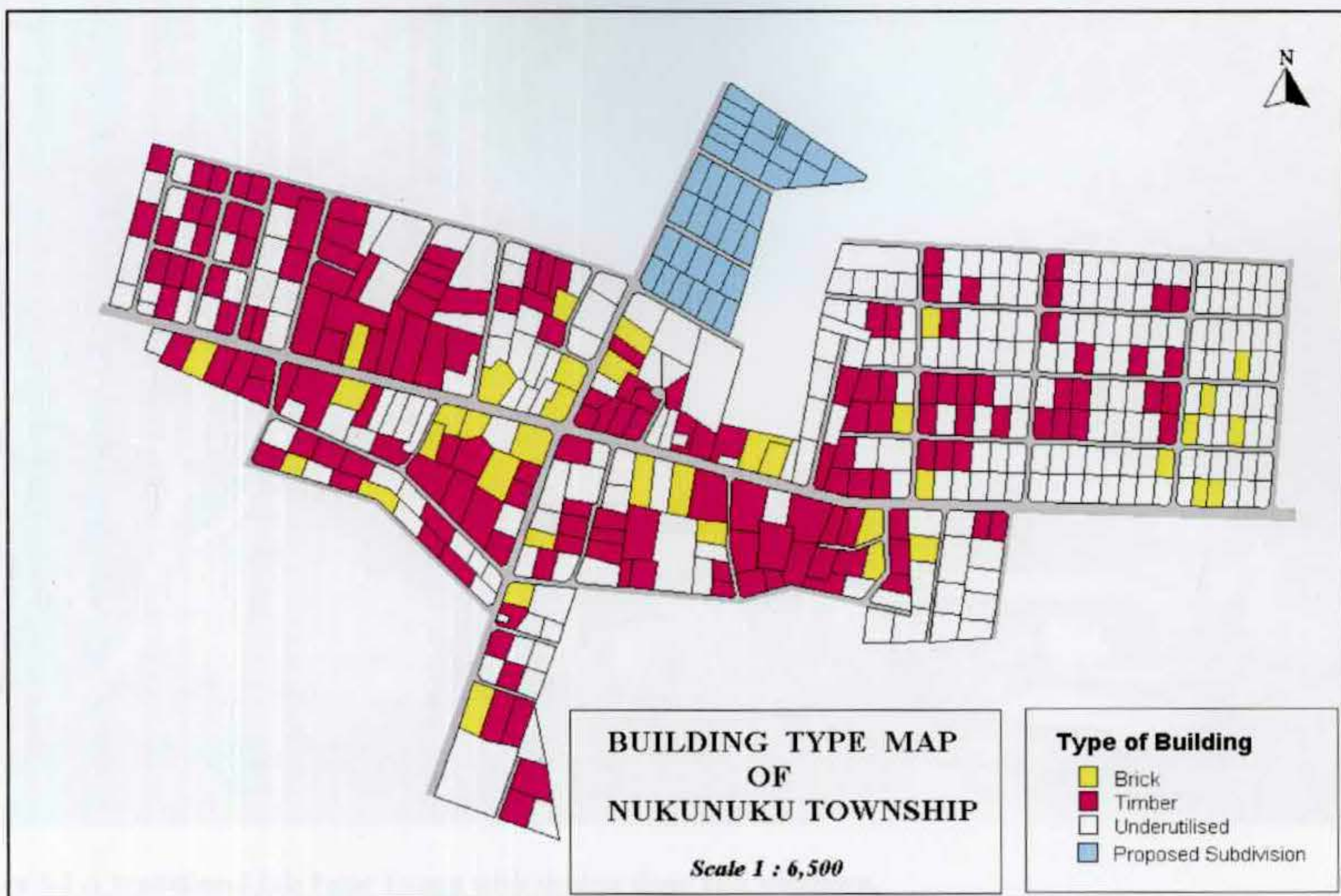


Figure 5.3 Building types in Nukunuku (1999).

Source: Prepared by S.Halautuituia, 2002

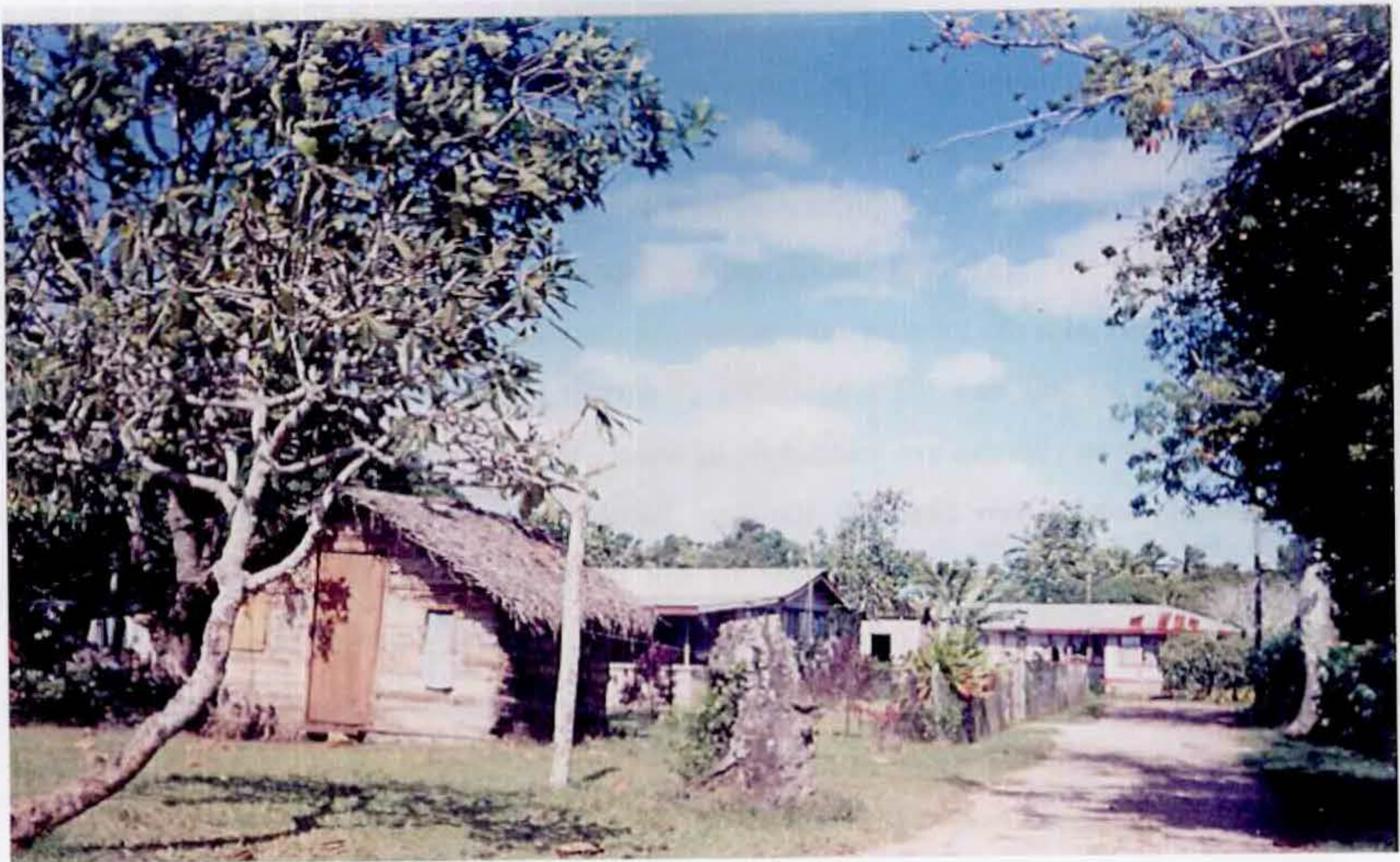


Figure 5.4 A traditional fale faka-Tonga with timber door and windows.



Figure 5.5 A fale-Tonga made of foreign materials (timber and corrugated iron).

In terms of building development, Nukunuku is one of the leading *kolo(s)* in Tongatapu. Traditional Tongan houses (*fale faka-Tonga*) are now rare in Nukunuku (Figure 5.4), but this is true elsewhere on Tongatapu. For example, the village of 'Olunga (eastern Tongatapu) showed the same trend in housing; in 1955, 71 percent of its housing were *fale faka-Tonga* and by 1984, 64 percent of its housing were wooden and boxlike (Small 1997:18). This trend was evident in the 1950s due to three factors; timber and iron roofed houses were durable, they were less damp, and gave the owners greater prestige (Kennedy 1958:169). The few houses now referred to by local people as *fale faka-Tonga* or *fale Tonga* in Nukunuku are actually oval shaped like a *fale Tonga* but made of timber and corrugated iron not thatched roof and walls (Figure 5.5). Nowadays, most so-called *fale-Tonga(s)* are of 'mixed' origin, partly thatched and partly European materials. This mixed origin type of building is also disappearing, especially in the last two decades. Throughout Tongatapu villages there are only a handful of *fale Tonga*. All dwellings now are made with mainly imported materials. An insignificant percentage of the building industry employs the limited timber produced in Tonga. Consequently, the term *fale fakapalangi* (western styled building) has become more common than the term *fale Tonga* in Nukunuku and probably most settlements across the kingdom. Other terms like *fale piliki* (brick house), *fale papa* (timber house) and *fale kapa* (corrugated iron house) are commonly used as specific references to current types of village buildings (Figure 5.6). The disappearance of *fale-Tonga* is a sign of material progress, but on the other hand it is also a sign of a changing culture. Local people are mindful of improving family dwellings in terms of durability, flexibility and practicality. In this modern perception of a '*fale*' (house), appearance is also highlighted by local people as an important component of a '*fale*'. Individual '*fale*' are not just dwellings but are signs of personal achievement. Finance plays a large part in any building, and the established *fale* may give an impression of a better financial situation than really exists, since many *fale* have effectively been donated through the remittances by kinsmen overseas. In some other cases, the bank due to non-payment of loan is holding the family *fale*.



Figure 5.6 TOP: *Fale papa* (northern frontier), and BOTTOM: *Fale Piliki* (Brick building) with an adjacent vacant allotment in Taungasisi (Nukunuku).



Figure 5.7 FWC building in Nukunuku.

Every village in Tonga is dominated by one or several religious structures, usually on or within the central area of the *kolo* or settlement. The Free Wesleyan Church dominates in the case of Nukunuku. This is quite visible as the FWC church is central in location and is the biggest building in the village, whilst Nukunuku has three other smaller FWC churches. Not only is the FWC dominant but local villagers are determined to keep it that way. Nevertheless, traditional attitudes have changed, revealed by the increasing number of religions in Nukunuku today. In fact, only 82 households (57 percent) belonged to the FWC out of the 144 households surveyed. This was followed by the Latter Day Saints (LDS) with twenty percent and the Siasi Tonga Tau'ataina (STT) at fourteen percent. There were five households belonging to the Siasi Tonga Hou'eiki (STH) and four Roman Catholic households. The rest of the denominations were the Seventh Day Adventists, the Anglican Church, the Tokaikolo Fellowship (TF) and the Assembly of God with one household each. This is a realistic representation of the religious diversity of Nukunuku. Despite the variety of denominations, three are actually factions of the FWC, namely the STT, STH and the TF. Thus in principles of faith more than seventy percent are allied in characteristics. This likeness in principles, with differences in practice, between the FWC and its

factions contributes to conformity among members on most issues. In some instances, local people expressed some degree of insensitivity towards seemingly different faiths. Faith is not a new issue in communal life in Tonga, or any culture for that matter, but it is still central in village life. Other than the FWC and its factions, most faiths do not officially recognise the *hou'eiki* (chiefs), as important social and religious figures, they only recognise high office holders in their own church. Some of the villagers even identified such religions as 'foreign' due to the fact that the church head or religious leaders were either foreigners or commoners and not the chiefs. In this respect, Nukunuku is a conventional Tongan village. Nevertheless, the fact that religion influenced people's perception of their chief in a positive way has similar effects on land tenure as well.

The tie between the church and the chiefdom is essential for the existence of the traditional social organisation. During the contact era, it was crucial for missionaries, disregarding religious origins, to secure the support of local chiefs. In fact, the domination of the FWC in Tonga can be attributed to the early coalition of high ranking chiefly lines and the London Missionary Society. Nevertheless, this relation is now reversing, as chiefs need the church's continuous support and endorsement, though people generally appreciate all chiefly links with the church. Chief's public relations pretences such as attending religious functions merely to draw public esteem, are perceived unfavourably. Traditionally, a chief without people or people's support lacks honour, respect and/or credibility as a leader. This lack is one sign of social change in Tonga, especially in the village communities like Nukunuku.



Figure 5.8 Cemetery in Nukunuku.

The house of worship is important for the living, just as the cemetery or '*fa'itoka*', is for the dead, according to the villagers. In every village, a cemetery or several cemeteries are a significant part of the village scene. Nukunuku has two cemeteries, namely Neau (1525 m²) and Matoto (2898 m²). At the time of collecting data in Nukunuku, a third area (1629m²) had recently reserved for a new cemetery site on the Kalisi-Taungasisi sector known as Fatulele Cemetery. Thus Nukunuku now has three reservations for cemeteries, a partial response to the growing population and the impossibility of extending either of the original cemeteries. Furthermore, certain areas in the two original cemeteries are tied to certain families, thus leaving others without burial grounds, especially the new immigrants. Every village cemetery is highly visible due to the customary burial method of using large amounts of white sand and other decorations in burial mounds, a practice of uncertain origin.

Significant chiefly individuals were given proper burials as the substantial existing tombs and burial grounds depict. However, the mass of commoners arguably did not receive proper burials until the post-contact era, following new religious (Christianity) and health reasons for proper disposal of the dead. In some people's view, the importance of an individual is only really evident when he or she has died. The funeral of a significant person will involve a large number of families and non-family members, with financial contributions. The social and political status of attendants is also a telling measure of the life history of the deceased. Providing customary

funerals and burials in any village in Tonga is increasingly westernised and monetised, evident from the material used, including western and customary items, and food costs. These certainly give the impression that commoners are catching up with chiefly families. The funerals of many well off families now match chiefly funerals in terms of money spent, and in the cemeteries large imported head stones and/or banners mark some burial sites. In this way new affluence has influenced village life and suggested a new equality between chiefs and people. These are indicative of other changes in Nukunuku.

5.2. Natural Resources

5.2.1 Fishing Grounds:

Nukunuku's reliance on the sea 'is to be expected in a land where water for bathing is scarce, and where sea foods are an important source of protein in the diet' (Kennedy 1958:165). Nukunuku people have enjoyed fishing grounds, including the wide mud flat and fringing and barrier reefs to the north. This provides opportunities for seafood as a supplementary diet. The southern part of the village, is slightly higher but the southern coast of the *tofi'a* is a few kilometres away; the southern rocky shores, with a few sandy beaches, are accessible and used for recreational purposes while the northern shorelines are more of a fishing ground. In reality, the nearby sea resources are being depleted at a very fast rate, thus forcing locals into deep fishing practices. Open ocean fishing requires more equipment and knowledge thus denying most people from accessing deep-sea resources. In some cases fishermen have but most people are now buying fish from such distant places as the Tu'imatamoana Fish Market in Nuku'alofa and/or from local fishermen selling their catch, or mobile fish vendors who often come through the village. This is a very significant transformation, over the past thirty-five years from subsistence fisheries to the purchase of fish. On one hand, it suggests the loss of fish stock along the adjacent coasts, but more evidently on the other hand, it shows the affluence among local people, especially those who are employed.

5.2.2 Water Resources

Groundwater is the primary source of water in Nukunuku, with some households utilising rainwater as supplementary supply. Convectional rain is common in Tongatapu due to the dominance of ocean over land area. In this regard, December to April are the wettest months and June to August are the driest. The general surface and sub-surface of the island of Tongatapu is highly permeable, hence the absence of perennial streams due to rapid infiltration. In turn, freshwater aquifers are being recharged by the rainfall. However, the thickness of the freshwater lens depends on the freshwater-saltwater difference in density, width of the island, recharge pattern and the tidal effects. Nukunuku is fortunate in terms of these factors because it has a reasonable water supply underground. It can tap into the deeper water lens which is generally in the vicinity of the Government's primary well-fields: Tongamai at Fualu (Lavaka Esatate) and Mataki'eua on Mataki'eua (Government Estate). Sometimes the water is hard but that is not considered a major concern. Quality, according to them, is secondary to quantity.



Figure 5.9 Water reservoir and water pump.

Nukunuku is classified as a rural area and it must draw its own water. The village has its own bore hole from which it draws water. This water pump is in the southeast sector, *Pilitania*; in hydrological terms, this is the deeper part of the water table, and below the unpalatable brackish water. However, there is a local association, which acts as a water council for the village, simply known as the *Komiti Vai* (Water Committee). The management of the water supply rests on this local water committee. The Tonga Water Board and the Ministry of Health provide technical staff and advice when required. The community is also actively involved in terms of provision of labour, if needed, for activities such as trenching. However, the *Komiti Vai* includes a water

superintendent, a secretary, a treasurer, and a pump operator. The Town Officer, in his capacity as a Government official, is also involved with the administration. The *Komiti Vai* has various water related duties but the main tasks are as follows: supplying water 24 hours a day, managing the account for the water supply; collecting water rates; reserving cash for maintenance or emergencies; reporting technical problems immediately to the Tonga Water Board and/or Ministry of Health; maintaining the main water pipes; and providing assistance for general maintenance of the bore hole and water pump. Considering these duties the capability of the members of the *Komiti Vai* is crucial for the village water scheme to work. Unfortunately, village water supplies in Tonga have been deteriorating because of non-payment of water rates and poor management of funds (Finau and Finau 1983). Nukunuku has been fortunate in this regard because it has qualified and skilled people in its committee and village people have generally been satisfied with the current committee.

Water consumption is expected to increase continually as the standard of living improves. Domestically, the improved housing is associated with improved internal plumbing, which leads to more water usage. Moreover there is also water loss, due to leakage, pipe bursts, and faulty plumbing. The pattern of water consumption is higher in the early morning hours and in the evening, when people do most of their domestic activities. Local people pointed out that there is also an increase in consumption during the cropping season, especially of the squash pumpkin, due to irrigation and other water requirements in the farms. The amount of water used in the farms also depends on the weather, with prolonged drought requiring more water for the crops. The importance of water for the agricultural sector in Nukunuku has increased relative to the type of cropping and the area commercially farmed.

5.3 The local infrastructure

5.3.1 Roads

The village of Nukunuku has two main roads, the Hihifo Road and the Tu'ivakano Road. The former is the main road connecting the Hihifo District, which includes Nukunuku, to the nation's capital of Nuku'alofa. Crossing the Hihifo Road in a north-south direction is the Tu'ivakano Road, which connected all three villages on Tu'ivakano's estates namely Nukunuku, Matahau

and Vaotu'u. The roads divide the village of Nukunuku into four sectors. According to the local people, the four sectors had been named and employed in a four-sector rotational scheme for local administration purposes. The four sectors are titled "*Kalisi*" or Greece (north-east sector), "*Pilitania*" or Britain (south-east sector), "*Amelika*" or America (south-west sector), and "*Tonga*" (north-west sector). In addition to these two main roads are secondary coral roads, which allow access to all town allotments. Like most rural villages in Tongatapu, the bush allotments are accessed through unpaved roadways and/or dirt roads.

5.3.2 Electricity

The village is now well supplied with electricity from the Tonga Electric Power Board (TEPB), the only Government owned electric company in Tonga. The price of diesel-generated electricity continues to increase because it depends heavily on oil prices. However, except for Nuku'alofa CBD along Taufa'ahau Road, the government does not supply streetlights. Nukunuku on the other hand has a committee, which is communally owned and run, which supplies streetlights along the main Hihifo Road in Nukunuku. Most people were adamant that the idea was based on public road safety issues but it is also a sign of the Nukunuku community's increased affluence over the years. In recent years, due to the rising electricity prices, most local village street lights were turned off except those of Nukunuku. The significance of this point is that it proved how efficient the *Komiti 'Uhila* has been in managing the street lighting. Nukunuku's *Komiti 'Uhila* (Electricity Committee), in many ways is similar to the structure of the water committee. The bulk of the fund for the street lighting came from overseas Nukunuku people, and the rest is raised locally.

5.3.3 Recreational Facilities

During the time of this survey, Nukunuku had a Sports Committee, and a plan was drafted to build a local sports field. This Sports Committee has already been granted a 20 acres lease by the estate-holder: an initiative aimed at improving the general health of the village by providing the people with accessible sports grounds. It was also hoped that this would present more opportunities for the youth, especially the unemployed, and those with talents to pursue sporting careers, as some young people could earn a living from almost any sport at any level. Overseas

clubs seek young rugby union and rugby league players in Nukunuku, since the cost is minimal to them. However, the contracts offered vary in value depending on the talent and the value of the player concerned.

5.3.4 *The Nukunuku Intermediate School.*



Figure 5.10 FWC Intermediate School in Nukunuku.

The Free Wesleyan School in Nukunuku covers both primary and intermediate levels. Its basic objectives are to allow accessible education in the Nukunuku district, including the neighbouring villages. This has allowed Nukunuku youth to achieve basic literacy, and form the basis for furthering their studies. Since the early 1990s the church could not continue to fund the school, or qualified teachers, and Nukunuku pupils then had to commute to the neighbouring village of Masilamea to attend the Government Primary School. In terms of high school level, they travel into Nuku'alofa where most high schools are located. An increasing number of youths, especially boys, leave school before finishing high school partly due partly to the physical distance, and separation, from Nukunuku.

5.3.5 Nukunuku Health Clinic



Figure 5.11 Nukunuku Health Clinic.

Traditional medicine is the most accessible medical care for the local people, and this may be provided by a traditional healer and/or self treatment (Finau 1981). Some basic medical care is provided by the local health clinic, operated by the local health officer. In addition, there are public health personnel who irregularly visit to carry out immunisation and/or child health clinics under the main hospital's outpatient services. The main hospital, Vaiola Hospital is situated in Nuku'alofa. However, local people have limited tolerance to outsiders who come in and dictate village health, partly accounting for the limited success of community health programmes. However, tailoring health programmes to the needs of Nukunuku requires health services that balance out the Government's priorities and the Nukunuku people's priorities, which is not an easy task. Overall, the local health clinic has served Nukunuku as well as it could with its limited resources.

5.4 Changes in the village: a local perspective

5.4.1 People and changes

Visually, there is striking evidence of various changes in the village of Nukunuku over the past thirty-five years, and this is corroborated by local people's testimony. The majority stated that buildings had improved in terms of type and quality, and also increased in numbers since the 1960s (see 5.1.3). This will be discussed in more detail later in this section. Nevertheless, the main factor in recent population growth has been immigration from other parts of Tonga. The local Town Officer identified this immigrant increase as one of the main signs of change in the village population. Consequently many people have expressed concern about population increase and the apparent lack of land supply, and some maintained that immigrants should be secondary to locals in regard to land allocation. This type of privileged position is not fully backed by the estate holder (see Chapter 6). Some claimed that the increasing population, especially the number of immigrants, has led to some new divisions within the village. A greater variety of religions was suggested as one part of this alleged division.

Emigration overseas from Nukunuku has also increased since the 1960s, which led to increasing remittances. Most of the pioneer migrants during the first two decades (1960s-1980s) were permanent, but for the last two decades (1980s-1999) migration was predominantly temporary visits. Emigration meant a loss from the Nukunuku population, but the village has gained in terms of economic and social benefits. There is an existing perception that overseas migration met a desire to improve local living standards, due to uneven access to land in Nukunuku and limited employment opportunities. Shifting from being a farm labourer to being a factory worker overseas is considered by some as an improvement, though farming requires more skills than a routine factory job. By the same token, unskilled migrants working on farms overseas are most likely to undertake longer working hours. At the same time, the pull factors that attracted people from the outer islands to Nukunuku, such as employment and education, also attracted Nukunuku people overseas. The benefits, such as remittances, gained by the local people and the village as a whole demonstrate the links between the local and the overseas residents. Although overseas residents generally declared that migration and remittances are all about *'ofa ki Tonga*, or literally

for the love of the Tonga, the real foundations for remitting are the needs of the individual family and the respective village community. Remittances aimed at the local villagers also have a 'bottom-up' effect because they influence the national economy in a very positive manner. In similar fashion to the effect of foreign aid on national development programmes, remittances assist local people in Nukunuku by bridging the gap between the real household incomes and expenditures such as daily needs (food supply) and short and/or long terms investments (housing and vehicles).

Some villagers argued that the increasing village population (Figure 5.14) had led to more obligations. Others disregarded this view based on the assumption that more people would mean that more hands on the job would make the *kavenga* (obligations), especially the *kaveng fakakolo* (communal obligations) easier to carry out. However, more people does not mean that all are economically, socially and/or physically able to contribute to any family or communal obligation. For example, putting a target on church donations or similar, based on the number of people, may be misleading because not everyone registered with the local church is willing to contribute, nor will everyone contribute equivalently. The more well off and also the average households in the population, especially the local elite class, have to make up for the poorer households. The underprivileged households include both local people and immigrants but the common factors are that they have no real employment prospects, no *'api tukuhau* (agricultural or bush allotments), and either have no relations overseas or their relations cannot afford to remit.

The effect of remittances is not limited to religious obligations, but influences all aspects of life in the village. Some villagers argued that politics also play a part in contributing or participating in kinship and/or communal *kavenga* (obligations) and *fatongia* (traditional duties) respectively. This was evident when people were not willing to contribute and/or address any obligation especially communal. Residents of the old settlement claimed that Nukunuku had never previously experienced the fact that there were local people neither willing to contribute nor to participate in local obligations and duties, which was generally attributed to the 'closeness' of the original residents. It was also implied that the blame lies with the immigrants; nor contributing and not participating are new responses to either family or communal obligations. Equally, contributing or participating in family or communal occasions does not mean that one is totally in agreement with such obligations. Nevertheless, most villagers remained willing to contribute to communal activities in Nukunuku.

Co-operation has been a key element of village communities in Tonga for centuries. The allegations of recent disunity are not new. Residents from the old settlement admitted to occasional arguments during community meetings but implied that it was more difficult to integrate immigrants into the Nukunuku structure and norms. At the same time, people are now willing to express their views, and have acquired some wisdom and some knowledge to make their own decisions and prioritise their goals. In this sense, individuality has come to rival communal decisions, and activities, and the individual family has become more significant than the extended family.

We all wanted the best for our [individual] families. In those days, you can take care of your family by growing your own food, may be offer the surplus to your kin, and still have enough for some obligations. Now, this is hard because you need money, most things costs money. At the same time, kin members have multiplied. So you need much more now, money and land for instance. (Moli pers.comm 1999)

Acquiring better standards of living is now seen as being only possible on an individual household basis; it is impossible for one household to improve the living standard of every household member within its kinship network.

I can not take care of my family and other families of my kin. I need to take care of my own first. What kind of a father am I, if I do not take care of my children? Putting my family in a comfortable living standard is better because only then, you can give better assistance to your kin. (Tu'ipulotu pers.comm 1999)

Some may claim that this is selfishness but it is more a function of the reality of commercialism and materialism in modern Tonga. Improved living standards include better housing, a vehicle, and/or fencing off of individual properties. These achievements not only differentiate households but also create a buffer between households, especially neighbours. The traditional norms of communal sharing, where neighbouring households and/or relatives can borrow and/or use one another's property, are being redefined. The traditional way is only possible with certain items such as basic tools, like shovels, but not luxury items, such as vehicles. In addition, the norm of Tongan communal living where people have virtually unrestricted access throughout the settlement area, has dramatically declined. Demarcated boundaries and improved standards of living allow people to fence off their allotments restricting the communal sense of freedom but promoting individuality among households.

5.4.2 Youth in Nukunuku

The increasing village population has been accompanied by an increase in the extent of landless people and unemployment. The few local people interviewed that recognised this trend referred to the youth population. This was paralleled by concerns over the number of youths who either voluntarily left or were compelled to drop out of high school, based on situations beyond their control. Such situations included financial difficulties and/or social issues such as drinking. Some youths have contributed to an increasing number of crimes such as public drunkenness, disturbing the peace and theft. In most cases the local police deal with such unlawful behaviour. In some incidents, the family or community leaders intervened, to avoid police intervention that could land the troubled youth in court or in jail. Having a criminal record would mean that future references, especially for visa applications, would be compromised. Families believed it their duty to be responsible for their children and most families are concerned with public humiliation, especially within a small community like Nukunuku. Problems caused by youths would result in a family facing some public criticism. Youth problems and solutions are not isolated to the village of Nukunuku, but are common among villages across Tongatapu, but most elderly members of the Nukunuku community stated that increased youth misconduct was relatively new, and linked to relatively easy access to alcohol. One local elder mentioned the fact that until the 1980s, the only way to buy alcohol from liquor outlets was to apply for a licence from the police. In defence of the 'old' Nukunuku, some of the elders alleged that most youth problems were concentrated in the recently settled area to the northeast, *Taungasisi-Kalisi*, where most immigrants had settled. However, though the northeast sector of Nukunuku has the highest number of youth problems, this is where the village has expanded in numbers, whilst the average household age is younger than the rest of the village. To censure this area is unjust, but the fact that there are problems experienced in the area is still a concern, while the censuring of one part of the village is indicative of social division within it.

An increasing number of youths had joined various local *kalapu kava Tonga*.¹ This is perceived as an encouraging sign because, characteristically, through these clubs, youths are pulled away from alcohol and socialise with senior members of the community. Alcohol consumption patterns of the Nukunuku people have not been examined in detail, but observation suggests that

alcoholism (alcohol consumption) is favoured by younger generations, and has negative repercussions according to the older generations. *Kava*, on the other hand, is generally perceived to have helped people relax, venerate, and explore connections with both their past (culture and traditions) and their environment (human and physical). More importantly, through the *kava* clubs, young people contribute to the community through the *kalapu* community development schemes, for example fundraising for local community projects or offering cheap labour to local farmers. One such *kalapu* is the Kalapu 2000, which in recent years has made extra efforts to keep the streetlight project afloat through generous donations. In terms of manual labour, youths are an important source for local smallholder 'mixed' farming. In general, youths, even those with limited education and unemployment status, are invaluable members of the Nukunuku community.

5.4.3 Language

Changing use of language, and changing patterns of dress, highlight the changing culture in Nukunuku, since the two most common changes since 1960s suggested by the local people were the language and the dress code. These changes can also be put into context in terms of changes in land customs. Increasing contacts with foreign countries and people have lead the Tongan language to either borrow or assimilate foreign words, primarily English. The older generation attested to these changes in general daily language, not only in what is being said but also the way it is said.

Case 5.1

The customary word for 'farewell' is '*alu a*', which is short, direct and polite. Nowadays, some of the youths adopt English farewell remarks such as 'see you later', which is tricky when this is not translated properly. The Tongan slang used instead is '*tau toki sio*' which is improper and impolite in the Tongan context.

¹ *Kalapu* is the Tongan version for a club (or society), hence a *kalapu kava-Tonga* is social club set around the traditional *kava* party. There is an executive committee that administrates and manages the club funds and functions, supported by core members. There are affiliated members either from other clubs within Nukunuku or from other villages.

Some local critics claimed that these changes would lead to the end of the Tongan language. On the other hand, some interpreted the changes as a sign of development. The development of the land market in Tonga has led to the introduction of some new terms, such as the *'api-fakatau* (bought allotment), but it is largely avoided because of the legal sensitivity of such practice. The country's increasing involvement in the world scene necessitated some change in the most basic means of communication, language. Unfortunately, the trade off is far too dear, traditional vocabularies and sayings are increasingly ignored which is the very reason for the Ministry of Education's move to include Tongan Studies in high school curriculum.

5.4.4 *The Tongan dress*

The way people dress has also changed due to two main waves, namely the first contact and the modernisation of the 1960s. Instrumental in transforming the national attire, customarily marked by the *ta'ovala*, Her Majesty the late Queen Salote after the Second World War, permitted the wearing of a sort of token *ta'ovala* in the form of a narrow strip with dependent fringe as an alternative to the full mat after the war (Luke 1962:190). The way local people express themselves through clothing is also a representation of acculturation. In this regard, most elders point straight at the females especially the young generation. Trousers, either short or long, were once out of bound for females. Now some women are pushing the limits between their personal choices and what is acceptable by the Nukunuku society. One prominent community leader expressed concerns that young women were becoming more revealing in the way they dressed. (Ironically, people were partially naked in ancient Tonga until the contact with a whole mix of Europeans, more specifically the missionaries, who transformed the way Tongans dressed. The dress and presentation of the individual became a key instrument in post-contact culture.) Old dress styles highlighted the Tongan way, or *faka-Tonga*, in terms of comradeship because everyone dressed similarly to each other. The *tupenu* (a piece of loincloth worn like a skirt) and a *ta'ovala* (piece of mat worn around the waist) became the national dress. Men could wear either a *tupenu* or trousers, while the women could only wear *tupenu* or skirt. This 'adopted' national dress is still worn on special occasions and official affairs. Elders concern is with the dress worn by some people in normal daily circumstances. The way that people dress is also associated with their social and political status. Most people dress in ways that are considered appropriate

because dress influences the reaction of others. The simple *tupenu* and *ta'ovala*, with a shirt, is further enhanced by wearing a coat and a tie. These latter additions to clothing are mostly worn by men perceived to be of social and political significance, such as an ordained preacher or a member of parliament. In the village scene, these additions to the usual Tongan attire (*tupenu* and *ta'ovala*) are worn by the elite of Nukunuku on special occasions.

In terms of social change, the way that people now dress emphasises the closing gap between the higher strata of the social structure, royalty and chiefs, and the people, especially the elite. Chiefly families have enjoyed the best-imported materials since European contact, but this changed dramatically during the 1960s. Some clothing, in terms of style and/or materials, used to be associated with the chiefly families, because of the constraints on accessibility and affordability. Four decades ago, imported quality materials and clothing would have been expensive and/or in limited supply, but that is no longer so. Some village people mentioned once that they would not buy or make similar clothing to that of the noble's, out of respect. However, since the *tupenu* and *ta'ovala* with a coat and tie is becoming common, the Russian styled shirt has become the new trend. This used to be worn mainly by members of the chiefly families but it has now become increasingly common. Village people have caught up with the upper strata of the social structure in terms of dress. Differentiating chiefs and commoners through dress is now impossible. However, differentiating people based on dress may now be an economic gauge, since the underprivileged and economically constrained can be distinguished by dress. The *ta'ovala* has increasingly become a distinguishing point. Some types of *ta'ovala* are rare and only possessed by members of the royal family but more common finely woven kinds, known as the *kie Tonga*, are generally worn by chiefly families and by some common families. More generally dress may be indistinguishable as the standard of living improves.

The type of *ta'ovala* worn in times of mourning, the *ta'ovala putu*, is also changing. People have begun to improvise with the cheaper, readily made and more flexible *kie Ha'amo*a (type of woven mat from Samoa) instead of the roughly woven Tongan type. It takes a lot of time, effort and resources (pandanus leaves) to make. Improvisation is increasingly common as people are employing foreign materials such as knitting strings, and even plastic strips such as video film strips, to make a range of *ta'ovala*. The main reason given was that the traditional materials such as pandanus leaves are not durable enough. It also takes time to grow and process these natural resources. On the other hand, foreign materials, such as strings, are much cheaper and more

accessible. Furthermore, the foreign materials now available offer versatility, a characteristic that the traditional material lacked.

In addition to the *ta'ovala*, other garments are also used to show social and financial eminence. People continue to acquire overseas made garments but these are expensive for special occasions. Even daily clothes can be expensive, as in the case of youths desirous of dressing like overseas youths and celebrities by wearing popular brands such as Nike and Reebok. Most of these may be remitted goods requested by the local youths in Nukunuku. On special occasions, local elites may dress elaborately, especially the females, which express not only their individuality but also their economic and social status. The desire to be conspicuous is clearly demonstrated on occasions like the White Sunday, which occurs in May every year (*faka-Me*) when adults teach children to be competitive in the way they dress, and every family strives to dress their children better than others. Some people spend a lot and some appeal to overseas kin for assistance.

The changes discussed above regarding buildings, social behaviour, language and dress in Nukunuku, are all indicative of the social and economic transformations in the last thirty-five years. These people-oriented changes have almost guaranteed that the relationships between the Nukunuku people and the land have also changed (see Chapter 6).

5.5. Nukunuku's two settlement waves: Similarities and differences

Nukunuku has had two distinct waves of settlement, namely the original settlers (pre-1927) and modern settlers (post-1927). The original settlement is perceived as the 'old' village (*mu'aki kolo*), in contrast to the 'new' settlement, which is basically recent sub-divisions both within the old settlement and around it. Land holdings created by subdivision of lands within the old settlement are still perceived as a part of the original settlement; these sub-divisions were done in the period 1927-1960, leaving the post-1960s subdivisions as representative of the new settlement. More distinct are the new settlements (northeast of Nukunuku) on recently (late 1970s) sub-divided land that was tied up in leases for decades. There is a possibility of similar settlement on the south part of Nukunuku (*Niumate*) provided that the estate-holder distributes the land when the lease expires. However, this area is on prime agricultural land and it is possible that this could be sub-divided as tax allotments. Nevertheless, some landless Nukunuku people

are optimistic that they will get a piece of land, tax and/or town allotments, from this particular area when it is free from the current leasing agreement. Unfortunately, no one is certain whether the *Niumate* lease would be renewed or distributed among the people.

Town allotments are generally bigger in the 'old' settlement, centred at the intersection of Hihifo and Tu'ivakano roads. Most of these 'oversized' allotments were allocated before the 1927 Land Act, thus are not affected by the limitations on allotment area. These pre-1927 allotments consist of 93 town allotments and 38 tax allotments. Since then these 'oversize' allotments have been subdivided and allocated to younger siblings of the heir or other members of the family. These recent subdivisions and new subdivisions of vacant land are smaller because of population growth and the legal regulatory allotment size. Limiting allotment sizes by law in order to cater for more people was sensible but not all of the oversized allotments were subdivided. The 'old' settlement was not well planned as some allotments were occupied before the government survey and mapping was completed for Tonga in 1962. Thus the allotments are not in grid form, except for those allocated after the survey. In contrast, in the 'new' settlement the allotments are gridded in blocks of 16 allotments each and are mainly settled by internal immigrants. However, the area is swampy and floods after prolonged rain. This is also where many vacant lots are found in a variety of situations, including unused allotments and abandoned allotments with either incomplete or vacated buildings. The secondary roads are relatively good around the 'new' settlement. However, most of the vacant allotments in the 'old' settlement belonged to people who are now living overseas. In the recent settled area (especially Kalisi or Taungasisi) the vacant allotments (see Chapter 6) are due to one, or a combination, of the following:

- a) Allotments belong mostly to people from outer islands and villages who have not migrated to Nukunuku. This is an interesting issue since there is an existing notion of land shortage, even without migration;
- b) Many town allotments are yet to be built on due to lack of funds, thus putting an indefinite delay in developing the allotment;
- c) Landowners are still overseas trying to accumulate enough funds to build a house, as indicated by migrants' local kin;
- d) Some allotments belonged to either children or adolescents from the 'old' settlement and these landowners still reside with their parents;

- e) Some owners reside in their original allotments in another village in Tongatapu.

Since the immigrants are concentrated in the newly settled area *Kalisi-Taungasisi*, on average the landholders of *Taungasisi* are younger and some have young families. These people are actually at the stage of starting a new family in a new land allotment. However, some families from 'old' Nukunuku do build on recently allocated land on the 'new' settlement. Some parents have moved to these homes leaving the original house for one of their children, who by now have families of their own. In some cases, the reverse of this practice occurs. In terms of religious denominations, more than 95 percent of people in the old settlement are Free Wesleyan Church members. However, this figure is lower in the new settlement with an extra number of denominations, but most of these people must travel to attend their own services in the neighbouring villages.

5.6 Village life

5.6.1 *The Nukunuku people*

The original people of Nukunuku were kin of the titular Tu'ivakano and are referred to as the *kainga* (extended relations) of Tu'ivakano. People would move to the Tu'ivakano estate to settle for a variety of reasons. In some cases it was through marriage into the *kainga* of Tu'ivakano. A few people claimed that their ancestors were originally from the village of Pelehake in the eastern part of Tongatapu. In the early 1900s their families were brought to Nukunuku originally because of their family traits as builders and cart-makers. The Tu'ivakano then saw benefits from adding such skilled people to his own *kainga*. Such migration by invitation was common especially when it involves local chiefly authority and these early migrants have been integrated into the Nukunuku social structure and are accepted as local people. Only recent immigrants are still tagged as 'immigrants'. Most people who immigrated to Nukunuku in the 1960s and 1970s, according to local elders, have earned the right to be called a local. However, other factors besides time influence local perceptions of immigrants. One such factor is obligation or contribution to the whole community, which some local people perceive as a mark of loyalty on the immigrant's part. Some immigrants carry out their obligatory duties to gain acceptance, while many do it more for other reasons, such as tradition and customs. Moreover, some immigrants

carry out their perceived obligations seriously, more so than some of their local counterparts, casting some doubts about the validity of 'contribution' to local acceptance.

5.6.2 The household in the village

The term 'api refers to the land allotment but it also includes the people living on the allotment. This concept of household is 'the small group of people living, eating and largely working together, [which] though altered significantly from the extended family grouping of the past, is still the basic social group' (Maude 1965:49). The number of people living in an average Tongan 'api, most of which is one household per 'api, is estimated at six people per 'api (1993 Statistical Abstract). Nukunuku on the other hand has 1,363 people and 243 households (Tonga Statistics Department 1999) with an estimate of 5.6 persons per household (Figure 5.12).

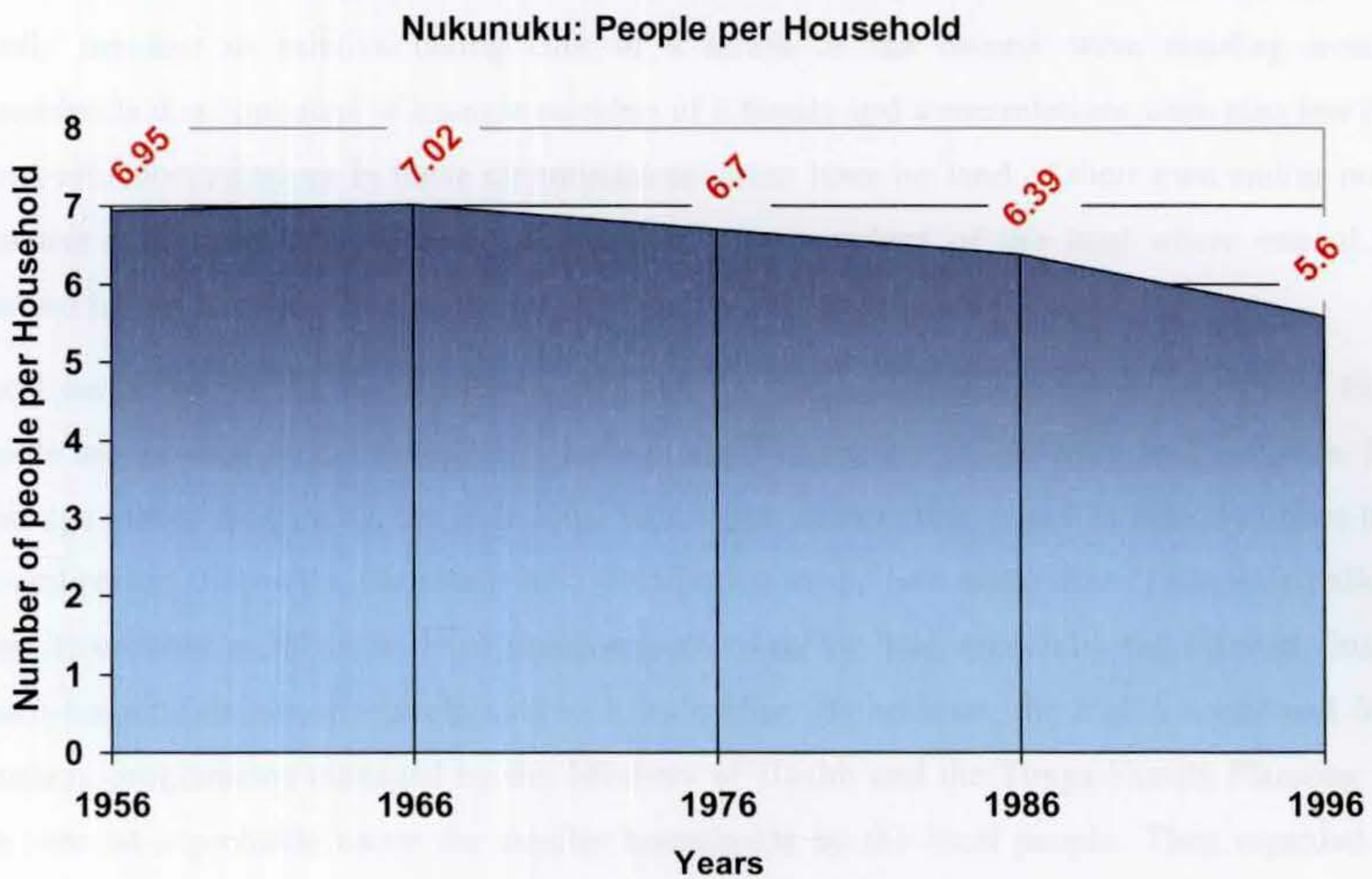


Figure 5.12: Number of people per household in Nukunuku.

The average Nukunuku household is smaller than the national average, and significantly lower than the average figure of 7.4 persons per household (Maude 1965:49) more than three decades ago. The slight increase in the 1960s demonstrated the initial impact of the early immigrants as Tonga began to embark on commercial reforms and establish the market economy, triggering increasing population movements. In Nukunuku household sizes are normally distributed, with a slight skew favouring smaller household numbers. In Nukunuku, an average household includes the parents and children, and these make up 70 percent of the total households surveyed. Households consisting of such a nuclear family (parents and children) with some other relatives living together make up the second largest group (10%), followed by households where one or more grandparents live with a basic family unit (7%). A few households (5 percent) consist of a basic family unit, some relatives and one or two family friends. The increasing number of youths has led to more youths, males especially, staying over at their friends houses for extended periods of time. Some households had just one family member living alone. These were usually either a family member or relative taking care of a house as the owners were residing overseas. Households that consisted of a single member of a family and some relatives were also few (2%). However, most relatives in these circumstances either have no land of their own and/or no real prospect of getting land, or acted as guardians or caretakers of the land where one of their married family members live on the original family allotment (*'api*).

Local people attributed the fact that households are getting smaller to two main factors. Firstly, people are moving away because they have married elsewhere and/or emigrated overseas. Inter-marriage means reciprocity, but individual land rights counter this, which is directly linked to the second reason. Secondly, the recent land distribution in the new settlement (Taungasisi) allowed some household members to have their own allotment or *'api*, especially the married children, hence households are effectively able to form earlier. By contrast, the highly acclaimed family planning programmes managed by the Ministry of Health and the Tonga Family Planning were not seen as a probable cause for smaller households by the local people. They regarded both overseas and internal migration as the main factors.

Some 130 households out of 148 expressed their thoughts on whether their household or *'api* was overcrowded. More than two thirds (78%) of respondents, stated that their respective households were not overcrowded. Ninety percent of this particular group (91 households) attributed their answer to the fact that the family, more specifically the head of the household or nuclear family

(*'ulu 'o e famili* or *'api*), was able to address various religious and communal obligations and provide for family needs. Such capability of individual heads to address family responsibilities without having to rely on the *'ulumotu'a* of the *fa'ahinga* they belonged to, was attributed to three factors, namely land access and/or ownership, remittances and employment. Maude (1965:50) attributed earlier changes in household composition to the change in land tenure, the weakening ties of the extended families, and development of cash crop production. These factors still persist but commercialisation is increasingly dictatorial. In contemporary Nukunuku, religious, communal and family obligations are a necessity of village life that it would be impractical to disregard. These continue to hold households together, despite increasing individualisation based on land. Local people are more sympathetic and receptive to those relatives, who contribute to and/or participate in family affairs, religious functions and the wider Nukunuku community. At the same time, individual households may be coerced to contribute and/or participate through fear of being ostracised, hence whether these events, duties or obligations represent individual desires is often overlooked. The notion or perception of a Nukunuku community and unity among households serves the purpose of the modern nucleated settlement of Nukunuku. Despite greater individuality, Nukunuku village still has a high degree of communality among households in terms of contribution and/or participation in cultural and religious events.

A minority of respondents (10%) gave reasons for the current small number in their households. The two main reasons given for out movement of family members from the *'api* of origin were overseas emigration and intermarriage (overseas and to other parts of Tonga), though married children kept very close relationships with their parents in Nukunuku. A few had married but still live at their parent's *'api* in Nukunuku, the norm being for the wife to move in with the husband provided he has an *'api* of his own. This is preferable because it suggests that the groom is secure in terms of land, whether his own or his parents'. The belief that it is necessary for a male to hold land in order to provide for the family is very much alive. Moreover, it is the groom and his family's duty look after the bride as a new addition to their family. Less frequently, newly weds move in with the bridegroom's parents, as people are more tolerant of this.

In some family arrangements, regardless of *'api* ownership, it is often agreed on for a male and his family to move in with either an elderly parent(s) or grandparent(s) in a caretaker or nursing capacity. Such an arrangement is common when one of the elderly parents or grandparents is a

widower. Putting a member of the household in a nursing home is inconsiderate and despicable in *faka-Tonga*. Moving in with either parents and/or grandparents is often not an option but a necessity for the sake of the elderly concerned, whilst younger generations, out of *'ofa* (or love), feel that it is their duty to look after the family elders. Younger people also assume that this practice will continue so that their own offspring will take care of them when they grow old.

In contrast to the above, twenty two percent of the 130 respondents declared that their own households were overcrowded, because of a lack of money or people moving in. For these households individual and family needs could not adequately be addressed due to the large numbers in the household, and relatives and friends who had moved in proved an extra burden on the financial situation (although this was rarely voiced). Others observed that some married children still lived at home in adequate space, hence some households expressed their need for more town and bush allotments. Only one household declared that they were short of food at times due to inadequate income. Moreover, people in Nukunuku were adamant that in the history of Tonga and of Nukunuku, no one had ever died of hunger and it would not occur. This contradicts the notion of land shortage, which will be discussed in the next chapter. The lone case of food shortage indicated the rare situation of inadequate food production or income. People still have food for consumption but may be deprived of certain luxury food products.

Commercialism has resulted in changes in attitudes towards the flow of family members between households. Some individual households raised concerns that a minority may exploit household traditions and the kinship system by neglecting their own responsibilities and rely on other kin members. Some five households or *'api* may take care of one or more children of relatively underprivileged relatives. Although small in number, it is indicative of the contemporary economic constraints on both the underprivileged and the potential host households, making it difficult for and hindering such transition between households as opposed to thirty-five years ago (Maude 1965). In regard to the village kinship networks, everyone has a duty of care towards family and other household members. Most cases where 'shifting' of responsibilities occurs, it is out of necessity. The host household will either be financially stable or must increase their income to cater for those moving in. According to most villagers, this is necessary because everything now costs money. The hosts may be financially disadvantaged but they gain in terms of family and kin respect and potential reciprocal assistance. In most cases, this further entrenches or improves their position in the social order of their respective kinship group.

Moreover, regardless of the circumstances, and attitudes to duties and responsibilities, such practices seem to potentially make the privileged households richer, land poor households poorer. Land is often transferred as a token of appreciation, through such practice, land could be diverted from the patrilineal line which will be examined in the next chapter.

5.7 Social Structure

5.7.1 Nukunuku social organisation

The social organisation of Nukunuku is typical of that across the whole kingdom. Similar to that in any other hereditary estates, the social structure is stratified and complex. Despite a general model of social structure in Tongan society, there are variations in terms of administration between estate-holders. This largely depends on two main factors: firstly, the social status of the chiefly title in relation to other titles, since there are high chiefs and petty chiefs, and, secondly, the biological history, and thus the social status of the chief himself. Some chiefly titles have been elevated in the social order because the successors to these titles married members of the royal family, namely Tuita, Kalaniuvalu, Fotofili, Ma'afu, Vaha'i; and apparent heirs to the title Fakafanua. The present Tu'ivakano wooed one of the princesses but was not successful. On chiefly estates reside the chief's kin and non-relations, commonly referred to nowadays as his *kainga*. Traditionally, the *kainga* is a kinship group related to the chief himself either by blood or marriage. More appropriately Bott (1981) pointed out that one could become a member of a *kainga* by virtue of residency. Thus residing within a particular noble's territory (hereditary estate) enables an individual to become a member of the noble's *kainga*. In general, everyone living in Nukunuku, regardless of their relationship with the noble Tu'ivakano, is counted as the noble's subject; people living or residing in Tu'ivakano's *tofi'a* (estate) are commonly known as Tu'ivakano's *kainga*. Such concept of *kainga* nurtures a sense of belonging for the village people whether they are local residents or recently immigrated. In its original meaning, the *kainga* used to represent a discrete political unit in the old society, and it retains some of its political sentiment and geographical element. This is evident as the long established Nukunuku population has reservations about their immigrant counterparts. These reservations are based on a variety of reasons, but the two key reasons are territoriality (being protective of their land) and fears of land

shortage (being aware of the increasing difficulty of accessing and/or owning land). A commonly expressed issue therefore is the question of priority, where local people argue that they should be given every opportunity of receiving land allocations first.

Since the village of Nukunuku is situated on a noble's hereditary estate the noble is at the top of the social system. To shed some light on Nukunuku social structure, a model has been developed, where the three-tiered model of the wider Tongan society is reflected in local society (Figure 5.13).

Structural Reproduction between the society, local community (Nukunuku) and the Land Tenure organisation.		
Societal Organisation	Local Social Organisation	Local Land Tenure Organisation
<i>Tu'i or Monarch</i>	<i>Tu'i or Monarch</i>	<i>Tu'i or Monarch</i>
<i>Hou'eiki or Chiefs</i>	<i>Hou'eiki or Chief/Noble</i>	Ma'utofi'a or Estate-holder
<i>Matapule/Fototehina</i>	<i>Matapule/Fototehina</i>	Ofisa Kolo or Town Officer
<i>Kakai or People</i>	<i>Kakai or People</i>	Ma'u kelekele or Landholder

Figure 5.13 Nukunuku Social Structure and Land Tenure system.

This model depicts the stratification of the national and local society, and the manner in which local village society is two tiered in relation to land with Nukunuku as an example of a hereditary estate. (This is relatively similar to Government estate structures except that there the Minister of Lands, Survey and Natural Resources takes on the role of the estate-holder). In a single village like Nukunuku, there is an 'estate-holder' which is a person of chiefly title, namely the king, or a noble (*ma'u tofi'a*), here Tu'ivakano, or the petty chief (*matapule ma'utofi'a*), and respective village people (*kainga*). The change in land tenure with the introduction of the 1927 Land Act has subsequently given the impression of a two-tiered structure of estate-holder (chief) and the landholders (people) to local people. However, the societal three-tiered structure is still the norm, in which Nukunuku has an estate-holder (chief), his *matapule(s)* (mouthpiece) and *fototehina(s)*, and the common people. However, due to educational, social and economic achievements, some of the *kainga* (the people of Nukunuku) have attained new status within the community. The

chiefly title Tu'ivakano have had personal assistants, known as *fototehina*. The original *fototehina* were brothers of the titleholder but now the present chief selects prominent individuals as his *fototehina*. Subsequently, the local *kainga* is being stratified further due to this nomination of *fototehina* and also because of some common people progressing in various aspects of village life (elites). This elite class is made up of 'new achievers' from the private business sector, academia, and religion. These prominent individuals are recognised within Nukunuku, with some being recognised beyond the local community. In a couple of cases, the selected *fototehina* was originally a member of the elite group. However, these groups are perceived as higher status than the ordinary people (commoners), giving the impression that the local social structure is not necessarily two-tiered (Figure 5.13). Socio-political issues such as social proximity to the chief further complicate the village stratification. Those who are close to the chief in blood ties or personal relationships are presumed to have some degree of credibility over their counterparts. Even among the chief's *matapule* and *fototehina(s)*, each and everyone knows his own status in comparison to his counterparts. In addition to the class of *matapule* and *fototehina* are the two *tauhifonuas* (Table 5.1) of the villages of Vaotu'u and Masilamea, the two settlements to the south of the hereditary estate. The two *tauhifonua(s)* are important as representatives of the chief in their respective villages.

The internal structuring of the middle rank of society, containing the *matapule(s)*, *fototehina(s)*, and the *tauhifonua(s)*, is based mainly on the importance of the bestowed title in terms of traditional background and relationships with the chiefly title Tu'ivakano. This further stratification within the *kainga* is evident in formal events such as an 'ilo-kava (chief's kava party) where Tu'ivakano sits in front flanked by his *matapule(s)*. Next would be the *fototehina(s)*, then the people with communal positions, such as the district and town officers, and ordinary people. Seating arrangements on any occasion depict the social order, and parallel the wider societal stratification. The roles of each of these social groups, namely the *matapule* and the *fototehina* will be discussed later in this chapter.

Tu'ivakano's Matapules and Fototehinas in Nukunuku.	
Matapule:	Fototehina:
Tongi	Pupu
Tapungatata	Kuita
Makaliukifanga	Vaeaha'amea
	Leleipe'atonga
	Tu'isoso

Table 5.1 Tu'ivakano's Matapule and Fototehina.

Household structure in Nukunuku is typical of the general households in Tonga. These household units are commonly referred to as *famili* (family). The similarity in linguistic terms may be misleading because in the Tongan concept a *famili* is a limited extended family; it constitutes a father, mother, and their children, plus grandparents, uncles, aunts and unmarried cousins either from the mother's or the father's side. The *famili* is similar to an extended family in the western society. Every *famili* is headed by the 'ulu (head) or 'ulu 'o e *famili* who is the father (authoritarian figurehead). In terms of *fa'ahinga* (extended family), this extended kin group is composed of a number of blood-related *famili(s)* or family. The *fa'ahinga's* head is known as the 'ulumotu'a (old figurehead) who is in effect the ultimate head of the family *ulu(s)*. In a generally young population, most of the 'ulumotu'a in Nukunuku are elderly grandfathers. For the immigrant households, the respective 'ulumotu'a(s) of their *famili(s)* are mainly still in their village of origin. This highlights the fact that the *fa'ahinga*, like the *kainga* is not territorial. The *fa'ahinga* may be spread across the whole kingdom and/or overseas regardless of estate and international boundaries.

Unlike the top echelon of the village society, which is dominated by males, both the *famili* and the wider *kainga* include females as well. Ranking is based on the gender and age of each member of the *famili*. Females are still socially superior to their male counterparts within the *famili* unit, thus sisters are superior to their brother(s) and the elder sister outranks both her younger sisters and her brothers. When it comes to the same gender, age is the deciding factor.

The same principles apply considering the children of the brother and the children of the sister. Collectively, the sister's children outrank the brother's children. However, between *famili(s)*, the elder sister attains the status of a *fahu*, the highest rank within both the *famili* (family unit) and the *fa'ahinga* (extended family). Latukefu (1974:3) described the *fahu* as a woman who has 'unlimited authority', hence the saying '*Tama tu'u he fa'e*' ('a child's social status is based on that of the mother's'), which is extraordinary considering that Tongan kinship is dominantly patrilineal. Commonly, the *fahu* and her children have a customary right to request and expect to receive goods or services from her own brothers (*tuonga'ane*) and her mother's brothers (*fa'etangata* or male mother). This *fahu* authority may involve the kin, over which she has *fahu* status. This *fahu* system is still common in Nukunuku, although traditional authority is not as vigorous as hitherto, and its practice also varies between *famili(s)*. In most cases, the *fahu* status can be experienced in family occasions such as funerals (*putu*) and birthdays (*fai'aho*). On *fai'aho(s)*, there are always food and cultural items such as fine mats (*fala*) and/or tapa (*ngatu*) set aside as personal gifts for the *fahu*. On every *famili* occasion the presence and the consent of the *fahu* is significant.

5.7.2 The 'old' and the 'new' order

a) The district and town officers and the 'elite'

The contemporary village social organisation has two sorts of people, namely the government officials and the wealthy/educated people, as constituents of a modern created social stratum, or elite class, giving the impression of a three-tiered social structure. In accordance with similar principles of achievements, but of a bureaucratic nature, are the recognition and respect given to the district and town officers. Traditionally, these officials are selected by the Prime Minister's Office from local village residents but recently, in a political move, the people of villages such as Nukunuku elect their district and town officers. This move was welcomed as empowerment of the people who now elect representatives as they see fit. However, some local village people are concerned with this particular method as it put either candidates or elected officials in a position vulnerable to corruption. These two local government officials have also been elevated up the social ladder, but remain within the people stratum. Indeed the only way to penetrate the people-chief distinction is through marriage and/or a royal conferred title.

Modern 'elite' commoners now challenge the traditional wealth and power of the traditional highest echelon of the social structure, namely the chiefly family. The perception of rank, and its interpretation within the customary domain as opposed to the commercial domains is an issue of significance, especially in Nukunuku. In most cases, the traditional social leaders have become powerful entrepreneurs in the modern commercial domain, thus giving them the power and wealth of both the customary traditional society and the modern business society. Some modern chiefs, including Tu'ivakano, are highly educated and employed (as a Member of Parliament) thus giving the chief credibility and integrity in the eyes of the public. Effectively, the business domains are more sympathetic to customary ranks than the social structure is towards entrepreneurs in Nukunuku.

b) The 'Fototehina' and 'matapule'

The estate-holder in his capacity as a chief or noble selects his *fototehina(s)* and *matapule(s)* and for most of the time, these are well respected by the people. Literally, *fototehina* is a plural for *tehina*, which means younger brother or cousin. The *matapule* on the other hand is a minor chief or the chief's spokesperson. These titles, when first bestowed, are social commendations for some people, more specifically the *famili* that served both the chief and the community well for generations. However, both titles become hereditary unless the chief decides otherwise. In some instances, the elder son reaped the reward for his *famili's* good service to the noble and the community. Nevertheless, a few people are recognised for their good deeds and are rewarded accordingly. It is an honour to the *famili* regardless of whether the father (head) or the son is being appointed. The *matapule* or *fototehina* have an elevated social position but must also maintain noble's trust. Both of these titles are very similar in nature except that the *matapule* is more of a spokesperson while a *fototehina* is more of a personal assistant of the chief. Traditionally, the names of the *fototehina(s)* are ancestral names of the chiefly line. On the other hand the *matapules* names are work related because they signify momentous events in the history of the chiefly title and/or signify a particular skill or talent held by the *matapule* descendants. These titleholders, especially the *fototehina(s)*, formed a social group of their own. This group has an advisory and assistance capacity to the chief due to its proximity in social and political relations. It is expected of them to lead the people in terms of addressing obligations to the chief

and, conversely, of carrying out chiefly directives. Besides Nukunuku, the only other village known to have a similar social group to the *phototehina* is Lapaha, Kalaniuvalu's estate on eastern Tongatapu, and they are titled the *kau Falefa*. However, the number of *matapules*, and *phototehinas* is really Tu'ivakano's decision and may vary between titleholders over time.

5.7.3 Immigrants

Immigrants are mostly from the outer islands where they were very much part of communities with similarities to Nukunuku. The reasons for their migration will be discussed in a later section of this chapter. However, though the socio-political differences are small they can be significant, and exist in terms of politics and administrative structures. The fact that power culture is a common feature of aristocracy in Tonga, various chiefs (estate-holders) have different manners of administration. Thus immigrants sometimes face some difficulties in adapting to Nukunuku life. For example, representatives of an absentee estate-holder may have largely administered their original village. Some immigrants stated that the relationship with their 'first' or original estate-holder was detrimental because local estate-holder representatives at times abused their supervisory power. Consequently, these immigrants were reluctant to take orders from anyone except the chief himself. This has led some Nukunuku people to the conclusion that immigrants have a rebellious spirit. In other cases, immigrants remain loyal to their 'old' chief and village of origin. Despite the fact that they now live in Nukunuku, they still address obligations in their 'old' village, ranging from chiefly, to *famili*, to wider *kainga* duties. Again, this does not go down well with the local Nukunuku people, and has contributed to some ill feeling between the 'new' immigrants and the established population. More established people argue that immigrants must abide by and be loyal to Nukunuku. However, immigrants are unable to simply cut off all ties with their original *famili* and *kainga* in their place of origin. Nukunuku people understand the *kainga* phenomenon in terms of a feudal system, which encompasses every member in a defined locality, whereas immigrants lean towards a tribal form of *kainga*, where locale is not a constraining factor.

Although some immigrants toiled to address most duties and obligations in order to be accepted as a bona fide part of the Nukunuku community few succeeded. The established population always identifies them with their place of origin and not Nukunuku. In turn, some immigrants

argue that 'acceptance' is really based on one's financial capacity and social rank. In effect, immigrants are characterised in terms of those who 'have' and those who 'have not'. Those immigrating households considered to 'have' both financial capacity and social rank contribute better and are more likely to be accepted in a shorter period of time than the 'have not' households. However, the will to contribute and/or participate, regardless of the amount given, is a sign of loyalty according to most chiefs. In line with this principle, Tu'ivakano has stated that;

I do not distinguish between immigrants and local Nukunuku people; to me, all village residents are my people. Taking into account the contribution argument, it is not the magnitude of the contribution that counts but the loyalty shown regardless of resident status. (pers.comm. 1999)

The apparent division between the immigrants and the locals concerns adaptability. The common negative feeling against minor identity differences between local people and immigrants highlights the fear of cultural reform among local people. This stems from the fact that the Nukunuku people view 'Nukunuku culture' as a stable and unchanging entity.

We are thankful that the noble [Tu'ivakano] and the senior residents of Nukunuku are still upholding traditions, which is important for us here in Nukunuku. We have our own way [customs] of doing things and it has been that way for ages. This is the main reason that binds us [local Nukunuku] together as a community, and we have our chief, and the chief loves his people here. Any change with our customs or culture will damage a lot of things including the unity of the Nukunuku community. (Saimone, pers.comm. 1999)

In this sense, culture is referred to as '*ulungaanga fakafonua* roughly meaning the 'mutual conventional behaviour' of the land (Nukunuku), which is thought to be ageless and distinctly Nukunuku's. Unique to the established population of Nukunuku is the administration, which is distinctly defined by the chief's strategies and principles. Most local people are comfortable with such a relationship hence the desire for no change. There is however, a common conviction among people, both immigrants and locals, that there are changes in customary practice. People view the '*ulunaanga fakafonua* (culture) and the '*ulungaanga* (customs) as two separate systems. The former is the general *faka-Tonga* and the latter refers to daily customary behaviour, which is subject to local village circumstances. The overall '*ulungaanga fakafonua* (national culture) should be perpetual as an element of the national identity, and existent in all local communities like Nukunuku, while the '*ulunganga* (customs) change with time as a process of adaptability, though local people are reluctant to acknowledge these changes.

The only way that Tongan culture can survive is by adapting and such changes are evident in local customs. Local customs and imported customs influence each other in shaping what is experienced as Nukunuku culture. However, time seemed to be the key factor, the longer the migrants live in Nukunuku the more chance they have of being accepted as 'local'. In terms of ranking, the general perception is that immigrants are inferior to their local counterparts but many immigrants, especially the elites, fit in well above some local people.

5.8 Village politics

5.8.1 *The Local Power Culture*

Village governance is heavily reliant on the chief, the head of the whole village people collectively known as his *kainga*. Traditionally, the *kainga* as a unit was built around the local chief, and most of the members were related in some way to the chief. The chiefly title Tu'ivakano was one of the selected thirty-three titles to become the monarch's nobles (Nobles of the Realm) so that both the chiefly title and affiliated *kainga* retained their land, and hence their identity, as chief and people of Nukunuku. Tu'ivakano, as descendant of one of the selected thirty-three nobles, still holds on to many of the title's former powers. Traditionally the Nukunuku chief controlled both production and consumption by acting as the guardian of the land. This was similar to the feudal system in European society. In general, the *kainga* was, and still is, very much the political and economic power base of the chief. In a sense, the land was considered by the *kainga* as their own but the chief made all final decisions on the governance and use of the land. According to the community elders, the Tu'i Tonga was the only one who owned land. It was common for every chief and his *kainga* to present the Tu'i Tonga with the best of their produce in the annual *'inasi* festival. Thus the alienation and dispossessing of land was seen as an impractical option. It was also a customary obligation for the *kainga* to present the chief produce from the land. These are important characteristics of Tongan land tenure and are still practised today despite subsequent codified land laws.

Such land customs presenting the chief with produce from the land are still strong, especially on Royal and Noble estates. Thus the *kainga* (commoners) still either produce for their chief (estateholder) or contribute to the chief's private and communal projects. The *kainga* Nukunuku always

cater for chief's private affairs and family occasions, and also contribute to the monarchical family occasions.

On big occasions like the King's birthday, it is a communal thing. Everyone contributes but each sector has a turn of carrying out those obligations. We had our turn last year. Various households contributed various things, from foodstuff to cultural items. I think that everyone was happy to contribute. Regarding our local chief, it is mostly those who are close to him that contribute, but there are occasions that everyone here must contribute, such as wedding and funeral in the chiefly household. (MT pers.comm 1999)

Legally, the *kainga* are not required to contribute to or participate in these types of affairs. People do it for two main reasons; they feel it is their duty in appreciation of the estate-holder's (noble) generosity by allocating them land. Secondly, and on the other hand, there is the fear of being ostracised by the local community, which is not appreciated in a close knit community like Nukunuku.

5.8.2 Traditional governance and modern bureaucrats

The traditional method of governance is still practised today but in a modified manner. Village customs are the basic mechanisms that sanction traditional governance in Nukunuku. In general, there are minor differences between communities across the island nation. The differences of governance methods can be attributed to differences in the physical environment and the social status of the concerned estate-holder.

Relative to the land as a factor of production, traditional customs were made-up as a way to maintain the chief's position. This is illustrated by the co-operation and sharing customs in view of duties and obligations, and also the fact that socio-political power is concentrated at the top (chief). This type of setting, society that is used to co-operating and submissive, presents an opportunity for modern bureaucrats to exploit such a community. Bureaucrats often utilise their socio-economic position and the sharing/co-operation customs among people to achieve their own individual objectives. Bureaucrats also exploit the chief's social position to influence people. It is not uncommon for some people to use the noble's name for personal gains with or without the noble's knowledge. For instance, 'the chief said...' is one of the many ways used by village office holders to inveigle people's co-operation, and most people just follow without questioning. This kind of exploitation is usually reserved for the chief but bureaucrats and some people often

resorted to it without the chief's knowledge. This is common with minor cases, insignificant enough not to influence the village polity.

Overall, the utilisation of customs by bureaucrats is not always unfavourable. In fact, there are a lot of benefits for Nukunuku if bureaucrats master both institutions (customary and bureaucracy). For instance, local bureaucrats such as the district and town officers often seek the estate-holder's consent before approaching the people, whilst the estate-holder often employs these local bureaucrats for local communal tasks. However, these local bureaucrats need the estate-holder more than he needs them especially on a hereditary estate like Nukunuku. This is what differentiates the hereditary estates and the government estates. On a government estate, it all depends on the Minister of Lands, Survey and Natural Resources whether he governs the estate as hereditary (aristocrat) or as a government property (bureaucrat). However, it is the Town Officer that then acts as a local administrator for the minister unlike the direct relationships between chief (estate-holder) and commoners (people) in a hereditary village.

5.9 Village administration

5.9.1 The Modern Approach

a) Village management committees

At present, Nukunuku has various administrative committees each with its own function but with a unified motive; *fakalakalaka 'o e fonua (or kolo)* (develop the land or village). Having small administrative bodies homing in on specific resources and/or functions but overseen by the chief, either by physically being involved and/or as a non-participatory member, has some success. This shows the ingenuity of the chief, being both an experienced traditional leader and an intellectual, in delegating some administrative roles. However, the chief still has the overall authority. This allows healthier administration of village affairs leaving the chief to overlook the whole process. These communal committees look after the village water supply, the street lights, village recreational programmes, the local market place, and the local secondary road networks. These committees are non-profit bodies and are locally funded by one or more of the following: local

fundraising, remittances from Nukunuku people overseas, foreign aid through governmental organisations and non-governmental organisations. Each committee raises its own capital initially partially due to two main reasons: it is a necessity and it is also a requirement of most overseas donors. There are also sister committees overseas, which send financial assistance in terms of finance and equipment/machinery. These overseas organisations are formed by the *kainga* Nukunuku who had resided overseas. It is common for the *kainga* Nukunuku overseas to hold regular fundraising events for the *kainga* in Nukunuku, not as a private remittance but a inter-communal co-operation.

The noble's move to employ his own people to establish, operate, and maintain/manage local resources and activities has helped in developing a sense of ownership and belonging among the people. Local people are quite satisfied with the administration structure but they still have reservations about some of the office holders. In addition, people feel empowered leading to better commitment to the communal projects. In effect, the traditional and common conical shaped administration (Figure 5.14a) had been transformed into a (pointed-) cylindrical shaped administration (Figure 5.14b).

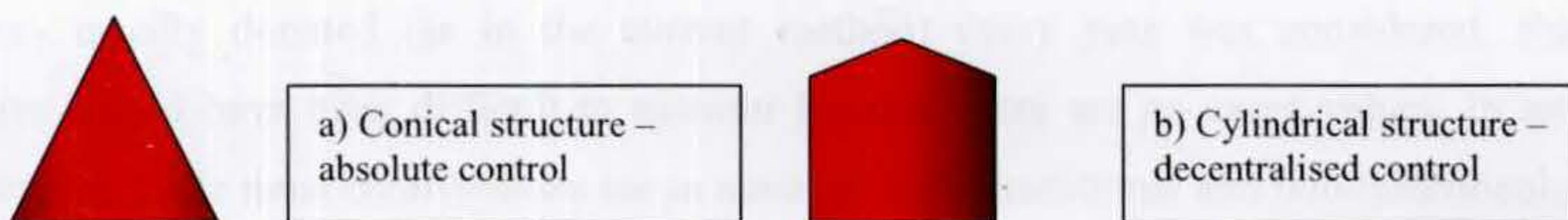


Figure 5.14 Representation of the administrative structure in Nukunuku.

The flatter structure (Figure 5.14b) allows different bodies to function simultaneously thus covering more work. The main transformation is based on decentralising responsibilities by specialising the functions of each committee. The efficiency factor of these western styled committees of administration is a bonus to the local community. The increasing development in terms of utilising local resources has worked because of the delegation of some responsibilities to respective members of certain community committees thus allowing various committees to function independently at the production level. However, at the managerial level, community leaders and especially the chief oversees these community organisations. Overall, the increasing

participation of both the local and overseas *kainga* (people) and the empowering attitude of the chief has promoted the experienced spirit of communality in Nukunuku.

b) The four sector scheme

The four-sector scheme for addressing obligations is a Nukunuku initiative yet to be adopted by other estate holders. The four geographical sectors are titled *Tonga, Pilitania, 'Amelika, Kalisi (Taungasisi)* divided by the cross road at the Hihifo Road and Tu'ivakano Road intersection (Figure 5.2). Understanding people's limitations, especially financial limitations, the noble employed the 'four-sector scheme' for rotating communal and national obligations. For example, contributions to national celebrations like the King's birthday on the 4th of July every year; in this case, each sector addresses these obligations once in every four years, thus giving each sector a recovery period of three years. This benefits both the noble and the people because by the time a sector must contribute, the people will have accumulated enough for their own consumption and for any national celebration. Furthermore, people will also be able to offer better contributions on behalf of the noble putting their chief Tu'ivakano on good terms with the royal family. An alternative method of using this 'four-sector' scheme, having all sectors contributing a quarter of what they usually donated (as in the current method) every year was considered. Such an alternative would have been difficult to monitor because there are no exact values, in terms of money values, since most contributions are in material form, traditional and non-traditional.

In rotating obligations and duties people will not suffer because in reality there is always a sense of poverty, in terms of a lack of money (materialism), but no food or dwelling shortage. The concept of poverty (*masiva*) in Nukunuku is generally understood to mean being 'underprivileged or to be without', which is usually money related and/or in some cases land related. This may however be due to people's rising expectations of themselves and/or of other people, which leads them to increasingly strive for more. Despite improving living standards in Tonga, local Nukunuku people always have an even higher standard as the indication of the ideal 'good living.' For instance, owning a horse and cart in the 1960s was paramount, owning a vehicle and/or a European-style building is the new benchmark.

In an increasingly commercialised economy the cost of traditional obligatory contributions is also increasing but the distribution of social goods (wealth and power) is very uneven. There are still

some households who are considered *masiva* (poor) due to individual circumstances in contrast to the elite, who set the ideal living standards. (However, most of the accessories of ideal living, such as a television and/or video player, are not necessities). In terms of obligations and duties, most people need some respite to attend to personal obligations and accumulate income, given the fact that the two main sources of income, remittances and cash crops, are not entirely reliable. Commercial agriculture is constrained by the market, climate and technology, and remittances depend on the possibility of migration and the donor's earnings and intentions.

5.9.2 Traditional-network Approach

a) The 'Kainga' network

Belonging to a network of *kainga* gives a sense of identity and security, which most Nukunuku people are proud of and benefit from. The *kainga* is territorial, hence residents of Nukunuku are perceived as Tu'ivakano's *kainga* regardless of migration status. The *kainga* network has some real and potential benefits but is vulnerable to exploitation, especially by those in power. For example, a prominent Nukunuku individual travelling overseas, whilst he has money, would hold a fund raising *kava* party, and would advertise it not as his, but as a Nukunuku *kainga* member. In effect, the Nukunuku *kainga* would feel compelled to donate something. People feel it is their moral duty and obligation to assist fellow *kainga*, and such response is continually reciprocated. Since *kainga* members are allocated land in Nukunuku, most village people, but especially the chief, believe that they should return the favour by staying loyal to the local polity. This course of behaviour binding the *kainga* as a collective unit to the land is significant and necessary for the current administration, especially in maintaining relationships with overseas migrants.

b) The 'fono' (Public Meeting)

The '*fono*', in earlier days, was an 'assemblage of people to be informed of what their chief wanted them to do' (Latukefu 1974:15) and is still employed by both Government and chiefs. There are three types of *fono* according to The Fono Act of 1924; there is the Great *Fono*, which can be proclaimed by the Prime Minister, the Speaker of the Legislative Assembly, any Minister of the Crown, a Governor or a representative of the Government. Secondly, there is the Nobles'

Fono, which is proclaimed by the Noble or *matapule ma'u tofi'a* (petty chief) and held at the hereditary estate. Thirdly, an Ordinary *Fono* can be proclaimed by the District Officer of a particular village, and held within that village. All *fono* proclamations are directed to all those people residing (permanently or temporarily) in or being in any town or part of the district being summoned. The Nobles *Fono*, is the more common of the three in most hereditary estates including Nukunuku. Government estates, on the other hand, commonly use the Ordinary *fono* since there is no chief.

Traditionally, attendance at any '*fono*' is compulsory and this can now be upheld legally. Absenteeism is punishable by law, and by social condemnation, but these can be avoided if an absentee has at least one good and valid reason. Absenteeism is more common now especially among youths. Since the *fono* is the only legalised official meeting for the estate-holder and the people (Nukunuku), it has been used by Tu'ivakano to address his people. The *matapule* and the *fototehina* also assist in gathering people to the *fono*, thus leaving people few options or excuses. Holding a *fono* in Nukunuku is not a regular occurrence, but the chief always calls it, especially when there is a matter of importance that concerns the whole community. In relation to land, the chief has the authority to call the *fono* (Fono Act 1924), and also the authority to make regulations on how his estate is regulated (Land Act 1927). In one of the *fono(s)* in 1999, it was announced by Tu'ivakano that it is not acceptable for anyone in Nukunuku to lease their land or part thereof to any foreigners, especially Chinese entrepreneurs. This was in response to hostile public concern over the number of Chinese immigrants, which was fuelled by the fact that there was also an increasing number of *fale-koloa(s)* taken over by Chinese entrepreneurs. In fact, almost every *fale-koloa* along the main road (Taufa'ahau Road), especially within the Nuku'alofa area is under Chinese management. In some cases, the land is also leased or sub-leased by the new foreign management. Nukunuku was the only community that responded instantly and in absolute terms to this trend, consequently, every *fale-koloa* and/or business in Nukunuku is Tongan owned. The government gradually responded by limiting the number of private businesses, specifically the *fale-koloa(s)* licensing. However, this type of public meeting substantiates the fact that Nukunuku as a community is not only unified under its power culture, but the traditional leaders, namely the chief and the *fototehina* were instrumental in upholding the chiefly directives. The majority of the people agreed, hence the motion passed to steer clear of Chinese entrepreneurial entrapment.

5.10 Village demography

The Nukunuku District includes neighbouring estates, but Nukunuku as a village is next to Houma village (Houma Estate) in population size (Figure 4). According to the Department of Statistics, Nukunuku District covers several estates, namely Tu'ivakano's Estate (Nukunuku, Matahau, Matafonua and Vaotu'u), Vaea's Estate (Houma), Lasike's Estate (Lakepa), Government Estate (Fatai and Ha'akame), and the Heir Apparent ('Utulau and Ha'alalo). Nukunuku holds more than twenty percent of the total district population according to the 1996 Census (Statistics Department 1999).

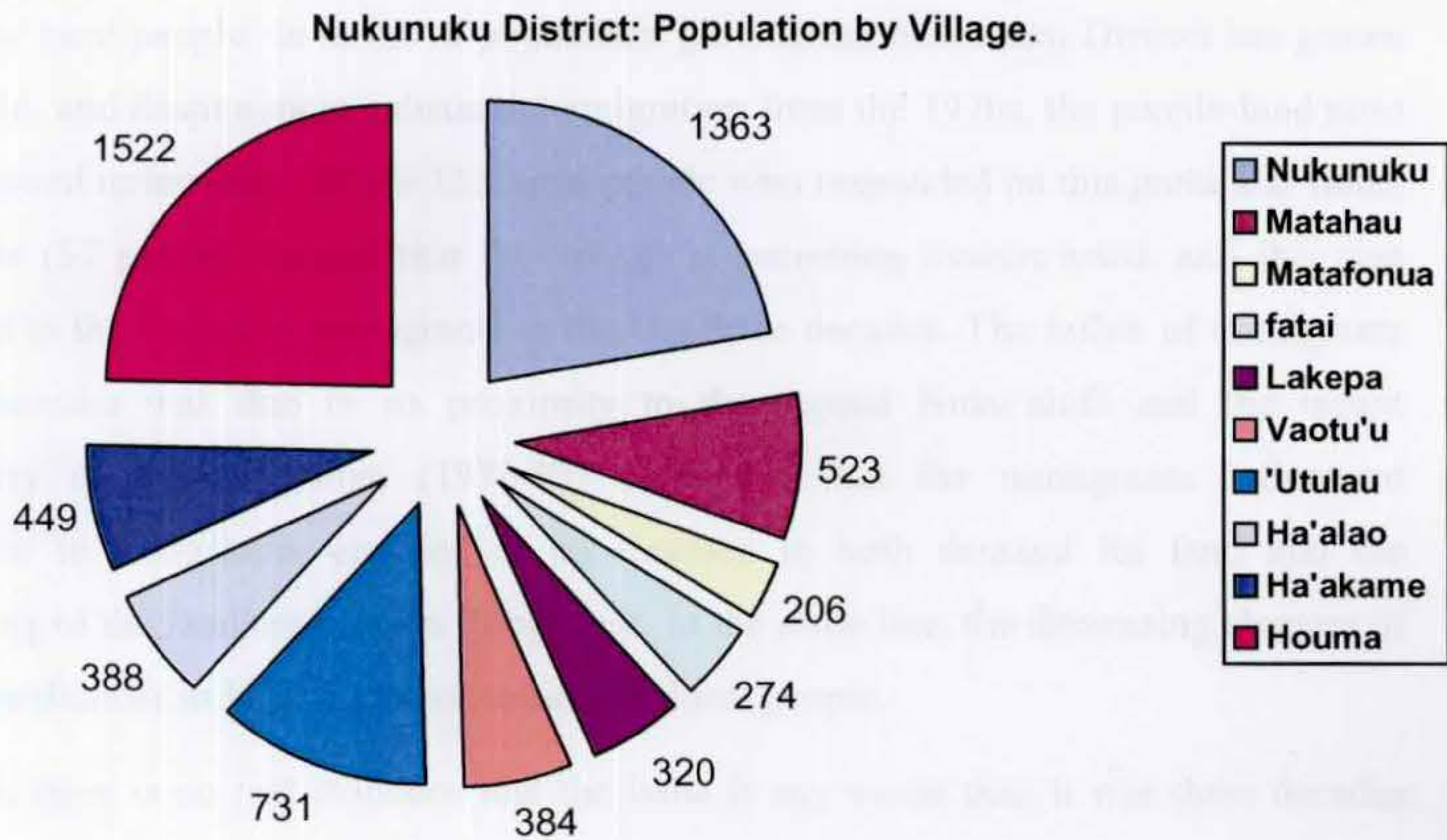


Figure 5.15 Village Populations within the Nukunuku District.

Source: 1996 Census

Nukunuku has an almost equal number of males (680) as females (683), hence the local male/female ratio of 103 is not surprisingly similar to the national figure of 101 (Tonga Statistics Department 1999). The population is also youthful, and with 500 under 15 years, meaning that an estimated 250 young males are potential land applicants and/or inheritors. Most people in Nukunuku are aware of population growth relative to land supply hence their endeavour to secure

land for themselves and their children, either legally and/or extra legally, or find alternative sources of livelihoods.

I do not think there is enough land for everyone. Our local population has grown, our village is getting overcrowded, especially in the last twenty years or so. (BT039 pers.comm 1999)

And;

I inherited my father's land but my brothers had to apply for their own land. I think this was fine twenty or thirty years ago, because there was more than enough land then. Now, it is getting difficult to have land. My land will be inherited by one of my eldest sons, but I have to find land for the younger ones. (FF045 pers.comm 1999)

Overall, the general understanding of the land shortage in Nukunuku is well established within the local people. In terms of population growth, the Nukunuku District has grown since 1956, and despite more substantial emigration from the 1970s, the people-land ratio has continued to increase. Of the 153 local people who responded on this particular issue, 88 people (57 percent) stated that the village is becoming overcrowded, and this was attributed to the waves of immigrants in the last three decades. The influx of immigrants into Nukunuku was due to its proximity to the capital Nuku'alofa and the recent availability of land. Thaman (1976:93) concluded that the immigrants influenced agriculture in Tongatapu, and led to an increase in both demand for land and the burgeoning of the landless class in Tongatapu. In the same line, the decreasing chances of being a landholder in Nukunuku concerned the local people.

However, there is no real evidence that the issue is any worse than it was three decades ago. The population of Nukunuku has remained virtually the same (Figure 5.16), with the only major change being decrease in the 1980s. Such evidence significantly challenges the notion of land shortage in the village of Nukunuku. The pressure on land, experienced by the local people, has largely led them to believe the land shortage notion.

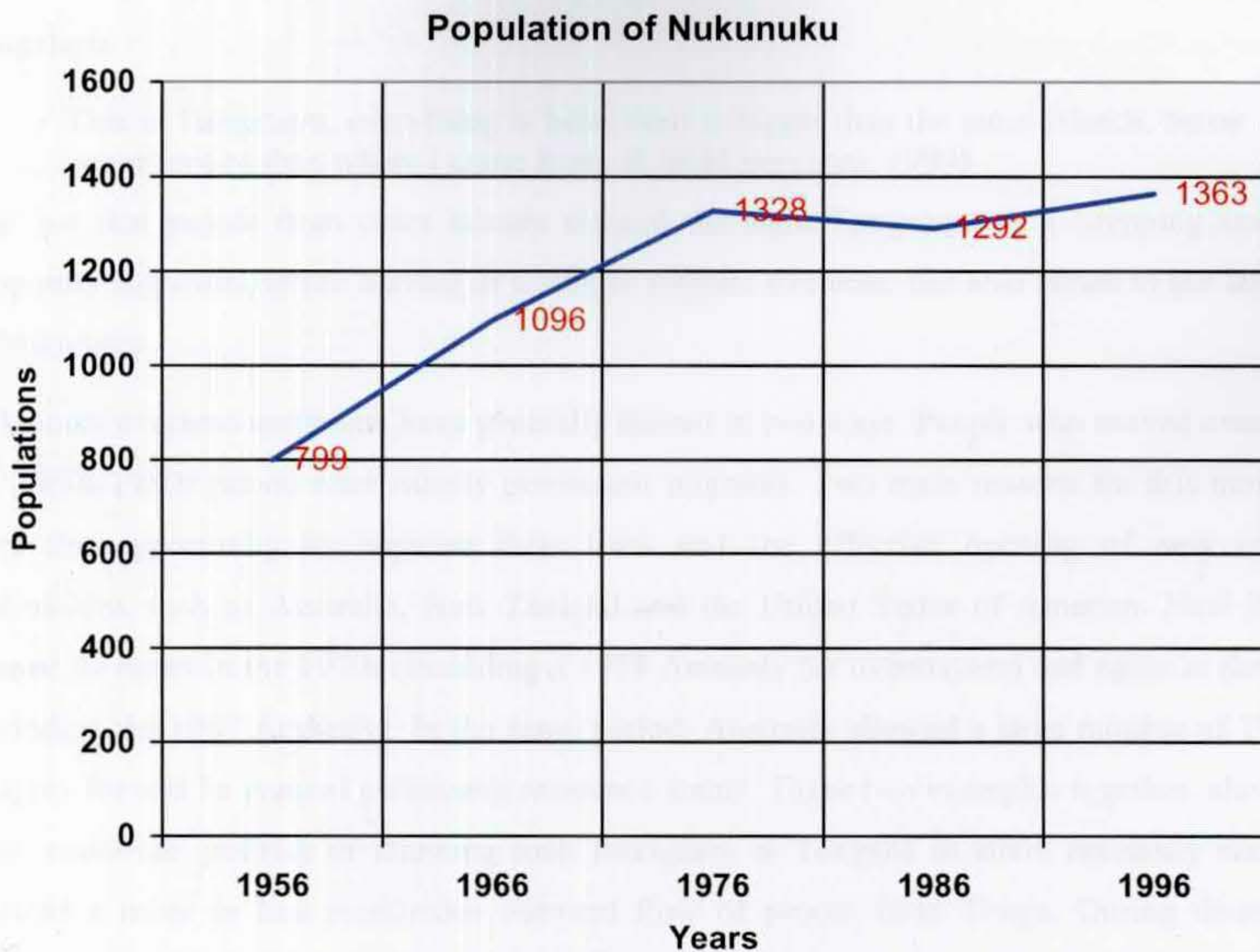


Figure 5.16 Population Growth in Nukunuku village.

Source: 1956, 1966, 1976, 1986, and 1996 Census

The population of Nukunuku used to be concentrated in the ‘old’ settlement, but the ‘new’ settlement (*Kalisi-Taungasisi*) attracted people away from the ‘old’ centre thus balancing population distribution across the Nukunuku area. Migration resulted in an accelerated growth of the population in the ‘new’ settlement, whilst some people also moved into the ‘new’ settlement from the ‘old’ settlement. The population focal point is shifting to the north east of the village area. Moreover, some of the large allotments in the ‘old’ settlement are either vacated or underpopulated compared to the recent limited area allotments (see Chapter 6).

Migration is a fact of population dynamics in Nukunuku, as in other villages in Tonga. The village population has experienced both internal and external migration. However, the concentration of services in Nuku’alofa and the assumption, based on Tongatapu’s area, that land

is available, are the main pull factors for people from both the outer islands and other parts of Tongatapu.

This is Tongatapu, everything is here; land is bigger than the outer islands, better opportunities than where I come from. (LT048 pers.com. 1999)

The fact that people from outer islands utilised the main Tongatapu as a 'stepping stone', or temporary stopover, before leaving or trying to migrate overseas, has also added to the attraction of Nukunuku.

Nukunuku overseas emigrants have generally moved in two ways. People who moved overseas in the 1960s-1980s period were mostly permanent migrants. Two main reasons for this movement were the opportunity to improve their lives and the effective opening of new overseas destinations such as Australia, New Zealand and the United States of America. New Zealand opened its doors in the 1970s (including a 1974 Amnesty for overstayers) and again in the 1980s (including the 1987 Amnesty). In the same period, Australia allowed a large number of Tongans to apply for and be granted permanent residence status. These two examples together, along with other countries' policies of allowing such foreigners as Tongans to attain residency status has allowed a more or less continuous outward flow of people from Tonga. During these times Nukunuku started to experience an outward movement of people. The outward movements increased in the 1980s and again in the late 1990s (Figure 5.17), as the early migrants (1960s-1970s) established overseas provided both means and opportunities.

Nukunuku: International Migrations

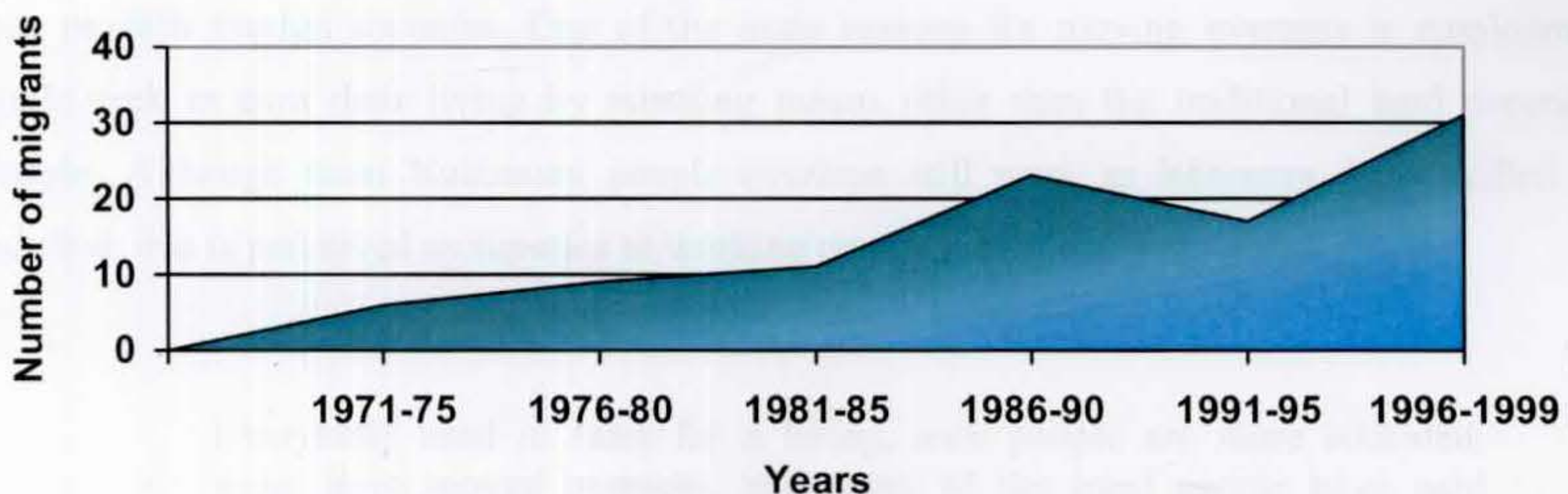


Figure 5.17 International migrants from Nukunuku village.

Source: Fieldwork Data based on local people's responses.

The emigration pattern in the late 1980s and the 1990s was dominated by temporary visits ranging from a month to a year. Even with time-limited visas and permits, it is still not certain if the late 1990's temporary visitors would return. However, many of the 1980 temporary visitors did not return, especially those who went under the 1987 New Zealand 'no-visa' temporary visitation programme. Of the 95 people identified as temporary migrants, local family members effectively stated that half the overseas migrants (47) would return. The rest of these migrants, were either uncertain about returning (22) or yet to decide (26). The 'undecided' 26 are mostly recent temporary migrants who either have family, local jobs and/or land in Nukunuku. The 22 'non-returnees' who migrated between the late 1970s and the late 1980s, have applied for or are in the process of applying for permanent residence or citizenship overseas. Some of these migrants still have their nuclear family members in Nukunuku, but are likely to seek to bring them overseas. The number of people migrating and/or living overseas is much higher than identified here because established emigrants have been successful in bringing their families or relatives to join them in their host country. On the other hand, migrants in the 1990s were mostly temporary visitors who were single when first they entering foreign destinations. One of the significant differences between the recent migrants and previous migrants (1960s-1980s) is that there are already relatives, either a *famili* and/or *fa'ahinga* member resided overseas. This allows a much better opportunity for settling in these foreign societies overseas.

People have identified various reasons (Figure 5.18) for migrating overseas fuelled generally by ambitions and necessity. Through migration, Nukunuku people generally aimed at improving their lives, and that of their *famili's*, and at the same time sought to enjoy the material comforts of these modern foreign societies. One of the main reasons for moving overseas is employment. People seek to earn their living by pursuing means other than the traditional land dependent lifestyle. Although most Nukunuku people overseas still work as labourers, both skilled and unskilled, this is perceived as superior to working on small farms in Nukunuku.

Everybody used to farm for a living, now people are more educated, some have moved overseas, and many of the local people have paid employment in town [Nuku'alofa]. I recognise that many people prefer to work in town than labouring in the plantations. We [the parents] would like to see our kids have a better life...it is easier to earn money in the

workplaces in town [Nuku'alofa] and overseas than through the hard labour in the bush. (TT01 pers.comm. 1999)

Reasons for migrating and visiting overseas.

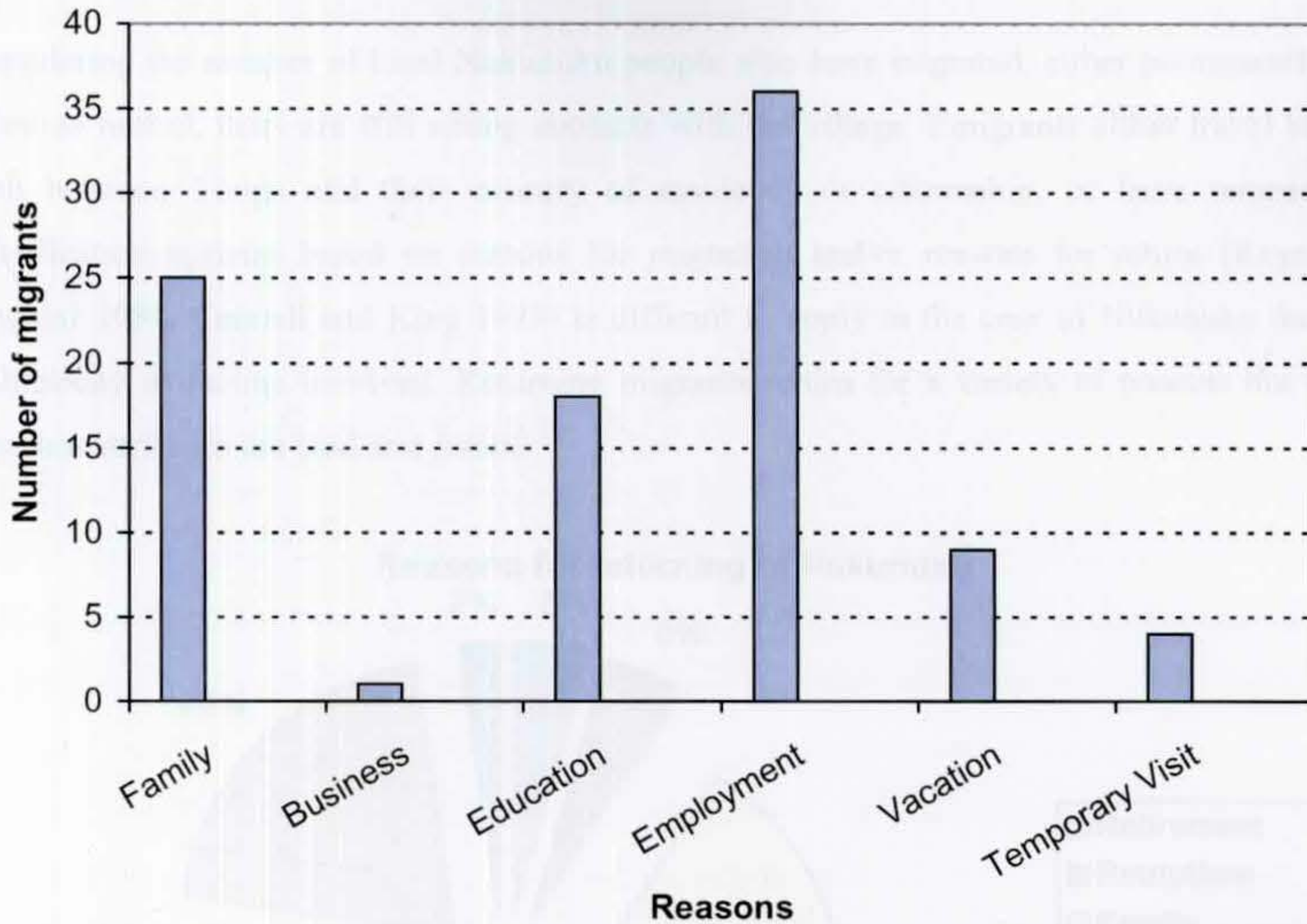


Figure 5.18 Reasons given for migrating overseas.

Source: Fieldwork Data 1999.

The category titled 'Vacation' (Figure 5.18), are people who originally migrated overseas on a long vacation from their job in Tonga, especially from the government. This type of 'vacation' ranges from a few weeks to six months, and even more in certain circumstances. However, these people work overseas during their vacation, hence the only difference between the 'Vacation' and the 'Employment' category is that the latter applied for working permits overseas. Thus some 56 percent of all Nukunuku migrants, vacation and employment combined, have been employed overseas. This is followed by the 'Family' category (22.9 percent) as people migrated to be with their family. 'Education' purposes are relatively high in numbers due to various government, non-government and foreign sponsorship schemes. People have also made an effort to send their

children into tertiary institutes overseas, with the help of family members overseas and fellow Nukunuku people (*kainga*). Only one person had migrated overseas for business purposes.

5.10.1 Mobility

Considering the number of local Nukunuku people who have migrated, either permanently or for a limited period, there are still strong contacts with the village. Emigrants either travel back and forth between Tonga and their country of residency or citizenship, or have returned. The classification systems based on reasons for migration and/or reasons for return (Reyneri and Mughini 1984, Connell and King 1999) is difficult to apply in the case of Nukunuku due to the multiplicity of factors involved. Returning migrants return for a variety of reasons but the two common attributes are land and *famili*.

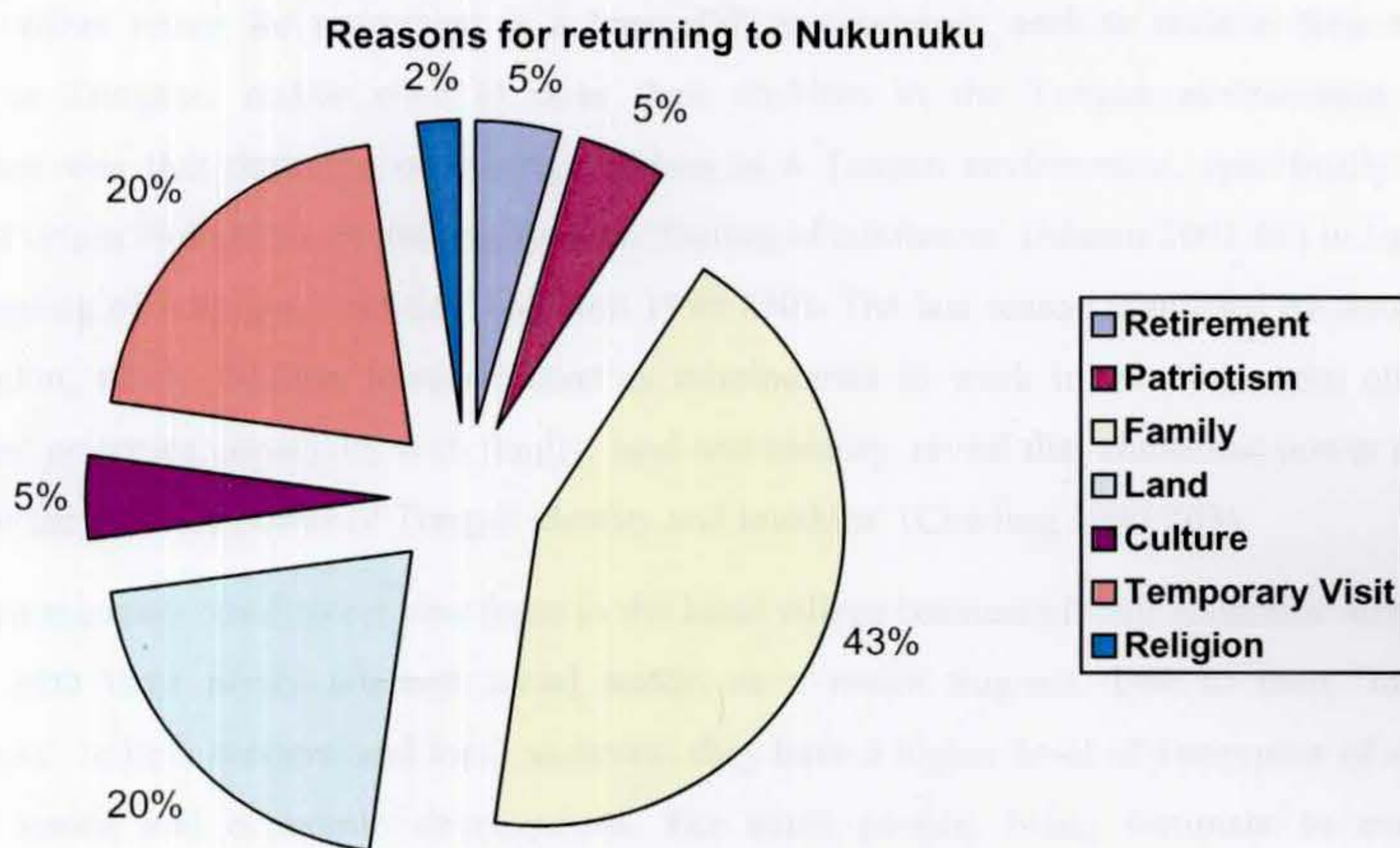


Figure 5.19 Reasons for returning migrants.

Source: Fieldwork Data 1999.

Of the 44 responses to the return migrants question, 19 attributed their return to 'family'. The main elements behind these family oriented reasons were to take care of elderly parents and/or grandparents. The second common reason was 'land' related; most of the returnees either have land of their own, are apparent heirs to the family land, or will apply for land in Nukunuku. Land owned, and other non-land assets, in Tonga generally influence the intentions of potential returnees:

In the case of the Tongan migrants who intend to return, 63.8 percent own land and 75.9 percent hold non-land assets (mean value A\$ 10.1 thousand), while for those who do not intend to return 50.9 percent own other non-land assets, with mean value of A\$ 3.9 thousand. (Ahlburg and Brown 1998:125)

An equally significant number of people have returned temporarily but prefer their life overseas. Migrants also valued their Tongan identity in terms of culture, traditions and customs hence migrants either return for retirement in a 'peaceful' environment, seek to reclaim their social identity as Tongans; and/or wish to raise their children in the Tongan environment. The assumption was that returning or raising children in a Tongan environment, specifically their village of origin Nukunuku would rectify their 'feeling of confusion' (Maron 2001:68) in light of their 'juggling of multiple identities' (Morton 1999:250). The last reason identified by returnees was religion, where families have returned as missionaries to work in the Nukunuku church. Returnees' priorities, especially with family, land and identity, reveal the 'emotional power of the family, or the emotive power of Tongan identity and loyalties' (Cowling 1990:203).

The return migrants constitute a new force in the local village because of their economic strength, coupled with their newly attained social status, as a return migrant. Due to their 'mixed-experiences' in both western and local societies, they have a higher level of awareness of socio-political issues and economic development. For some people, being fortunate to earn or accumulate wealth and knowledge overseas puts them in a better position to acquire land. However, there were also a few deportees, mostly young adults and mostly in recent years (1980s-1990s), who were seen to have no constructive contribution to the community as most returnees had or were expected to have. The majority of the returnees are an asset to their respective families and also to Nukunuku as a community, as they often join the labour force either in the agricultural or the services sector. In most cases returnees' attainments are physically

represented in Nukunuku, since the types of housing owned by returnees are distinctive and related to their financial status. These houses are perceived as 'a symbol of high status and sophistication and civilisation' (Connell 1995:274). The type of careers held by returnees, except the retirees, reveal both their education achievements and/or careers overseas. Subsequently, local people's perception of the returnees is positive but that can be very demanding at times, hence 'some of the returnees felt that there was an added sense of pressure on them to actively participate in church and community activities' (Maron 2001:85).

Internal immigrants, like the return migrants, are identified as immigrants, but with less empathy. These immigrants moved in either via marriage, the kinship network and/or through other local contacts, such as a friend. Having some sort of contact in Nukunuku is a necessary start for potential immigrants looking for or applying for land (see Table 5.2).

Most of the recent immigrants to Nukunuku from the outer islands (16 people) cited the two main reasons as education (12) and employment (6) (refer Table 5.2). All emphasised their short-term plans, but understood that land is a critical factor if they decide to stay permanently. People perceive education as the gateway or steppingstone to a better life. The Government has been trying to decentralise education services by building high schools throughout the three island groups, however it is widely believed that there is better education in Nuku'alofa, despite new schools and qualified teachers being allocated to the outer islands.

Temporary inter-village migration, although smaller in number, still exists (Table 5.2). These people are either short or long term visitors, and a visit may range between a few days to a few months. In a couple of cases, such temporary migrants were originally from Nukunuku returning to reunite with their family. These people were married to partners in other villages, then the marriage dissolved so they moved back again to Nukunuku. There is also movement within the village of Nukunuku, based mainly on kinship relations. For example, five households have taken in children of family members who are overseas. In these cases, the children live with their relatives until the parents are in a good financial position and have gained residency or citizenship status, thus allowing them to reunite with their children. In one household, the grandparents adopted one of their grandchildren as their own. This gives the child a prospect of inheriting one allotment or part thereof from their grandparents. Friends of families are also

common visitors from other villages or from another part of Nukunuku. Again, these family friends in most cases are members of the same extended family or kin group.

Reasons for migrating to and within Nukunuku.			
Households with additional members (immigrants)		41	
Migrants from:	Outer islands:	Education	12
		Employment	6
		Miscellaneous	14
	Other Villages	Employment	1
		Miscellaneous	2
	Overseas	Returning migrant	1
		Deported	1
		Education	1
	Within Nukunuku	Migrants' children	5
		Adopted	1
		Married children and their families	2
		Relatives/Friends	5

Table 5.2 Reasons for people's movements.

Source: Fieldwork Data 1999

The impact of the emigration waves of the 1960s-1970s and 1980s-1990s helped keep the Nukunuku population relatively stable in the last thirty years (Figure 5.16). In support of this effect, the government was in favour of emigration in the 1980s (Tonga Government (DPIV) 1985). In addition, employment in agriculture was even discouraged and emphasis was placed on academic education, especially social sciences and non-vocational training (Hardaker 1975);

moreover parents working on the land themselves wished their children to work at 'something better' (Sevele 1973:131). During this period there was a national trend away from rural areas as in 1965 the rural population constituted 79 percent of the total population but this had decreased to about 68 percent by 1995 (FAO 2002). However, in some places, but not Nukunuku, local population growth, local migration, and returnees countered this trend.

5.11 The village economy

5.11.1 The Tongan economic order

a) Economic way of life

The transformation from group production to individual production was partly due to the effect of the encoded land act (Land Act 1927), which provided for individual or private land ownership. The current norm in Nukunuku is that most people produce individually but maintain close relationships with members of their own household and extended families. This closeness of the *kainga* or *famili* is the basis of extended kinship in Tongan communities. In a basic economic sense, production has become individualised but consumption is still very much a 'shared' phenomenon. This is clearly demonstrated in *famili* occasions such as weddings, funerals, birthdays where members of the *famili* and the wider *kainga* will contribute in any way they can. This type of co-operation and sharing are reinforced in local cultures (*'ulunganga fakafonua*) and though religious beliefs (Christianity). Failing to lend a hand or contribute risks ostracism, especially by the *kainga*. In religious terms such 'rebellion' is also condemned. Cooperation is emphasised in the 'gift-exchange' phenomenon where it is customary for someone to present a gift in exchange for something he or she has needed or been given. Giving or granting, whether consciously or otherwise, is like a customary investment in the giver's future because the receiver or receivers will be obliged to return the favour especially when they are called upon. Once a 'gift exchange' is initiated it may gain momentum; this is termed *tauhi vaha'a*, which simply means keeping the intra-relationships within the family or inter-relationships between families. The latter make up the building units for the wider *kainga* whether it is blood related or territorial. In general, gift exchange, sustaining the *tauhi vaha'a*, is a continuous process. The communal co-operation within a *famili* or between *famili(s)*, has been attributed to bringing the

kainga together as a unit. Individual members assist or counterbalance each other's limitations. It is interesting, to say the least, that a communal institution such as the *kainga*, or the basic *famili*, in certain circumstances considers individual member's and/or individual *famili*'s production, as common goods. For example, within a *famili* every sibling, regardless of their marital status, could still consider their father's production as common property amongst themselves. Furthermore, on public occasions, the productions of individual members and/or individual *famili*(s) are usually pooled together with the assumption of common property; this collective production is then consumed and distributed among the members.

In the village of Nukunuku, this type of local co-operation helps most people in many ways. For instance, the 'haves' and the 'have nots' rely on each other in one form or another. This is not necessarily merely restricted to materialistic exchange. With respect to land, people with land, and thus to some extent better off, may exchange a small portion of their accumulated wealth for the labour of those who are not well off. Employing a labourer or labourers to assist working the land is generally free under the gift-exchange and *tauhi vaha'a* phenomena (see Chapter 6). However, both are losing power in the agricultural sector, especially in commercial agriculture, and farm labourers favour paid work, though payment may not necessarily be in monetary form.

The gap between the well off and the relatively poor is increasing despite the fact that there are limited resources, especially land. At the same time the national economy has an 'expanding cash sector and a correspondingly shrinking subsistence sector' (Helu 1999:159). Remittances, a major source of income in Nukunuku, foster economic dependency and economic inequality within Tonga (James 2000:252). Economic inequality in Nukunuku, although visible, is not entirely land-related, as many considered to be underprivileged come from the established population, who have land, and it is not necessarily restricted to the immigrant section.

In some instances, the will and determination of some people to help out, or share, consumption, has led to economic adversity. This is allegedly the main problem in some small businesses such as *fale-koloa* (small shops) becoming bankrupt. Some four *fale-koloas* became bankrupt just before the field survey in Nukunuku began. The common shortcoming in all of these cases was bad management. Like the return migrants, the *fale-koloa* for most villagers is an indication of wealth, and to some extent, shop owners are expected to contribute more than the average residents and/or average kin members. Small businesses, such as shops, cannot always survive

the effects of the 'sharing and co-operating village economy, especially the 'gift-exchange cycle' fuelled by the '*tauhi vaha'a*' custom. It is a matter of mastering the balance between managing a small shop and addressing socio-cultural obligations. However, there were both successful and unsuccessful *fale-koloa*(s) in Nukunuku. This raises the question of whether people have the necessary business skills to manage private businesses, but the business owners would also need the understanding and cooperation of both family and kin members that the business depends on profits. Taking goods and/or loans from the *fale-koloa* must be considered as that, a loan not a 'gift', and it must be paid for as soon as possible. The customary cooperation or *tauhi vaha'a* can be utilised in a business like manner, which could benefit the business and the *kainga*.



Figure 5.20 Two examples of closed local shops (*fale koloa*)

Contributions to both public and religious events are increasing and, at events like *fakaafe* (feast).² The overall consumption and/or expenses at these events far outweigh the average *famili* consumption and/or usual production. Many retained traditional customs like these, especially feasting events, are still practised but these obviously are designed to serve the traditional subsistence economy where profit is inconsequential and interdependence is the norm. The

increasingly commercialised economy has shifted the focus towards profits, making it more difficult for traditions, such as an open invitation feasting to continue.

However, some cooperative activity, such as co-operation either by *tauhi vaha'a* and/or gift exchange, is maintained by the forces of production, namely land, capital and labour. In effect, people need to produce more of what they have, like labour or capital, to make up for what they lack, such as capital and land respectively. These production forces are not evenly distributed among every member of the *kainga*, even within a *famili*. The top of the social ladder represented by the estate-holder/chief has control over the land, good access to capital and, based on social status and authority, has the capacity to employ villagers' services. The recently established elite class, do have land but their most important attributes are their accumulated wealth, educational achievements (academic) and employment status. Ordinary local people, on the other hand possess some land and some accumulated capital but a higher capacity to provide labour. Overall, both the estate-holder and the elites control two of the forces of production, land and capital, with labour belonging to the people. In effect, all three parties' co-operation is required for the village economy to function. Despite the move towards individualised land rights (see Chapter 4), there is still a great deal of co-operation because of the imbalanced distribution of the forces of production in Nukunuku.

b) Village Agriculture

Agriculture has been the main livelihood of the Nukunuku people as far as anyone can remember. People stated that agriculture (36%) was one of the three main sources of income in Nukunuku besides paid employment (37%) and remittances (15%). This pattern is relatively different from the 1980s, when agriculture was much more dominant as described by Small when she stated that:

In 1982 crops and copramaking [...] together provided the primary income source for just over a quarter of sample households. Another quarter of the village earned their primary income from wage labor. [...] Another quarter of the village households earned their primary income from handicrafts. Money from overseas relatives (remittances) was a primary source of income for only 14 percent of village households, but it was the secondary cash source for more than one-fifth of the village. (Small 1997:19-20)

² *Fakaafe* literally means 'invitation', but it is a Tongan feast commonly affiliated with special family occasions (birthdays, christenings etc.), or religion (white Sunday, Easter etc.). The invitation is generally open to the village community and hosted by the *famili*, with assistance from kin members.

Effectively, Nukunuku is much more dependent on wage and salary labour at present as opposed to a decade or more ago.

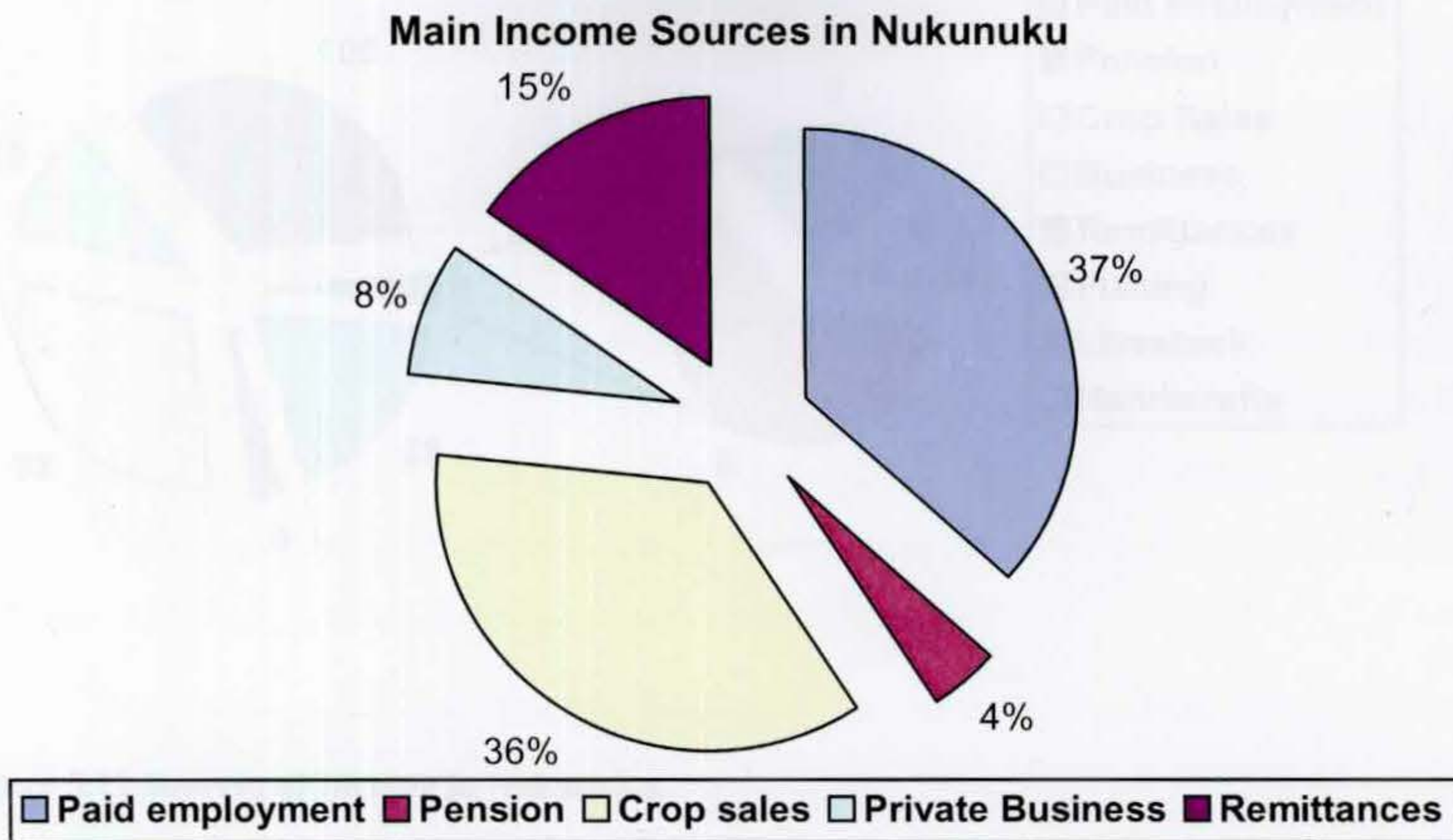


Figure 5.21 Local people's main income sources.

Source: Fieldwork Data 1999

Significantly, in the last four decades, agriculture in Nukunuku has changed from subsistence to commercial. In commercial terms, squash pumpkin is the main commercial crop. However, the majority of the people practise 'mixed' cropping, part commercial and part subsistence. Although farmers approach farming in different ways, all ended up with the 'mixed' classification. This was done in various ways, such as dividing the land into two portions with a commercial crop on one part and a subsistence crop or crops on the other part. Another approach was that farmers initially started with pure subsistence cropping, but they later sold any surplus. In a reverse of this approach, the farmers initial intention was to have a commercial cropping but they ended up consuming part of the crop. These three approaches not only show the arbitrariness of the farming practice but also how situations in Nukunuku can change a farmer's plan.

Nukunuku people's income sources.

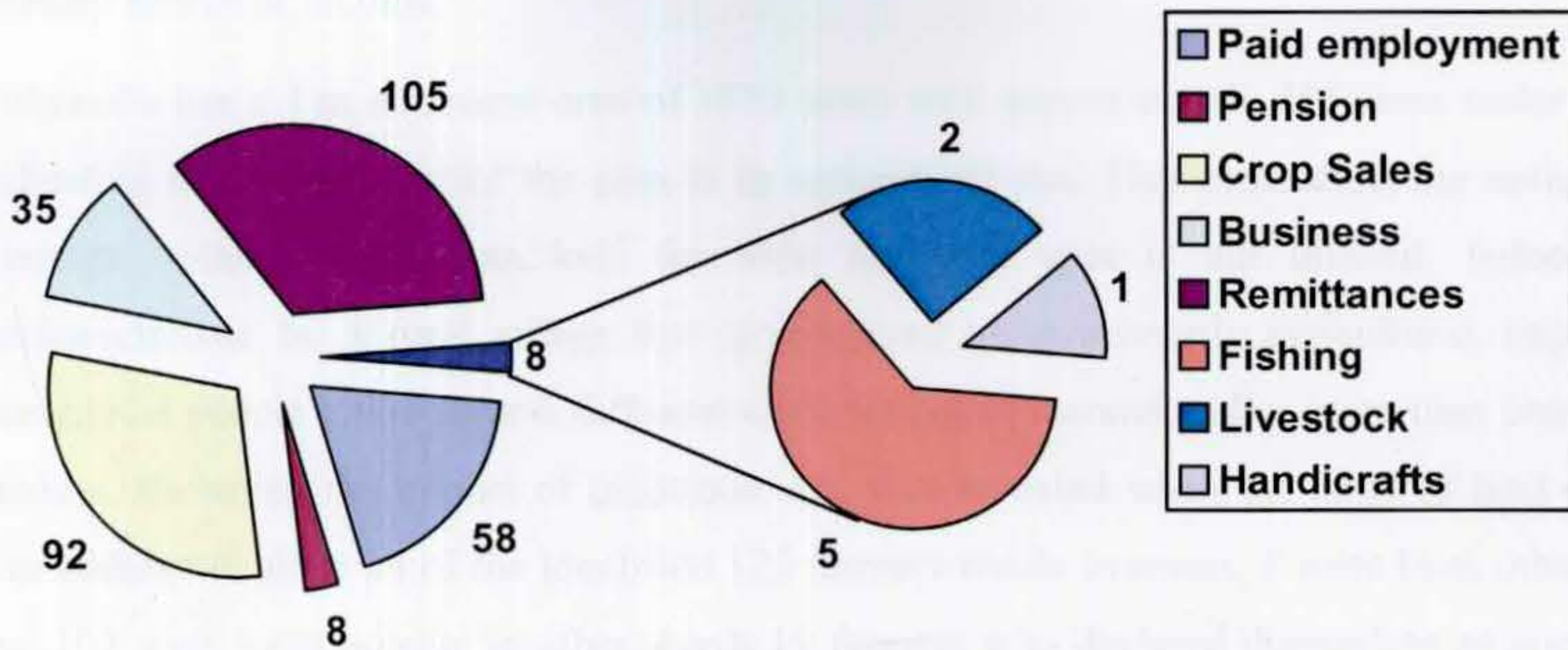


Figure 5.22 Sources of Income in Nukunuku.

Source: Fieldwork Data 1999.

There were 122 people that identified themselves as farmers but only 92 people stated agriculture as a source of income, consequently 32 people were farm subsistence only. Of people who stated agriculture as a source of income (92), only 35 (38%) stated that agriculture was their primary source of income (Figure 5.21 and Figure 5.22). Local people have other primary sources of income besides agriculture, both remittances (105) and paid employment (58) were more common sources of income, a significant indication of the reduction in significance of agriculture. Despite remittances being the most common single income source, only 14 percent of remittance recipients relied on it as a primary income source. The percentage of people stating paid employment and pensions as their primary source of income, were both higher, namely 36 out of 58 people (62 percent) and 50 percent of pension beneficiaries (4 out of 8 people) respectively. Most of the local people who are engaged in small business ventures (35) do not principally rely on their business; for example only 23 percent (8) stated their businesses as their primary income source. Only a few businesses, like the *fale-koloa* and a construction company, offer permanent, full time occupations. Most other businesses are either temporary and/or secondary interests, such as a paid employee working for the government whilst also being

involved in a small squash exporting company. Although fishing, small scale rearing of livestock and handicrafts (woodcarving) were identified as sources of income, none was considered a primary source of income.

Nukunuku has a Tax allotment area of 1053 acres with approximately 455 acres under cropping, indicating that 43 percent of the area is in agricultural use. This contradicts the notion of land shortage because more than half the total tax land area is not utilised. Indeed, this is uncharacteristic for a rural village that is perceived to be primarily agricultural, implying that many local people either have a different main source of income and/or more than one source of income. However, the impact of migration was also revealed when the issue of land ownership was addressed, since 14 of the identified 122 farmers reside overseas, 5 were from other villages, and 103 were local people; in other words 19 farmers who declared themselves as non-residents of Nukunuku, putting the land shortage notion in uncertainty.

Despite significant agricultural change (see Chapter 6), the common notion among local people that there has been improvement in village diet is debatable in terms of healthy eating. There is an ample supply of both locally produced food and imported food in Nukunuku. Local people are adamant of the fact that they can provide food for their families, if not necessarily through production, and the utmost priority for most people is to have adequate food. Providing food for the families includes purchasing either from the local Nukunuku market or the main produce market in the capital, and food may also be remitted from overseas. Thus having adequate food supply in Nukunuku does not necessarily discount any notion of land shortage.

A typical Tongan meal is basically of two parts, *me'akai*, which are the staple root crops, and the *kiki*, which is the accompanying red and/or white meat, and is primarily imported. Vegetables are often cooked together with the meat, as the *kiki*, but it can be cooked separately as a side dish. Drinks are mainly imported items, even water, and coconuts are consumed infrequently. The imported *kiki* is considered a privilege in a poor household, despite some health problems related to over consumption of imported frozen and canned meat. Having a meal without imported *kiki* may be socially inferior but it is healthier, especially when local vegetables such as *lu* (taro leaves) or fish are involved. Imported items are simply linked to wealth. Some of the older generations believe that diseases such as diabetes and high blood pressure are becoming common

today due to the recent adopted diet. Imported meat such as *sipi* (fatty mutton) and high sugar content food are now accessible to most people in Nukunuku.

There is an increasing number of households with vehicles, white goods and allotment boundary fences. Fences are generally built to control entry and exit to and from the allotment by people and animals. Fencing individual allotments is a relatively new initiative. The older generation vouched to the fact that animals used to roam relatively freely between allotments. In a sense, fencing entrenches the contemporary individuality as opposed to the former more communal living.

c) Employment

Most people are now better educated hence the increasing number of people in the work force. Part of this is also due to the increasing mechanisation of the agricultural sector. Psychologically, some people perceived agricultural work as inferior to jobs in other sectors especially the public service and the government. Most people in Nukunuku have either finished high school and some have attained higher qualifications, hence people are now in a better position to gain wage and salary employment and so meet basic needs and also acquire luxury items. Such development distinguishes the employability characteristic of the present population as opposed to the 1960s.

In terms of employment, Nukunuku actually resembles some suburbs of Nuku'alofa, rather than a rural village, due to its proximity, road improvements and increasing numbers of public and private transport. More significantly, although agriculture may have been the main activity, it was clear in the 1980s that the trend was away from agriculture (Rathey 1984:58). Local people are conscious of both the social status and job security attached to non-agricultural paid employment. Nationally, the proportion of people engaged in agriculture has decreased since 1956, for example, from 72.2 percent to 51.2 percent in 1976, and 30.2 percent in 1996 (Tonga Statistics Department 1986 and 1996).

In Nukunuku, 39 percent (58 households) of the sample households had paid employment as one of their sources of income, an increase from 30 percent in the late 1970s (1976 Census). Moreover 24 percent of the sample households relied primarily on paid employment for living.

This portion, about a quarter of the sample households, is relatively high compared to other rural villages in Tongatapu. For example in the village of 'Olunga it was estimated to be 25 percent of the sample surveyed (Small 1997) while in Navutoka (eastern region) and Ha'alao/Ha'akame (western region both on Tongatapu) paid employment averaged about 10 percent of the sample households (Hardaker et al. 1987). The employment section from rural villages seems to have increased until the 1990s, which is an indication of the lack of growth both in the main sources of employment the public service and the government. This is also an indication of people leaving the conventional way of relying on a single source of income for a more diversified lifestyle, of having multiple sources of income.

d) *Small businesses*

A limited number of people are involved in the business sector (35 respondents). These businesses include local small shops (*fale-koloa*), selling carvings, exporting produce overseas and/or selling them at the local Nukunuku market or Talamahu market (Nuku'alofa). These shops are established and managed by the entrepreneurs, who are also the shop owners and heads of the household. These shops provide the *famili* with a reliable income and the *kainga* with easy access to a shop. However, it seems that no entrepreneur in Nukunuku seriously considered the fact that the Nukunuku population, in view of their economic standards, can only sustain a certain number of shops. The *fale-koloas* are not well spaced out, a few of them were established within fifty metres of each other, subsequently, one will eventually become bankrupt. This is one of the main factors that hindered this type of business in Nukunuku.

Exporting local food products overseas again utilises the *kainga* network. This is potentially a good source of income but it is often unreliable. The money received sometimes does not cover the cost of production due to a variety of reasons, ranging from mismanagement to unpalatable produce. The competition for overseas markets, primarily the Tongan communities overseas, is increasingly difficult. Tonga is not the only exporter of 'island food'; Fiji, Samoa, and even Hawaii and Australia (Queensland) export similar primary produce. Accordingly, Nukunuku producers have resorted to both blood related and territorial *kainga* networks as a distribution network for the local produce, giving them an advantage over Fijian, Samoan and Hawaiian producers. Food products such as *manioke* (cassava) or *talo* (taro) are often packed in 20 kilo

sacks and sea freighted to an overseas contact, who is most likely to be a family or kin member. These are then distributed to both *kainga* and *famili* within various Tongan communities. Pre-orders are taken but most of the produce is sent with the assumption that it would all be purchased, such expectation has become a norm, supported by the custom of *tauhi vaha'a*. Money will be collected at a later date and sent to Nukunuku producer(s) minus expenses. Although this is generally satisfactory sometimes the money cannot be recovered and both the producers in Nukunuku and the overseas distributors have lost a lot of money. Generally, the risks include the uncertainty of the overseas markets, and the trustworthiness of the distributor. It is unfortunate that sometimes the producer's and/or the distributor's *famili* and the *kainga* members exploit the norm of sharing and/or co-operation by not paying for the products.

e) Overseas lifeline: Remittances

Tongan migrants have established sizeable communities overseas, especially in Auckland, Sydney and the West Coast of the United States (James, 1997:1). Significantly, Nukunuku experienced a consistent movement of people overseas between the 1970s and the 1990s. Some 17 of the Nukunuku households with *famili* members overseas declared that they received remittances at least once a month. This is relatively high but not extraordinary since most overseas migrants remit. However remittances are commonly taken as sign of commitment to Nukunuku maintained by the strong transnational social and economic linkages that currently exist. Pacific migrants, including Tongans, have a bimodal income distribution; some have an above-average economic status, whereas others have a below-average economic status (Makimoto 1998), but both groups send remittances. Remittances to Nukunuku are often exchanged for Tongan wealth items, especially cultural items such as the *ngatu* (tapa) and the *fala* (mat).

Type of Remittances received in Nukunuku (1999)

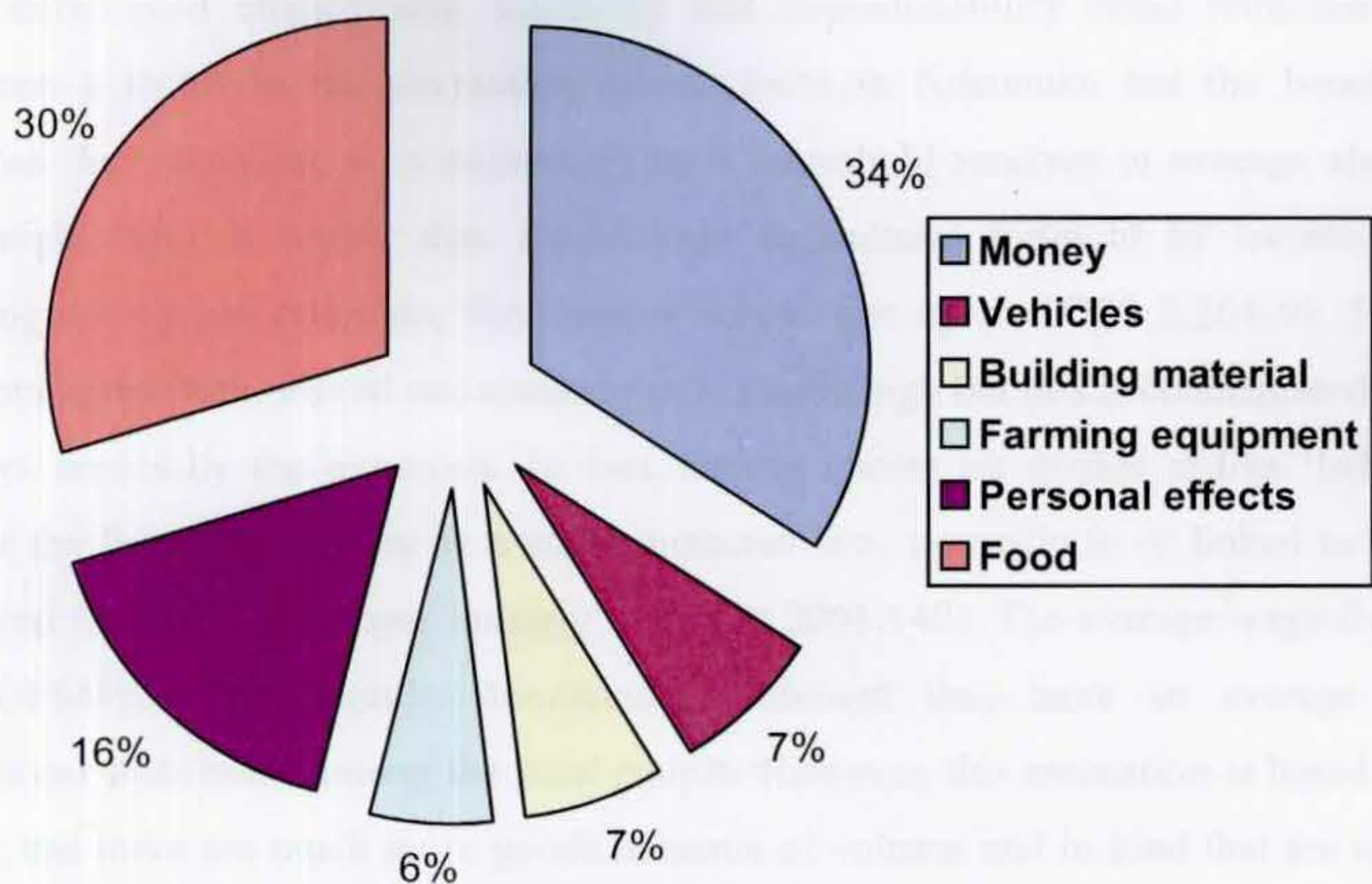


Figure 5.23 Remittances received by the local people in the year 1999.

Source: Fieldwork Data 1999.

Most remittances (Figure 5.23) are either in the form of cash transfers (34 percent), food products (30 percent) or personal items and household goods (16 percent) such as clothing and white goods. The other 19 percent are almost equally divided among vehicles (7 percent), building equipment (7 percent) and farming equipment (6 percent). Generally, the main objective of remitting is to cater for immediate needs, such as money and food then shelter and clothing. The decreasing participation in agricultural activities and the limited number of tax allotments can be attributed to the limited remittance of farming equipment and/or machinery. The fact that almost one third of the total remittances to Nukunuku were food products is similar to the observation made by Thaman (1993) who noted that in a majority of the Pacific Island Countries, food imports have risen notably over the past decades. In terms of consumption, local Nukunuku people have preferences for imported food because it is palatable, and socially appreciated, and misunderstood to be healthier than local food. Nevertheless, it is a sign of 'the continued problems of the erosion of subsistence production' (Murray 2001:139).

Remittances are one of the main sources of income in Nukunuku, but combining the cash flow and the goods received, it could easily overshadow paid employment as the primary income in value. However, unlike paid employment, insecurity and unpredictability cloud remittances. Emigration has been a factor in the decreasing labour force in Nukunuku but the benefits outweighed this loss. In Nukunuku, it is estimated that a household receives in average about TOP\$ 370 a fortnight. This is higher than the average agricultural fortnight by income of TOP\$350; including the squash pumpkin, this amount would rise up to TOP\$ 2,264.10. This average income from agriculture (mixed and commercial) is quite high but this is concentrated on commercial farmers especially the exporters. In fact, having quotas on market shares 'led to serious problem in the [squash] industry as a well-connected few, normally in or linked to the noble class, appeared to benefit disproportionately' (Murray 2001:140). The average wage from the survey is TOP\$418.47 per month. Remittances, although they have an average of TOP\$425.00, are better distributed among the local people. However, this estimation is based on cash received only but there are much more goods in terms of volume and in kind that are also received. The *Pa'anga* values of remittances were an estimation because it is quite difficult to calculate an exact amount. Goods received were classified under six headings, namely personal items (clothing etc.), foodstuff, farming equipment, vehicles (including farming machinery), building materials, and household goods (white goods and furniture).

The Reserve Bank, in their records for unrequited transfer receipts, estimated that the value of private remittances and church donations from overseas was TOP\$ 56.3 million in 1992/93 an increase of TOP\$ 13 million from 1991/92. This increase was attributed to one off events mainly from church appeals. Amazingly TOP\$ 4 million of this increase came from private transfers from overseas *famili* and *kainga*. However, it was also projected that the remittances would return to the earlier trend of late 1980s in the 1993/94 and a figure of TOP\$ 49.2 million was forecast. The private household remittances between late 1980s and early 1990s can be roughly estimated at TOP\$ 6 million, an astronomical amount in Tongan context. Though one would expect the level of remittances to reflect the economic conditions of overseas countries such as the United States, Australia and New Zealand, this is not the case; there were reported increases in remittances at times of overseas countries' economic recession. Thus the Bank proposed that the remittance pattern was closely related to the needs of local people rather than overseas situations. (National Reserve Bank of Tonga, 1994)

The economic value of the *kainga*, which is not territorial, and the *famili* (kinship) provide the network for the flow of remittances. This 'superstructure' of relations of kinship functions internally as a relation of production (James 1994:10). There are different approaches employed by overseas *kainga* and/or *famili* members to collect cash and goods destined for Nukunuku. In Sydney and Auckland, *famili* members remit directly to their counterparts in Nukunuku. In some cases, some *famili* members send their own contributions to communal obligations or projects. This is often meant as a remembrance of a loved one who has passed away or as a testimonial to themselves. The territorial *kainga*, the contemporary Tu'ivakano's *kainga* Nukunuku, is also employed for remittances especially when it comes to communal obligations. This modern conceptualisation of *kainga* includes both the Nukunuku residents and their *fa'ahinga*, their blood related *kainga* who reside in other villages. Fund raising events in overseas Tongan communities illustrate the effect of the *kainga* not only as a national but also a translational concept. In these events different *famili(s)* and/or *kainga* make collective donations with the idea of assisting the local people and/or community of Nukunuku. These social events are usually in the form of a *kalapu* (a kava drinking party), or a *hulohula* (dance night or a ball), or a *koniseti* (where representatives of individual *famili* or social groupings perform a traditional dance for cash donations). Depending on the fund raising objective(s) the appeal will be directed towards the *famili* or the *kainga*. Private household remittances will rely heavily on the *famili* members and the *fa'ahinga* rather than the *kainga*. If it is a communal appeal from Nukunuku then the role is reversed: the *kainga* and the *ha'a* (a collective of territorial *kainga(s)*) will be the main targets. Either way, the Nukunuku people overseas perceive their contribution as their *fatongia* (duties) or their *kavenga* (obligation) to provide for their *famili* and *kainga* in Nukunuku. Collective remitting as a territorial *kainga* supersedes private remittances, for example in 1999 the finance report from the Nukunuku's youth club (*Kalapu To'utupu 2000 'o Nukunuku*) revealed that they had US\$66,636.00 as a result of fundraising by the *kainga* in the United States.

5.12 Conclusion

Nukunuku has physically and socially changed since the 1960s. For instance there are no Tongan *fale* in sight because the building development attained by the people is much westernised. In

almost every way the infrastructure has improved especially the road networks around the village. Additional infrastructures such as the local health clinic and the sports stadium under construction are also apparent. The village itself continues to expand and the only limitation foreseen now is the lack of land available considering the number of potential landholders. These expansions and development are also evidence of the improvement in the standard of living as a result of people's increase in both type and volume of income sources. Nukunuku is now experiencing the full effect of commercialisation that began in the 1960s; the role of money is gaining strength in almost every aspect of village life. Financial concerns have limited the power of some families to uphold traditional values of sharing. People are now more individualistic but not necessarily selfish. The value of 'gift exchange' has taken a monetary form instead of the primary focus being on cultural items. Nukunuku as a society is becoming more conscious of alternative living in contrast to the traditional 'off the land' notion. Foreign destinations have become a source of hope in terms of making a life or providing a source of income (remittances). The *famili* (extended family) and *kainga* are still strong in terms of providing a structure for resource consumption. Individualism is emerging in terms of increasing concern with the nuclear (immediate) family as opposed to the traditionally extended Tongan concept of *famili*. This trend is being promoted by commercialisation, in addition to individual land rights in Nukunuku. In effect, the result has been the emergence of a middle class (wealthy and educated) who have established themselves as a social class, which also re-enforces individualistic values.

In general, the changes witnessed in terms of people and society have influenced changes in land customs and practices and, in turn, been changed by those. In other words land tenure has responded to and been a part of these societal transformations. The main aim of the next chapter will be to describe and explain changes in the land tenure.

CHAPTER 6.

LAND TENURE IN THE VILLAGE OF NUKUNUKU

The land tenure system in Tonga is commonly perceived as a single structured system. In practice, there are two effective systems in existence namely the encoded legal structure and the customary system. An examination and analysis of how these two systems of the same structure interact is the main objective of this chapter. The aim is to investigate how ordinary people practise land tenure in the village of Nukunuku. Land tenure practices may change according to social, political, economic and physical forces and all of these factors have changed in Tonga and Nukunuku in recent years, some more quickly and significantly than others. Moreover each of these factors, is both cause and effect of changes in land tenure practice. Moreover, to adapt to changes in land tenure, people spontaneously employ both the legal framework and the customary framework in order to overcome the limitations of each specific system.

The discussion of the data on the land tenure system in Nukunuku is divided into five sections. Firstly, the issue of land rights will be discussed as it evolved in Nukunuku. Subsequently, land entitlement will be looked at because of its dual nature; customary and legal. Secondly, the modern roles of the relevant land bureaucrats will be looked at next, as this is a clear sign of changing practices in Nukunuku. The third section is dedicated to exploring the changing value of land, hence the discussion of land allocation based on the legal framework and customary kinship. Fourthly, this is linked to a discussion of current land use in Nukunuku and its historical evolution. The final section will concentrate on the underlying beliefs and convictions that sustain land practices and the related social structure. The conclusion links village practices to the next chapter on land bureaucracy.

6.1 The exercise of Land Rights in the village

6.1.1 Legal and Customary Rights

In Tongan society, people at the village level either observe or overlook their legal provisions as directed under the 1927 Land Act. People perceive the Act as the ultimate guidance and protector

of the land, their land. Local villagers, landholders at least, uphold the encoded legal provisions for one particular reason: securing or protecting their individual rights as Tongan subjects. In a perfectly unchanging environment, there should be no problems since everyone would abide by the law. However, the only largely unchanging issue is principally the legal framework itself, since there have been few amendments in the whole history of the act itself (Chapter 4). Village society however has evolved as people adapt and participate in social and economic transformations as a result of both external and internal forces: modernisation (commercialisation) and population growth (resulting in population pressure, socio-cultural changes, and migration) are examples of the primary internal forces. In general, the rigidity of the legal provisions relative to the changing society has warranted necessity as a justification for land practices, especially extra legal practices, either to secure access and/or rights to land.

In parallel with the legal framework is customary land tenure, which, like the law, provides guidance for using the land. More importantly, the fact that customary tenure has evolved from some degree of natural adaptation between people, their customs and the land has made customary tenure more pragmatic than the law. The Nukunuku people, like any other Tongan village people, declare openly that they hold in the highest regard the Tongan culture and customs.

The old ways are better because it kept family members close making it easier for us to live together as a community. We were then willing to share almost everything; work in the farm, the produce from our farm, even let other people [family members] share in using our [family's] tax allotment. The [Nukunuku] people were very close with the chief, and we support the chief [or the predecessor of the current chief]. The problems in the village now all began when people disrespect each other [...] adopting foreign values and abandoning Tongan culture. (FF07, pers.comm. 1999)

This attitude is typical of the cultural traditions 'that promote the general welfare of the [Nukunuku] group or community as a whole such as sharing and cooperation' (Helu 1997:1). Legal land provisions are the ultimate directives for land practices but land customs are susceptible to social change. When ordinary people faced dilemmas or potential problems due to socio-economic pressures, values other than the legal system would prevail. Hence the perimeter of legal logic is often encroached upon by customary procedures.

a) *Right to own Land.*

Legally, there is no ground for alienating any Tongan subject from any land available for allocation, including that in Nukunuku. However, pressure on the estate-holder and local office holders not only to be impartial but practical comes from the local society. There is a common belief that land related priorities, essentially the right to local land, belong to the local people (*kakai 'o e fonua*). The challenge to this particular perception stems from the term 'local' itself, since there are a variety of definitions, which can be contradictory at times. The term *fonua* in the Tongan context means the land and also the womb. In both cases, it generically means the source of life, which centralises land in the life of Tongans, and reveals the very close attachment between people and land. The term 'local' however is strongly claimed as a birthright by the descendants of the pioneers, the *kainga* of the Tu'ivakano chiefly lineage. The local people according to this notion are commonly descendants of the pioneer settlers after the last civil wars. The pioneer settlement was probably in place before the nineteenth century civil wars. This was when the chief and his *kainga* moved back to the coastal settlement from the fortified settlement of *Hule*, to the eastern part of the present Nukunuku village. However, the original area designated as the land of Tu'ivakano, like the present tenure system, was given by the then reigning monarch, the Tu'i Tonga.

Legend has it that the Tu'ivakano then was given the land by the sacred Tu'i Tonga together with the neighbouring chiefs, such as myself [Lasike] and Lavaka for example, for our ancestors' efforts, loyalty and seamanship skills as the crew of the king's *kalia*. In fact, our names are all derived from the parts of the *kalia*, which our respective ancestors work upon. For instance, Lavaka stands for '*La-'o e-vaka*' or sail-of-the-boat. My name derived from the Fijian language, which originally was known as Latike or Lasike; in Tongan, he was probably a Fijian serving the king as a seaman. More importantly, our ancestors were blessed with chiefly titles and land, for their loyalty and hard work by the king. (Hon.Lasike, 1999 pers.comm.)

Nevertheless, in the early nineteenth century, the settlement system was becoming characterised by villages and by the late nineteenth century, villages had spread to all areas (Kennedy 1958:164). Not everyone in Nukunuku is a descendant of the pioneers, suggesting that there are also descendants of pre-1960s migrants but these people are also considered to be local.

Time, although vague, became a defining factor for local classification. In terms of time, the length of reside in Nukunuku is one of the factors taken into consideration by the 'local' people.

The original settlers, most likely to be relatives of the Tu'ivakano titular, could not multiply in isolation. Given the social networks of kinship, the standard cultural values that sustained it, and the unification and emancipation in the late eighteenth century, internal migration increased as people began to move freely across the land. People either immigrated to Nukunuku on their own accord and/or were convinced either by relations in Nukunuku or the estate-holder to move there. Outer islanders were convinced by the better prospects of living on the main island in terms of improving their lives.

Some of the Nukunuku 'locals' did immigrate but have lived for generations in Nukunuku and are now accepted as locals and have developed ties to the 'locals' over time, especially the chief (the *kainga* of Tu'ivakano). Blood relations of the Nukunuku locals, more specifically those who migrated to other locations, are still referred to as Nukunuku people, at least in origin. The Nukunuku people are more receptive to descendants of Nukunuku migrants who have migrated back, than newer immigrants from elsewhere in the Kingdom.

The Nukunuku people like those of other villages in Tonga, perceived and believed that local people have fundamental rights to the Nukunuku land. Immigrants are perceived as aliens with less significant land rights. Such views are expressed more in words than action. Local people stated their rights as Nukunuku residents to the land in Nukunuku in various ways, such as the following:

The issue that I wanted to comment on is that people [immigrants] should stay in their own land [or village], where they have their own land and inheritance because there are many problems with them moving here. (MH120 pers.comm. 1999)

And;

It is only proper for the chief to distribute the land in accordance with the intention of Tupou I. The first King, Tupou I gave the nobles or chiefs like Tu'ivakano land to distribute among their people, or chief's *kainga*, because it is their Nukunuku *kainga* who address the obligations. (ML069 pers.comm. 1999)

However, the local people's reluctance to either follow up or act on these beliefs is due to two main reasons: firstly, the estate-holder does not entirely agree with such prejudice against the immigrants. Secondly, some immigrants may have blood relations who are 'locals' of Nukunuku, that enable them to be considered 'locals' in Nukunuku. Thus any strong opposition towards these 'Nukunuku blood related immigrants' may bother the immigrants' Nukunuku relations.

This type of distinction does not differentiate Nukunuku from the rest of the Kingdom. Prominent local individuals who are active in community affairs, such as village administration, or have cultural obligations in both religion and social duties, are also perceived as having more land rights than those who do not involve themselves in the community. This is generally perceived to be true, while through these local institutions prominent individuals have forged personal relationships with the estate-holder giving them the upper hand in land allocation matters.

Every local Tongan male by reaching the age of sixteen is legally entitled to land in Nukunuku provided that there is land available, though local cultural perceptions emphasise that local people are entitled to have the ultimate right to hold land in Nukunuku. This is not an uncommon notion; it is similar across the hereditary estates because of the ties between the people and the estate-holder, unlike the government estates where there is no local customarily traditional chief.

It would be wrong for the chief to demand or request any 'gift', especially money, in exchange for land. At the same time, you have to proceed through the right [Tongan] way. If you demand land because it is your right or legal entitlement, it is unlikely that you will be successful. However, if you request it in the proper manner, you have a much better chance of being successful. Demanding your rights, demanding is not polite in our customs. Our chief does not always request any gifts but we have our own custom; I gave him a gift, not because of the land he gave me, but it's the custom of paying tribute for his kindness. (FF07 pers.comm. 1999)

The residents of Nukunuku are not only villagers but also the *kainga* of the chief, unifying them under him. With a central lineage, Nukunuku is like one big household hence the defensive instinct against outsiders (immigrants and foreigners). Even when immigrants have settled legally, locals usually greet them cautiously at first. There are still certain positions and status considered to be only worthy of a 'local' individual. The customary right to land in Nukunuku is one such example, as is the office of *matapule* and *fototehina*.

b) Right to secure Land (Registration)

Any landholder is legally empowered to register his land allotments. However, there are customary practices linked with land application and registration, and people bear most of these just to secure their allotments. The most obvious reason for registration is to ensure that the affiliated individual rights are legally bound, and also that land will become family inheritance. Land has become a gesture of security for an individual and as a member of Nukunuku

community. This should be a straightforward process according to the procedures under the land act, but it is not so in practice. The process of land registration, whether of an agricultural (bush) or residential (town) land is embedded within traditions (gift exchange upheld by *feveitokai'aki*) and customary practices, now commercialised, which variously complicate the registration procedure.

Land security in Nukunuku comes in two forms, legal and customary. Not all allocated allotments are being registered. In light of the advantages of registration, everyone is presumed to secure his land through registration, but only 87 percent of town allotments and 56 percent of bush allotments had been registered in Nukunuku. Most registered town allotments are situated on the *Taungasisi-Kalisi*, which is the area where the recently allocated subdivisions are. Two reasons account for the relatively high percentage of unregistered bush allotments. Firstly, unregistered land covers a smaller number of bush allotments, as opposed to the town allotments, but in both cases, registered land can be used as collateral for credits. Secondly, owners have access to someone else's registered tax allotments; usually a family member's land. This could either be the head of the family (father) who is currently retired and elderly; the rightful heir; or a widow (mother). For example, an heir resides and farms both of the family allotments, town and bush allotments respectively, but these allotments are currently under his mother as a widow, who is entitled to her husband's land until she dies. However, people always find ways to use and/or bypass the legal succession (Case 6.1 and Case 6.2).

Case 6.1:

Mr. Tuitui passed away leaving his land (town and tax allotments) to his widowed wife (Mohokoi). At present, both land allotments are registered under the widow's name. However, the heir apparent (Pipi) with his wife (Kaloni), who work full time, are currently living with the widow on the town allotment, and also farming the tax allotment. Mary, the widow, stated that both allotments will be inherited by her son (Pipi) upon her death. However, the fact that the family tax allotment is located near the north coast meant that it could only sustain limited types of crops. Based on this reason, Isaiah also farmed part of his brother-in-law's registered tax allotment on the southern part of Nukunuku. The soils on this particular area can sustain the frail 'u*fi* crop. One of this family's ultimate aims was to accumulate enough money so that they educate their children overseas; in fact at the time of this survey, they already lodged their permanent residence application in New Zealand.

Case 6.2:

The widow, Lose, aged 61 waived her land rights so that her son and heir could register the town allotment. The two main reasons for her action were, firstly, so that her son (Tiulipe) could start his own family life by building a house on the land. Secondly, this would give her landholding son an opportunity to use the allotment as collateral for a loan from the bank, with the objective of building a house. This arrangement was made easy by the fact that the widow's second son had married and was currently living in Ha'ateiho on his own land.

Family members, from time to time, allow landless relatives, to use their land. In general, case studies One and Two are just two examples of people having access to or using bush allotments which are either not legally theirs or at least not for the time being. For these land users (residents or farmers), especially those who do not have any legal rights to the concerned allotments, the only security that they have are customary rights. Unlike the legal provisions, customary rights are not encoded thus are sensitive to changes in society, which eventually redefines the land

issues such as the right of access. The following examples of local people's perceptions of land summarise changes in conceptions of land access.

If you uphold family values, it will be comfortable to share land with relatives. This is fine since the number in one family now is smaller than before. But relationships within a family and between families are not as strong as before, because we attach importance to values other than family relationships. (FF07 1999 interview)

Although family ties are still important in terms of accessing land, there are other factors now considered by landholders. In fact, one of the landholder's main considerations is financial benefit, as the following comment revealed.

Considering land, as long as you have money, you can access most of the land, because money has become central not only in land tenure but also relationships within families, and even between neighbours. (ST08 1999 interview)

The 13 percent of non-registered land allotments are due to a variety of reasons, which will be explained here. For at least one household, land registration is not even a possibility because they are what is termed *nofo hili* which basically means 'to live in a place to which one does not belong or possess' hence they cannot register such land. In such cases the landless household resides upon the allotment of another or co-resides with the landholder's family on their allotment. These two families, co-residing on one town allotment and/or farming on one bush allotment, are both descendants from a single lineage (*fa'ahinga*). They are sometimes referred to as *kainga* of one another, as in blood related ties. In this type of arrangement there is no way that any of the allotments can ever be registered under the *nofo hili* family. The only chance of any allotment being registered by the *nofo hili* family is either by them applying for land themselves or for their host family to give them part of their own land. In view of migration, the *nofo hili* may not wish for land as they are temporary residents and shall move again either overseas or back to their place of origin.

Similar to the notion of *nofo hili*, which is a more permanent arrangement, is the *nofo fakataimi* arrangement, which is temporary. Most individuals or families covered in this category have emigrated to Nukunuku from the outer islands with the intention of emigrating overseas, such as that depicted in Case 6.3.

Case 6.3:

Mr.Tutu migrated to Nukunuku in June 1999 and was living with relatives. He was just like any member of the host household, but local people could easily point him out as a migrant. There was no formal discussion of Mr.Tutu's rights relative to the land but the norm was that he had limited rights of access with no ownership rights. There was no rent involved but the host family understandingly expected the temporary resident to contribute and participate in daily duties and responsibilities. Decisions related to land use were made by the head of the household, and Mr.Tutu performed them as if he was a part of the nuclear family. Nevertheless, the plan was to migrate again to New Zealand in two weeks time but after six weeks, Mr.Tutu was still in Nukunuku.'

In these kinds of ventures, as Case 6.3 indicates, there is no guarantee on the time of leaving for overseas. Thus the period of living in Nukunuku may vary from a few weeks to over a year. In the *nofo fakataimi*, there are no rights to the land occupied; having no rights of entitlement means no rights of registration. Entitlement to temporary residence on relative's land is based on blood ties and/or relationships with the landholder and his family. This blood tie is valued, especially when people in Nukunuku valued their kinship network, regardless of kinship distance between the host and the *nofo fakataimi* individual(s).

Complications to achieving land security may occur because the two institutions, legal and customary tenure, overlap allowing people to exploit them both simultaneously. This is becoming more common at the turn of the century as people realise the increasing demand for land yet there are limited reserves (see Chapter 5). This constitutes an increased pressure on land, but in view of the stable Nukunuku population, commercialisation certainly plays a role. Land registration gives legal freedom of tenure and a secured land inheritance, but social and cultural issues hamper such freedom. Registration means that landholders are legally secured but not free from social obligations. Most people in Nukunuku, especially the older generations, acknowledge that they owe the estate-holder for being allocated allotments. The local minister of the Free Wesleyan Church described the relationship between the estate-holder and the people of Nukunuku as follows:

The relationship between people and the chief have been and should always be two ways; the chief provides the people with land, and the people show their respect and appreciation by attending to obligations. This has changed, not so much with Nukunuku but in other villages, where people who do the work, are often ignored by the chiefs. In such cases, the chief expressed no love (*'ofa*) towards his people [by withholding land for example] and the people in return do not have much respect for the chief. However, the appropriate relationship between the chief and his people is not only proper in Tongan culture but appropriate within Christian principles. (RTT03 1999 pers.comm.)

This view is deeply entrenched within Tongan culture and referred to in various customs such as obligation (*fatongia*), indebtedness (*feveitokai'aki*) or loyalty (*mateaki*). This *feveitokai'aki* is relatively similar to the *tauhi vaha'a* described in Chapter 5. All of these traditional customs are also endorsed by the Christian principles, especially the issue of loving one another (*'ofa*). The allocation of land, although required by law, is often perceived as an act out of devotion or affection by the estate-holder. Thus people respond by taking up directives from the chief or participate in communal activities. Such attitudes cloud the legal nature of registration since this suggests that being allocated land is a concession not an entitlement. Subsequently, people are still obliged culturally, which contradicts their legal autonomy relative to land.

The right of a landholder to register his land is customary after being allocated land allotment(s). This is a good example of how sentimental values complicate simple registration processes. Acquiring the estate-holder's consent for land registration can be an uneasy process for commoners, though this is not as difficult in Nukunuku as in some other hereditary estates. People in Nukunuku are relatively satisfied with the estate-holder's attitude towards their securing allocated land. Strategically, the estate-holder, Tu'ivakano, does support the notion of land registration, especially if the new recipients of the allocated land intend to use the land, either to build on or cultivate.

[...] people with allotments may or may not choose to register their land, but I do support the idea of registration, land registration [...] Registration gives them some sense of ownership which may eventually compel them to utilise their land. I allocate land to those who would utilise it [...] of course this is not totally guaranteed, but I have to try identifying those who can use the land. I have come across some landholders who beg me to sign their land registration form so that they can use it as collateral for loans [...] even guaranteed me that they will use this money to build on their land [...] This did not happen, which is sad. (Tu'ivakano 1999 pers.comm.)

According to the estate-holder, registered land allotments allow the landholder to mortgage the land thus giving them a better opportunity to build on or cultivate the land. However, a few landholders have used this strategy to attain the estate-holder's consent to registration but have left the land idle. People have various reasons for this apparently deceptive behaviour and securing the land allotment is the primary objective. Reasons for leaving the land idle include the cost of building a house (*fale-fakapapalangi*), which is astronomical, and also the bank would consider the household income besides the collateral (registered land) before approving a loan. An unsuccessful loan would mean dishonouring the understanding between the landholder and the estate-holder. In general, the estate-holders' idea of registration was for them to secure and use the land, but some people often focussed on land security alone. Having an allocated allotment re-allocated to someone else for not being utilised may be unusual in contemporary tenure system but it happens. In terms of understanding, local people are aware of Nukunuku's land situation (more people than allotments available), thus securing land, as a family inheritance, is significant.

The willingness and support of the estate-holder for land security, especially land registration, has not compelled people to respond by either presenting gifts and/or responding to chiefly directives and obligations. To present gifts in support of a land application and land registration appeal may be seen in modern Tonga, as tantamount to bribery. However, such activities are proper land customs.

We [Tongans] have our own culture and traditions. If you demand, it is unlikely that your application for land will be successful. If you request properly, it is most likely that the chief will give you land. Our noble here does not demand any gift when we apply for land. However, we Tongans have a tradition and customs. I gave the noble some money after he granted my request for land, not before I applied or with my application. This is not a payment for the land but as a token of appreciation for his kindness, it is our custom and proper manner of doing things around here.
(FF07 pers.comm. 1999)

Custom warrants the practice but there is an increasing concern over the value and form of gifts employed for such purposes. The high demand for land has increased the 'necessary' value of a gift and there has also been a shift from traditional artefacts to western forms of gifts such as money. The rank and status of the estate-holder has some bearing on the value and form of gifts being employed; for the estate-holder, for titles that are ranked higher than others the 'necessary'

value is increased accordingly. A chief's rank relative to other chiefs depends on the social proximity of the title to the current royal lineage. The relationship is often defined by the lineage of the individual and referred to as *sino'i 'eiki* (chiefly body); the best example of the *sino'i 'eiki* are the royal siblings, and any chiefly titles bestowed upon them would automatically elevate that title socially. Hence the saying '*kuo 'eiki e hingoa*': literally means that 'the title has become *'eiki*, not necessarily chiefly, but royalty.'

Holding land in Nukunuku legitimates the landholder's loyalty to the Nukunuku community at least in principle. Taking this notion of security further, some households have more than the legal allowance of land, that is one allotment of each type (town and bush) per landholder, as illustrated in Case 6.4.

Case 6.4:

Heilala has a tax and a town allotment, which he inherited from his father. However, during the time of the survey, Heilala was living on recently allocated land on Taungasisi. Heilala stated that he had applied for another town allotment as soon as he heard of the recent subdivision on Taubgasisi. His thought was that the second allotment would be for his second son since the family land will go to the eldest son. Overall, the family has three allotments, namely the family inheritance (registered town and tax allotments) and the recently allocated town allotment, which is not yet registered.

However, a few of the respondents have different perceptions regarding registration. Some expressed the traditional fear of the power of the estate holder to allocate land or reallocate granted land as he see fits, though the latter is only possible if the allocated allotment is not secured legally by registration. This belief is heightened by the fact that people realise the difficulty of getting land and the fear of being landless put unregistered landholders in a precarious position and, unlike the situation of their predecessors, registration has become increasingly necessary. In fact, 'land registration was not an issue then [1960s] because land was abundant' (S05 and L06, 6th October 1999, interviews). However, most people, but especially the elderly generation, believed that the chief would not take away allocated land regardless of it being registered or not, and that re-allocation would only be done if there is a justified reason or reasons for it such as landholder changing citizenship. The notion of land shortage and the fear of reallocation led two thirds of the respondents to register their land (Table 6.1).

Table 6.1 Number of allotments registered in Nukunuku (Fieldwork Data 1999)

Land Registration according to local respondents:		
	Town Allotments	Tax Allotments
Registered Lands	66	11
Unregistered Lands	12	19
Total Respondents	78	30

Registration of land not only secures allotments for successful applicants but it also prohibits these people from applying again. Most people agreed that this presents the landless or potential applicants with better chances of being allocated land, though this type of assumption is based on the ample supply of land of decades ago. Furthermore, current landholders can still register extra allotments under the name of family members but these are unusual situations as Case Studies 6.5 and 6.6 suggest.

Case 6.5: (090)

The Kukuvalu household migrated from the Ha'apai Group in the late 1980s. Their application for land was successful but the allocated town allotment (Nukunuku) was registered under the youngest son, which is in parallel with the legal provisions on succession. However, Mr.Kukuvalu admitted that this was necessary because they still had land in Ha'apai, and that land was registered under the eldest son. In this succession, the family inheritance bypassed Mr.Kukuvalu to his son: a grandfather to grandson succession. Mr.Kukuvalu, having no land under his name, was eligible to apply for land, which he did successfully in Nukunuku. However, considering the future of the younger son, it was decided that the allocated land in Nukunuku should be the second son's, and the family would reside on the Nukunuku allotment (second son's land).

Case 6.6:

The Pua family, unlike the Kukuvalu household (Case 6.5), are local Nukunuku people residing in the 'old' settlement. This land is the family inheritance, which is registered under the head of the household, the father (Mr.Pua). However, Mr.Pua recently applied for a town allotment in the 'new' settlement area and was successful. This newly acquired allotment was registered under the son's name, who is the heir apparent and the only son over sixteen years of age. The plan was to secure both allotments as soon as possible. The family's situation will change when the second son turns sixteen, then both the father and the heir will surrender the allotment in the 'old' settlement to the second son.

These examples of the acquisition of additional allotments within a household are not uncommon in Nukunuku, as people with two or more male siblings endeavour to secure land for all if not the majority of the males in the household. Land can be within a household in other ways (for example Case 6.7) in the event of emigration.

Case 6.7:

In one case (Hone family) the allotments had been registered under the younger male sibling because the eldest was living overseas but it was for the 'best interest of the family' according to the landholder. Through this arrangement, the one who lived in Nukunuku and had obligations and duties, both family and communal, needed the land more than his migrant sibling, the apparent heir. Ultimately, such understanding and arrangement was done so that those family members in Nukunuku, namely the next in succession, the younger siblings, still had a livelihood and that the land was kept as the family's inheritance.

Few landholders surrender their land rights to family members who live in Nukunuku, and this has ultimately led to some allotments lying idle. Many absentee landholders were criticised by local people and also identified as one of the main reasons for land, both tax and town allotments, lying idle. (Some 83 out of 148 respondents attested to this pattern of vacant land in Nukunuku.) When overseas migrants agreed to leave their land to a local individual or a household, the common practice was a verbal agreement relinquishing the right to use the land to the local custodian. Less commonly, official agreement is done through lease agreements for a period of time with particular conditions. There are differences between these two arrangements: the

former is customarily bound, and not legally bound, and flexible; the latter, is legally binding with fixed conditions. These arrangements do not necessarily give land to family members as a priority, and sometimes include some type of formal and or unofficial rental arrangement. Despite the complaints about lack of land, the above discussion proved otherwise; rights to use land are being transferred either by verbal or legal agreements.

In Nukunuku, only 3 out of 134 respondents did not have a town or residential allotment; two of these households had recently immigrated, and the third was in the process of applying for land. One household resided on a leased residential allotment, and the two migrant families resided on allotments lent to them. These three allotments belonged to landholders who were currently living overseas. The leased town allotment was being paid for through rental agreements. For the two lent allotments it was unclear whether there was some type of rent money involved. Both of these households were relatives of the respective absentee landholders and were acting as 'indefinite' guardians on each allotment. Unlike the registered leasing agreement, this kind of temporary occupation was based on customary relationships and there was no defined time period or set conditions. Like any other customary practice, the arrangement was heavily reliant upon emotions and interactions between the involved two parties, the absentee landholder and the guardian. Temporary guardian households or occupiers of the allotment are necessarily indebted to the absentee landholders. Legally such arrangements do not bind but are based on personal pride, family honour and trust, which however need to be nurtured and maintained. Both parties, the temporary guardian and the landholder, endeavour to maintain their good relationship, which is personified through the land.

The landless figure was much higher with respect to the bush or agricultural allotments as some 81 (62%) out of 130 respondents had no such tax allotment. These landless people cannot necessarily survive on family and kin support, or by relying on non-agricultural means. (Bush allotments are much bigger in size, and there had been no extra land available for new subdivisions, unlike the recent town subdivisions in *Taungasisi-Kalisi* area. This particular area was tied under a long term leasing agreement and recently expired. Since, the area was considered 'unsuitable for agricultural purposes, which is in line with the priority of providing residential land for Nukunuku's growing population' (Tu'ivakano 1999 pers.com.), the area was subdivided into town allotments. Such a decision was possible since the local people had attained livelihoods other than farming, such as through employment and remittances, and imported

foodstuff supported the local diet (Chapter 5), hence suggesting a decline in demand for agricultural land. Some households had leased agricultural allotments. Two respondents had leased bush allotments and three had temporary guardianship agreements. All five allotments belonged to landholders living overseas that were related to the guardian households. The good will between two relatives and the absentee landholder's good sense in helping underprivileged relatives, was commendable according to some of the village elders (T02 and S05 1999 pers.comm.). Immigrants attested that this was a disappearing practice because it was increasingly difficult to access tax allotments.

I applied for a town allotment in 1996 and was successful, and then we [a family of eight] moved here the same year. My main aim was to give my children better education. [...]I have a tax allotment in Muitoa [island of origin in the Vava'u Group] but I do not have a tax allotment here in Nukunuku, so I used to plead with relatives and/or friends to use part of their land for subsistence cropping. Now, this is getting more difficult [...] because landholders are engaged in commercial farming and they need their land for that [...] and also the lack of tax allotments made also leave me very little options. But I am still hopeful that one day the chief will allocate me a tax allotment. (SP11 1999 interview)

Twelve of the interviewees perceived that the population of Nukunuku had increased and put this mainly to immigrants. However, 'most of the immigrants have got town allotments but only very few have tax allotments' (TT01 1999 pers.comm.). This is the main reason for immigrants' reliance on locals for access to tax land, and relative success represented a good relationship between the two groups as suggested in the following comments. 'If people [regardless of the characterisation local and immigrants] would co-operate and share not being selfish, the current [tax] land is enough to live off' (T02 1999, interview). Although this comment valued the traditional 'communal' use of the land, more specifically the rights to access and use, it also implied the land shortage notion. The right to own is still legal and individualised, but traditional customs allow landless people to use land. Such practices correspond to communal land tenure, as opposed to the contemporary individualised tenure system, which 'means that they [Tongans] are unlikely to suffer the widespread sale of small-scale farms, concentration of landholding sizes, and accompanying proletarianisation [...] although this system is becoming strained as commercialisation extends' (Murray 2001:146). The increasing occurrence of land rights being transferred often led to one farmer getting hold of two or more land allotments, especially in the commercialised agricultural sector.

Three respondents declared that someone else was using their respective bush allotments commercially. This is limited but it is one indication of the relentless penetration of neoliberal globalisation triggering the altering land use in Nukunuku. All three allotments were temporarily handed over to three commercial farmers to utilise during the squash season. The rent payments were more than the landholder's monthly earnings, which is estimated to be between TOP\$2,000 and TOP\$4,000, but worth only a fraction of the commercial user's seasonal earnings. The three borrowers were relatively wealthy commercial farmers intending to expand their commercial ventures, in contrast to the lenders, who were underprivileged. Small farmers are more likely to be left behind by the commercialised monocultural sector of Tongan agriculture, mutually reinforcing problems such as unsustainability and inequality (Murray 2001) in the rural area. Large farms, by contrast, would prosper being able to increase productivity and quality through mechanisation, accessing and using more land, and credits (Bryceson 2000). The fundamental purpose of land registration, land security, may be eroded by commercialisation. Similarly and also in Nukunuku, through failed mortgage agreements and dishonoured leasing agreements, land security is compromised thus preventing both landholders, and potential borrowers from exercising their rights: the freedom of choice and the right to use of the landholder, and customary kinship rights to use and/or access the land. The fact that there is no or very little policing by the authorities of both leasing agreements and customary lending, it is difficult to state exact figures other than people's accounts. In terms of mortgages, only one tax allotment in Nukunuku has been repossessed by the bank (Tonga Development Bank 2000).

In terms of the landless, it was estimated that 38.5 percent of the household have no tax allotments, which is relatively similar to thirty-five years ago, 37 percent (Tonga Statistics Department 1966). Such change in the number of people without tax allotments does not support the notion of a land shortage in Nukunuku. Town allotment further supported this pattern; there were about 15 families without town allotments thirty-five years ago, whereas the surveyed sample data suggested that only 3 families were landless. Furthermore, Maude (1965:118) estimated the average number of landless people to be 57 percent, based on the number of taxpayers compared to registered allotments, which is not much different to the current sample estimation of 62 percent. One of the main differentiating factors is the amount of land 'held by customary rather than registered tenure' (ibid.), which would have increased the then estimation. The impact of the land shortage issue, hence the landlessness, therefore appears to be mitigated,

at the very least minimised, by migration and the boom in remittances, and new employment and alternative income sources. However, the whole notion of landlessness being tied to the legal provision, which basically grants rights of entitlement to every Tongan male, thus gives the impression of a land shortage. In practical terms, this may be true thirty-five years ago but as the above discussion shows, there is insufficient evidence to support such a notion in the late 1990s.

c) *Right to Use*

Land use is an area of significant interest, not only because both legal and customary institutions are mixed in practice, but also changing land use practices reflect changes in the land tenure system. The main concern in Nukunuku is not necessarily how the land is being utilised but who is utilising it that has led to socio-political controversies. Decisions regarding the use of land in Nukunuku used to be made in a social context but now economic issues are increasingly influential.

How a landholder uses his land is totally his constitutional right, especially if the allotment has been registered. The landholder makes the decisions because, customarily, he is the head of the household, and legally, he is the landholder. Challenges to the use issue arise when concerned individuals with customary rights are either denied access and/or use in terms of a particular time period or place. These customary disputes originate from three types of people: family and kin, local residents (territorial *kainga*) and the landless.

The social setting, accompanied by tradition, is far more extensive and complex than the legal framework. Most customary rights are not enforceable by law but these social structures and customs provide a widely recognised structure in Nukunuku. Every village member knows his or her own place in his or her own family (*famili*) and clan (*fa'ahinga*), and also in the wider community (*kainga*). Status and positions come with certain responsibilities, duties and respect. In general, ranking is based on age and gender, and these are basic elements in land use. The right to use and hold land declines with age from the eldest down to the youngest male siblings.

Traditionally, agriculture was the main productive activity (Gifford 1929:143-146), and it has long been the basis of the Tongan economy (Maude 1965:42). Despite the notion that cultivating land was gender related, women were not totally excluded from working in the gardens, at least by assisting their male counterparts. There has been little recent change in this regard, except that

women are now much more independent in their land related activities, whether it be individual or group projects. This includes commercialisation of cultural items; hence the cultivation of *hiapo* (mulberry tree), has increasingly led women to be more active in the agricultural sector. This in turn has sometimes put women in direct competition with men in terms of land use. Legally, women have very limited access and rights with regard to land in Tonga, and these sometimes do not work in women's favour. Women either employ and/or exploit their customary social status within the social structure, as well as their legal rights, to better their limited land rights. In contrast the *mehikitanga* notion really highlights the social superiority of women relative to their male counterparts. Traditionally, a male's sister or sisters is or are ranked higher in social status than the brother, who could be a landholder. This superiority is heightened in terms of the relationship between the landholder's children and his sister or sisters' children. Thus when the apparent heir succeeds his father as landholder, his *mehikitanga* (invariably his aunt) supposedly has some customary rights to acquire or can request items (including farm produce) and/or employ her landholding nephew's service (labour). This includes certain rights over the lower ranked landholder's possessions, including land or part thereof. However, this practice is not pursued and/or exploited by most *mehikitanga*(s) since it has largely become a ceremonial designation. For those who still exploit this notion, it only works through the landholder's (nephew's) willingness rather than the *mehikitanga*'s imposition. However, the customary authority associated with the *mehikitanga* is still experienced on family occasions, especially events such as weddings and funerals. In terms of land issues, the assumed supremacy of a *mehikitanga* is substantially reduced compared to a few decades ago.

Complementing the *mehikitanga* is the situation of the *fa'etangata* (maternal uncle). The offspring of a sister refer to their mother's brother or brothers as their *fa'etangata*(s). The sister's children are superior in rank in comparison to their *fa'etangata*, which is based on their mother's higher status as the female. Culturally, the *fa'etangata* has certain obligations, one of which is to address the needs of his nephews and nieces (his sister's children). In regard to land related needs, this ranges from issues of simple access, to use as in farming or residing upon the land, to basic consumption of the production from the *fa'etangata*'s land by his nephews and nieces. Since this practice is customarily justified, the *fa'etangata*('s) participation and open-mindedness is not only crucial but socially desirable. This is generally seen as a admirable obligation by any *fa'etangata*, which is always interpreted as his way of honouring his sister or sisters. Such family

pride is also disappearing according to some local people due to prioritisation by contemporary landholders, based on individualism and materialism, and a growing awareness that this is no longer feasible in the current commercial economy.

The customary assumption has long been that all siblings, especially males, given the lack of vacant land in Nukunuku, would have some rights to use their fathers' land. This is often contested in principle and it is also disappearing in practice. Most people are adamant that this practice, where at least the landholder or apparent heir shared the land with another party or parties, and especially family members, was more common half a century ago. This type of collective usage is no longer practical. Since agriculture is heavily commercialised, money has become a major factor in landholders' letting decisions. In some instances the landholder deprives landless family members by allowing other relatives or even an outsider, who is willing to offer rental payments, to use the family allotment. Eight landholders carried out this sort of practice and all needed the extra cash. They regretted the fact that family members were deprived of their customary entitlement but they argued that they had no other choice. These landholders' priority as an individual and/or household head, was concerned with their immediate family, took precedence over both the kin and the communal norms. This is based on one or a combination of the following, economic needs (based on the family's financial status), social, beliefs, and the physical ability to use the land. Although perfectly legal, it does not acknowledge both the social presumptions and expectations of both the extended kin and the Nukunuku community. Selfishness (*siokita*) and abhorrence (*ta'e'ofa*) are the common descriptions that characterised such landholders, according to family members, especially by younger brothers who are either landless or have limited access to land, as indicated briefly in Case 6.8.

Case 6.8:

Laumomo allowed the church (LDS) to use his town allotment instead of family members who were landless. Laumomo in this case saw this as an honourable deed as a token of his belief and contribution to the whole community. On the other hand, kin members questioned his action based on the idea that blood ties should come first instead of an institution such as the church.

The lucrative squash-pumpkin industry in Tonga raised the value of land higher than ever before. This crop suited the land situation (limited land area) due to its short season and high value (see Chapter 5). Land use thus changed dramatically but more importantly at this point, the agriculture structure changed. There are fewer people involved in agriculture, due to modern technology (mechanisation and fertiliser), and alternative employment opportunities with their affiliated prestige.

People like Tau'akiloto (*matapule*) and Makaliuakifanga (village elder), were adamant that Nukunuku was formerly in a situation where social relations dominated agriculture. Family members and relatives who had no bush land could access other relatives' land; in other words, shared use of an allotment used to be common. Nowadays, commercial farmers can access some bush allotments through financial dealings. This is indicative of new encounters between commercial and subsistence production in terms of land use; and between individual and communal production.

Since the majority of Nukunuku people maintain a range of traditions, at least in principle, household heads influence the user or users of the land. Over 88 percent of landholders work their own bush land while the rest (12 percent) let other people work their land. The majority of the landholders farming their own bush land stated that it was their duty to care and provide for their respective families. The traditional assumption that the head of the family had the knowledge and experience to do this was still widely maintained. The landholders as users were also adamant that such customary roles retained validity whether or not they had land of their own. Providing for the family, regardless of land situation, implies that there are other sources of livelihood and/or there is possibility of accessing other peoples' land. A small number of landowners (4 percent) stated that being a landowner warranted the responsibility to farm the land. In terms of employment, just 2 percent stated that their reason for farming the land was because they were unemployed. These people, in view of their qualifications and skills, did not have any prospect of employment thus farming was the only practicable option.

A small number of bush allotments were farmed by people other than the landholder. The most cited reasons were either that the landholder was dead, divorced, had emigrated or chosen not to work the land. For deceased landholders, their widows utilised the land. In some cases, the heir used the land but the registration had not been changed. In the case of divorcees, landholders may

be ordered by the court to share or let the wife utilise the land as a form of alimony. In a few cases, landholders had emigrated leaving the land to be used by a guardian, who could be the heir apparent or a close relative. In these cases, a couple of landholders stated that they let the heir apparent use the land for two reasons: that the heir had no bush land of his own, and that the heir should work the land because one day the land would be his. Furthermore, individuals other than the landholder farmed three allotments, because these particular landholders were fully employed elsewhere. In addition, one landholder stated that he had no knowledge of how to farm the land. This may seem unusual in a rural society like Nukunuku but it is now possible especially when there are an increasing number of people growing up overseas away from the land. In addition, some potential landholders or apparent heirs had no interest in working the land but preferred alternative ways of earning a living.

The spirit of co-operation is still in existence despite the individualising effect of commercial land use. A few landholders allowed landless relatives to either use their land or share in farming it; this is commonly done out of generosity with no payment assumed. However, ample testimonies support the fact that in a small number of cases, money is involved. This is neither a rental payment nor a bribe; it is just an endowment of appreciation on the user's part. Because of the commercialisation of agriculture, especially in the squash industry where there is demand for short-term use of land, this type of unofficial dealing is increasing. A landholder may allow a commercial grower to use his land during the squash season (7 months average) for an agreed fee. Such arrangements often draw criticism from close relatives, especially landless relatives, who argue that landholders valued money over the needs of their own relatives. Sometimes such arrangements emerged from precarious situations for example, when landholders were close to financial destitution. The fees involved are often low and hardly related to the real value of the crop but this is different from the 'endowment of appreciation' because it is actually commercial trading and the landholder actually requests it. This is a testimony to the individualising effect of the commercial economy on local village kin. In contrast, the assumption that if the landholder does not farm the land, the next in terms of blood ties should be given the first chance, provided that they are landless, emphasises the general welfare of the extended kin rather than any individual (landholder). The underlying assumption is that the inter-dependence between (extended) family members is their strength, since in small communities with little resources and close kinship like Nukunuku, sharing makes up for individual problems or shortcomings.

Selfishness is the common label branded on landholders who have moved away from these norms, by family members, especially younger brothers who are either landless or have limited access to land. Hence the saying: *Tufa ka teu tufa* ('after you now, but I will share out later), warning off relatives that 'what goes around, comes around.' Such intimidation and land-oriented customs are increasingly inappropriate because land is not the only source of income or the only form of livelihood in Nukunuku at present (see Chapter 5).

6.1.2 Land entitlements

Legally, every Tongan subject is entitled to a piece of land in Nukunuku or elsewhere in the kingdom (see Chapter 4). Unlike the land entitlement, which is based on the social context, land rights are based on legal contexts. Moreover, although land entitlements vary according to people's social status, their rights, are expected to be equitable, based on the assumption of legal civility and moral values. However, the terms 'rights' and 'entitlements' are interchangeable in the Tongan context because they both mean '*totonu*'¹ in the context of the Tongan land tenure.

Most residents of Nukunuku know their legal land entitlement as Tongan subjects. This notion is related to, and at times indistinguishable from, the belief that Nukunuku land is for Nukunuku people (see above). Nukunuku people consider non-Nukunuku subjects as having a minimal rights and/or claim on Nukunuku land. This close tie between people of a specific village and the land is common throughout the kingdom. Like the Nukunuku people, a particular '*kainga*' has a self-protective sense about their wider communal land (estate). This exclusive bond between land and local people was originally set in motion during the civil wars in the early eighteenth century (see Chapter 5), re-established in the post-contact era by the land law, and is now sustained by commercial practices and the notion of land shortage. Underpinned by the individualised tenure system and commercialised economy, land is becoming more valuable as a resource, and also in demand from a growing population. In effect, being considered one of the Nukunuku territorial *kainga* is the primary condition for, or state of entitlement to, Nukunuku land. Within the Tongan social context, it also reserves to the Nukunuku people the right to benefit from Nukunuku land despite the general legal provisions.

¹ *Totonu* can mean correct, befitting, truthful or right. In terms of being entitled to land, it is a person's rights or *totonu* as a Tongan subject. Thus a person's entitlement to land rests both on his/her customary and legal rights. However, customary rights allow for practices provided for by law and beyond, hence the accustomed extra-legal practices experienced nowadays.

People of Nukunuku, regardless of their general legal land entitlements, endeavour to uphold their customary entitlements to the local land. In this sense, local people are quite emotional about the land, and especially family inheritances. Despite the family land being predetermined as the heir's, younger siblings often express their wish for the family land to be kept within the family. However, practising such defensive land customs can sometimes put them outside the defined legal framework, as the legal entitlement provision treats all Tongan citizens as equal. Most people do not condone such practices as prioritising land entitlements in favour of local people. However, prioritising land entitlements is commonly justified in physical and social terms: limited land supply and territorial *kainga* or local kin respectively. On the contrary, neither physical nor social factors on their own can sufficiently explain such protective land practices based on rights and entitlements in Nukunuku. Some local people would take great risks just to claim their rights as locals and/or secure land for their family members (Case 6.9). Despite the discounting evidences on land shortage so far, Case 6.9 hints at the continuing pressure on land and potential scarcity.

Case 6.9:

In one particular instance, according to Tu'ivakano, one landholder from the Old Nukunuku settlement applied for a second piece of land in the new settlement for his second son. This landholder recognised the fact that the heir (eldest son) would inherit the current family lands hence his concern for the future of the landless second son. The application was successful since all procedures were legal and there was an agreement that, if successful, the granted land would be used. However, it was discovered some time later that the second son was not yet sixteen years of age at the time of the application, thus making the original application illegal. The only way to resolve this was to put the land under a trustee so that the second son can reclaim the land once he turned sixteen. Nevertheless, the father was concerned that the land available from the recent subdivisions of town allotments would have all been allocated by the time his second son had reached sixteen years old. The chief on the other hand was not happy with the whole event but he understood the father's endeavour, and there were two options available for the estate-holder: cancel out the application and re-allocate the land or let it be. The latter option was taken but the chief vowed not to let this happen again.

The perceived increase in the village population, though enormous, especially the increasing number of immigrants, meant that some of the local population were either nervous or mindful of the fact that there is not enough land for every male individual in Nukunuku. Relating this to the

overall population, 'the main reason for more people than land is the number of immigrants' (Tu'inavai 1999 pers.comm.). This kind of perception reinforced local individual entitlements to land in Nukunuku, especially the primary residents of the 'old' settlement.

a) Village Locals / Immigrants / Foreigners

The local village people asserted that they themselves were entitled to land in Nukunuku as the historic people of Nukunuku, despite the fact that most acknowledged the legal provision entitling every Tongan subject's entitlement to land in Tonga. In recent land allocation (late-1970s), 'most allotments in the new subdivision (*Taungasisi*) were allocated to immigrants' (M04, a *matapule*, pers.comm.1999). The majority of villagers supported the idea of safeguarding the entitlement for local Nukunuku people. Foreigners were considered as holding the least entitlement to land through leasing (though there was only one foreigner, an aid worker from the United States, in Nukunuku at the time of this survey). Nukunuku generally favours traditional attitudes and practices in terms of reserving land rights and entitlements for local people.

Immigrants settling in Nukunuku since the late 1970s, have been compelled by established local people to follow what they called the 'Nukunuku way', which is basically conceding to local authorities and administrative structure, and internal social problems were attributed to immigrants not adopting the 'Nukunuku way'. In regard to the land entitlements, immigrants are presumed to respect the prioritised land entitlement favouring local people. Valuing the tradition and customs or the 'Nukunuku way' was apparent during informal interviews with the people. The majority of interviewees from the 'old' settlement continually emphasised the traditions and culture of Nukunuku, which in this particular issue meant the precedence of the local order. Most recent immigrants in the 'new' settlement hardly mentioned this but constantly raised the issue of favouritism in respect to their landless situations.

Invariably Nukunuku people were adamant that it was the local people and their ancestors who addressed cultural obligations, attended to the social and communal issues, and that these warranted their land entitlement in Nukunuku as a priority. This effectively completed a circle of entitlement. The land sustains this particular group for generations, hence their commonality and compatibility. In turn they mark the land as their own, excluding entitlement to individuals from

other places and nationalities. The established population have land themselves, making it easier for them to either share their land in return for sharing another landholder's land. Consequently immigrants generally found it difficult to even borrow land for temporary use, made worse due to the changing value of land in Nukunuku. They also have a well established kinship within Nukunuku, giving them an even better option of sharing their land. Agricultural land is not only limited but non-rental borrowing is unpopular. On the other hand, some immigrants have land in Nukunuku, especially town allotments, and still hold land, especially tax allotments, in their village of origin. This is illustrated in a couple of cases of immigrants (Cases 6.10 and 6.11).

Case 6.10:

Mr. Puatonga, an earlier immigrant from the early 1970s, applied and got a town allotment in Nukunuku, which is going to be the heir's who is now married. The second son, who also has his own family, recently applied and was successful in securing his own land, but the third son is landless. The only tax allotment the family has is in MUITOA (Vava'u Group) which is currently used by Mr. Puatonga's wife's relatives. Mr. Puatonga had been borrowing land to use since they arrived from MUITOA but stated that his sons had found this very difficult to do. As a result they all share in utilizing Mr. Puatonga's borrowed land.

Case 6.11:

Mr. Papaifa migrated to Nukunuku from Felemea (Ha'apai Group) in early 1979 for employment reasons. It was not until 1982 that he successfully applied for land, and settled in Nukunuku. He has four sons; the eldest and second sons have successfully applied for town allotments, and the third son will inherit the family allotment (Mr. Papaifa's), while the youngest son is living in New Zealand with the eldest daughter. The other two daughters have married local Nukunuku people. None of these town allotment landholders has a tax allotment, except Mr. Papaifa's tax allotment in Felemea. In a similar way to Case Nine, farm land had to be borrowed from relatives in Nukunuku and again these residents found this increasingly difficult.

Local villagers' land entitlements are upheld in accordance with the law. Depending on land availability, vacant land in Nukunuku has been allocated to both locals and immigrants, but foreigners receive very little sympathy from the Nukunuku people in regard to land matters.

Established villagers argued that this was linked to the social structure, rather than because of discrimination. The existing social structure is based on close knitted family units, which exclude foreigners. The estate holder has also asserted that the foreigners have lower priority as opposed to local villagers and Tongan immigrants. One local paper, the *Taimi 'o Tonga* (15 August 2000), reported that a chiefly directive was given prohibiting any Nukunuku landholders from even allowing any foreign (Chinese) business to be established on their land. This is within the constitutional rights of the estate-holder, and was aimed at the town allotments, which was targeted by Chinese immigrants, but tax allotments were also included as a preventative measure. One of the main reasons given was the assumed need to protect local Nukunuku businesses, such as the *falekoloa*(s) from such fierce competition that they would have no chance of winning. Although commercially motivated, this move still highlights the paramount role of locals as opposed to outsiders on land related matters.

b) Village Emigrants

Emigrants are often Nukunuku people, to the extent that they possess, and sometimes dispose of, both their land rights and entitlement. Many emigrants still hold land allotments in Nukunuku though they are currently residing overseas. According to the local people, this included the majority of the 152² town allotments and 15 of the tax allotments that lay idle. Only a few of these absentee landholders allowed selected locals, relatives or otherwise, to use their land. More frequently, concerns were raised over permanent residents, particularly those who had not only lived overseas for a very long time, but had also elected to leave their land in Nukunuku idle. This contradicts the perceived notions of land shortage, more importantly, with people surviving on alternative means of income other than land. Legally, an emigrant still has land rights in Nukunuku until he chooses to become an overseas citizen. Only then, do his rights or entitlements void. Such cases become more complex in terms of entitlements, since the question of territoriality casts doubt on entitlements. Regardless of immigration status, emigrants with land titles in Nukunuku are seen by some as no longer part of the current society, yet many emigrants residing overseas continuously contribute by donating materials and money to Nukunuku. However, the existence of landlessness, the large number of allotments idle, and the increasing

desire for money fuelled discontentment among local people towards emigrants. This frustration among the landless has indicated further prioritisation of land entitlements: placing permanent migrants from Nukunuku in the same category as the internal immigrants, or even foreigners, as the following comments show.

The one thing that I would like the authorities [estate-holder and MLSNR] to review is our current situation, people like us who have no land. First, may be it is time to re-subdivide the land, for example the tax allotment to be reduced to two acres instead of eight and four. This will allow more land allotments for people like me. Secondly, the estate-holder should reduce the number of leases and the leasing period for each lease. [Third] overseas migrants have a good living so their land here should be re-allocated to people like myself, who bear local obligations and duties. (NO.050 pers.comm. 1999)

And:

Yes, I think the government should form a law for those who have land but migrated overseas. Leaving their land idle for years, for example three to five years and without leasing the land, then the government should allow the land to be leased by those who will utilise the land, especially the immediate kin in Nukunuku. This should be the same for those who migrated here [Nukunuku] from the outer islands, leaving their land idle. (HT091, pers.comm. 091)

The view that local land should be given to local residents overlooks the extent of the networking in terms of kinship (blood related *kainga*) and communality (territorial *kainga*), by narrowing the entitlement aspect to consider only those who are currently residing in Nukunuku; and then the 'local' residents as opposed to immigrants, foreigners or the overseas residents. The increasing demands for land have made the customary selection processes become increasingly discriminatory.

The question of entitlement is also evident within individual families. Local relatives and others in Nukunuku now question the entitlements of emigrants. Again, the general belief is that local residents endure the daily obligations (*fatongia*) in both the community and family domains and thus should have priority entitlement over their emigrant relatives. Land is a critical need and is rated relatively high in demand for residential and/or especially agricultural purposes. The demand for land does not necessarily reflect land utilisation since many allocated land areas are not utilised especially the town allotments. Hence the demand for land is being driven by the notion that land supply is very limited, the customary understanding that land represents identity

² This figure does not include the half-built houses on 25 allotments, some which had been clearly abandoned unfinished. It was difficult to determine the exact history of these since most of these landholders were overseas.

and dignity of a man and more recently, the commercial value of land as a collateral for loans and/or commodity for trade. (Regarding the latter, the right to use is transferable except in cases where land and right to hold (or own) is surrendered to another person in exchange for a 'gift', thus the land is utilised by someone other than the original landholder). In short, the demand for land is not driven by absolute land shortage.

Table 6.2 People in need of more land allotments.

Number of people that need 'extra' land.			
	Need more land	Do not need more land	Total Respondents
Tax Allotment	60	31	91
Town allotment	28	8	36
Total	88	39	127

Source: Fieldwork Data 1999.

An enquiry into whether people needed extra land allotments in Nukunuku attracted 127 responses (Table 6.2). At least two thirds of respondents (69 percent) confirmed that they need extra allotment and 31 percent stated otherwise. More significantly more than two thirds (68 percent) of the people with land demands preferred a tax allotment and 32 percent wished for a town allotment. The lower demands for town land demonstrated that recent land allocations had partially fulfilled demands.

The increasing value and cost of religious, communal and family obligations has meant a need to increase family income, either through employment and/or intensifying production. For some families, the limited employment available in the kingdom may be inaccessible or is not enough to sustain both standard family needs and also the extra social obligations. The common option in a village economy that has depended primarily on agriculture is to work the land but this is hindered by the lack of available land. Ten of those households who required tax allotments (Table 6.2) already had a tax allotment each, hence their needs were based on the desire for more

crop production, which would eventually increase family incomes. As the following statement revealed:

Everything costs money these days and is increasingly expensive. Farming is primarily the main source of income [for the family]. This is why I need more land for farming so that I can grow more crops, hence my income will increase, thus allowing myself to look after my family properly, and also deal with obligations to the church and to the chief and the community. (TM058, pers.comm. 1999)

Based on kinship, the land of emigrant relatives has become an option for local relatives, especially their landless kin. Emigrants are often perceived as 'living comfortably', the standard view of developed countries, hence local relatives argue that they are underprivileged in comparison, so they are in greatest need, especially of land. On the other hand, emigrants keep their land as a mark of prestige and privilege, to maintain a social connection to Nukunuku. Local people also believe that there is no logical need to continue on allocating land when there is limited supply and there are allotments lying idle, hence the problem needs more effective land management.

The [migrants] help us [local people] a lot, and I am thankful for that. However, they have chosen to live their life overseas, and that is also good, but I am concerned with the local people, we depend on the land for residential and agricultural. They live overseas whilst blocking us from accessing land, which leaves us [local landless] very poor options. The government and the chief should let local people hold land, and allowing the land to be transferred in the proper manner. If you leave for good then you will lose that privilege. (LM098, pers.comm 1999)

The traditional succession to the land of either the deceased or the absentee holders would ensure continuous utilisation of the land, a belief that is also based on the fact that individual land rights have allowed some landholders to be complacent and not utilise the land.

6.2 The modern roles of landholders (Estate holders and people)

6.2.1 The role of a Lessor (Leasing and Sub-leasing land)

Leasing arrangements can be characterised as; official and customary according to the settling procedures, and commercial or subsistence based on use. Leasing land in Nukunuku is one of the legal ways of utilising the land for financial benefits. Any landholder, including the estate-holder,

can lease off any legally held allotment. On the other hand, every person over sixteen, male and female, including charitable bodies, religious and social organisations, has the right to lease land. The process and procedures for leasing arrangements are defined by the law and managed by the government through the Ministry of Lands, Survey and Natural Resources. Simple as it is supposed to be, leasing land is far from straightforward in practice.

Basically, a lease is a contract between the lessor (grantor of the lease) and the lessee (recipient of the lease). The leasing arrangement, in the form of a contract or otherwise, grants the lessee temporary possession and use of the land involved. Officially, there is one legal leasing arrangement bound by contract and approved by either the Cabinet or the Privy Council depending on the leasing period. The consent of Cabinet only applies to leases within the legal time limit, which is twenty years for tax allotments and fifty years for town allotments, otherwise the Privy Council's consent is required. However, most leases are within the legal limit because of the fact that leases are renewable. These limitations are mostly applied to individual land holds not to the hereditary estates, thus enabling the estate-holder to lease large areas for up to ninety-nine years.

Various forms of leasing arrangements exist within the basic legal arrangement. A lease in its official version is declared and bound by contract or deed, and it is legally bound with clearly defined conditions especially the rental payment, purpose of leasing and duration of use. However, similar arrangements may be made by the landholder and two or more parties with respect to allowing other parties to use the land temporarily. Commonly, this is done by verbal agreement based on trust between members of the village. The relationship between the landholder (grantor) and the recipient is by and large socially dependent, but since the 1960s, this is increasingly commercially motivated. However, the practice may involve two relatives and given the extent of the kinship network in Tonga, it is not uncommon for two people (grantor and recipient) to have some sort of family ties.

Out of the eleven town allotments, which are currently under leasing agreement, only 5 were officially approved and are legally bound. All of the involved leasing recipients were unrelated to the grantor of the lease. The other half of the leases was settled by customary proceedings and, although binding, these are open to legal challenges (although this is rare). Three of the customary leasing agreements involved some form of rental payment, which also includes

money. The amount seemed to be lower when it comes to family relations of the landholder (grantor) or otherwise the value would be higher. The other three customary leases did not involve any payment. The two town 'customary' leases were for non-commercial purposes, basically for residential use but the other two were for financial benefits and religious purposes (Table 6.3).

The proportion of official and customary leases changed after taking into account the bush allotments. There are twice as many bush allotments under leasing agreements, which is not surprising given the fact that bush allotments are much scarcer than town allotments in Nukunuku. Four of the 7 leased bush allotments were customarily settled, despite increasing commercialisation of the agricultural system. Furthermore, only 3 of these customary leases actually involved rental payments and almost all had subsistence as the leasing objective. There are two explanations for these characteristics of the Nukunuku bush allotments. Firstly, rental payments do not only involve monetary payments; there are various forms of payment employed by the recipients to reimburse or compensate the landholder. Non-monetary payment includes one or a combination of the following: cultural items such as mats and tapas, foods including agricultural produce, and even labour services. These kinds of payments used to be reserved for the chiefs in the before the introduction of the current tenure system, because the chiefs were the landholders whilst the people were tenants then. Now, people have the use and benefits of being landholders due to their constitutional individual rights to land. Secondly, most people declared their land use as subsistence even if they, in part at least, were involved in some commercial trade of farm produce (see Chapter 5).

Table 6.3 Use and/or access to other people's land.

	Formal agreements involving set payments. (Leases and Verbal)		No Land Borrowed or Leased	Average Area of Land Leased or Borrowed	Reasons given:
	Registered	Customary			
Town allotments	2	2	99	30 perches	<ol style="list-style-type: none"> Two registered allotments were for the church to use. The other 2 were for relatives to reside upon temporarily.
Tax allotments	3	4		4 acres	<ol style="list-style-type: none"> The three registered leases were leased because; landholder needed money for travel (1), and for extra income (2). The 4 customary arrangements were for recipients' to farm on because they have no tax allotment
Totals:	5	6	99	Total number of land leased and borrowed:	
	11			99	

The benefits and costs of leasing with regard to official (registered) leases and customary leases pose a much more difficult task to gauge. There is an increasing awareness of the real value of land in terms of the grantor's costs, which should be compensated through the rental payment. The amount of monetary payment continues to increase within the customary arrangements. Registered leases however are restricted by the legal value: TOP\$ 10 per acre (10 Tongan dollars) upheld by the MLSNR. In some leases, presenting the grantor with a gift, which is often a large amount of cash, makes up for the official land values, which are often rated too low (Case 6.12).

Case 6.12:

'One of the squash-pumpkin growers approached me before. He wanted to use my land just for the squash-pumpkin season, roughly from May to October. He needed more land for his crop and I needed some money, so we agreed for him to give me \$700.00 for him to use my land.' (033, pers.comm.. 1999)

The amount is far better for the landholder as opposed to the official leasing rate of TOP\$10.00/acre per year, which is about TOP\$80.00 in total. This is the factor that pushes people away from official leasing besides the bureaucratic red tapes. However, landholder such as this individual does not consider the fact that the squash-pumpkin grower can earn at least \$7,000.00 net profit. Therefore the official rental rate of TOP\$80.00 would be an unfair payment for the land that is worth more than TOP\$7,000.00.

This is done outside the official channels hence the government (MLSNR) would have no record of such transactions. This practice of monetary gift within both registered and customary leases, although extra-legal, is considered to be fair because it compensates for the official values. The monetary gifts are often in large amounts making these closer to the real value of the land which is why recipients are willing to offer these. In the same token, the 15 percent tariff charged on rental fees was seen as another reason for people opting for customary arranged leases.

Fuelled by social duties and cultural obligations, in addition to the notion of land shortage in Nukunuku, there is public concern about the amount of land tied up by leases. The common landholders do not only hold this concern but it is also directed at the estate holder as the overall grantor. Legally, the estate holder may lease no more than 5 percent of his hereditary estate. This is in addition to the leasing arrangements between the estate holder and charitable institutions, religious bodies, and government boards. Hereditary leases also depend on Cabinet's consent.

Two major leaseholds in Nukunuku were often mentioned by the people namely, *Taungasisi* and *Niumate*; one was for a small private cattle farm and the other for a religious body respectively. The former had recently expired and was subdivided and had been allocated as town allotments. The other is still current and most people believed that upon expiry, it should be allocated as bush allotments because it was on prime agricultural area. However, there was no indication from the estate holder that this leased land (*Niumate*) will become accessible in the near future. This situation where the demands from the people clash with the estate-holder's needs initiating various public responses are revealed in the following comments:

We [the people] may need the land [in reference to *Niumate* lease] but the noble also needs the land, because like us, he has financial needs. This is why I do not think that that leased land [*Niumate*] will be subdivided into tax allotments soon. (T058, 1999 pers.comm. 058)

And;

I do need land, tax allotment, but have to wait until some of the leases, like those church leases [implying *Niumate*], expire. I think this was nearly expired but it was renewed again, so I believe that will never be subdivided because this is the land that the noble is relying upon for financial support. (S059, pers.comm. 1999)

Contrarily;

For the noble to be more considerate and distribute the [leased out] land for the people. (S144, pers.comm. 1999)

And;

It is only proper for the land to be distributed in accordance with the people's demand, and also the noble should treat everyone equally. (T148, pers.comm. 1999)

And;

I am thankful for the noble's efforts and duties but I believe that he should submit to the people [by distributing the land] and the people will continue to obey him. (N124, pers.comm. 1999)

Evidently, there were two general views documented from Nukunuku: there were those who criticised the area leased out by the noble, and those who empathised with the leasing arrangements. Despite the demands for tax land, some local villagers were more understanding of the noble's leases. It was evident from this line of thinking that the empathisers perceived the estate-holder as a family man just like every other household head in Nukunuku, the chief having a responsibility for his family. In contrast, there were those who perceived the estate-holder as the

chief, in which case, a chief has sufficient wealth (financial and cultural) therefore there is no need for him to lease out large areas of land.

The legal provision for lease by estate-holders gives any estate holder a great deal of area for leasing. The law states that only 5 percent is allowed to be leased by the estate-holder, but that does not include charitable leases, which includes religious groups (churches), the biggest lessee in Tonga. Furthermore, the law also allows the estate-holder to set aside an area of his estate for his own private use (*'api faka-tofi'a*) but there is no specification on the area, hence the estate-holder is basically given control over his estate, almost similar to that before the law. Estate holders have utilised this opportunity as a source of income in addition to their own leases, leasing as an estate-holder, to religious institutions and charitable bodies. Unlike much earlier chiefs, the modern estate-holder had become lessors, to earn some income for him and his family. This is also a way of both utilising the land at present and, at the same time, reserving such land for his successor. In effect, the leases like *Niumate* will have expired by the time the next Tu'ivakano take over the reign, thus giving him land to use (or rule) as he decides. This line of thinking by Tu'ivakano highlights how some estate-holders intentionally tie up land in leases in light of the decreasing land supply. The importance of reserving areas for disposal of future successors to the chiefly is very important, because of the land's strategic value for the village polity.

Regardless of land type, whether the lessor is the estate-holder or the landholder, the underlying concern should be about the benefits and the beneficiaries. Village people generally respect the fact that leases are aimed at either improving living standards (*famili* oriented needs) or supplementing wider duties and obligations (*kainga* oriented). This respect or acceptance for using land as a medium for creating income is based on the fact that the beneficiaries, financial or otherwise, are local residents. In other words, the benefit from such land deals stay in Nukunuku. However, local people view leases differently hence the criticisms and the empathy. Even the estate-holder is personally concerned and echoed such a notion with leases (official and customary).

The issue of lease, regardless of this being registered (official) or customary, by landholders here in Nukunuku to recipients from outside of Nukunuku. These recipients usually contribute very little or nothing at all to our community, they just use the land for their own benefits then leave. The way they use the land is also a concern because they usually pay no attention to the

environment. The relationship between my people and the foreign recipients is not always good, this disharmony is due to the view that foreign recipients are using the land whilst local Nukunuku people demands are not met. In some instances, local people simply ignore the rights of these recipients by stealing from these farms for instance. (Tu'ivakano 1999 interview)

The absentee landlords (overseas migrants) in Nukunuku who leased land to 'outsiders' were the best examples of this concern, where in most of these arrangements the local *kainga* (territoriality) Nukunuku is left with exploited land and the profit proceeds elsewhere. This issue of exploitation led the general public to become more concerned over land lessors but giving empathy to mortgagors. At the very least, a mortgagor is a local person, and despite the fact that he directly used his land to earn financial capital, the beneficiaries are generally limited to Nukunuku.

6.2.2 The role of a Mortgagees (Mortgaging land for financial gains)

Land mortgaging is one relatively recent amendment to the law in 1976 giving landholders the option of using their land as security for bank loans. Originally, the Bank of Tonga was the mortgagee; it was joined by the Tonga Development Bank in 1977, and International Finance Services Limited in 1987. Like any other land dealings, mortgages or mortgage leases must be approved by the mortgagee, and agreed upon by the mortgagor with the consent of the Minister of Lands, Survey and Natural Resources. Approved mortgages must also be registered with the MLSNR, upon which the mortgagee can take possession of the deed for the concerned allotment.

Mortgaging land is an opportunity for people of low and middle income to access capital with the assumption that this would further the landholder's financial capacity to improve their lives. This is good because there are genuine cases in which mortgage leases are a necessity but there are also circumstances that this provision is being exploited. The fact that the main requirement is registered land may have given a false sense of security in terms of ownership rights to landholders in need of financial furtherance. It is easy for people to foresee the benefits of possessing large amounts of money but not many really consider the total costs of failure to utilise and/or repay such large amounts of money. Families may experience great debt, which is the most obvious cost, but there are also social costs, which are high with respect to repossession

of land (coerced landlessness) and could last longer. Hence there was uneasiness among some villagers when the issue of allotments held by the financial institutions for unpaid loans was raised, which alienates the landholder for some time. Unsuccessful mortgages have also led to household possessions being repossessed by the banks. However, only one household has household items repossessed by the bank, which was a 30p of tax land (Tonga Development Bank 1999). There are other cases on the brink of repossession but they have not yet reached a stage where the bank would do so.

Financial gains from mortgages are valuable in improving land production by allowing access to and use of improved technology (machinery, labour and fertiliser), which in turn sustain the current land production standards in Nukunuku. Such private financial opportunity, provided that it is utilised appropriately, is healthy especially with the present individualised land production. Individual farmers and their respective households, have the power to utilise such finance either to commercialise or intensify production. Yet consumption nevertheless remains a collective affair that includes other family members and/or kin, depending on the social event at hand. Generally, failed mortgages are blamed on the farmer's own doing in terms of methods used during farming and/or the weather, and/or the overseas market or all of these factors. Commentary is common especially within the farming circle in Nukunuku because the primary sources of information are current farmers and failures are easily reasoned as not following given advices. Nonetheless, these factors are all genuine reasons but the influence of group consumption or shared consumption is often disregarded. Often consumption, involving the household, the extended family and even the community, can far outweigh production. This has often happened in unforeseen occasions such as funerals, marriages, and communal obligations, especially religious duties. The loaned money is often diverted to these miscellaneous uses with good intentions but high risks. In similar ways, benefits from production, either in monetary profits or surplus produce, are also diverted to these extra social obligations. Since consumption is 'shared' there is some degree of competition between families (*famili*) or clans (*kainga*) as to whom or which family produces the best offering (quality and quantity). It is this rivalry that landholders reveal their ability to use the land (*ivi lahi* or possessing and using power), but it also reflects the land resource (*kelekele mahu* or rich soil). In affiliation, the contributing individual or family may gain public appreciation, thus sustaining family pride and social status within the community despite of costs. The costs in this situation in terms of production and/or monetary

values are not overlooked but considered secondary to the social, religious and maybe political gains.

There are successful cases where the mortgagor benefits substantially from land dealing. Household needs such as family dwellings, vehicles, farming equipment and machinery, even overseas education of the children, are now accessible to many families because of mortgage provisions. Capital required for commercial farming, especially in the lucrative squash industry for instance, is mostly accessible through mortgaging land. The number of farmers in Nukunuku involved in squash farming varies

In relation to land mortgage, the Parliament recently repealed the prohibition of crop mortgaging under Section 16 of the current Land Act, thus allowing Tongans to mortgage their produce. Like the 1976 land mortgage amendments, crop mortgaging has a number of benefits. It empowers people with opportunities for furtherance of their financial status. It also brings Tongans and foreigners together as equal, now that the Tongan subjects can mortgage their crops just as the foreigners could. This type of amendment particularly benefits commercial growers especially. In Nukunuku, no one other than the squash pumpkin growers had been able to get his subsistence crop mortgaged at the time of this survey because unless the produce is set for exporting, it is very risky for local financiers to accept crops as collateral. However, like land mortgage, crop or produce mortgaging will take some time before its full effect can be seen.

6.2.3 The Role of Land Developers

Land development is highly important in a village community. According to the estate-holder:

Nukunuku needs to attract investments, especially foreign investors, but no investor will come unless we make the village worthy by developing our own infrastructures. People should value land development, this is one of the ways that they can contribute to the community. It would be great if an investor or investors build a small manufacturing industry here where local people can find employment. (Tu'ivakano pers.comm. 1999)

Basically, the assumption is that a well planned and built community would help entice outside investment to Nukunuku. Imperatively, this acknowledgement from the estate-holder signalled a shift away from traditional farming into employment as a future source of livelihood for the Nukunuku people. The estate holder had some visions for land development, some of which had been established. One idea is to have a small public park where people can relax and enjoy

themselves. Another vision that had already been initiated is the local sports field and stadium; an area of 20 acres had already been allocated as the site and construction began in mid-2000. In addition, Nukunuku is one of the few villages in Tonga that has a produce market. This was established for two basic reasons. One was to provide a location for local people to sell their produce, thus saving local producers from travelling into the capital to sell their produce at the Talamahu Market. Secondly, it was intended to attract customers, from both local and neighbouring villages to a specific site in Nukunuku, making it easier for both customers and farmers to trade. Indifferent to the conventional estate-holder, Tu'ivakano is moving outside the traditional order. Land is not only a source of livelihood (residence and agricultural) but it is also a medium for healthy living, general public enjoyment and a resource for further developments in Nukunuku.

6.3 The allocation (and inheritance) strategy

6.3.1 The legal channel in brief. (Land law)

Land applicants, provided that they are male and sixteen years of age, may apply for land to the Minister of Lands, Survey and Natural Resources. More importantly, they must gain the estate holder's consent. Depending on the type of estate (Royal, Noble or Government), the respective estate holders must give their consent and have it witnessed by a third party. Estate holders are required by law to grant people land with priority given to residents of their respective hereditary estates, giving preference to the chief's own kin and people (territorial *kainga*). However, besides the physical availability of land, there are also other factors taken into account in deliberation of applications such as the applicant's situation and potential contribution to the community.

In terms of land application, Nukunuku has a fine record in terms of allocating allotments with impartiality and discretion. Despite increasing population, the estate-holder still considers applications on the same merits regardless of place of origin in terms of birthplace (internal immigrants). This is one of the main reasons for the large number of immigrants now residing in Nukunuku. In support of this position Tu'ivakano has stated that;

It seemed to me that the immigrants appreciated and valued allotments allocated to them more than the locals. I guess it is their [locals] accustomed

behaviour. This type of attitude may have been because during the times of my predecessors [great grand father], the population was small and the land was ample...and the Tu'ivakano then was very composed in his leading. May be [he was] too moderate that people became unconcerned [with land utilisation] or complacent...My intention now is to make them [Nukunuku people] a little bit more industrious. (Tu'ivakano pers.comm. 1999)

Some 137 of the 241 respondents on the question of land application stated that they successfully applied for their land. This is a 57 percent success rate, which is inconsistent with the notion of land shortage. Nevertheless, most of these 137 allotments, understandably, were town allotments (109 allotments) with a handful of bush allotment (28). Taking these figures separately indicates the land situation in Nukunuku, for example having 45 percent and 11 percent successes in town and tax allotment applications respectively. The enhanced numbers of town allotment successes were due to the recent subdivision in the *Kalisi* sector (*Taungasisi*). There is no exact measure of the total number of applications but most applications are lodged when there are definite land subdivisions available. This is becoming the trend at present, people seldom apply when they require land, generally the demand is there but people apply when there is land available. However, there are a small number of people who apply regardless of new land subdivisions just to beat the rush anyway. Land application, judging from the number of immigrants in Nukunuku, is virtually open to all potential landholders.

In addition to land application, inheritance is the most common way of acquiring land. Succession is through the male heir. Where there is no heir apparent (son), the land should proceed to the landholder's brother. If there is no surviving brother, then the land goes to the landholder's uncle. Having exhausted all of these avenues without any legal heir, the land will revert back to the estate-holder. This is clearly defined, although variously interpreted, in the 1927 Land Act Division 2, Clause 41.

Due to the longevity of some landholder's life span and the smallness of the original population, only 82 of the 241 respondents had actually inherited their land. In terms of inheritance, there were equal numbers of town (41) allotments and bush allotments (41). The similarity of town and bush allotments meant that the successor as the male first born inherited both town and bush allotments. This process excludes younger male siblings. In such contexts, where the legal rule of succession contributes relatively little to the social needs, customary practices are often introduced. These will be discussed in more detail in the next section.

6.3.2 The 'right' channel of allocating land. (Legal and customary combined)

The 'right' channel in Nukunuku is generally perceived as legal but this is actually a combination of both the legal and the customary provisions. This accustomed right channel has been in practice for a long time but in rare cases has led to litigation. There are some speculations that the current succession started soon after the centralisation of land control, especially through the 1927 Act. Though the starting point may be debatable, the actual practice has strengthened over the years as the village population multiplies.

Land application however, is supposed to be a simple procedure as defined by the law. However, people often exploited traditions and customs with the intention to better their chances of being successful. Although not required or permitted by law, the custom of exchanging presents is often performed. Presenting gifts and favours to the chief in exchange for favourable consideration is not a new phenomenon. Historically, this was done in exchange for one or a combination of the chief's blessing, protection, permission or favour. This notion has been accustomed to the present tenure system and it has sustained the gift exchange phenomenon. Most people in Nukunuku were reluctant to state whether a gift or gifts were offered to the chief before or after the chief granted them land. Only 107 people elected to answer and overwhelmingly 86 applicants stated that they did not offer gift of any kind. However, 21 landholders did offer gifts when requesting land. Of these, 10 landholders offered cultural items such as *ngatu* (tapa cloth) and *fala* (mat), another 10 offered money, and only 1 offered his obligatory service. There was both an increasing number of monetary gifts instead of the traditional cultural goods and services and an increasing value of gifts involved either in money form or as cultural goods. The few stating that they practised gift exchange is probably an underestimate. However, the current estate-holder is adamant that he discouraged such practices in Nukunuku; hence there may have been some decline from the stated distribution.

In addition to successions and land applications, there were the '*api to* (given land³), not granted as in land applications, but offered by the estate-holder. These presented land rewards are rare but highly appreciated by the recipients and recognised by the community as a token of appreciation

³ Given land or '*kelekele foaki*' means allotments given to the landholder by the estate-holder in appreciation and compensation either for that person's and/or his family's contribution to the estate-holder and the Nukunuku community. In general, such land is referred to as an '*api to*.'

on behalf of the chief. Although small in number, covering 15 town allotments and 8 bush allotments, they represent a prolonged and close relationship between the chiefly family and the landholder's. This sort of tie would almost guarantee the support and contribution of the landholder's family for the estate-holder's family because customarily the landholder is eternally grateful to the chiefly line. However, this relationship or tie is liable to fade or change with time, especially with changes with respect to titular holders.

This land custom of '*kelekele foaki*' ('given' land) is not only practised vertically (chief-people) as in '*api to*', but it is also being practised horizontally (people-people). Allotments are known to be transferred between families or households as 'given' property. One of the common grounds for such transfers, or '*foaki*', is either to keep the land within the extended family, provided that there is no immediate successive heir, otherwise it would have gone back to the estate-holder, and/or to transfer the land to a relative who really needs it. Like the estate-holder's '*foaki kelekele*', presents or gifts of the same pattern are involved in this horizontal transfer as well (Case 6.13).

Case 6.13:

In one particular case, Siola'a explained how his land was originally allocated to a Samoan who married a Nukunuku woman. The Samoan holder went back to Samoa and a few years later wanted to come back because of his land in Nukunuku. His Samoan clan chief (*matai*) persuaded him to stay by offering land in Samoa as replacement of his land in Nukunuku. Hence, the Samoan holder requested that the Tu'ivakano then reallocated his land to Siola'a (the current holder). The current holder (Siola'a) said that the Tu'ivakano then did just what the Samoan landholder requested. Fortunately, the town allotment area (pre-1927 Land Act) was large enough for him subdivide it into five averaged sized allotments. These were allocated between himself and his three youngest sons, and a close relative. The eldest son, the fourth male sibling, was not allocated one because he was the heir apparent to Siola'a's land. The associated tax allotment area cannot be divided, hence Siola'a and three of his sons, who each have families of their own, shared in using the tax land.

There are two important points about the *kelekele foaki* as a customary practice that is now restricted by the legal tenure system. Firstly, the unrestricted power of the chief to offer lands to,

in this case, a foreigner. Secondly, the relationships between the chief and the landholder include potential successors of the landholder other than the members of the landholder's family; so that given land could be reallocated depending solely on the chief.

Regardless of the application process, succession proceedings from the landholders to successors raised more controversies. The legal succession still dominates; 150 landholders out of 161 cases indicated that the heir apparent would inherit the land next. The other 11 cases involving 6 town allotments and 5 bush allotments will be examined in greater detail.

For the town allotments, there were two allotments with no heir apparent hence one would go to the landholder's uncle and, in the other case, the landholder would surrender all rights to his adopted son. The former case is straightforward; however the latter is more complicated. The first hurdle is the legitimacy and type of adoption involved. Firstly, the legitimacy of any adoption must be registered and approved by the Ministry of Justice. Secondly, there are two significant types of adoption or *ohi*, namely when the adopted child keeps his or her biological surname, or when the adopted parent's surname may be added to the child's real name. Unless the adopted son is fully 'neutralised' by extending his real name to include the adopted parents' family name, inheriting the family land can be challenging. In this regard, most customary adoptions, which are often unregistered, have no legal entitlement in relation to land. On the other hand, fully adopted children with adopted family surnames might still face challenges from other people with legal succession rights, provided that there was no heir apparent. In any case, for legal or customary adoption, all parties involved must come to some understanding in order to clear the way for the adopted heir to succeed the landholder. Through this, it is the landholder's decision, but that must have the consent of either the whole of the family or at least most of the potential successors. This is the difficult part as some members of the family would argue that although the adopted child has land rights, those rights are for his biological father's land. Fortunately for the second Nukunuku case, the adopted son was not only the only child, but most of his new father's brothers were living overseas. Thus no problems were foreseen.

In two other town allotment cases, the landholders predicted that their successors would be, on the one hand, the heir's younger brother (the landholder's second son) and on the other, the heir's son (the landholder's grandson). In both cases however, the heirs apparent were both residing overseas. In spite of the fact that both were currently permanent residents, not citizens of their

new country, both potential heirs agreed to surrender their rights. In these cases, the paramount issue is livelihood, not legal rights and customary entitlements. The fact that both heirs chose to make a living by joining the work force overseas, with the local family members still living off the land, warranted this type of land transfer. The *foaki kelekele*⁴ between families is often officially called the *momoi kelekele* (surrendering the land). In addition, the bush allotments linked to those town allotments, were also transferred in a similar manner and for similar reasons.

Two landholders stated that their wives would be the next in line of inheritance. The fact that not many landholders, except widowers, necessarily think of their female partners as legal successors clearly illustrated the patriarchal nature of the land culture in general. This notion is equally true for town allotment as for bush allotments, only one landholder declared his wife as the next in line. In effect both the tenure system and the social structure sustained such a patriarchal system in Nukunuku.

In similar fashion to the town allotments, only 60 bush allotment holders declared their heirs apparent as their successors, but 5 stated otherwise. In one case, the landholder was childless hence his decision to *foaki* or give his land to one of his nephews by surrendering his rights to him. In this particular instance, the nephew was the landholder's sister's son. Legally, the nephew has no rights but customarily he is entitled to his uncle's or *fa'etangata*'s properties. The transfer is not only based on the landholder-nephew relationship but also on the landholder-sister relationships. Hence, the landholder and his sister are close and both parties maintained proper customary behaviour in terms of *faka'apa'apa* (respect), *fatongia* (obligation), and *'ofa* (love). Such closeness is the basis of a strong extended household, hence the landholder's perception of his nephew as his heir. The lack of land, especially of bush allotments, adds to such notion of land transfer. The difficulty of attaining land, especially tax allotments, partially coerces them into this position. Although decisions are made based on the landholder's constitutional freedom, local people prefer to transfer land within the family rather than losing it to non-family individuals because there is no heir. Females may not be able to hold land permanently but they can still gain social credibility and influence with regard to landholder's land related judgements.

The final cases of bush allotment transfer concerned land destined to go to the second son. The landholder in this particular case deliberately placed his second son as his successor to the land,

⁴ *Foaki Kelekele* means giving or transferring land whereas *kelekele foaki*, mentioned earlier, means the given land. In the same

since his heir apparent (the eldest son) would be able to inherit his grandfather's bush allotment rather than his father's. This sort of arrangement is possible because of the social structure and customs, and necessary because of the land availability and accessibility which in this case were two allotments with two potential successors. Migration also plays a part because it can lead to a reduction in the number of people with rights to an allotment (potential successors), especially younger male siblings.

6.4 Changing Land Use in Nukunuku

6.4.1 Idle Land: a contemporary dilemma.

Many in Nukunuku commonly voice the issue of land shortage. At the same time, there is a very large proportion of land, 152 town allotments out of 471 and more than half of the tax land area, either currently not in use (idle) or under-utilised. The lack of land allotments is a physical reality, which raises the important issue of utilisation. Clearly there is a distinction between the extent of availability and ownership and land use. These distinctions can be examined here.

line, *momoi kelekele* is surrendering all rights to the land by the landholder to whoever he chooses.

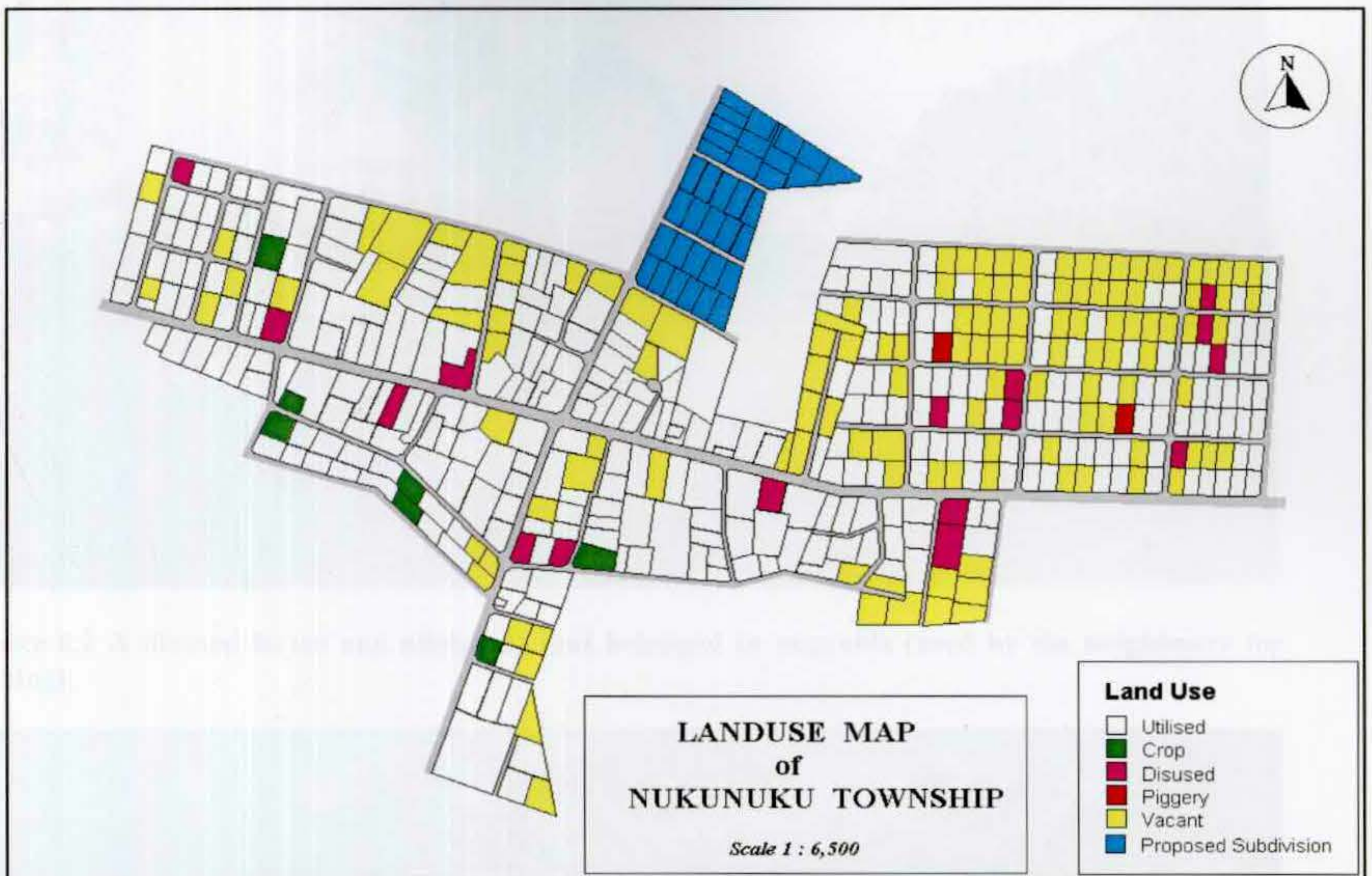


Figure 6.1 Map of Town allotment use in Nukunuku (Fieldwork data 1999)

Source: Prepared by S.Halatuituia, 2002

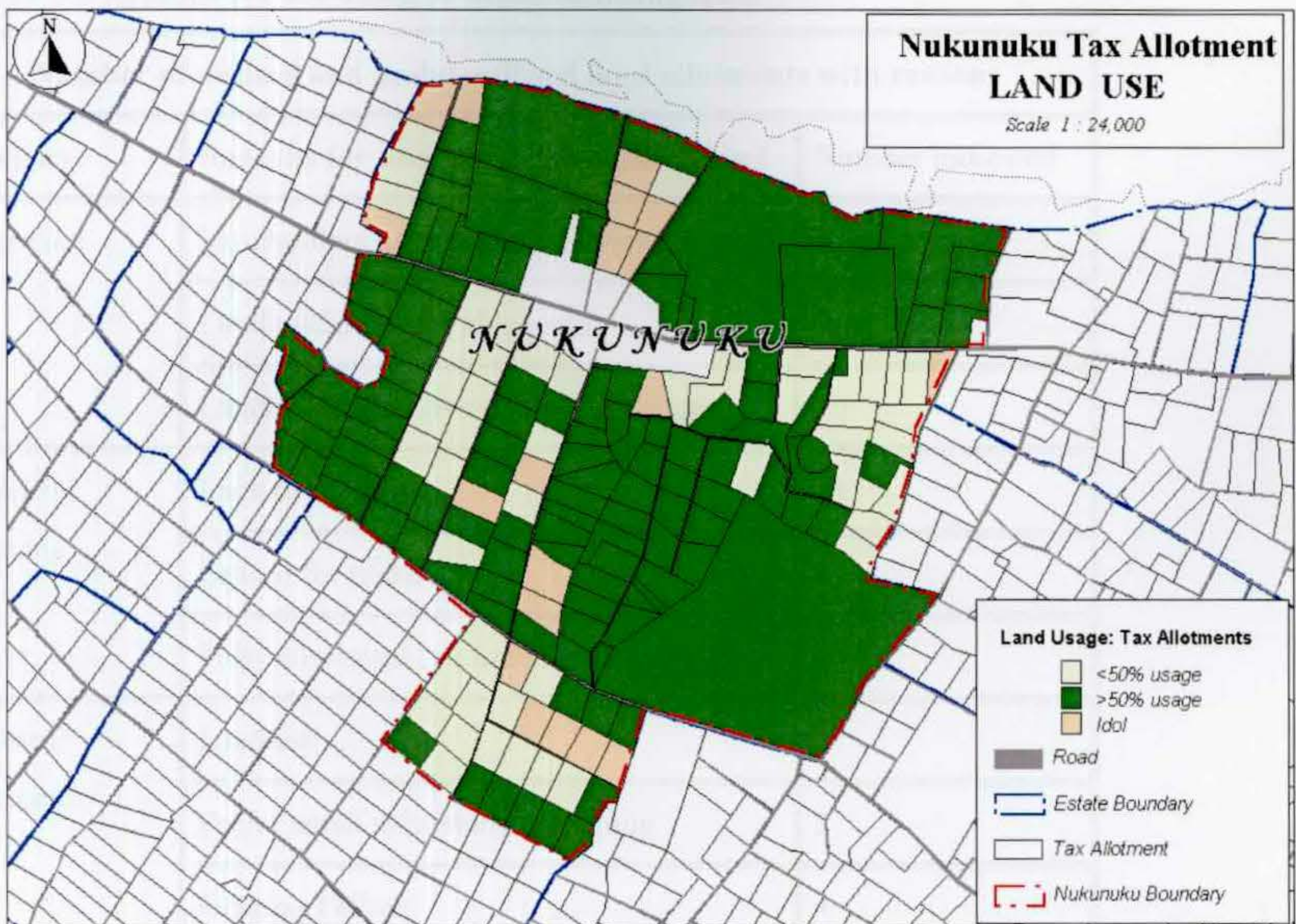
Of 236 responses, almost 90 percent claimed that they knew at least one allotment that lay idle. This is just an indication of the unused land in Nukunuku. Most of these idle allotments were town residential land (61 percent) and the rest (39 percent) were tax allotments. This proportion also reflects the proportion of town allotments to tax land in Nukunuku. However, 129 town allotments (30 percent) were unused, 15 were disused buildings owned by migrants, 7 allotments were farmed, and 2 were used as piggeries, and the rest were utilised (residence) (Figure 6.1). The following figures (Figure 6.2 and Figure 6.3) demonstrated these uses.



Figure 6.2 A disused house and allotment that belonged to migrants (used by the neighbours for grazing).



Figure 6.3 An abandoned construction project in Nukunuku.



NOTE: Idol refers to land allotment that were not utilised in any manner during the 1999 field survey.

Figure 6.4 Tax allotment Land use in Nukunuku 1999.

Source: Prepared by S.Halautuituia, 2002

A third of the people vouching for unused town allotments said that they knew of at least 10 unused town allotments. Unlike the town allotments, tax allotments are difficult to investigate as some allotments are left to fallow. However, most tax allotments were under-utilised and not unused (Figure 6.4). Unused allotments, whether town or tax land, were common enough for almost all people to be knowledgeable about them. The common practice of plot farming is the main factor in tax allotments being perceived as either unused or under utilised.

Table 6.4 Reasons for not using or under-utilising land.

Number of unused and under-utilised land allotments with reasons		
Category	Reasons for unused/under-utilised land	Number indicated
Migration	Landholders have migrated overseas	83
	Landholder lives with parents	7
	Landholder still live in another village	10
Financial Reasons	Lack of funding	43
	Leased for money	13
	Fully employed (no time for farming)	3
Personal Reasons	Laziness	21
	Prefer small subsistence cropping	2
	Grazing/Fallow	4
	Unable to farm (elderly)	3
Physical Reasons	Land is unsuitable for farming	12

Source: Fieldwork Data 1999

Some 83 out of the 201 respondents believed that the reason for unused allotments is that landholders were living overseas on permanent residency visas. Secondly, 43 respondents claimed that the reasons for not using land either for farming (tax allotments) or building (town allotments) was due to the lack of capital. This may be valid for a small number of people but it raises questions, since some people with a good income have chosen not to honour their legal duties and use the land entrusted to them by the chief. Successful land applicants often guaranteed the estate-holder that once they were allocated and had registered their land, they would build on or farm that land. Whilst other priorities and unforeseen obligations may

sometimes interfere, the third reason was plain idleness. Other reasons include landholders being young, resident with their parents on the family land either in 'old' Nukunuku or other villages. However, most tax land is being utilised regardless of the area being farmed.



Figure 6.5 Unused tax allotment featuring an abandoned coconut plantation.

The issue of leasing was frequently voiced because local people were apprehensive about having outsiders farming land in Nukunuku. Thirteen allotments, mostly tax allotments, were under leasing agreements but the land was still unused. In three cases, the respondents cited the chief as the lessor. It was incomprehensible to many that these lessees paid rent and did not use the leased land, yet paying for and not using the land was socially justifiable. In seven cases, the lessees were close relatives of the lessors from other villages. However, the Nukunuku lessors needed financial assistance and their relatives were willing to provide the needed money but they did not necessarily need the land in Nukunuku. Despite the kin relationships, the leasing arrangement was done as a security measure. The official lease was often low rent and loan deal done outside official procedure money could then be borrowed without any interest. The leased land would be returned to the lessor as soon as he repaid the lessee. The advantages of these arrangements were those of accessing a loan with no interest and flexibility of payment, in terms of amount and

frequency. Thus, although leased land may seem to be unused, it is actually utilised by the landholder in various complex financial arrangements.

In seventeen residential allotments there were no buildings of any kind. The main reason was that the landholders resided elsewhere. Seven landholders still resided in their original villages with their families. The other 10 landholders were dependents, still living with their parents in Nukunuku. Half of these landholders were still in their late teens, hence the estate-holder's concern over people lodging land applications under young children's names with the probability that some were under 16 years of age. It effectively indicates that several households either held or had access to multiple allotments. This may be legal, because the allotments may be allocated or registered under different males (sons) in one particular household, but it raises questions over distribution, in a context where one household may have at least two holdings while there are still landless people in Nukunuku and Tonga in general. Again, legal entitlements may be a constitutional right, but customary rights often supersede this.

For five unused tax allotments, the landholders were employed elsewhere rather than working in the agricultural sector. Such shifts in livelihood were perceived as progress, and prestige was inferred in the comparison of employment and farm work, linked to the individual qualifications, skills and experiences. Incomes from employment are also considered stress-free, in terms of mental thought, compared with labour on the farm. This was quite an interesting concept in view of western countries, where the opposite is the norm. However, a single household can earn sufficiently when other members of the same family do work. Failing to use the tax allotment in three cases was attributed to a combination of reasons such as lack of time, lack of farming knowledge, and disinterest on farming. In addition, two landholders did not even consider lending, or leasing, or using their tax allotment for commercial cropping, due to their views of the land degradation perceived to be associated with commercial farming and growers. Their argument was based on the impression that commercial growers only care about their profit not sustainability of the environment, especially if the land is not theirs. This is not a new idea but these landholders were unusual in choosing conservation over commercial profits.

Because of their perceptions of the degrading effect of modern agricultural techniques, four landholders had decided to leave their land fallow. The only land use they employed was grazing of a few family livestock. In a different sense, twelve tax allotment holders, mostly located on the

northern lowlands close to the sea, claimed that this particular area was unusable, because it was a low-lying area; it was usually swampy and often flooded. Furthermore, the vicinity of the sea meant that salt was a major problem when brought in by sea spray but more particularly by incursions.

The last three respondents stated that lack of use of each of the three tax allotments could be attributed to three different reasons. One was the fact that the landholder had retired of old age and was unable to work the land; in this case, it was unclear whether the heir apparent was being considered due to family feud. In the second case, there was simply no heir to work the land. The landholder in this case was still considering whether to allow other people to work the land instead. The last case involved a deceased landholder whose heir apparent awaited finalisation of succession procedures before he could use the land.

6.4.2 Land Use: Is it really changing?

The frequency of visiting and working on tax allotments was very high. Half of the 121 respondents declared that they visited their farm almost every day of the week except Sundays. Unless there was a job for other members of the family, it was usually the landholder that regularly visited the farm. The other half of the respondents visited between one to five times per week. However, this regular visiting the plantations does not necessarily mean that farming is full time work, because a visit can range from an hour to a full day. The people who accompanied the landholder on his visits depended on the kind of work planned but, in general terms, it would be most likely to be family members for most small subsistence cropping and/or extra assistance from outside the households for commercial cropping. The fact that most Nukunuku people depended on the land for subsistence also meant that people would regularly visit to work on different plots in their allotment. Fresh produce, such as vegetables and staple root crops are harvested almost daily for household consumption. Tasks such as weeding are often repeated within a period of a few days, especially when the subsistence grower preferred not to employ hired machinery or labour. On the other hand, mixed farmers may regularly visit farms because they had a lot of work on various crops. Thus it is important at this point to look at the type of farming being done in Nukunuku.

The following table (Table 6.5) presents a summary of different land use for tax and town allotments. However, the main objective here is to examine the use of tax (bush) allotments, where there has been some shift towards commercialisation in recent years. There is a continuum across the types of land use in Nukunuku, but only rarely would, a landholder be entirely commercial or subsistence only. Commercial growers are perceived as those who not only farm with the object of making a profit and thus sell at least 80 percent of the crop, whilst subsistence farmers are those who only farm for family use and sell less than 20 percent of his crops. Mixed farmers are those in between. Town allotments are easier to define because most are for residence purposes unless leased, loaned and/or rented for money.

Table 6.5: Types of land use in Nukunuku.

Land Use Types	Tax (Bush) Allotments	Town Allotments
Commercial	<ul style="list-style-type: none"> • Agricultural Cropping • Formal Lease Agreements • On-loan (informal rental) • Mortgage agreement 	<ul style="list-style-type: none"> • Lease agreements • Rental agreement • On-loan (informal rental) • Mortgage agreement
Subsistence	<ul style="list-style-type: none"> • Agricultural Cropping • Maintain Livestock • Lending (no rental) 	<ul style="list-style-type: none"> • Residential purpose • Lend (no rental) • Miscellaneous (piggery, etc.)
Mixed	<ul style="list-style-type: none"> • Any combination of the above 	<ul style="list-style-type: none"> • Small (Family) Business at home • Any combination of the above

In Nukunuku, almost half (46%) the people stated that they were only subsistence farmers, and the other half (48%) stated that they were 'mixed' farmers⁵. Only a handful (6%) therefore considered themselves commercial farmers. Subsistence farming thus remains central to the life styles but only a third of them rely on the farms for income but many more depended on the cropping for food. Rural communities such as Nukunuku unsurprisingly consumed more staple food than their urban counterparts in Nuku'alofa; the urban population consumed more imported food (South Pacific Commission 1992:30). Based on the increasing commercialisation of the agriculture it might have been expected that there would have been more purely commercial

⁵ 'Mixed' farming refers to farmers who cultivate his land for both household consumption and for sale. It is difficult to pin point exactly the proportion of either category because subsistence crops or crops cultivated aiming at household consumption may end up being sold privately or in the market.

growers in Nukunuku. However most 'mixed' farmers grew at least two crops for the market, and a lesser quantity for household consumption.

The opening of an international market for local staple crops by the large contingent of emigrants overseas (see Chapter 5), in addition to the expanding local market as the population increases, had led to an increase in mixed farming. Three decades ago Thaman (1973:63) estimated that 87 percent of the farmers surveyed were subsistence, 11 percent were commercial farmers and only 2 percent were mixed cultivation. These figures emphasise the increase in mixed farming (from 2 percent to 46 percent) highlighting the increasing importance of cash cropping in the village economy. Significantly, subsistence farming has dropped from 87 percent to 46 percent in three decades indicating the effect of cash cropping and alternative employment. Subsistence crops may also be sold if household financial circumstances change. Commercial farming appear to have decreased instead of increasing. This is may be because people perceive 'real' commercial farmers to be squash producers, yet the capital requirements, and the cost of living without any subsistence cropping, can be too difficult for most smallholder farmers. Realistically, there are very few farmers in Nukunuku who farm purely for commercial or subsistence purposes only. Most farmers at some stage sell part of their subsistence crops or consume part of their commercial crops.

This common categorisation of farmers under these three general categories has fundamental limitations. Even as late as the harvesting phase, unforeseen circumstances, such as social, communal, or religious obligations, can change farmers' original objectives. Local people regularly contribute some of their crops to these obligations as reflected in the following table (Table 6.6). Religious obligations equal family obligations in terms of crops and livestock donated. Customarily, pigs (*puaka*) and the yams ('*ufi*) are the most common and socially valued items of contribution. However, staple crops such as *kumala*, *manioke*, *kape*, and *talo* are also useful contributions. Most farmers are aware of these obligations, hence they inter-crop these crops for consumption and for obligations as well.

Table 6.6 Obligatory Contributions made by Nukunuku households (January – October 1999).

Items contributed by 20 households in 9 months:	Family:	Church:	Community:
<i>Puaka</i> (pigs including piglets)	92	70	19
' <i>Ufi</i> (yam)	154	121	15
<i>Pulu</i> (Cattle)	11	2	1
<i>Kumala</i> * (sweet potato)	16	19	8
<i>Manioke</i> * (manioc)	9	5	5
<i>Kape</i> (tuber)	6	4	4
<i>Talo</i> * (taro)	2	4	1
<i>Ngatu</i> (tapa)	13		1
<i>Fala</i> (mat)	9	1	

Note: Items marked* one unit equals a large basket (approximately 20 Kg).

Source: Fieldwork Data 1999.

The contributions made (Table 6.6) meant much more in terms of individual household economy, because a single item contributed is worth more in money value. For example, at the market price in 1999 one *pulu* (cattle) could be sold between TOP\$ 1,200 to TOP\$1,600 for instance but these were donated for obligations. This money could have covered a lot of the household expenses, but local people focussed on what they were able to offer, and not on how much that cost them. The following comment on this matter shows the general feelings among households towards obligations:

Despite our [family's] needs and being without some things we want, we still address our obligations to the chief, church and the extended family. I have no complaint [...] this is the way I was brought up, to be a good person, a good father and a good community member. (Saimone pers.comm. 1999)

Such social factors, sometimes in combination when particular events coincide, can compel crops to be donated and not sold or consumed. This is not to say that every cropping objective changes between planting and the harvesting phase, but farmers' strategies are not unalterable. Although farmers do not always voice their concerns about the effect of these extra-agricultural forces, crops farmed reveal that they, consciously or unintentionally, address these. Farmers generally

preferred inter-cropping than mono cropping just to be secure in terms of consumption, obligations and or trading of the produce (Table 6.7).

Table 6.7: Area of crops farmed as mono-crop or inter-cropped in Nukunuku (September 1999)

Crop type:	Common name	Scientific name	Mono-crop	Plus 1 crop	Plus 2 crops	Plus 3 crops	Total area (Acres)
<i>Hina</i>	Squash pumpkin	<i>Cucurbita pepo</i>	150.9	7	4.1		162.0
<i>Manioke</i>	Cassava	<i>Manihot Esculenta</i>	78.05	14.25	4.7	8.2	105.2
<i>Hopa</i>	Plaintain	<i>Musa Sepientum</i>	1.35	22.1	52	19.45	94.9
<i>Talo Futuna</i>	Taro Futuna	<i>Xanthosoma violaceum</i>	14.1	14.9	28.8	13.45	71.25
<i>Talo</i>	Giant Taro	<i>Xanthosoma sagittifolium</i>	0.8	17.8	40.1	12.25	70.95
<i>Toka mu'a</i>	Early yams	<i>Dioscorea alata</i>	24.9	13	21.8	6.25	65.95
<i>Siaine</i>	Banana	<i>Musa* sapientum</i>	2.5	1.8	13.6	4.5	22.4
<i>Kumala</i>	Sweet potato	<i>Ipomoea batatas</i>	8.75	4.8	3.3	2.2	19.05
<i>Koane</i>	Corn	<i>Zea mays</i>	0.3	7.3	5.8	1	14.4
<i>Vanila</i>	Vanilla	<i>Vanilla planifolia</i>	10.15	0.5	0.5	1.5	12.65
<i>Pata</i>	Banana	<i>Musa supp.*</i>	0.2	2.5	5.3	4	12.0
<i>Toka mui</i>	Late Yams	<i>Dioscorea esculenta</i>	3.95	3.4	1.2	2.5	11.05
<i>Talo Tonga</i>	Taro Tonga	<i>Colocasia esculenta</i>	0.4	0.5	2.6	6.0	9.5
<i>Hiapo</i>	Paper Mulberry	<i>Broussonetia papyrifera</i>	5.2	0.8		2.5	8.5
<i>Faina</i>	Pineapple	<i>Ananas comosus</i>	3.5		4.0		7.5
<i>Meleni</i>	Watermelon	<i>Citrullus vulgaris</i>	4.35				4.35
<i>Pinati</i>	Peanut	<i>Arachis hypogaea</i>	2.0				2.0
<i>Lou'akau</i>	Pandanus leaves		1.35				1.35
<i>Kava Tonga</i>	Kava	<i>Piper methysticum</i>	0.5	0.25			0.75

Source: Fieldwork Data 1999; Scientific names were adopted from Thaman 1976, 377-431pp.

The types of crops being farmed characterise farmers' intermediary position with regards to pure subsistence and pure commercial farming (Table 6.7). The dominant commercial crop, squash pumpkin, is still inter-cropped by some farmers, which is the pattern for most farms in Nukunuku. In contrast only a few crops, namely peanut, watermelon, paper mulberry and pandanus were predominantly mono-cropped but these were very small in area (Figure 6.6).



Figure 6.6 Paper mulberry plot (mono-cropped and in small area).

For the majority of the farmers, despite the predominance of mixed farming, family subsistence or household consumption is their priority, hence the overwhelming cultivation of various staple root crops. In terms of practicality and feasibility, *manioke* (cassava) has become the most common crop in subsistence farming followed by *kumala* and *talo*. The former has four main advantages: a low cost of production; it is relatively highly productive; suitable for the Nukunuku soil, and has overseas markets. The fact that the 'ufi or yam (*Tokamu'a* and *Tokamui*) is one of the common crops, despite the fact that its cultivation is the most demanding and meticulous task in Tongan agricultural practice, is due mainly to the species social precedence in Tongan culture. It seems that the frailest species of yam in Tonga; the *kahokaho* attracts the highest cultural value.

On the contrary, the *kava Tonga* also has cultural values but the physical requirements in terms of area and soil type, and maturity period means that this crop is more popular in the northern islands of Tonga. However, people were asked to identify their household's crops currently farmed (Table 6.8).

Table 6.8: The number of Households per type of crops cultivated

Type of crop:	Common name:	Number of farmers:	
		Commercial	Subsistence
'Ufi*	Yams	54	27
Kumala*	Sweet Potato	56	31
Manioke*	Manioc	85	19
Talo Futuna* Talo Tonga*	Taro	49	21
Kape*	Giant taro or Tuber	9	2
Siaine**	Banana	11	4
Hopa**	Plantain	12	
Vesitapolo	Vegetable	1	7
Pateta	Potato		1
Meleni**	Water melon		3
Hina	Squash pumpkin		18
Faina**	Pineapple		1
Vanila	Vanilla		2

NOTE: Crops marked * were sold commercially in 1960s, whilst those marked ** were exported in 1965 (Maude 1965:131). However, every crop represented here has commercial and subsistence functions.

Most households plant a range of crops (Table 6.8), which range in size from a few square metres to four acres, except for the few mono-cropped farms. The majority of the households in Nukunuku cultivate crops that are not only durable but also multifunctional, hence the widespread cultivation of most root crops. For instance, *'ufi* can be donated almost in any obligatory contribution as opposed to *manioke*. The multifunctional interest in crop type was further entrenched by the commercialisation of the agricultural sector and monetisation of the Tongan economy. Nukunuku farmers, in addition to social, religious and political factors, also take into consideration the fact that crops have commercial (monetary) values.

Case 6.14

Loutolu, a retired civil servant, farms small lots of various crops especially *manioke* and *kumala* to feed his family. At the same time, Loutolu understood that there are also financial needs of his family hence he always grew more than the family actually needs. Every now and then, Loutolu goes to Talamahu Market (Nuku'alofa) to sell his surplus. Loutolu was also aware of the fact that there are customary obligations which require *'ufi* and/or money contributions. In view of these, Loutolu always has a small *ma'ala* (yam crop). However, the *'ufi* is not only valuable customarily but also commercially. All of these activities cater for the daily needs of the family satisfactorily. However, Loutolu is also looking for an opportunity to grow squash pumpkin on a quarter of his land because he believed that this would be a greater opportunity to improve his family's living standards further.

In terms of commercial farming for local markets and/or overseas migrants, *manioke*, *talo* and *kumala* are the commonly cultivated crops. However, in monetary value, the *'ufi* is still the most expensive, due to its cultural value and frailty, the amount of work involved in cultivating it. The commonest subsistence crop, *manioke*, is one of the cheapest hence the smaller amount of commercial *manioke* cropping, despite the high productivity. Commercial farmers generally grow crops that have no significant social value, such as *meleni*, *faina*, and *vesitapolo* (such as the *pateta*), which are sold either in the local Nukunuku market or the main market in the capital. In general, *vesitapolo* consumption is low and fruit consumption is seasonal in Tongan diet (South Pacific Commission 1992:39) hence the infrequent cultivation of vegetables. Most fruits are

either cultivated periodically or seasonally harvested from wild plants in Nukunuku. The effect of external markets on exports resulted in the squash pumpkin (*hina*), the main agricultural export from Tonga, being the most dominant commercial crop in Nukunuku. Unlike its predecessor, the banana, the pumpkin is a vegetable and it is not a significant part of the Tongan diet. However, comparing the cash crops of the 1960s, namely banana, watermelons, plantains, pineapples, giant taro or tuber, peanuts and vegetables (Maude 1965:131), there are more varieties being sold at present, and especially the staple food crops.

The type of crops farmed in Nukunuku has changed slightly with regard to subsistence farming. In the 1960s, 'the staple foods of Tonga are starch producing plants – tubers [*kape*], bananas [*siaine*] and breadfruit [*mei*]' (Maude 1965:128). The contemporary diet of villagers still consists mainly of the traditional staple crops like '*ufi*, *manioke*, *kumala talo*, and *kape* for example (Figure 6.7).



Figure 6.7 *Talo* crops ready to be harvested.

Banana and breadfruit are unappealing now, unlike the 1960s. The popularity of bananas in the subsistence segment decreased as its commercial significance faded. Farmers' emphasis had shifted from those crops based upon individual needs and public needs. For example, a household may not need the *manioke* but there is demand for it in the local markets because of its good price. In addition, *manioke* is generally considered the easiest crop to cultivate with relatively high yield, which makes it ideal for consumption and for commercial use (locally or overseas) due to low costs of production. In addition to *manioke*, the popularity of high yield crops such as *kumala* and *talo* attests to the increase in Nukunuku population. In fact, *manioke* was 'the main food crop in many of the densely populated areas' in Tonga more than three decades ago (Maude 1965:130). National and international demands are also considered by local commercial farmers, not only with regard to primarily commercial crops such as squash pumpkin but also to staple crops. The large contingent of emigrants overseas presents a permanent and usually profitable market for the staple crops especially *'ufi*, *manioke*, and *talo*. The advantage of farming the staple crops is that they can be both eaten and sold. Nukunuku's heavy dependence on agriculture for both subsistence and income generation is evident.

The essential tools for working the land are common in every household in Nukunuku. Typical tools include the *helepelu* (machete), a *huo* (hoe), which has two forms, the *huo epu* or *huo lafalafa* (push hoe for weeding) and *huo sipeiti* (spade for digging), a *huo kauvao* (a sharpened stick or iron rod for husking coconuts), and a *huo langa* (garden fork). Over 90 percent of the households own all these basic household tools and about nine percent borrow one of them for use in their plantations. Just one percent acquire these tools by hiring them. That ten percent of households lack some of these tools is unusual given the importance of these tools and agriculture in Nukunuku, but some are small farmers and borrowings with or without payment is a common solution. Paying for such tools is a new development in Nukunuku, as it was never heard of, a decade ago, for someone to hire such basic tools. However, the payment, like the gift exchange practice, was offered as a token of appreciation and/or security for such a borrower-lender relationship, giving the borrower continual access. It is difficult to discern if payments were involved for the other nine percent that borrowed tools. The distinguishing factor was the form of payment. When money was involved then people would define it as hiring (the case of the one percent), however other payment possibilities might include an exchange of favours between farmers, involving food products, farm produce or even labour services.

The less common farming tools include the *loteli* (rotary hoe) and *palau* (tractor plough), for which hiring is necessary for two reasons. Firstly, few households own them, and, secondly the operator and the operating of these agricultural machines costs money. These operating costs including maintenance must be recovered which is why these tools (machinery) are rarely borrowed. In fact, in fifteen percent of the time, this machinery is borrowed, either by a relative of the owner and/or another machinery owner who could return the favour. Money is the common form of hire payment. About seventy percent of the machinery users hire either from private operators (local and otherwise) or from the MAFF. The rest of the usage time (fourteen percent) is for the owner's and/or operator's own use. In spite of the less common availability of this equipment in Nukunuku, and the increasing demands on it, borrowing or lending is kept to a minimum by the operation and maintenance costs. Only bankrupts and family members can escape such costs.

The fact that sixteen farmers now own and have the power to hire this machinery is a different scenario from three decades ago. In fact, machinery was only used entirely for crops being cultivated partly or entirely for sale, and few Tongans in the 1960s could afford any hiring of either labour or machinery for their subsistence crops (Maude 1965:133). In Nukunuku today, larger incomes have given most farmers the possibility of hiring agricultural machines. Commercial agriculture has not only necessitated acquiring such machinery through expanding the household income sources but requires such machinery to be efficient. For the sixteen households that own farming machinery, ownership is a result of their increased commercial production. Cropping systems are more versatile now than previously. Additional sources of income, namely the mortgages (land in 1976 and crops in 1999) and remittances (since the 1970s) have allowed acquiring of farming machinery for private use.

It is necessary at this point to look at the role of labour in village agriculture and specifically the types of 'extra' or hired labour and associated payments in Nukunuku. Employing extra labour (Figure 6.8), whether paid or not, has become a common practice in commercial farming. In terms of group assistance, there are three general groups: the *kautaha* (a small association of farm labourers),⁶ the *toungaue* (a small non-profit association of farm labourers) and the *famili* (the usual family members). The main distinction between *kautaha* and *toungaue* is the fact that the

former labour for a landholder or farmer, who employed their services (exchanging labour for money), whereas the latter work in rotation for their own group members (without monetary significance).



Figure 6-8 Farm labourers preparing the land for squash-pumpkin season.

The types of 'extra' labour assistance can be looked at in terms of frequency of employment (Table 6.9 below). In order of prevalence the category is the *famili* (without payment) with 57 percent of total 'extra' labour employed in the farms. This exemplifies the fact that most landholders cultivate their own land with the help of immediate family members and relations. In terms of occasional assistance, the *famili* (28%) and the *toungaue* (28%) again are the most popular choices, but followed closely by the *kautaha*. For less frequently used types of assistance, the *kautaha* (29%) and *famili* (paid) (18%) were the least employed categories. This

⁶ The definition of *kautaha* here is similar to Maude's meaning (1965:124-5). However, the *toungaue* described here is more similar to Maude's *kautaha*. In fact, the involving of monetary payment warrants this distinction. The modern *kautaha* is a social

may be due to the *kautaha*'s cost and the sheer number of people involved, because, in addition to the arranged payment, it is a customary practice for the landholder to provide extra expenses such as cigarettes and/or drinks and/or food. Consequently the majority of farmers, except the most well off, cannot afford a *kautaha* especially for non-commercial farming. Subsequently, necessity and cost were the essential determinants for hiring paid labour in Nukunuku. Only 26 percent of farmers constantly employed extra labour either for subsistence and/or commercial farming. This is a development from the 1960s when labour was only employed in cash cropping (Maude 1965:125).

Table 6.9: Labour assistance employed by the 134 farmers in Nukunuku

	Kautaha (Paid)	Toungaue	Famili	Famili (Paid)	Casual help	Casual help (Paid)	Total
Rarely 1 per year	33	22	11	20	17	11	114
Some times 2-4 per year	23	33	33	9	9	12	119
Always More than 4	3	19	46	2	3	5	80
Sub Totals	59*	74	90	31*	29	28*	
Total per type of labour	133	121	57				

NOTE: Paid refers to monetary payment*.

class of paid labourers.

There are therefore clear differences between the types of assistance associated with money and those that are not. In order to make this point evident, it is necessary to consider these various forms of assistance in three general groups, regardless of payment type: the non-family groups (*kautaha* and *toungaue*), the family groups (*famili* and *paid famili*), and the casual helpers (paid and non-paid). Considering each group by itself revealed that when monetary payments were involved, people would prefer customary practice rather than monetary payments. In terms of monetary payment, 38 percent used paid labour (marked *in Table 6.9) and 62 percent employed non-paid labour. Comparing the *toungaue* and the *kautaha*; farmers used the former 56 percent and the latter 44 percent of the time. Taking into account the *famili* group; only 26 percent used paid *famili* whilst 74 percent employed *famili* members without monetary payment. The use of casual labour, whether paid or unpaid, was similar, 49 percent and 51 percent respectively. Such preferences for non-paid labour are not based on income values only but are linked to other factors. Firstly, it is not only a matter of affordability. The fact that farmers have alternatives to paid labour gives them the power to choose the types of extra labour to be employed. The preferential selection of non-paid labourers may be partly a financial decision but it is also a social decision. The relationship between the farmer and the 'extra' labourers is much closer than in the case of paid labourers. For instance, within the *toungaue* and *famili*, the roles of employer and employee are interchangeable, as the employer of the 'extra' labour would become the employee periodically. This reciprocity not only builds confidence and knowledge but it maintains relationships within and among the *famili* members, thus keeping the harmony of the wider *kainga* in the Nukunuku community. It should also be noted that the *kautaha* might not be from Nukunuku because such groups are not confined to their own village or rural district. The fact that they work for money would mean that a *kautaha* from other villages is likely to be employed by a commercial grower in Nukunuku. This issue is even more probable when the grower himself is not from Nukunuku, but leases land there (Case 6.15).

Case 6.15

Mr. Heilala is a commercial squash pumpkin grower and does not reside in Nukunuku. He managed to reach an agreement with two neighbouring landholders; for a fee paid directly to the landholders, the grower would use both allotments for squash pumpkin cropping in 1999. The grower also employed *kautaha* from his village during the production season, and only employs local Nukunuku people during harvesting. Two main reasons identified by the grower for such decision were that the *kautaha* members from his village had been working in the squash industry for a number of years and were experienced, and his relationship with the *kautaha* almost guaranteed that they would deliver what he requested of them.

Another trend that occurs across these groups is the increased demand for extra labour and the greater frequency of use. The main concern here is the number of farmers that employed each category. Some 133 households used non-family labourers, 121 used family labourers, and 57 used casual labourers. These figures vouched for the fact that, besides the casual and family assistants, farmers require 'extra' labour. Having the land cultivated by the landholder with limited family and casual help may not be sufficient for the increasing needs. The demand for extra assistance is most evident for commercial use but it is also evident for subsistence and mixed uses. Farmers do not aim to produce just enough for consumption but seek to have enough for extra religious and communal obligations, and in some cases, sell part of the produce for profit. Since limited land areas nullify the option of extensive use, this leaves the only alternative as intensifying land use. Intensification is limited by the type of crop being farmed because some crops, like the *'ufi* for instance do not thrive in dense conditions. Nevertheless, increasing production warrants the use of extra assistance especially if the farmer is physically unable to farm or has other priorities such as employment.

Employing extra labour, regardless of whether the farmer is the landholder or land user, challenges the individualisation of production among landholding households. Prior to the encoded tenure system, a family group did the cultivation and the produce was either shared between the group members, and where appropriate, between groups. This is similarly done today except that the rights to use are individually defined, as are the rights to the produce. In this manner, the landholder is analogous to the *'ulumotu*'a of the clan (or *fa'ahinga*) of the pre-

contact era, who used to hold similar rights relative to the land. The extra labour, regardless of relationship to the farmer, are just that, labourers (*kau ngaue*) or helpers (*kau tokoni*) with no rights except rights of access. These could be identified with the pre-contact households (*famili*) who used to work the land but the rights and control belonged to the *'ulumotu* 'a and/or the chief.

Paid labour is synonymous with monetary payment but other forms of 'payment' are also used in Nukunuku. Of the 311 households that employed extra labour at some point in the farming processes, only 210 chose to reveal their form of payment (Figure 6.9).

Form of payment for labour assistance among farmers.

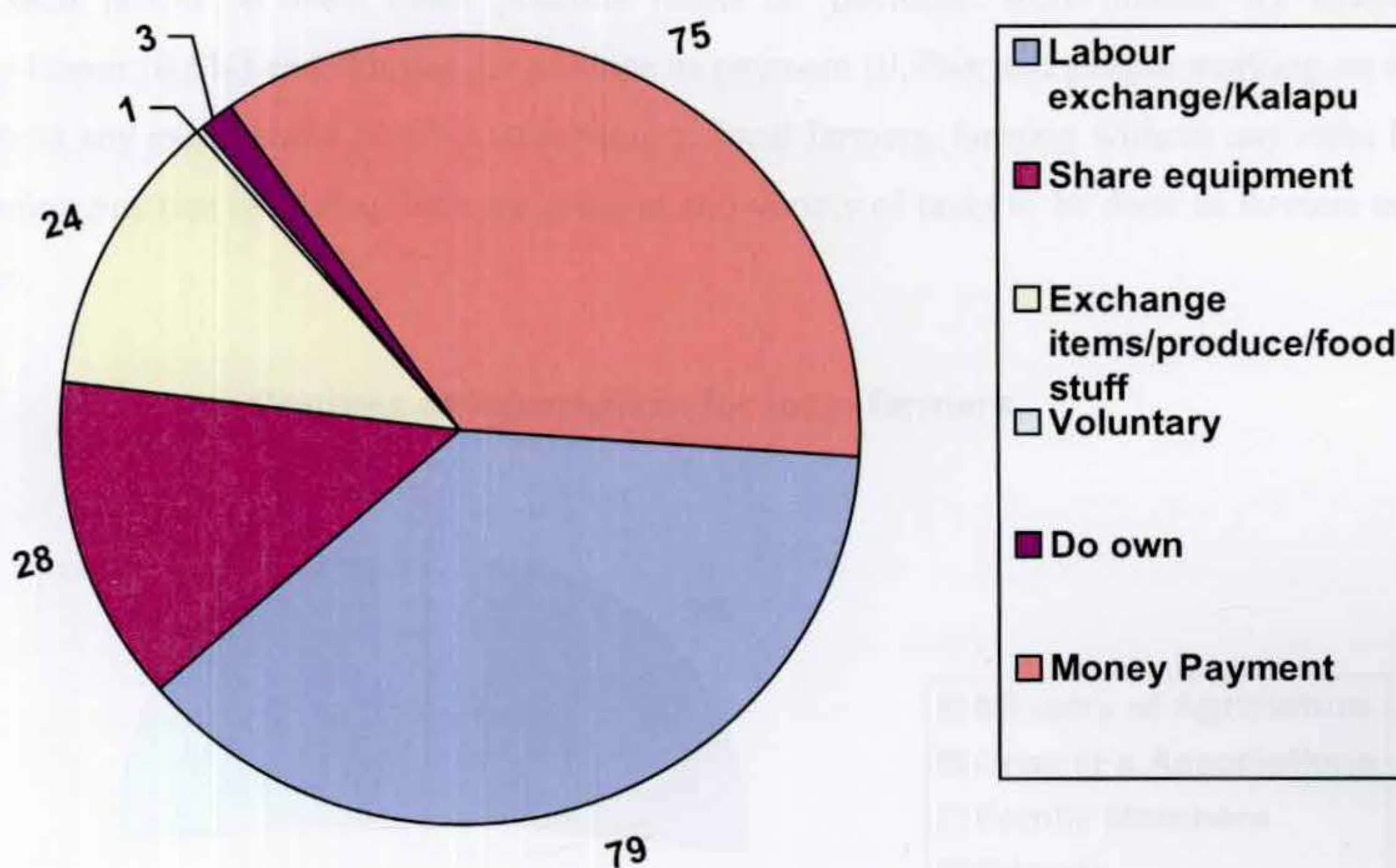


Figure 6.9: Form of payment used by farmers in Nukunuku to pay labour assistance.

Source: Fieldwork Data 1999.

The two most common forms of payment are monetary payment (36%) and exchange of labour (38%). Labourers, continuously favour the former, monetary payment, and the latter, labour

exchange, can be supplied on demand. However, monetary payments have increased in popularity since the 1960s as commercialisation intensifies. This can be attributed not only to the national economy becoming commercialised but the current monetisation of the village economy. Moreover, equally recently, monetary payments are commonly perceived as the final settlements of an amount, whereas more traditional payments, including the exchange of labour, would lead to a continuous interchange of 'payments'. In Nukunuku it remains necessary for other customary methods to still be used because not every household can afford monetary payments. Nevertheless, customary payments include allowing the use of agricultural tools and machines in exchange for labour services (13%), and exchange of cultural items and food (10%). These provided alternatives for those farmers who lacked money and were physically or socially unable to offer their labour services. Other possible forms of 'payment' were limited, for example, voluntary labour (0.6%) and sharing the produce as payment (0.9%), and people working on their own without any extra labour (1.4%). According to local farmers, farming without any extra help is a declining practice indicating both the amount and variety of tasks to be done as farmers inter-crop more.

Sources of information for local farmers.

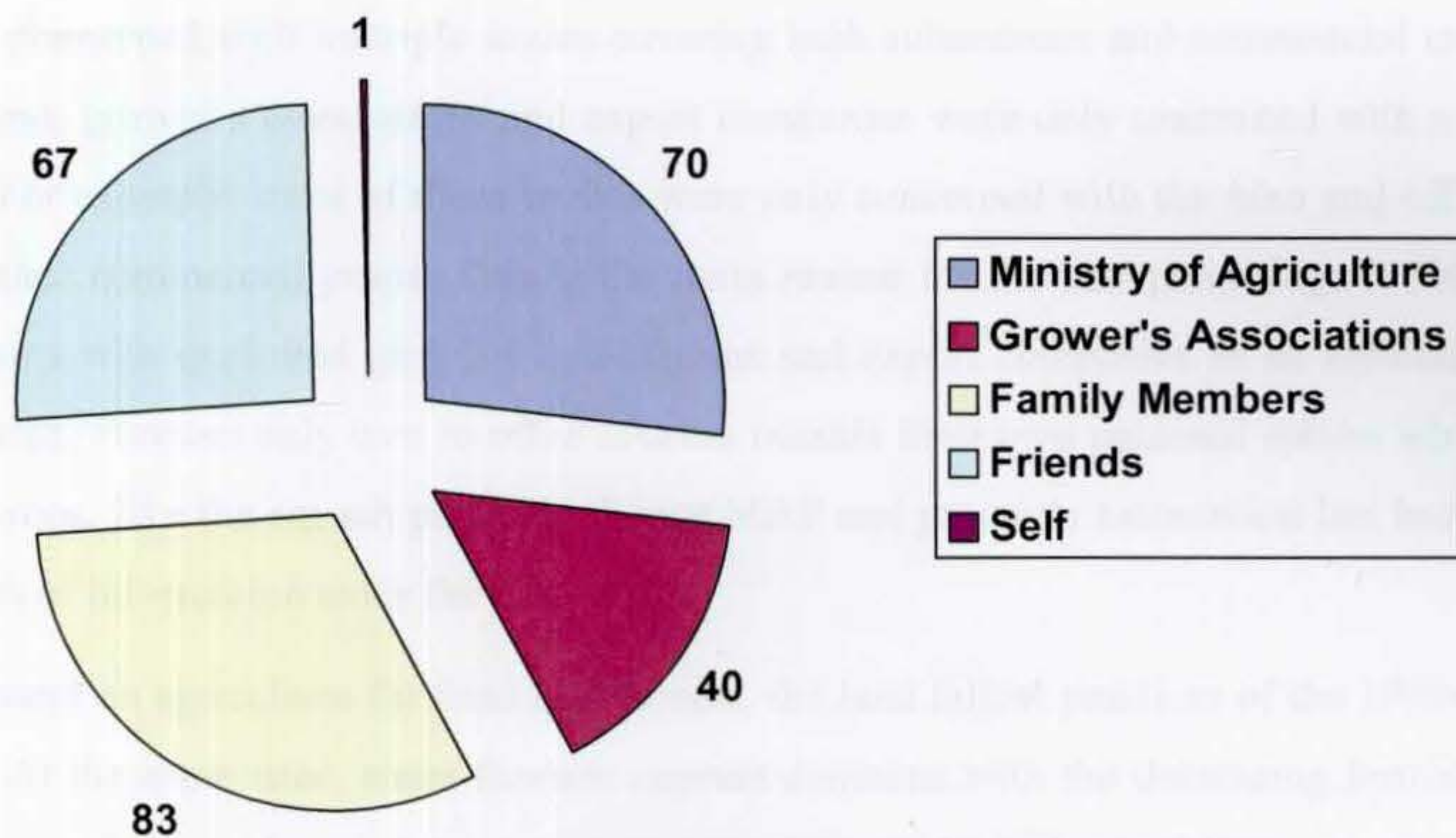


Figure 6.10: Number of local farmers by source of farming information.

Source: Fieldwork Data 1999

The most popular source of advice on agricultural matters is family members and relatives (Figure 6.10). This is followed by the main professional source, the Ministry of Agriculture and Forestry (MAF), and thirdly, the farmers' friends. Non-governmental organisations, such as the commercial grower's associations and exporting companies, ranked fourth. A small number claimed to rely on their own individual knowledge and experiences and ignored other sources. This pattern suggested that a traditional cultivation network was still operating in Nukunuku, with kin constituting the main network for sharing information among farmers. Individual land rights and the individualisation of agricultural production has not ended the role of kinship in extending knowledge and experience, and to some extent this is due to the situation where people in Nukunuku are still growing a similar range of crops, as in the pre-commercialisation period of the 1960s, except for new commercial introductions, using similar techniques.

The local information source, family and friends, is complemented by outside sources such as the MAFF and various farmers' associations and exporting companies. Customarily, local Nukunuku farmers trusted local community members rather than outsiders. The *kainga* (territoriality) and *famili* (kinship) backed this trust, coupled with the notion that local Nukunuku people knew better about local physical conditions in Nukunuku. However, these two outside sources, due to their technical and scientific nature, supply commercially vital information. Significantly, only the MAFF was concerned with multiple issues covering both subsistence and commercial crops. On the other hand, grower's associations and export companies were only concerned with a few specific crops. For example, most of these bodies were only concerned with the *hina* and offered no advice on other commercial crops. This is the main reason for the low percentage (15%) of Nukunuku farmers who exploited growers' associations and export companies as an agricultural information source. Farmers only turn to other sources outside their own personal sphere when it comes to new crops, like the squash pumpkin, hence MAF and grower's association has become the main sources of information since the late 1980s.

Despite the demand on agriculture for food and income, the land fallow practices of the 1960s are still employed. At the same time, some farmers express concerns with the decreasing fertility of the soil. Nukunuku farmers do not have access to scientific evidence beyond their experiences. Soil fertility is usually gauged by local farmers upon the type of plants (both cultivated and natural growth), and the quantity and quality of the yield, which they allege to have been declining since the 1970s. Only 13 households indicated that they did not employ or practice land

fallow. All thirteen tax allotments were used by the landholders and a few of their close but landless relatives. The willingness to proceed without fallow to provide land to kin was perceived as unselfish acts by the landholders, and greatly admired and respected by family members (*famili*) and by the wider *kainga* (extended kin). By contrast 216 households did employ land fallow practices, with an average area of about 3 acres (1.2 hectares) under fallow for at least 3 months in 1999. In the same period, the total area in fallow was estimated at 38 percent of the total. This is little different from the estimated 34 percent observed three decades ago by Thaman (1976:309), and again by Hardaker (1971:63) of 36 percent, and Maude (1965:334) of 35 percent. Again the average fallow area per allotment in Nukunuku was about 1.2 hectares in the period 1999-2000, which is similar to what Maude (1965:233-4) estimated at 1.1 hectares more than three decades ago. This relatively unchanged practice of use and fallow is striking given the notion of what is assumed to be a land shortage in Nukunuku. However, the extent of the area in Nukunuku not cultivated was not only due to fallow practice.

Despite recent changes in Nukunuku, the increasing number of local people joining the labour force, whether currently working or seeking employment at the time of this survey mitigated the pressure on land. Such reduced pressure on land was however offset by the demand of commercial farming practice as in Case 6.16. Either way, the outcome was much the same; the pressure on land is not only driven by the number of people but by changing land practices, namely commercial use.

Case 6.16:

Mr. and Mrs. Tuitui are fully employed, but they work in different government departments. Admittedly, they do not have time or energy for serious farming, only small scale subsistence cropping. The family depends on their salary, sometimes alongside remittances. The pressure on their tax land was minimal. However, in 1999 Mr. Tuitui attempted to grow *talo*, which was successful and they planned to grow *talo* for export in 2000. They grew *talo* and *manioke* for export in 2000 to New Zealand. For both, they earned more than they expected and were planning to continue exporting *talo* and *manioke* to New Zealand but to also try to export to Australia. Overall, the pressure on land just multiplied as their land was now being farmed continuously.

The practice of land fallow is often referred to as '*fakavaoa* or *fakavaoa*'i'.⁷ The heart of the practice is that it is a strategic act to improve the status of the soil. Nevertheless in some contexts land is not fallow by intention but is just lying idle. For example, in one case, an entire tax allotment remained in fallow for two years, though there was no intention of letting the land revert to its natural state. The landholder was overseas at the time of the survey and there was no indication of when he would return. Furthermore, the practice was also exploited as an excuse for not using the tax allotment or any part of it, thus avoiding embarrassment to, and protecting landholders', family pride. There is significant drop in land utilisation as current landholders take over from their predecessors. In such specific cases, there is no option but fallow, forced by lack of finance in one case and by directives from the landholder in another. The latter occurs where either the heir himself or other relatives use the land with the landholder insisting on leaving part of the land fallow for him to use at a later time.



Figure 6.11 Fallowed land (right hand side), an area prepared for farming (middle), and an area that has just been harvested (left hand side).

⁷ *Fakavaoa* (verb) means to leave ground or soil uncultivated with an intention to revert it back to its original state. Now the original state is generally being *vaoa* (overgrown with bush, weed or forest).

The average fallow period decreases as the average fallow area increases. Smaller fallow areas can be left for longer periods because there would be enough remaining for cultivation, especially in subsistence and mixed cropping where various portions of the tax allotment are cultivated with diverse crops. These designated portions may vary from a fraction of a hectare to more than a hectare. Leaving a portion of the tax allotment fallow enables the farmer to rotate crops after harvest, thus using the original fallow area and leaving the recently farmed portion to fallow until the next rotation period. In a single rotation, the sequence of crops cultivated has changed from the general sequence used more than three decades ago described by Maude (1965:128). For example, 'u*fi* would then be cultivated first, followed by *talo* or *kumala*, then the *manioke* before fallow again. Contemporary farmers in contrast would either cultivate one crop repeatedly, such as *talo*, *kumala* or *manioke*, or in rotation but infrequently in sequence. 'U*fi* cultivation is only practised by certain farmers hence is not a general start for the cropping sequence.



Figure 6.12 Three whole tax allotments prepared for the 1999 squash pumpkin.

Where commercial farming dominates, and profits are the central objective, the whole tax allotment or a large part of it is cultivated, usually with one crop. Inter-cropping of commercial

crops was actually discouraged by the MAFF in the 1970s, hence its limited occurrence in association with commercial land use (Thaman 1976:310). However post harvest fallow is often short and it often lasts only for the off season period. This is certainly the case for squash pumpkin growers where the fallow period only lasts a few months, which is the only rest period between harvest season (September-October) and preparation season (February-May), though in most cases it covers the whole allotment. The international market effectively dictates the fallow practice for commercial crops. On the other hand, local physical factors and local market demand still dictate the fallow period for subsistence crops, such as the staple crops (*'ufi, talo, kumala*) and the supplementary crops (*siaine, hopa, vegetables*).

Techniques:	Translation:	Number of farmers:
<i>Huo/Kini</i>	Hoe and manual weeding	67
<i>Palau</i>	Ploughing (weeding)	53
<i>Huo/Tutu</i>	Hoe and burning	31
<i>Fanavao</i>	Herbicide	19
<i>Tutu</i>	Burning	17
<i>Faka-kaikai fangamanu</i>	Grazing	3

Table 6.10: Techniques used by Nukunuku farmers in clearing the land before farming

Farmers clear their land for cropping using various techniques. There are basically six choices a farmer can select from which have been grouped according to the number of users per method. The most common methods are the *huo/kini* and *palau* followed by the *huo/tutu* and *tutu*, with *fanavao* and *fanga manu* the least used methods. It is evident that the traditional methods (*huo/tutu* and *tutu*) are giving way to more efficient methods such as *huo/kini* and *palau*. All of these methods were used in the 1960s (Maude 1965:132-3) and are still in use at present, but *huo/tutu* and *tutu* are not as widely used now as they were then. Part of the reason is due to the shift in types of farming and crops being farmed and partly due to the fact that land clearing today is not as intense as in the 1960s. Most tax allotments, whether currently fallow or idle, had been used before, making land clearing now, in view of the technology available, almost

effortless in comparison. The latter methods are basically mechanised techniques, rather than involving labour exploitation, which shortens the land preparation phase. This is a significant transition because shorter land preparation effectively means that the land portions would be in rotation more quickly. Accustomed methods, such as *huo/tutu* and *tutu*, are still employed, firstly, because farming machinery is not commonly owned by farmers in Nukunuku and, secondly, because not everyone can afford to hire it. On the other hand, some farmers, especially commercial farmers, attempt to cut down on costs by opting to employ *huo/tutu* and *tutu*. However, the general notion of deteriorating soil fertility and structure is not only due to farming but to the common methods of clearing land in decades before, namely *huo/tutu* and *tutu*. The continued effects of burning resulted in losses of carbonate and phosphate and an almost total loss of useful nitrogen and sulphur (Nye and Grenland 1960:67). Using chemicals for clearing land is a relatively new practice, post-1960s, but it is not common, being mainly used by the few commercial growers, although it dramatically increased with the introduction of squash pumpkin. Only a few use livestock grazing (*faka-kaikai fangamanu*) as a land clearing technique; this is not surprising because of the limited efficiency and effectiveness of this specific method, although Thaman (1976:234) suggested that grazing would increase due to the 1971 Cattle Subsidy Scheme. Moreover, a similar scheme in 1999 to increase cattle livestock in Tonga, that would have increased grazing, was abandoned due to lack of public response. Grazing livestock is a very limited practice because it is time consuming and not everyone owns livestock, whether cattle or horses, in Nukunuku

Although farmers do not necessarily use chemicals for clearing land, they have other uses for various chemicals. Herbicide (50 users) was the most commonly used chemical among 142 households that commented on the use of chemicals. However 24 used fertilisers and 28 used insecticides in their plantations. For most of these farmers, application of chemicals was synonymous with commercial cropping over the years, whether for vanilla, bananas, water melons and now squash pumpkin. Chemicals were being used in both mixed and subsistence cultivation, but especially by commercial growers. This is generally attributed to at least four factors. First is chemical availability: the government (MAFF) and private businesses all import agricultural chemicals. Furthermore, private remittances of goods often include some chemicals from overseas kin. Secondly, Nukunuku farmers have the ability to access and use chemicals, because of their increased purchasing power. Thirdly, necessity has compelled farmers to use

chemicals in their plantations either in an attempt to increase yield or because it is required by the new farming techniques such as squash farming. Finally farmers today are more accustomed to the commonly used chemicals, especially for commercial cropping. Commercial farming in Nukunuku has always been dominated by a single crop, from coconuts until the 1960s, then bananas, and now squash pumpkin; certain chemicals that were linked to particular crops were used extensively. Farmers would use the same chemicals every season unless advised otherwise either by the MAFF or the export companies. Nukunuku farmers are familiar with the advantages of using chemicals from these previous experiences, especially if their fathers used chemicals themselves in the family plantations. In addition, both experiences and contemporary advice have the effect of persuading farmers to use chemicals. In Nukunuku, the notion of farmland shortage allowed intensive cultivation, especially for commercial production and where more than one household was using the tax allotment. The prime farming land to the south of the settlement has shown signs of decreasing fertility and this requires fertiliser according to some farmers. This assumption is based on local farmer's experiences in terms of the density of use and of types of plants (undergrowth) that grow on land allotments. Local farmers' concern with soil fertility was revealed thirty years earlier, 'owing to the increasing cropping and associated decrease in fallow period, the inherent soil nutrient status and structure of Tongatapu soils have deteriorated considerably' (Thaman 1976:327). On the other hand, the less fertile soil that is natural to the northern area of Nukunuku definitely requires fertilisers. This general deliberation is widely understood within the Nukunuku community but electing to use chemicals and the ability to use chemicals are individually dependent. A household farmer may elect to use chemicals, but is hindered by lack of proper equipment and/or limited understanding of the instructions, which are in English.

Planting materials, the *pulopula*,⁸ are usually available to the farmers from previous cropping and/or borrowed from neighbouring plantations and relatives. This level of co-operation is necessary in a predominantly subsistence agricultural system. This practice has changed over the last thirty years according to 40 household farmers out of 142 respondents that answered questions on *pulopula*. Farmers nowadays often rotate between crop types due to individual circumstances (financial status), physical circumstances (soil conditions and weather) and/or the market situation (demand). For example, based on soil conditions, the commonly farmed

⁸ *Pulopula* is a general term for seeds, suckers or sap, stems, or seedlings for planting.

manioke is often planted after harvesting other crops such as *kumala*. This is because *manioke* has an excellent survival rate on less fertile soil. Furthermore, farmers plant 'u*fi* at least once or twice a year despite its high risk and its considerable demands on time. The main reason for taking risk with the 'u*fi* is its social and monetary value. In some circumstances farmers desperately needed *pulopula* from other plantations, local and otherwise, when plant diseases or insects damage their own crops. Farmers also put a financial value on the *pulopula*, especially plants that are socially and usually commercially valued the most, such as the 'u*fi*, the *kava* and the staple food crops. Farmers are prepared to purchase good quality *pulopula*. Some 23 household farmers stated that they were willing to spend up to TOP\$400.00 on *pulopula* and another 18 said that they had spent or were willing to spend even more than that. This is a considerable purchase within a village environment. Demands from both local consumption and the markets (local, national and international) effectively reduce the practice of saving part of the harvest as *pulopula*. Furthermore, local farmers sometimes purchase *pulopula*, either from other Nukunuku farmers and/or from other villages with the intention of improving yield. Nevertheless, only one farmer stated that he got his *pulopula* free of charge. This is a indication of the impact of cash on the agricultural system, '*pulopula* was never bought in Nukunuku' (FF045, pers.comm 1999), now it has monetary value.

6.5 Provisions, convictions and practice

Alongside legal provisions, personal convictions are a major influence on land tenure, especially at the grass-roots level. Individual choice is a very significant component of customary land tenure in the Pacific (Crocombe 1989). The importance of land was raised as an issue during the survey. Not surprisingly the majority (74%) of 115 respondents thought that land was very important to their existence, 3.5 percent thought it was important while merely 0.5 percent said that it is not important. This typical pattern might be expected of any Tongan rural community, yet those who were not sure of the importance of land were as high as 22 percent. These people considered other livelihoods beyond the land as of equal importance to that on the land. Thus the conventional idea of the land being the source of life (*ma'u'anga mo'ui*) is no longer as basic as

it was. In order to shed more light on this change, it is necessary to look at the Nukunuku people's main *ma'u'anga mo'ui* (livelihood).

In terms of importance, people nominated the following five sectors as their livelihood: fishing (15%), remittances (16%), paid employment (18%), agriculture (31%) and private business (8%). Agriculture dominated and, alongside fishing, represented long established sources of livelihood. However, the relatively high proportion taken up by remittances, paid employment and private businesses represents a change from earlier times and emphasises that alternative sources of livelihood do take away part of the pressure on land.

Agriculture was either important or very important according to the respondents. It showed their familiarity with the practice and therefore the centrality of land within Nukunuku society. Land may not be the main source of livelihood for every Nukunuku person but it denotes individual sovereignty (security); and belongs to the *famili* (inheritance) and to the *fonua* (member of the Nukunuku territorial *kainga*). In both cases, land becomes a medium of identity. In the Tongan context, besides the family name, which denotes the ancestral lineage of an individual, place of origin is the next indication of a person's identity. Even for emigrants overseas, this Tongan concept of social belonging is still employed to identify individuals in spite of the fact that they are residing in a foreign land.

6.6 Conclusion

As this and the preceding chapter demonstrate, Nukunuku has exhibited substantial change in terms of its social, economic and physical features. These changes have influenced land tenure in Nukunuku, and especially the customary tenure system, although the effect on the encoded tenure system is limited due to the static nature of the legal framework. Both internal and external changes have had some bearing on the local tenure system. In effect, village people have manipulated both the legal and the customary systems by exploiting both principles and practice, to attain or maintain their rights and entitlements to land in Nukunuku. The rigidity of the legal tenure system has been found by Nukunuku people to be sometimes impractical. On the other

hand, the flexibility of customary tenure may be practical but its adaptability provides no basis for stability. In these ways, the two systems nonetheless complement each other.

However, positive outcomes experienced by the local people brought to light how far village people have changed in terms of the shift to individual values. General knowledge acquired through education and experiences accommodates the transitions necessary for living in contemporary Nukunuku, thus enabling them to think beyond the perimeters of the land tenure system whether it is the encoded tenure system or the customary tenure system. Local people exploit both the stability of the encoded tenure system and/or the flexibility of the customary tenure system. This allows them to rise above local limitations and adversities, whilst keeping the ability, at least in principle, to develop and offer love (*'ofa*), respect (*faka'apa'apa*), and loyalty (*mateaki*) to one another. These were traditionally directed towards the *'eiki* (chief) but are increasingly offered among the *kainga* (people) since the emancipation and constitutional change in the late nineteenth century. This solidifies individualisation from within Nukunuku society, by emphasising individual rights and identity, in addition to commercialisation initiated from outside Nukunuku, which accentuates individual production and benefits. Thus individual households' or individual families' affairs and welfare become the principal concern rather than that of the extended family in terms of land tenure. Increasing knowledge and greater wealth (from wage employment, crops sales and/or remittances) and land rights have all combined to promote a greater sense of security, the basis for empowering people in Nukunuku to make necessary changes, especially with regard to their use of the land.

Potential landholders and current landholders exploit various possible avenues, as demand for land increases, to gain access to land; similarly landholders endeavour to secure and maintain land as family inheritance. The once inevitable passing on of land to the legal heir now varies and, depending on social circumstances may sometimes divert around the legal succession. The extra complexity of inheritance procedures and practices is due to the changing land use. However, people with various claims, rights and entitlements to a specific piece of land have presented landholders with greater choices of successor. Increasingly, and especially for commercial farming, more land has been acquired through official and customary leasing agreements.

The limitation in terms of area and the number of allotments physically possible have led to greater demand for land, for residential purposes and for farming. Moreover, as a source of livelihood, agriculture remains dominant despite an increase in the number of people who depend on remittances and wage employment for their livelihood. Like migration, alternative sources of income have lessened the pressure on land. Increasingly population demands have led to greater obligations and social duties within the increasingly individualised family networks, and also from the kinship system, as in communal and religious arenas. Consequently, obligations and duties have increased in terms of the number of obligatory responsibilities and also in quality, especially value in terms of money and cultural items offered.

With respect to land use, the lack of an adequate land area compromises production. Utilisation of the limited land area has become more of a concern in this regard because, at the same time, there is much unused land in Nukunuku. This is mainly attributed to absentee landholders but in a few cases, simply lies idle. The area cultivated and in fallow has not actually changed over three decades. It is still about seventy percent used and thirty percent in fallow. The crops cultivated are largely the same as thirty-five years ago, except for the commercial farming of squash pumpkin. Given these relatively unchanging characteristics of land use, improvement of production had to be based upon technological changes, such as modernising the traditional cropping sequence, either by concentrating on one or two crops and/or continuously rotating use between small sections of the tax allotment. Taking into account the tools used, this has not basically changed, except that people are now accessing extra labour assistance and using agricultural machinery and chemicals more than before. This is because multi-cropping (two or more crops farmed at once) and inter-cropping (two crops farmed together) requires more labour and care than is possible given the capability of an individual farmer. The huge increase in mixed farming and commercial farming reaffirms the increasing centrality of money in modern Nukunuku life. This is sustained by the commercialisation of subsistence crops for local and international markets. Mixed farming alleviates the risks of either purely commercial or subsistence only farming, and is more of a necessity because it caters for most obligations and family needs.

Overall, the changes in land tenure, in practice at least, are evidently clear. In terms of land transfer, whether it is between families or within a family, new priorities have often led to extra-legal practices. Similarly, land use has also changed but not because of any extension of the

cultivated area, as the village has become more influenced by international links. Out of necessity, people employ both land tenure systems, encoded (legal) tenure, hence the hybrid-system currently practised, which increasingly excludes the exclusive practice of one system. This raises questions, therefore, about the management of an increasingly complex land tenure, and land use, system, and these will be examined in the following chapters.

CHAPTER 7

BUREAUCRACY AND LAND IN TONGA

This chapter will examine the government's role in land management, primarily represented by the Ministry of Lands, Survey and Natural Resources (MLSNR). As in other Pacific societies, culture significantly influences the nature of governance in Tonga, well illustrated in the bureaucracy and governance of land. Moreover, any land related issue, including the way it is governed by the Ministry, is a sensitive matter. The following analysis of the role of the MLSNR provides a critical examination of the role of the central bureaucracy, which will enable a comprehensive approach towards the changing structure of land tenure.

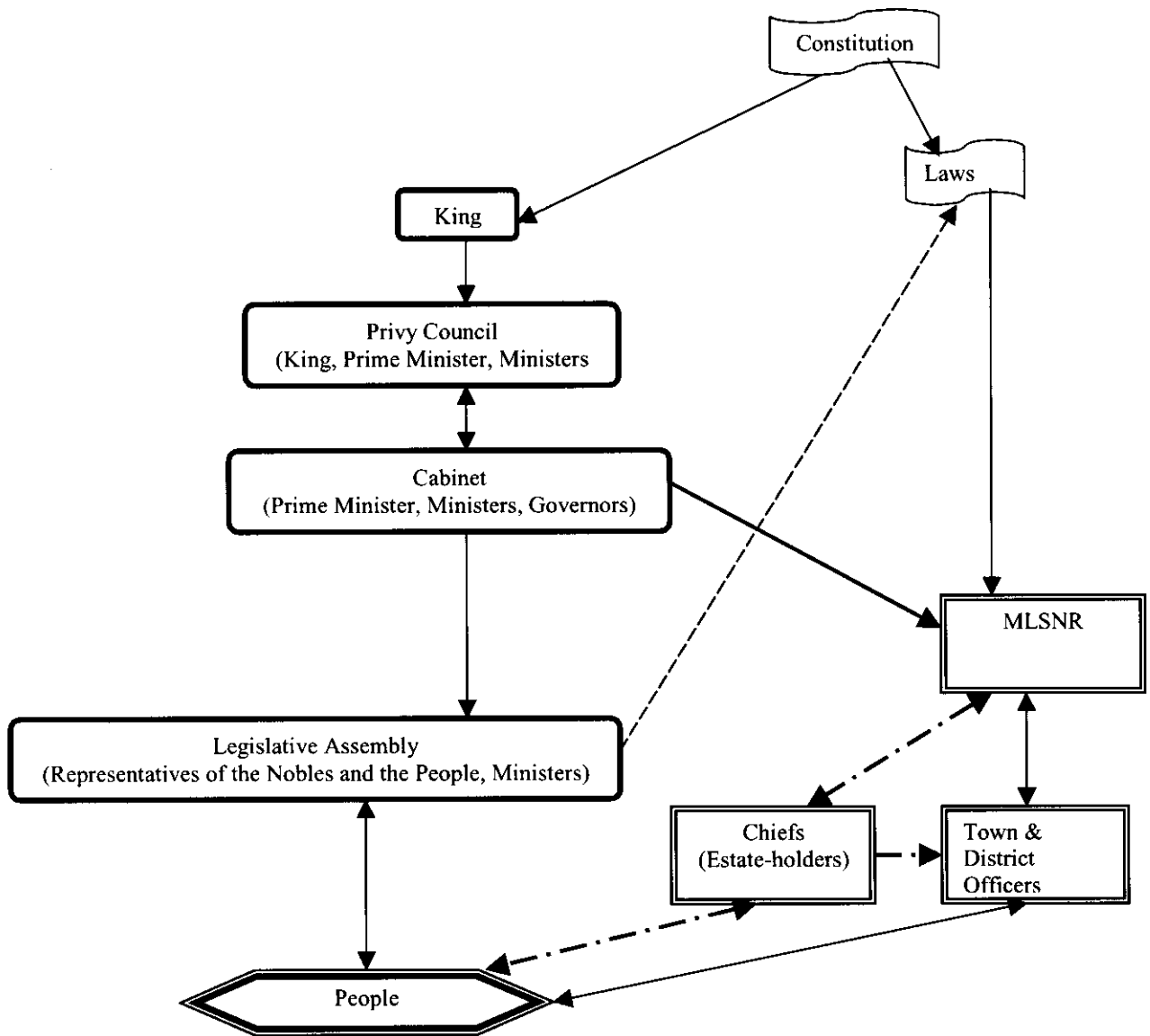
Reviewing land tenure, and its governing institution, is both important nationally and necessary internationally. Nationally, Tonga cannot afford to be complacent in addressing local land issues whilst internationally Tonga relies heavily on foreign aid for the funding of development programmes. In this respect, governance does matter (McDonald, 1998), more specifically good governance. According to the World Bank, a major donor of foreign aid, governance is: 'the manner in which power is exercised in the management of a country's economic and social resources for development' (World Bank 1992:1). Similarly, the Development Assistance Committee of the OECD linked governance with development (OECD 1997:3). Without proceeding into an in depth discussion of the term 'good governance', foreign donors, both multilateral and bilateral, are increasingly convinced of the importance and necessity of good governance. Many Pacific islands countries already possess democratic structures (Larmour 1994a), and given the history of political stability in modern Tonga, some may perceive that this alone is sufficient. However, in an era of globalisation, Tonga has to further establish itself as a developing nation by repositioning its own governance. Though there is nothing new about restructuring governance; land reform itself is not unique to modern Tonga, but the current system is a product of nineteenth century reform (see Chapter 4).

The following discussions will focus on the MLSNR as the governing body for land in Tonga. The chapter had been divided into six main sections. Firstly, there will be a brief discussion of the national government; secondly, an exploratory explanation of the MLSNR as the administrative organisation for land; thirdly, the important issue of power with respect to the organisation itself and the land tenure system. Fourthly, there will be a discussion of the often-overlooked issue of an organisational culture in Tonga; this section examines the dominating beliefs and norms within the MLSNR, which are crucial for the next section. The fifth section is a discussion of the effectiveness and efficiency of the MLSNR in governing land (and other natural resources). In any governance, proficiency is an important aspect of its operation, hence its inclusion in the final section.

7.1 The Tongan Government

A basic description of the government structure has been presented in Chapter 4, however it is the goal of this chapter to locate the MLSNR within that structure (Figure 7.1). It is apparent that the present structure is foreign to indigenous Tongan traditions, being based on the Westminster model (Latukeyu 1974, 1975), though the foundation for the whole system is the Constitution (Campbell 1992). The King is the head of government, aided by the Privy Council above the Cabinet. In combination, or separately, these influence the MLSNR via the Minister, with regard to policies, mandates and general direction. The MLSNR is the administrative organisation for land (and natural resources) in Tonga. The Legislative Assembly enacts bills but these do not become law until the King endorses them. At present, the MLSNR functions mainly around the 1927 Land Act (see Chapter 4). The Legislative Assembly, where the people are represented, has very little influence on overall MLSNR operations. The MLSNR, together with other government institutions, are the main employers in Tonga.

Figure 7.1: The Tongan Government and the MLSNR.



The MLSNR is the product of land governance being transferred from the 'old' system (hereditary aristocracy) to the 'new' system of 'official bureaucracy' (Crocombe 1975). The MLSNR headquarters, like other governmental agencies, is located in the capital, Nuku'alofa, with branches in the Vava'u Group and the Ha'apai Group. These small

divisions are attached to the offices of the respective island group Governors.¹ The MLSNR is responsible for all matters concerning land. However, as a result of the Government's endeavour to expand its revenues and to protect Tonga's small but frail environment, the ministry's mandate was extended in the late 1970s to include natural resources, hence the designation Ministry of Lands, Survey and Natural Resources.

Land, according to the name, seems to be distinguished from other natural resources. This distinction stems from the basic social and cultural perception of land within the Tongan context. The Tongan translation of the land agency's (MLSNR) name is '*Potungae Fonua, Savea mo e Ngaahi Koloa Fakanatula*', which identified land as *fonua*.² The basis for the bureaucracy, at least in the Tongan context of controlling the land, was entrenched before contact with the outside world in the seventeenth century. In Tongan mythology, the land is not a natural thing; it was a divine creation and divinely given. One account was that the son of the almighty Tangaloa fished the island of Tongatapu, out of the ocean. Another account declared that the island was created as sawdust falling from the sky, accumulating on earth. Such conviction of land as a divine creation is similar to more recently adopted Christian beliefs, hence it is re-entrenched in both modern social and cultural values of Tongan land. In effect, land or *fonua*³ is a source or a basis of life but is not perceived as a natural resource.⁴ This is not surprising since natural phenomena are traditionally described within the divine context. These beliefs and perceptions of land not only centralised its position within Tongan culture but also gave land some mystical connotation. The traditional view also isolated land (*fonua*) as the source of life as opposed to other aspects of the environment that support life. Such perceptions of land contributed to the unchanging attributes of the legal tenure system. However, the basic conceptualisation of land as a resource signifies real modernisation,

¹ The Governors effectively, are representatives of the King in their respective island groups, Ha'apai and Vava'u Group. In certain duties, they are also responsible for land matters.

² *Fonua* means land but it does not connote land as a natural resource. However, the term for soil, *kelekele*, has a natural resource connotation. It should also be noted that both 'resource' and 'natural resource' are modern terminology in Tongan language.

³ *Fonua* as a 'source' of life is reiterated by the meaning of the term in Tongan: land or place and also placenta or afterbirth.

⁴ The general understanding of a 'resource' or 'natural resource' is that it refers to the aspects of the environment, which render possible or facilitate the satisfaction of human needs and the fulfilment of social objectives.

not westernisation, in the MLSNR. In effect, perceiving land as a resource automatically incorporates the notion that it is not only finite but also it is vulnerable to human interventions. Overall, the nature of the land tenure system and the functions of the bureaucracy endorse both of these interpretations.

A further terminological issue is that identifying the Ministry as a surveying entity is largely outmoded, since the cadastral surveying of Tonga was completed more than half a century ago. In its modern mandate, mapping, and more generally land information, better characterise the role of the organisation today. Both of the terms 'survey' and 'mapping' are foreign but well adapted nationally. Overall, the title of the organisation reflects the importance of rationalising the organisation within the Tongan context.

7.2 The MLSNR organisation

The MLSNR is under the portfolio of the Minister for Lands, Survey and Natural Resources. The minister has been commonly either a member of the royal family or a noble of the realm, which is customary in an aristocratic society. However, there have been changes, especially in the last two decades, among the ministries and the government as a whole. For example, the number of prominent individuals taking over top jobs from traditional chiefs has increased, especially as the government continues to expand. Structurally however, there has been little change in terms of organisation within the Ministry over recent decades.

More generally, the structure of the organisation in terms of stratification and organisational culture is closely related to the general societal structure and culture. At this point, a brief history of the organisational structure will be examined. The Minister is the principal authority in the MLSNR, assisted by the Secretary for Lands, Survey and Natural Resources (SLSNR). In the 1960s and 1970s, the governmental organisation was known only as the Ministry of Lands and Survey. Its basic directives were to survey, scheme (or plan) surveyor's plans, compute and draft maps and evaluate land for leasing

purposes (Ministry of Lands and Survey Report, 1975). The 1970s were also highlighted by futile oil prospecting endeavours, but this set the basis for the attaching importance to natural resources. In the 1980s its direction formally expanded to include parks and reserves, town planning and natural resources (Ministry of Lands, Survey and Natural Resources, 1981). Extensions to the roles of the original organisation were necessitated by both domestic and international environmental concerns, setting the foundation for various sections to focus on specific areas of expertise, with respect to organisational direction, and differentiating the 1960's and the 1990's institution. Overall, the organisation evolved from being a basic surveying and mapping institute (1960s) into an environmental management body for both land and other resources (1980s). It has now become a specialised organisation with long term strategic objectives (1990s-2000). While the 1970s were characterised by oil prospecting, the 1990s witnessed new engagements in real estate property deals overseas. Land deals had been pursued in Sarawak (South East Asia) and Papua New Guinea, compelled by local land tenure issues in Tonga, especially the notion of land shortage, and also the need for improvements in agricultural productions and exports. The Government and the MLSNR, under royal directives, proceeded on to the current Pago Pago Land Project (Tafuna, American Samoa), and the Hawaii Land Project (Kawailoa and Opaeha, Hawaii). This was not the first time that Tonga had leased land abroad but it is the first instance that involved agricultural land leases to achieve economic benefits. Clearly the government took land issues seriously but its strategy in the main was economically based. In part, this showed the transformation in strategy from focussing on developing local land resources to overseas land. Equally striking, the government pursued this path even though local land pressures and land tenure had not been reviewed and/or reformed to see whether Tonga utilises and develops its own land resource before attempting to look overseas.

7.2.1 The MLSNR at the turn of the millennium.

Prior to 1999, there were four main divisions within the MLSNR. However, the demands on the Ministry warranted modifications by re-designating internal functions; the

MLSNR was restructured and now has six divisional programmes, divided into Sections and Units with specialised responsibilities (Figure 7.2). There are sectional supervisors and employees in each section, including daily labourers in some sections. Each division will be considered individually in order to shed some light on the responsibilities and operational results of each. Commonly the number of employees is relatively small with respect to each section but the overall number is substantial in the Tongan context.

The increasing number of responsibilities led to the expansion and diversification of the organisational structure. Three decades ago the then Ministry of Lands and Survey only had four divisions: Survey, Natural Resources, Land and a General and Registry division (Minister's Report 1975). The current organisation is certainly more specialised and diversified in its functions, and technologically better equipped. Authority and order within the organisation have not changed at a similar pace. This divergence will be looked at more closely later in this chapter, although the main concern here is the current formation of the MLSNR. The organisational chart not only represents the current structure but also shows the number of employees per section (Figure 7.2).

MLSNR Organisational Structure 1999.

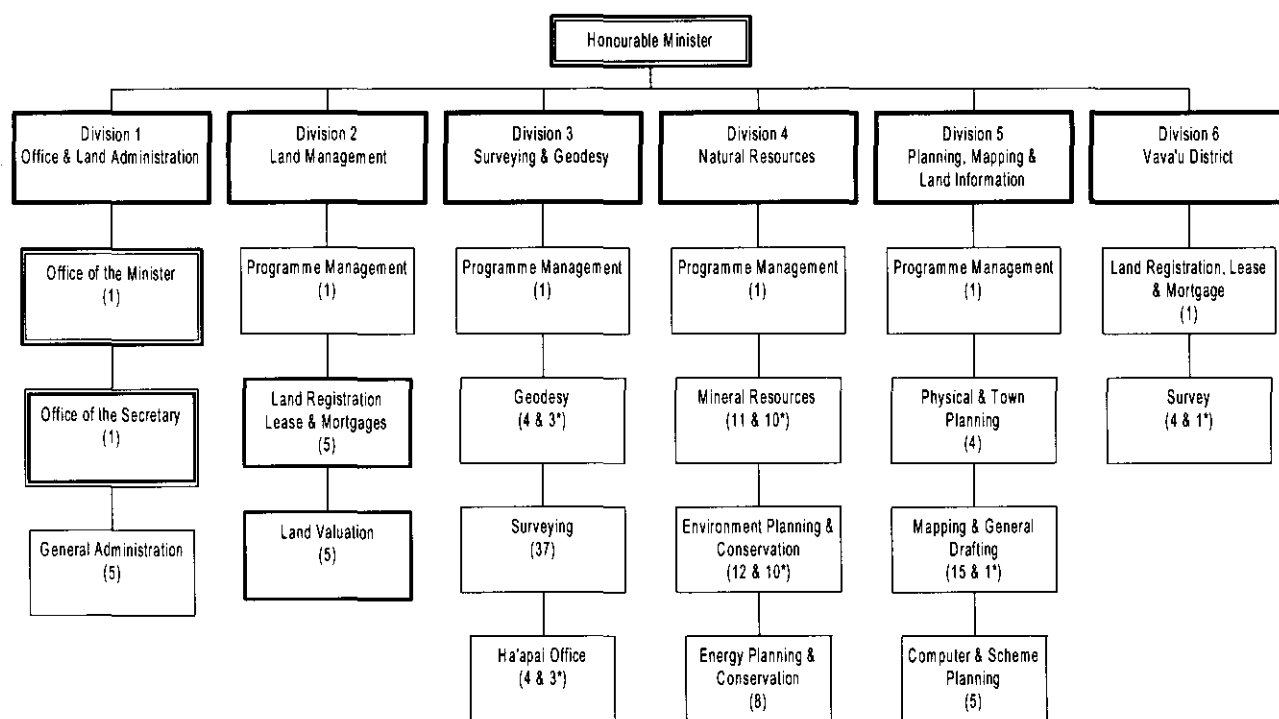


Figure 7.2 MLSNR Organisation Chart in 1999.

NOTE: Numbers shown are employee counts.

Division 1 is designated as the division of Leadership, Policy Advice and Administration and separately titled as the Office and Land Administration; it is the backbone of the whole organisation as a bureaucratic institution. This division includes the following: the Office of the Honourable Minister, the Office of the Secretary for Land, Survey and Natural Resources (SLSNR), and the General Office and Land Administration Division. This division holds authority over land and over the MLSNR as a whole. In general, the Minister, as representative of the Crown, has a duty of care in all matters regarding land in Tonga. The power bestowed upon the Minister is the basis of the whole MLSNR authority over land and natural resources. All land transactions are subject to the Minister's approval. In addition, the Minister has the power to formulate organisational policies, but the King, with the consent of the Privy Council, is the ultimate regulative authority. The Minister's Office expressed new directions in 1998, that land distribution be based on natural capacities rather than economic values. Such a statement in part reflects the limited supply of land and also the accelerated commercialising of land

dealings thus parting from the revered man-land relationship (see Chapter 4). The chief director of the MLSNR is the SLSNR, who is responsible for the overall MLSNR mandate and direction, as well as the daily operations. The third component of Division 1 is the General Administration office, which provides administrative and clerical services.

Division 2 (Land Management Services) has three sections, which are the Land Registration, the Lease and Mortgage section and the Land Valuation section. The combination of authority (*Division 1*) and land management (*Division 2*) forms the heart of the operation of the ministry as a bureaucratic organisation, and as an administrative arm of the Government. In this regard *Division 2* (the Land Administration Office which also annexed the Registration Section and the Valuation Section) is the first and the last dominion for all processes before submission to the Minister. This division carries out all public enquiries and consultations, except in a few cases where it is necessary for the Minister or/and the SLSNR to intervene. *Divisions 1* and *2* execute and implement any directives from the Minister on submitted land matters, including preparing Cabinet submissions. *Divisions 1* and *2* are concerned with the generation of revenue; they oversee expenditure and basic office administrative and clerical roles (*Division 1*), as well as land registration, transfers and archive (*Division 2*).

Division 3 (Surveying and Geodesy) primarily carries out all cadastral surveys in the Kingdom (Survey Section). However, there is a small private company that carries out similar functions and poses some competition, although it was not a threat to the MLSNR (Survey Section) because the MLSNR not only has the only information for any land subdivision and/or it is cheaper in terms of costs. Secondly, this is the only Division that holds outposts namely, the Vava'u District Survey Office (Neiafu, Vava'u Group) and the Ha'apai District Survey Office (Pangai, Ha'apai Group). The two Niuas and 'Eua are overseen by the Vava'u and the Tongatapu offices respectively. In operation, both outposts are directed and controlled from the Head Office by the Chief Geodetic Surveyor Specialist (CGSS). In support of the Survey Section is the Geodesy Unit, which focuses on maintaining Tonga's Cadastral Survey Control Network. The executions of geodetic surveys allow the upgrading and reconciliation of higher order survey control

traverses. As a result, lower order cadastral survey operations benefit from a well maintained, uniform and reliable control framework.

The Natural Resources Division (*Division 4*) manages and is primarily concerned with the natural resources. This division has three sections, firstly, the Mineral Resources Unit (MRU) which oversees mineral resources, groundwater and geohazards. The ultimate aim of this section is sustainability and development, or in some cases, exploration, of minerals and the groundwater in Tonga. Secondly, the Environment Planning and Conservation Section (EPACS), is basically aimed at promoting sustainable use of Tonga's scarce and fragile natural resources. The third section is the Energy Planning Unit, which is mainly concerned with renewable resources (resource conservation, energy development, and sustainable use), electricity and petroleum (efficiency of use).

Division 5 (Planning, Mapping and Land Information Services) is the major branch dealing with accumulating land information for the Ministry. Division 5 was the latest addition established within the organisation (Minister's Annual Report, 2000) as a sign of bureaucratic institutional expansion, and operationally, it reflects its modernisation in terms of specialising functions and additional direction. In general, this is where schemes, plans, and maps are prepared regardless of their anticipated purpose and use. There are three sections under *Division 5*, namely the Physical and Town Planning Section, the Mapping Section, and the Land Information Section. The Physical and Town Planning section is a recent addition to the MLSNR and ensures that general development endeavours, both physical and town developments, are monitored. The new addition in 2000 to this Division, and the MLSNR in general, is the Land Information section, which is dedicated to producing a digitised database of all maps and records, enabling the MLSNR to become fully computerised, a prerequisite for further organisational developments and necessary for the future of the MLSNR as a bureaucratic organisation.

7.2.2 *MLSNR: A System of government.*

The descriptions and illustration (Figure 7.1) above clearly place the MLSNR as an organisation. Based upon the definition of Schein (1988:15), there are four basic elements of an organisation: it is human constructed with human purposes; there is a division of labour; there are strategic efforts to co-ordinate activities by stratification according to authority; and, lastly, there are explicit common objectives or aims. However, Schein (1988:228-229) extended his definition to include one crucial element, which is the human environment that an organisation exists within. The MLSNR qualifies as an organisation under Schein's terms. Although constructed by humans, the purpose is governmental in nature, controlling and managing national land and other natural resources, which is necessary for both national security and/or to consolidate or maintain the power of the local authorities. Prompted by local economic constraints, the MLSNR has extended its national endeavours to mitigate Tonga's limited land and other resources by pursuing land deals overseas, through the Tonga Government Land Project abroad (see above). The government (MLSNR) upholds national security and development but people are seldom dealt with comprehensively or effectively.

The MLSNR is highly stratified and the Minister holds all the land authority, which is unusual even for a contemporary bureaucratic organisation. Since the MLSNR is a part of the overall Government, it has a government-defined goal, shared and maintained by all sections. The complexity of Tongan culture and of the Tongan environment is not usually acknowledged for most of the structural developments because most are either bureaucratically oriented locally and/or based upon overseas consultants with limited understanding of the tenure system.

It is common for the top people to hold all the powers, and the Secretary today is not much different from his predecessors. Their expertise is surveying but the world has moved on to mapping and planning. Our problem is not skills because our employees are well trained but our problem is technology and equipment. We need to change our priorities, bringing mapping and planning to the forefront instead, before these technological needs can be addressed. I have been to Samoa and other places and they have land information, that is mapping and planning, as their main focus not surveying, which is what we should be able to do

here. I think this Ministry needs young talents with new direction (CE pers.comm. 1999)

Thus despite technological developments, skilled and qualified employees, and the merit of recent organisational expansions, it is the environmental related issue such as organisational behaviour that must be reviewed. The current lack of an organisational culture that affects positively daily operations, has led to inadequate recognition of the influence of the MLSNR on the social environment and vice versa (Figure 7.3). The unfortunate consequence is that the bureaucrats often elude public scrutiny. This is partly the reason for the gap between the MLSNR and the people (see Chapter 8).

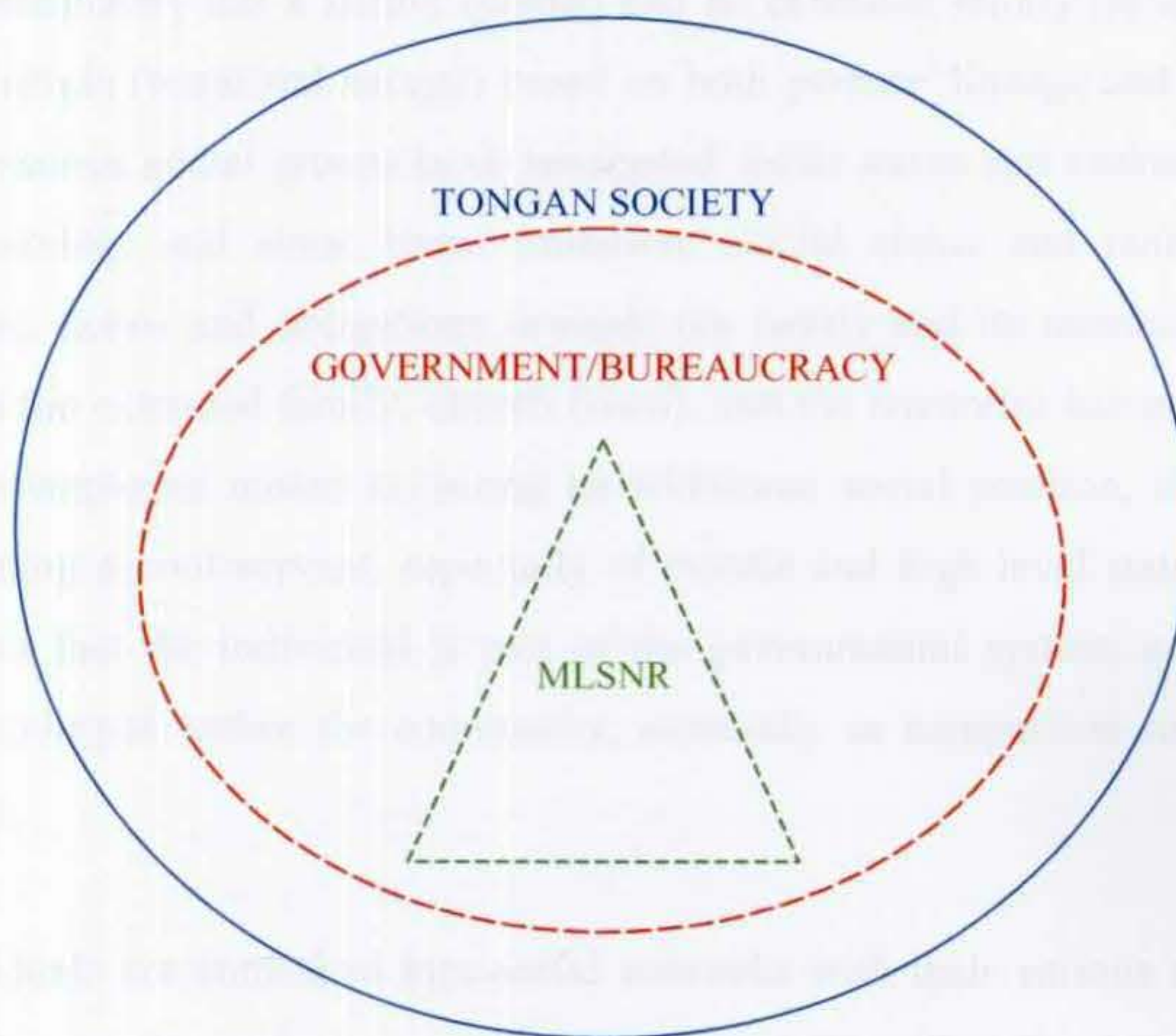


Figure 7.3: The MLSNR within the Tongan social and cultural environment.

The MLSNR is not isolated nor insulated from its surrounding environment (Figure 7.3). The following is an attempt to provide some background information on the environment of the MLSNR. Despite the fact that it is necessarily a bureaucratic organisation made up of bureaucrats, the bureaucrats belong to various social groups; consequently they have

social duties and obligations in addition to their official duties. Hence being aware of the importance of, and understanding, the environment, namely the social, economic, and political context, would help in rationalising organisational behaviour that may either contradict bureaucratic principles or the 'Tongan way'. The MLSNR must negotiate these three contexts.

i. The Social Environment

All Tongans are part of various and extensive social networks. Belonging is an important element in an individual's life. Regardless of birth status, legitimate or illegitimate, the newly born immediately has a family (*famili*) and an extended family (*fa'ahinga*) and a community of origin (territorial *kainga*) based on both parents' lineage and geographical origin. These various social groups have associated social status and ranking, known by experience, learning, and some times imitation. Social status and ranks also have associated roles, duties and obligations towards the family and its members, and other groups such as the extended family, church (*siasi*), and the territorial *kainga*. Joining the MLSNR as an employee means acquiring an additional social position, that of a civil servant. Becoming a civil servant, especially of middle and high level status within the MLSNR, means that the individual is part of the governmental system, a status that is regarded as privileged within the community, especially in comparison to farm labour (see Chapter 6).

Overall, individuals are enmeshed into social networks with their various requirements. Age and gender are the main factors of status especially within the immediate group (*famili* and *fa'ahinga*) but declining as wealth and qualifications have improved within the last two decades. Family lineage and heritage become important when it comes to the wider societal grouping, where there are traditional royal and chiefly heritages above the common heritages. There are customary requirements towards superior heritages. This is challenged, but rarely voiced, by some people, especially the new 'elite', illustrated by the 'separate' treatment of prominent individuals in the MLSNR. The new elite is challenging traditional social ranking, especially from young Tongans with overseas

degrees and contemporary initiatives. However, the MLSNR, is set within a social and political context that still maintains the traditional ranking system. The nature of this environment was instituted within the MLSNR in its early years for two reasons: firstly, wealth and qualifications were not only limited but predominantly accessed by the social upper class. This has changed with wealth and qualification being more widely accessible. There are more people, especially commoners, who are qualified and demand to be recognised accordingly, within the MLSNR. As social beings, employees respected the social ranking, but as modern bureaucrats, they must acknowledge higher qualification, skills and wealth. In organisational structural development, fear of new changes and/or technology has always clouded the judgement of old fashioned bureaucrats.

Culture gives direction to customary behaviour. However, an environment like Tonga, underprivileged in terms of the range and magnitude of natural resources, has resulted in necessity becoming a rationalisation. In this regard, people act or do what is necessary in daily engagements for themselves, as an individual and as a family member. Contemporary customs and social groupings (see Chapter 5) have an unnamed element, which is fear. This element of fear is rarely mentioned because of its negative connotation as opposed to the Christian heritage associated with other variables. In reality, sometimes fear influences behaviour, such as the fear of being criticised for being atypical which often led to segregation within social groups. The term *fakama*⁵ is often used to describe unconventional behaviour. Thinking and behaviour fuelled by emotions is the exact opposite of the conventional bureaucratic logic adopted and required in modern Tonga.

Traditional beliefs and social norms of rank and power not only correspond with organisational structure but often lead to prejudicial assumptions by bureaucrats, concerning land matters, with the consequence, either intended or otherwise, of unprofessional conduct. The most obvious example is related to women in the work

⁵ *Fakama* means behaviour that leads to or would result in shame or ignominious opinion. Judgement either by one's immediate social group (*famili, fa'ahinga*) and/or the wider group (territorial *fa'ahinga* and the general public) is quite influential.

place. Harassment⁶ is not common but that it exists is a concern. Male counterparts, especially if they are superior to female employees, often take advantage of their position of power to harass female co-workers. This can also occur with regard to male and female superiors. Harassment is rarely reported for fear of ostracism, nor enforced because it is the norm in the workplace. However, the fact that most of such behaviour is acceptable in wider society, sometimes referred to as '*fakakata*' (joking) and backed by the norm of '*tuli e hua*' (kidding around within the group), results in its existing within the MLSNR. In effect, only the most serious types of harassment, which are rare, are reported. Other forms, such as verbal harassment, are considered inoffensive because they are just words and therefore considered harmless. Those who are victimised are not only ignorant of proper professional conduct but also often submissive to those in power.

A position of power in Tonga is now based on either social status (cultural, economic, and political background), organisational superiority or seniority within the institutional hierarchy. Deference to hierarchy is maintained by bureaucratic ranking but it is acquired in society before entering into the MLSNR.

Although harassment is seemingly insignificant in the workplace, alleviation of such unprofessional conduct could improve performance, and hence productivity. Changes may be difficult to achieve but the need for the MLSNR to be effective is paramount.

ii. The Political Environment

In terms of political systems, Tonga is an authoritarian system in a region of democratic political systems. There are no political parties in Tonga, thus there is limited opposition to the Government. However, there is a pro-democracy people's movement, initiated in the 1980s, and backed by some church leaders, a small number of civil servants, and a

⁶ In general terms, harassment is any type of behaviour that an employee does not want; offends an employee; in the circumstances, a thoughtful person should have expected would cause an employee to feel that way. Harassment can be non-verbal (offensive hand or body gestures, suggestive looks), verbal (jokes based on race, religion etc.) or physical (uninvited touching, unnecessary body contact etc.). Not all of these are considered or perceived as unprofessional conduct in the Tongan work place.

minority of the people. The movement lost some momentum in the late 1990s, which many people attributed mainly to, among other issues, the representatives' attack on the land tenure system (Land Act 1927). It was basically proposed that all land should be held and controlled by the government, thus eliminating chiefs as estate-holders.

Case 7.1:

The proposed changes to the Land law, and effectively the Constitution. Although the economic benefits were well defined, the fact is that such change would have a multiplier effect in terms of social and political changes. Removing the estate-holders means that the human factor/contact will be effectively ceased, and bureaucrats will take over. Many people feared that someone who has no connection to their respective communities at all would control their land, hence their lives.

'I resent the fact that a 'commoner' would control the land, hence my livelihood. How can you change our way of life and still call us Tongans. This is what differentiates us from Fijians, Samoans and so on.' (ST Pers.com. 1999)

And:

'Of course we need change, but for the better. What they advocated has some good points, in terms of changing the way things are run in Tonga. But we should develop what we have, not destroy it.' (MM Pers.comm. 1999)

The proposed changes to the land tenure were perceived as 'not being Tongan', and that Tonga would be similar to western societies. The drama of such drastic reform was not well received. People would have liked reforms but not to commandeer their heritage, was the general view. The whole exercise showed how sensitive people are with land issues, and also the fact that they value the Tongan culture relative to land tenure.

Nevertheless, this saw a drop in the number of seats won by members of the movement in the 1997 election. Although a notion of political change is popular among the people, socio-political conservatism is deeply entrenched in Tonga. In part, this is tied to the land and the tenure system because land customs and practices maintain the authority of the ruling class, the chiefs or the estate-holders, as emphasised by Christianity, which ironically came from overseas. However, though public reverence towards the monarchy is substantial it has recently weakened, due to the general perception of conflict within the royal household, the increasing land wealth derived from it by estate-holders and the shortcomings of the government. The pro-Democratic movement has played a 'lookout' role by addressing certain shortcomings within the system, forcing the government to be

more vigilant and efficient. An independent entity functioning as an opposition party is a positive addition to political life in Tonga because it presents the people with alternative views, which they can balance against their view of the government and bureaucracy.

Progress through change must be implemented or at least endorsed by the government. Initiators of change may come from within and outside the government such as the churches, private sector or movements such as the pro-democratic party. The pressure on the government to evolve is mounting but it is adjusting at a slower pace. This puts administrative organisations such as the MLSNR under greater strain to operate in a changing environment with relatively otiose legal and structural frameworks. In terms of land, there have been lobbies for change from various organisations.

Case 7.2:

The Council of Churches in 1975 and recently, the pro-democratic movement have called for changes in regard to land tenure. The considerable attention on land and migration of 1975 did not draw Parliament's attention, since none of the estate-holders, except the King, attended the conference (Tonga Chronicle 24 July and 21 August 1975). Therefore, critical issues such as land shortage and employment discussed during this conference (Campbell 1992:82) did not involve land bureaucracy.

The government, more specifically the MLSNR, has either made limited changes, hesitates to change, or has paid no heed to these calls. In principle, governing without reference to the people is totalitarian, but this is an inappropriate concept within the Tongan social context. Nevertheless, the increasingly 'urbanised working and middle class, which owed nothing to aristocratic sentiment or tradition for its status and prosperity', thus is demanding political change (Campbell 1992:82). The Tongan political system has thus retained considerable stability, despite some pressure from the democratic movement, whilst the bureaucracy has thus escaped the necessity to evolve.

iii. The Economic Environment

Primary agricultural production continues to dominate the Tongan economy. In 1965 the first Five Year Plan (1965-1970) emphasised improving agricultural productivity, road networks and harbours, health and education. Tonga shifted its emphasis to economic development in its Second Development Plan (1970-1975), at the same time strengthening its infrastructure and lessening aid dependency (Tonga 1971). The government failed to achieve its objectives, due largely to inexperience (Tonga 1976). However, planners (local bureaucrats and foreign consultants) for this development programme seek to change the base of the economy, agriculture (Campbell 1992:67-8). Similarly, the Third Development Plan (1975-1980) had mixed results, but with an increasing public service. Through the Fourth Development Plan (1981-1985), the government attempted to improve the living standard, 'aiming at Western standards of living' (Campbell 1992). In this period not only were living standards raised, but non-land employment increased, and people went along with these new changes in order to secure land. The Fifth Development Plan (1985-1990) further changed economic and social life in Tonga by encouraging private sector development. People could find employment, and a few became employers, further advancing non-land livelihoods.

The MLSNR is not really evident in Tonga's development strategy, as an administrative body, but is nonetheless relevant for economic development. Similarly, the economy has influenced the land tenure system, and the MLSNR, but not enough attention has been given to the possible effect of the MLSNR on the economy. This is where the development process should start, land governance and bureaucracy, not at the production phase but right at the basis of such production.

iv. The Legal Framework

The judicial system in Tonga consists of the Court of Appeal, the Supreme Court, the Magistrate's Court of Appeal, the Magistrate's Court, and the Land Court. The King, with the consent of the Privy Council in general, appoints the Chief Justice and other judges. However, no Tongan has ever gone beyond the Magistrate level as an adjudicator. The Chief Justice and other judges (appointed by the King, with consent of the Privy Council) presided over Tonga's Supreme Court, which has jurisdiction in all cases of Law and Equity arising under Tonga's Constitution and Laws. However, two types of offences are beyond the Supreme Court's jurisdiction: firstly, indictable cases where the accused elected for a trial by jury, and, secondly, cases concerning land titles, which are tried in the Land Court. Appeals on any Land Court judgements are submitted to the Privy Council. The existence of a Land Court is unparalleled in the Pacific. This suggests the inability of the judicial system, which was derived from the British legal system, to cope with the complexity of local land title issues. Moreover, only the Land Court allows a Tongan assessor to assist the presiding judge.

Laws are crucial for maintaining order in any society whether they are formally coded or customary directives. In Tonga the written Constitution is the basis for all encoded laws in the kingdom, and both were derived largely from a foreign legal system. Culture and customs direct daily living especially in the social arena, with many cultural and social requirements, especially in terms of control over land, being encoded and directed by law. The adaptive nature of the customary system, which is based on emotions and practicalities, means that these change more often than the written laws. This may bring the two systems into some degree of conflict. Into the domain of land tenure, people must therefore resort to one of, or a combination of, the following actions: non-legal practices (customary), extra-legal practices, and legal practices. Land practices are affected by nature and the common ruling factors customarily combine pragmatism and necessity. This is the reason for the researcher's reluctance to acknowledge 'illegality' within the Tongan tenure system

v. *The Technological Aspect*

Adapting to both local development needs and global standards by implementing new technologies is vital for any organisation. Tonga, like any other developing country, still struggles with limited modern technology. The main hindrances in this regard are capital and skills. The government had endeavoured to develop knowledge and skills by training people in both the private and public sectors. In addition, households also train their own children either locally or overseas, and foreign donors have made training and equipment available for the kingdom. The latter is the most significant form of training fund because Tonga relies extensively on foreign aid in terms of funding its development programmes.

Developing new technology means two things, either recruiting new and skilled employees and/or changing - or replacing - the accustomed procedures, processes and staff. In both cases, the established long service employees and employers face a transition in order to cater for essential technological transformations. The challenge involves identifying appropriate technology, gaining access to training and funding issues and better exploiting current technological capabilities.

In an environment where tradition and customs are valued, technology, especially new technology requires more than just economic or technologically rationalised decisions. Social and political issues concerning current organisational structure must be considered because, strategically, the structure should reflect development and progress in new technology and skills. The MLSNR, in its endeavour to modernise, deals with technological changes in an old fashioned manner; technology is not perceived as a critical and urgent requirement. A wider comprehensive view would not only ensure more receptive workers but a smooth transition as well. The MLSNR could overcome these potential problems by repositioning itself strategically with respect to improving and/or maximising current technology in combination with specialised training. However, any technological change can affect both the politic of work and/or decision-making within the MLSNR. Customarily, 'old' bureaucrats are vital for their experiences,

but with the new technologies, the recent employees would be better equipped for it, hence their value would improve. This is important because technologies are adopted on the basis of potential benefits without considering their effect on both the employees and the real-time inter-relationships.

7.3 The MLSNR and Efficacy

Power over land rests with the MLSNR by law, but there are also the customary estate-holders. This is the main ground for the arbitrariness in terms of land practice and customs. Although it is difficult to define the end and the beginning of government as opposed to the end or the beginning of the customary institutions, the following section is an attempt to explore land authority in general, and more specifically, the issues regarding land authority.

7.3.1 Supremacy over land: customary and legal framework

Preceding the encoded law, chiefs had, and to some extent still do have, authority over land in Tonga. This authority stemmed from the encoded power of consent in terms of land distribution, and estate-holder's rights to lease land, upheld by land customs. In effect, emotions and societal pressure give emphasis to customary and cultural authorities.

The 1927 Land Act is the backbone of the whole legal framework that officially controls all land in Tonga. In terms of national stability and social security, the necessity for, and advantages of, this legal framework cannot be emphasised enough here. Nevertheless, there are drawbacks within the law itself in terms of ideology and practice. This is critical since they account for the continued role of earlier customs in land tenure and management.

The legal framework is biased towards Tongan culture resulting in the fact that women's rights are very limited indeed. Women are secondary to their male counterparts when it comes to land; in early history, there is a profusion of evidence that being male was the primary criterion for land ownership, and the conventional contemporary view is that land ownership is patrilineal. However, women in Tonga constitutionally have equal political rights with men, though women's land rights are culturally and legally restrained. Traditionalists believe that, despite limited legal rights, women's interests will be protected by traditional institutions such as the *fahu* custom (see Chapter 5). However, this customary provision for the *fahu* is failing women in modern Tonga, as commercial interests have become more important. The land law does not acknowledge these cultural changes hence the law does not protect women's general interests. The security of title and/or interests was thus 'simply an artefact of an externally imposed institutional structure' (Cramb and Willis 1990:352) that added nothing to the security of equal opportunities. Modern Tongan women have 'modern' roles⁷ and their involvement in the cash economy has increased but the number involved in agriculture is still limited. The number of women involved in agricultural activities, either commercial or subsistence, is far higher than official reports reveal (Needs 1988, and Hardaker et al. 1987). Land access, whether through borrowing, leasing or temporary, all favoured males. Overall, women still have a long way to go before 'equitable' land rights are achieved.

Control over land should be the task of the MLSNR, as representative of the Crown, in view of the powers vested upon the Minister of Lands, Survey and Natural Resources. Ideally, the MLSNR should be independent of political, cultural, religious and social ties. This is, of course effectively entrenched within the Act, hence the guardianship role granted for the traditional authorities, the chiefs. Legally, the chiefs are to allocate land to their people, the territorial *kainga* and to the Tongan people in general, but their power of consent gives them great opportunities for some control. The Minister has the power to overrule any estate-holder's decision on land allocation, but this is rare. As with land use,

⁷ In addition to traditional activities (domestic duties, tapa making and mat weaving and light agricultural work), women are now increasingly involved in almost every economic activity, including the employment sector, in Tonga. Prominent women joined the 'elite' class in society, even take-over male's role as the breadwinner for their respective families.

customary values influence land control; sanctioning estate-holder's control at the expense of the MLSNR. Two potential dilemmas thus arise; firstly, the nature of the traditional chief-people relationships that the MLSNR is meant to govern. Secondly, the Minister, who is likely to be a noble, has the power, rarely enforced, to act against estate-holders/nobles. There is a clash of interest from an organisational point of view, through the general duality in government employees' identities, as bureaucrats and as member of a kinship network and/or have chiefly status. This is particularly significant in a small country. This clash of interests tends to hinder MLSNR functions. However, traditional controls, in parallel with the land bureaucracy, effectively maintain the people-chief relationship within the legal land tenure system.

Modernisation and time have resulted in some sections within the 1927 Act becoming effectively redundant. In practice, these specific sections are honoured in the breach. This includes the most revered provision of land entitlement, where male subjects aged sixteen and above are entitled to a piece of land. This is physically impossible, despite the stability in terms of population growth, because there are a large number of overseas migrants who have land, or are entitled to land. Another example of a futile legal provision requires all aliens (non-Tongans) to acquire permission from the Minister to hold, reside upon, or occupy any land. This is difficult to police but it is possible to enforce. However, the viability and appropriateness of such a provision in modern Tonga is debatable. Similarly, the Act's provision on tax allotment holders to plant 200 coconut trees within one year from the date of the grant does not fit the current situation. The value of coconut as a building material has virtually disappeared and its contemporary economic value is slight, despite still being a part of the Tongan diet and therefore traded locally. Some penalties are also ineffective as a deterrent for illegal land practices, specifically those referring to monetary fines. In today's society, most people can afford to pay penalties for offences with ease as fines range from TOP\$ 2.00 to TOP\$ 200.00. The TOP\$ 20.00 fine is the most common penalty for a range of minor offences (Table 7.1).

Table 7.1 Examples of penalties for minor offences.

Sections of the Land Act 1927	Provisions	Penalties (TOP\$)	Alternative punishment for defaulting payment
14	Aliens cannot occupy land without a permit.	20	Imprisonment not exceeding 3 months
15	Landholder not to permit alien to occupy land	20	Imprisonment not exceeding 3 months
18	Leased must be used for the original purpose of leasing only	20	
32	Estate-holder may not dispossess landholders of their land	20	Imprisonment not exceeding 3 months, and the land be returned.

Source: 1927 Land Act

A TOP\$ 20.00 fine would scarcely deter people from allowing foreigners to reside or occupy their land since rents are much higher, nor would it deter estate-holders from dispossessing landholders of their land. Some people deliberately ignore the law, where it clashes with cultural ties and emotions, and bury their deceased relations in their town allotment, an offence that carries a fine for TOP\$ 100.00 or 6 months imprisonment. The legal framework lags behind economic change. However, the penalty for illegal land sale is 10 years imprisonment (maximum), making this the most severe penalty, but it has not been awarded in three decades, due to either ignorance on the bureaucracy's part and/or turning a blind eye out of necessity. The latter is more realistic than the former based on current economic and social circumstances and affiliated (economic) benefits and values that dominate both the bureaucrat's and the people's rationalisations of such practices.

In modern Tonga, refining and/or reviewing the legal framework is necessary for any progress in development and governance of the land, thus calling attention to the problem of non-legal issues. Non-legal issues are matters not specifically covered and/or defined by the land Act. The prohibition of land sale is one of the main areas of uncertainty; it is perceived as illegal (previous paragraph) when money is traded for land, but this practice is also inseparable from gift exchange. The term 'sale' can be broadly defined, and is unhelpful when considering customary tenure practices, since trading by way of exchanging items or properties is the norm. In effect, trading land through 'exchange' is warranted in both legal and customary contexts. This is highlighted by the provision for exchanging land for land, as long as both allotments are on a similar estate type, whether royal, government or noble. This practice of 'exchange' in modern Tonga has evolved to include non-traditional but economically valuable materials. Consequently, land is always exchanged for 'gifts' or properties, but the term sale (or *fakatau*) is often employed to describe situations where money is involved, as in Case Three.

7.3.2 MLSNR: the Land Authority.

The MLSNR, like any other ministry, was commissioned under the Constitution and established through the Laws of the Kingdom (in the 1927 Land Act). The Minister represents the owner of all land in Tonga, which is the Crown, in all matters concerning land. He (and it has always been a man) holds eminent powers over land administration except making regulations. The Governors of the Vava'u Group and the Ha'apai Group are deputised representatives of the Minister in their respective regions, but power is concentrated at the top with the Minister, who has the power to grant land (tax and town allotments), and grant leases (and permits); for the latter the Minister must acquire Privy Council approval when the lease duration (or renewal period) exceeds 99 years. The fact that the Minister is also the Registrar-General gives him the power to authorise surveys, collect land revenues (rents and fees), allocate land trustees where necessary, approve mortgages, and issue permits for foreigners to reside on Tongan land.

The concentrated power over land initially protected the land of Tonga, through maintaining the socio-political structure (king-noble-people) and alienating foreigners from Tongan land. This is most apparent in the nature of the endowed authorities, with all land belonging to the Crown, administered by the government, with limited control for the estate-holders. Embedding such protective and hierarchical measures in the land tenure system also meant discriminating against foreigners and some social classes in Tongan society. The discriminatory nature of the tenure system has attracted the attention of human rights romanticists and economists in Tonga, alongside the Council of Churches and the pro-democratic movement. This characteristic of the land tenure system puts the Land Act in contradiction with the equality principles encoded in the Constitution. This was highlighted by the Parliamentary debate that resulted in the repealing of Section 16 of the Land Act (Tonga Parliament 1999). This particular Section prohibited *Tongan subjects* only from mortgaging their growing crops, but excluded foreigners, though some Members of Parliament argued that everyone residing in Tonga should be equal in the eyes of the law, Tongan subjects and foreigners alike. Interestingly enough, the Minister was not present during these crucial debates on land issues in Parliament House.

The ministry functions under the Minister's authority. The centralisation of power is an effect of colonialism and also of societal culture. In spite of efforts made to develop the MLSNR through training and expansion, the basic difficulty lies with the operation: translating ideas and principles into action. For that reason, the organisational culture can now be examined in detail.

7.4.0 Organisational culture within the MLSNR.

Taking into consideration the nature and characteristics of the environment within which the MLSNR exists, the operating organisational culture cannot be described by focussing on only one dimension. Culture, as a concept is elusive and difficult to identify in a compact or elegant definition (Hammond 1985). However, for the purpose of this section,

organisational culture means the set of assumptions, beliefs, norms and behaviour accepted in the working environment (organisation). Some of these attributes are officially recognised and are infused in working policies, and daily practices. Examining MLSNR culture provides the means to explain the perceived ethical and unethical behaviour of bureaucrats.⁸ Existing MLSNR culture is based upon accepted values and beliefs, hence the organisational culture is deeply rooted in broader national, racial and religious cultures (Schein 1983 and Hofstede *et al.* 1990). In practice, the MLSNR organisational culture is illustrated in activities, procedures, and processes within the MLSNR, in other words, maintained 'shared doings and sayings' (Sathe 1983). In general, the MLSNR culture consists of what its bureaucrats believe about how the organisation works and the behavioural and physical outcomes of such beliefs, but very little concern with the rationale for these. Initiatives are often misunderstood as an imposition. Such accustomed culture sets both pace and direction for the general daily work within the MLSNR, which is slow to respond to wider socio-economic changes.

The Minister, as the focal source of authority for the MLSNR, is a testimony to the existence of a power or authority culture.⁹ Moving further down from this central figure, the Secretary, Deputy Secretaries, and selected key bureaucrats make up the controlling mechanism of the Ministry. Since departmental mandates and job descriptions are not clearly detailed for bureaucrats, except for general duties, personal attributes become highly important. Trust, empathy and good communication among members, especially the top echelon, influence the effectiveness of the Ministry in terms of executing its mandates. Relying on senior bureaucrats is the main reason for the unchanging aura in the MLSNR over the years, despite positional changes at the top. Bureaucratic replacements, regardless of organisational position, are almost overwhelmed by the existing MLSNR culture; they simply follow existing pattern of behaviour. Furthermore, the increasing stratification of the MLSNR structure and partitioning at the lower levels, as the organisation expands, has isolated the top levels. The 'intermediate' stratum, or the level immediately under the decision maker's level, influences perceptions

⁸ The application of culture to organisation became popular in the 1980s. For pioneer writings on the concept refer to Crozier M (1964), Turner (1971) and Pettigrew (1979).

⁹ 'Power culture' is a type of organisational culture identified by Handy. However, 'authority' might be a better term because it signifies legitimate power or power recognised officially (Handy 1986).

at the top. Processing procedures within the MLSNR have become more bureaucratised, since the 1970s, which further distances the MLSNR from the people. Social sanctions, including an element of fear, are very compelling in supporting the 'top-down' approach with little 'bottom-up' initiative. This is crucial because the people within the MLSNR who may be qualified to describe feed backs from people on real circumstances are those at the lower levels of the organisation. As the following comment from a lower level bureaucrat revealed, some problems faced by the operation units and noted, are not taken seriously.

It is not rare for [land application] cases to be processed for up to a year, even four years. It is a problem that we have to explain to people, at the same time voicing people's concerns, but I do not know why is it still happening. (FP pers.comm. 1999)

Organisational culture is much more conspicuous within individual sections and/or units under each of the main divisions of the Ministry. This is where logic and rationality are more likely to define work, because each section has specialised objectives and certain functions. In reference to the organisational chart (Figure 7.2), these sections function in a parallel and co-ordinated fashion. Procedures and assumptions for specific roles and channels of communication are set. The points of contact are at the top of each division through the head of the sections and/or units. Evidently, the powers affiliated with divisional and sectional positions are often prioritised based on personal characteristics rather than expertise. At these levels, sectional and unit, the structure is that of a role culture (Handy 1986: 190), where long service and accumulated experiences are valued over qualifications and new skills. Valuing positional power meant overlooking the skills and qualifications necessary for change and/or initiation of change within the MLSNR.

Bureaucratic boundaries within the organisational structure may distinguish and/or rank bureaucrats, but are ineffective in limiting social relationships among the bureaucrats. Social clusters¹⁰ of various sizes and origins exist within the MLSNR organisation irrespective of the formal structure and position of individuals involved. These clusters

¹⁰ These social clusters are similar to what Handy described as Person Culture (1986:195).

are made up of members from either the same or different sections or divisions, and even from different levels. These groupings range from just good friends to political alliances.

Everyone [Secretaries] has mates. The predecessor had some mates then but when his successor took over, his mates benefited from his re-structure plans in terms of promotions and working relations. This type of comradeship within the ministry does not help or support their endeavour to improve the ministry's performance. (CE pers.comm. 2002)

Various social clusters' associated members entrench the collective organisational culture. In line with the predominant power culture, these social clusters have a perceived superior individual(s) based on the individual's organisational position and/or social status. However, the emotional ties with these clusters often become an additional factor that cloud members' thoughts and opinions on work issues, which may lead to favouritism. A survey of employees' beliefs about work in Tonga stated that bureaucrats valued group activity, personal growth and development on the job (Lopeti 1996), whereas social groups can either constrain or enhance individuals' growth and development on the job. Commonly, it is when there is dissent within the system that these social clusters really materialise. This emphasises the customary cooperation (see Chapter 5), which has resulted in the notion that social groups are important for personal growth and development on the job. Groupings among the bureaucrats within the MLSNR also allow social group members to exploit the notion of guilty by association; associating with well-positioned MLSNR individuals gives a (false) sense of security and presumed benefits.

One of my workmates had an argument, on work related matters, with the boss, which led to lack of sympathy between them. However, the boss had an order that I made for two items claiming that when he endorsed the order, there was only one item, inferring that the other item was added after he endorsed the order. He made a comment that maybe it was my workmate's idea to add the alleged 'extra item'. This was all a misunderstanding because both the requisition form and the original order were for two items. (SP pers.comm. 1999)

However, such assumptions are misleading as the government is currently trying to improve its act by repositioning bureaucrats, especially the top echelon, hence norms and

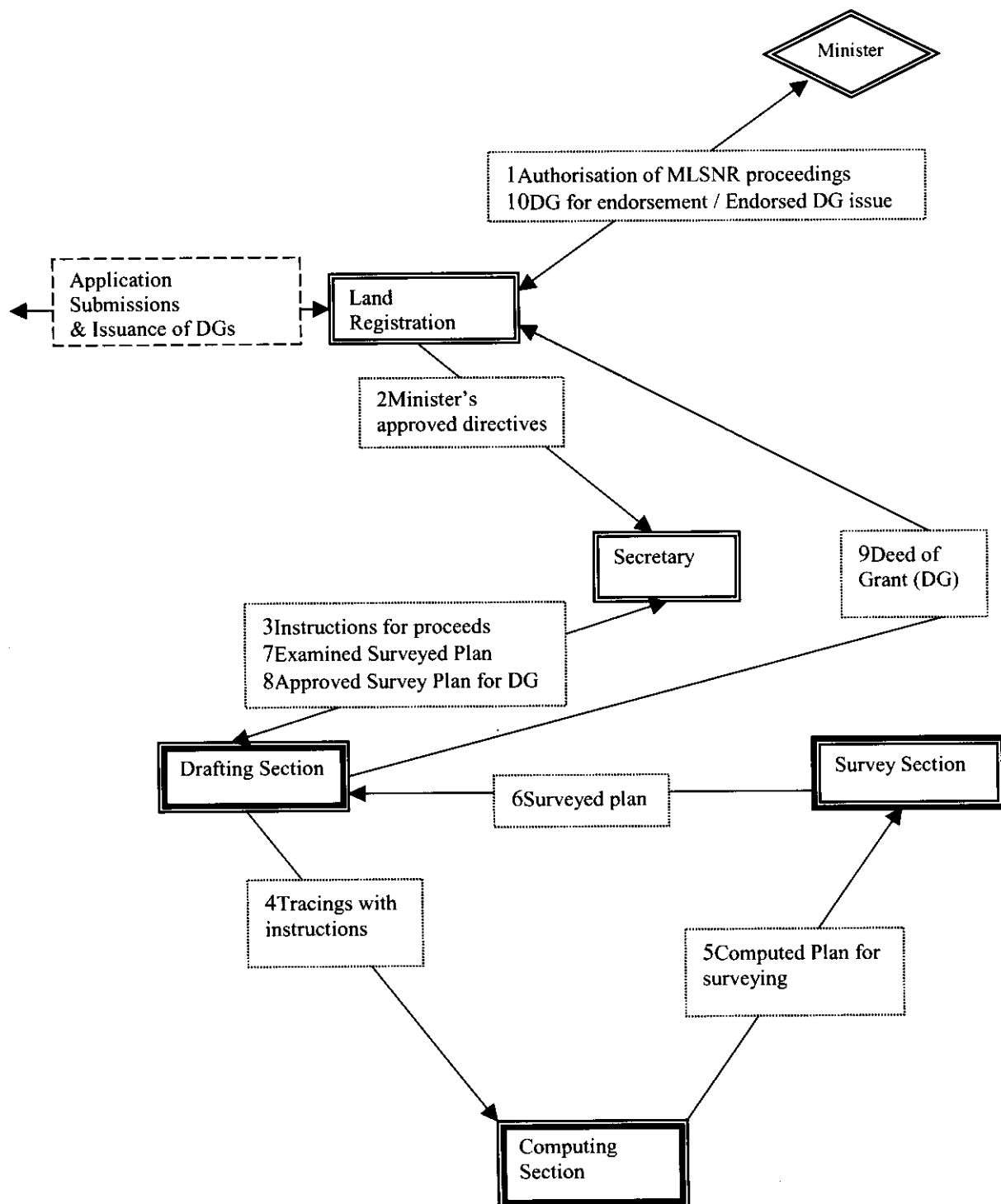
beliefs within the MLSNR may change. This type of response has very limited effect, since the established organisational culture may only change with resolutions based on better understanding of the concept within the context of the MLSNR. Furthermore, the associated members of a social cluster can be viewed differently based on one member's wrongdoing, personality or social and/or political background. This type of labelling is rarely voiced officially but if such presumption is mutual, then the morale of an individual or individuals within the ministry is affected. The freedom and/or rights of an employee are not only restricted but compelled to be deferent.

7.5 Efficiency and Effectiveness

7.5.1 MLSNR in Operation: Procedures and Processes.

The MLSNR is a government organisation whose objective is to serve the people. This dual nature, operating for the government and serving the people, presents basic complications in defining MLSNR operations. The assessment often comes down to what is being achieved, and for whom. Unsurprisingly, official annual reports by the Minister usually describe the MLSNR performance as satisfactory. However, development is a continuous process hence the need for constant change. Differences in perception with regard to the MLSNR bureaucracy exist between bureaucrats and the general public. Effectiveness and efficiency are related to many variables.¹¹ Differences are drawn between Tongan administrative organisation and similar organisations elsewhere but these two concepts, efficiency and effectiveness, may be defined and measured by the different variables. To illustrate the current state of MLSNR operation the procedures and associated processes for land application, one of the core functions indicative of the general performance, can now be considered (Figure 7.4 and Figure 7.5).

¹¹ At least sixty variables were listed by Handy, C.B (1986:15). However, not all variables are relevant in Tonga, therefore these should be treated with caution.



NOTE: Red Numbers indicate the chronology of the process.

Figure 7.4: Simplified MLSNR procedures.

In order to clarify the proceedings, the whole process will be viewed here as a three-part process (Figure 7.5), namely, through the Registry Section (Figure 7.6a), Mapping (or Drafting) Section (7.6b) and the Survey Section (7.6c). Each of these sections will be discussed separately in the following paragraphs.

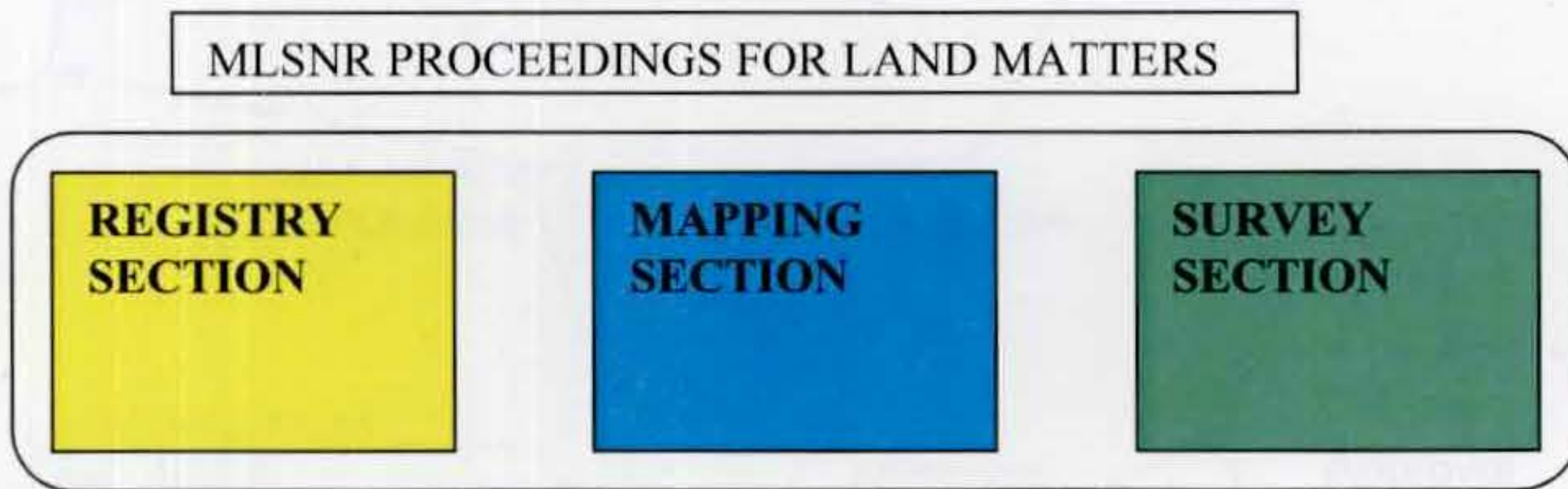


Figure 7.5 Three sections of land processing within the MLSNR.

Division One - the Office and Land Administration - is the central core of the MLSNR, as previously stated. It is also the administrative window that connects the MLSNR with the public and the government. Information is either released to the public and/or received through this official public relation node. All queries and needs are submitted via the Land Administration section, which are recorded then passed on to the division or divisions responsible for processing that particular request.

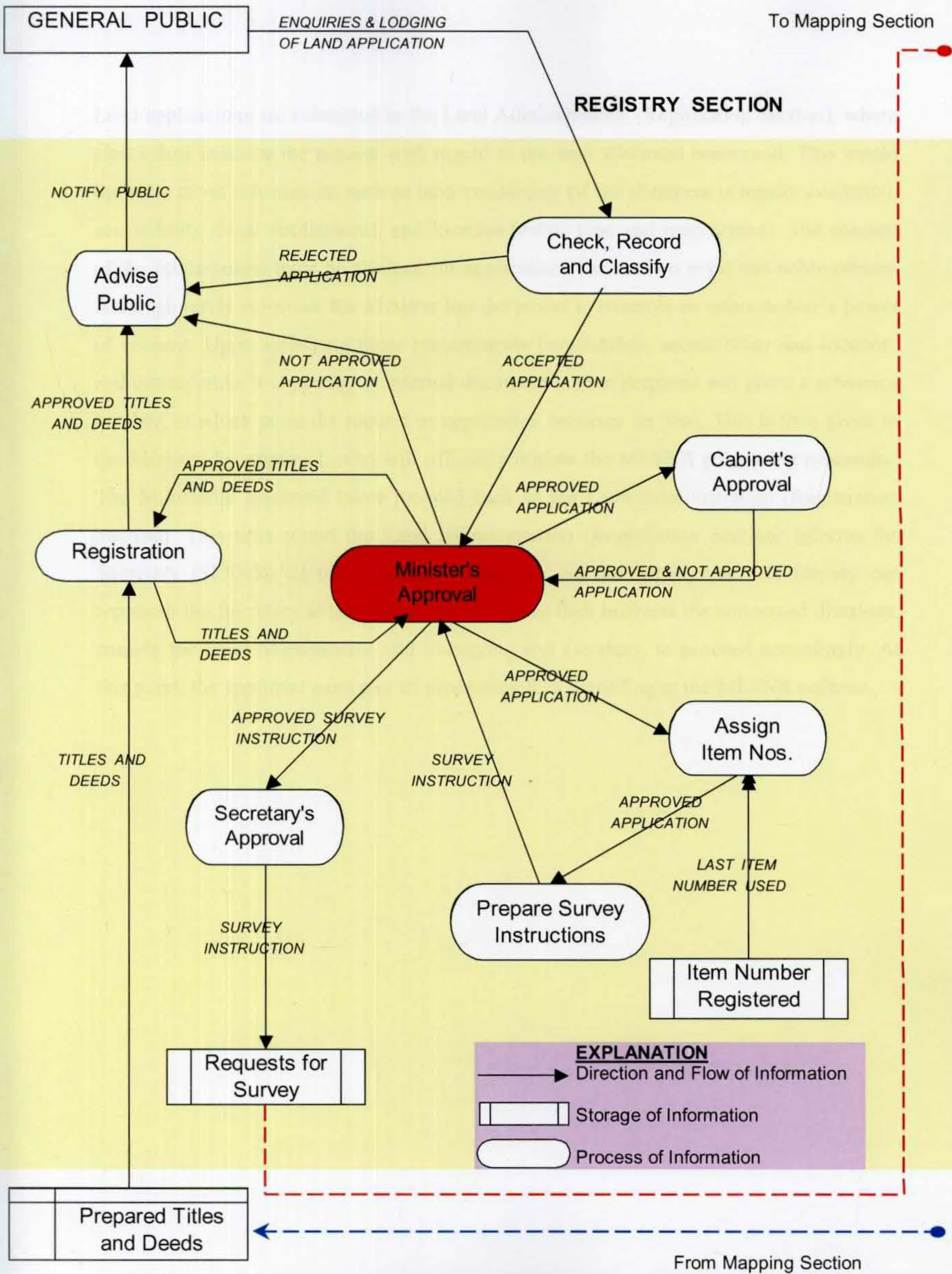


Figure 7.6a The first section of a three-part process within the MLSNR.

Land applications are submitted to the Land Administration (Registration Section), where clerks then examine the request with regard to the land allotment concerned. This would basically cover information such as land availability (if the allotment is legally available), accessibility (legal entitlement), and location (estate type and road access). The consent of the estate-holder must be attained for applications for land on royal and noble estates. Although rarely enforced, the Minister has the power to overrule an estate-holder's power of consent. Upon satisfying these requirements (availability, accessibility and location, and estate-holder's consent), an internal document is then prepared and given a reference number, at which point the request or application becomes an item. This is then given to the Minister for approval, who will officially initiate the MLSNR processing procedure. The Ministerial approved items proceed back to the Land Administration (Registration Section). This time round the Land Administration (Registration Section) informs the Secretary (SLSNR) of the Minister's directives on the application. His Deputy can represent the Secretary at this stage. The Secretary then instructs the concerned divisions, namely the Land Management and Surveying and Geodesy, to proceed accordingly. At this point, the applicant must pay all processing fees according to the MLSNR policies.

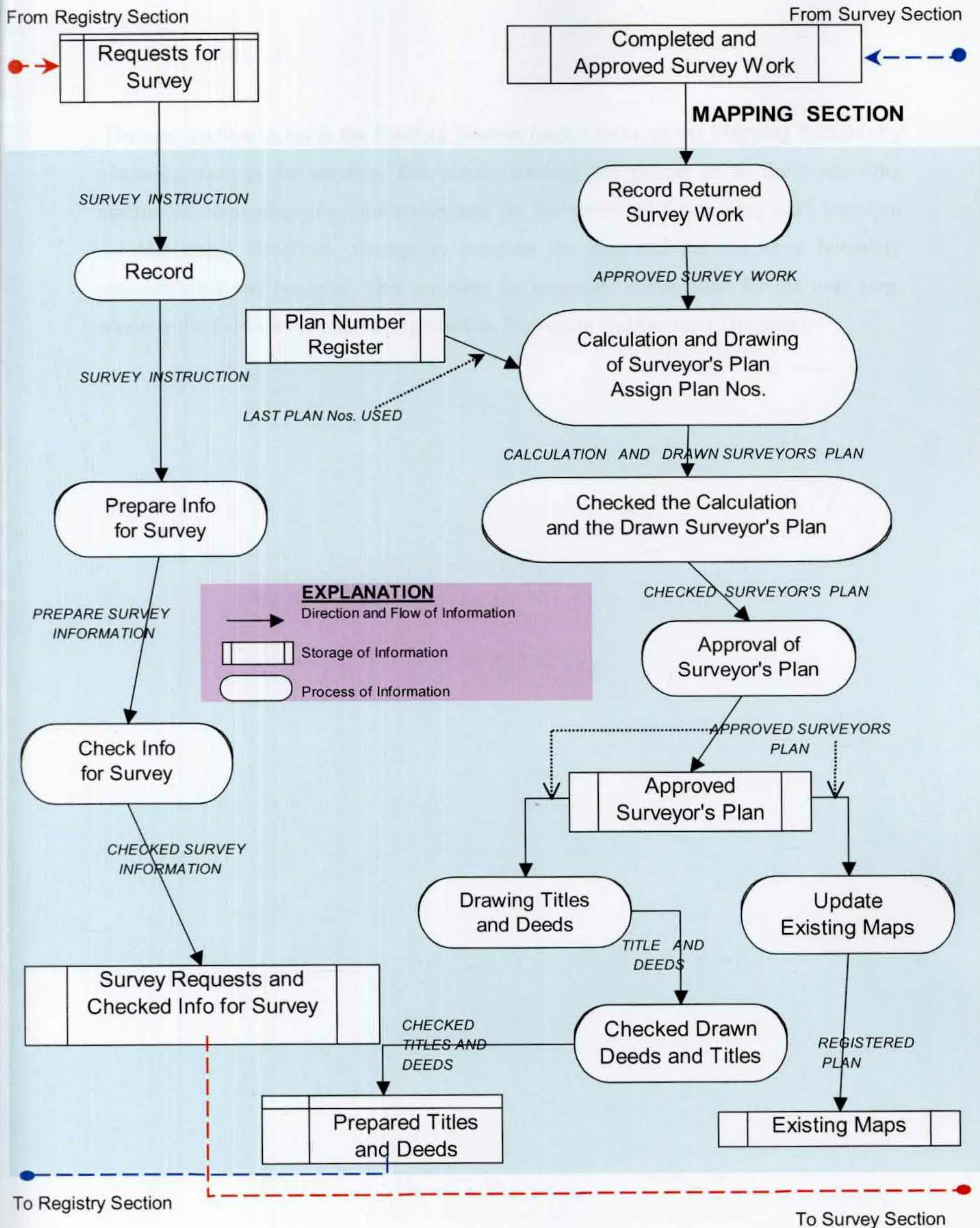


Figure 7.6b The second section of the three-part process within the MLSNR.

The next section to act is the Drafting Section (now known as the Mapping Section) by preparing tracings for surveys. The survey tracings are passed on to the Computing Section for computing of a subdivision map for the surveyors. Computing staff, based on the Ministerial directives, attempt to compute the area and the necessary boundary measurements and bearings. This provides the necessary information for the next step, which is the field survey (Surveying Section, Surveying and Geodesy Division).

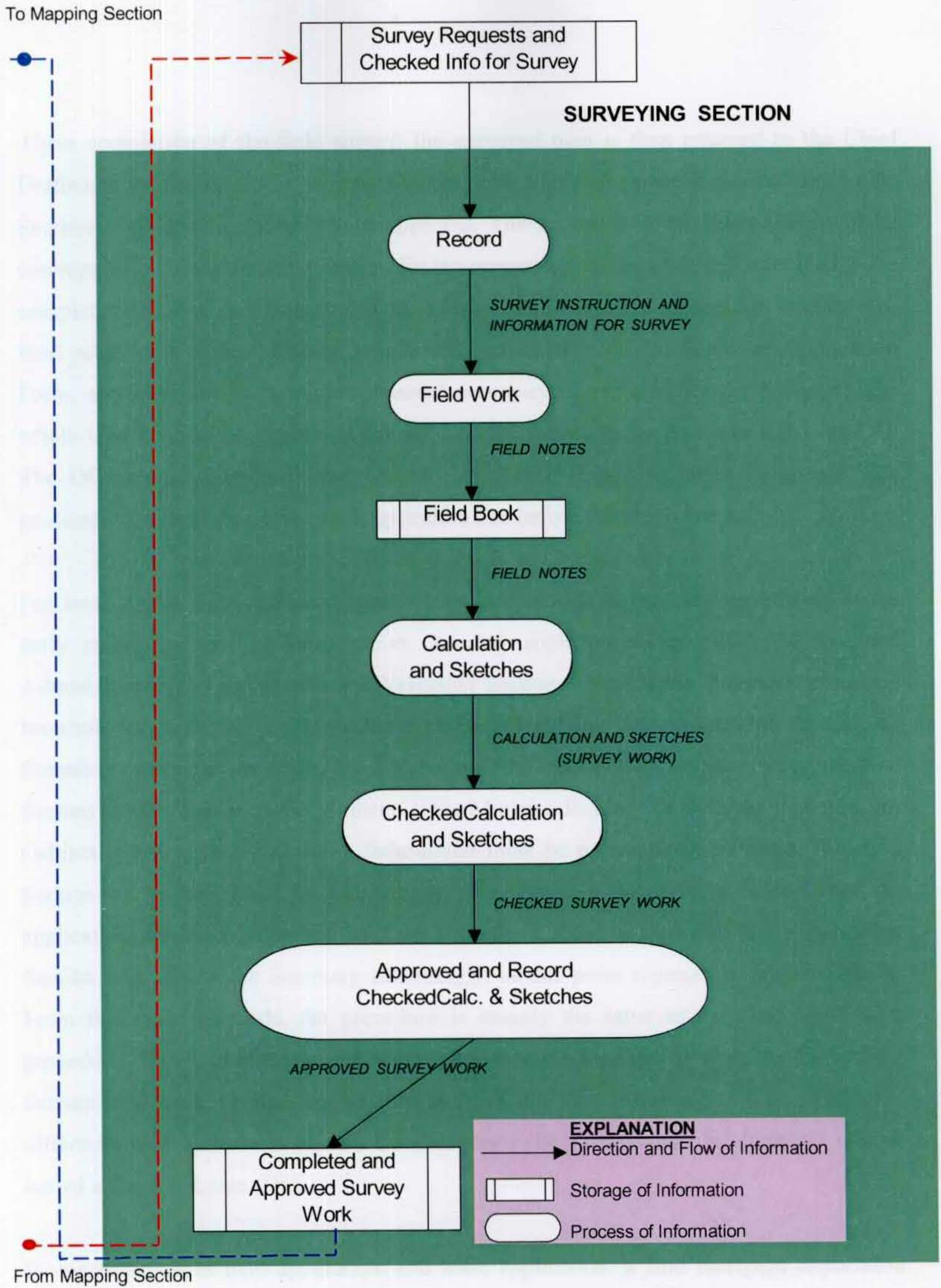


Figure 7.6c The third section of the three-part process within the MLSNR.

Upon completion of the field survey, the surveyed plan is then returned to the Chief Draftsman for final checking before the item, now a surveyor plan, is passed back to the Secretary (or Deputy Secretary) for approval. The approved survey plan again will be conveyed back to the Drafting Section for the preparation of the Deed of Grant (DG). The completed DG is then passed on to the Land Administration (Registration Section) for final submission to the Minister, which will include the DG, the submitted Application Form, and any other information deemed necessary or required by the Minister. The whole land application process is formally completed when the Minister signs the DG. The DG then will be conveyed back to the Registration Section to be issued. The successful applicant must pay the Registration Fee before the DG is issued.

For lease applications the procedure is only different from the land application at the early stages in Land Administration. Leasing applications are submitted to Land Administration and end at the Land Valuation Section instead. Land Valuation processes leasehold applications, lease transfers, rental assessments and preparation of Cabinet Submissions for Leases. From Land Valuation, the item is then sent to the Registration Section for submission to the Minister. If the Minister decides that the lease item requires Cabinet approval then a Cabinet Submission must be prepared by the Land Valuation Section to be submitted to Cabinet by the Minister. However, provided that the application obtained either the Minister's or the Cabinet's approval, the Registration Section will inform the Secretary accordingly, at this point represented by his Deputy. From this point onwards, the procedure is exactly the same as the land application procedure. This is in terms of proceedings between the Drafting Section, the Computing Section and back to the Registration Section and the Minister's Office. The only difference here is that instead of a Deed of Grant (DG), the successful applicant will be issued a Deed of Lease (DL).

In contrast to both land application and lease application, a land mortgage application involves the financial institutions, which are already pre-selected by the government. However, this specific process is submitted to the Registration Section for final checking and registration, and the Minister's Office for approval. There is no need for further

processing, such as that involving the Drafting, the Computing and the Surveying sections, since the mortgagee must already hold the DG for the concerned allotment or allotments. Using land allotment as collateral requires proof of land 'ownership', which is usually provided by showing the DG, and presented to the bank together with other bank requirements. Upon approval of the loan, all the necessary information is recorded on the reverse side of the DG, which is then conveyed to the Minister for approval. Then this registered mortgage document, namely the DG, is passed on to the concerned bank as security for the mortgage agreement. Until the mortgage agreement is honoured, the land entitlement represented by the DG will be left with the bank. When the mortgage is fully paid off, the bank will communicate the necessary documentation to the MLSNR. At this point, the Minister authorises the discharge of the mortgaged land.

However, taking into account divisional activities, there are discrepancies in terms of number of items: for examples between the items authorised for processing and the number of items actually being processed. The only rational explanation conceivable at first glance is that the extra number has accumulated from previous years. This would be offset by deferment but deferred items are few and cannot explain the discrepancies. It should be borne in mind that an individual section caters for various jobs but the main interests here are the main land activities. This will shed some light on the MLSNR performance, especially the internal sections and units. Only those submissions that have been through the first hurdle, namely the Registration Section (land application and the land mortgage) or the Land Valuation Section (leaseholds) are shown in the official reports. This does not involve every single submission and, more to the point, consideration of the processing periods seems to be superficial. The time taken for processing an item ranges from a week to several months.

7.5.2 The MLSNR in operation

Taking into account the procedures for processing the main land activities, namely land applications, leasehold applications and land mortgages, the number of items being

processed at each phase seemed to be disproportionate. Regardless of any final decision, bureaucratic red tape and the design of the whole processing procedure, which in turn is based upon the hegemonic legal framework, has resulted in backlogging of items to be processed. Ministerial authorisation is required before any processing commences and section leaders must approve during the processing procedures. Individual performances thus play an important role in the processing duration. The following examples are descriptions of the items processed based on the 1998 Annual Report. This is rather typical of the MLSNR performance in the 1990s.

In 1998 Ministerial directives instructed 348 surveys of tax and town allotments to be processed. However, following the procedures described above, only 314 survey tracings were channelled from the Drafting Section to the Computing Section for scheming and or planning. According to the Computing Section, 233 items were completed for the surveyors to work on. The Survey Section on the other hand, completed surveying 327 items. Ordinarily, the Chief Draftsman checks the completed surveys before they are passed on to the Deputy Secretary for approval. In this regard, 259 items (surveyor's plans) were examined and sent to the Deputy Secretary. However, based on the Ministerial land activities summary, there were only 170 instructions for Deed of Grants to be mapped. However 515 Deeds of Grants were mapped by the Drafting Section and passed on to the Land Administration (Registration Section) for the Minister's final endorsement. Following the procedural diagram, it is evident that completion of pending items in a single year does not add up, giving the impression that items from previous years are still within the processing line.

Backlogging has become a part of the operations and no one has admitted to it. The crux of the problem is inadequate information that led to misunderstandings. For example, every land allotment should have a short history, things like succession for instance, and not just numbers [as in area and boundary dimensions]; subsequently, officers especially registration officers are inadequately informed. This led to applications being delayed until complete information was collected. In addition, key decision-makers did not have the complete information, hence items piled up, holding up the whole proceeding (SC, pers.comm. 1999)

Taking into account the leasehold applications for the same period, there were 270 new lease applications received by the Land Valuation Section. Some 246 were processed and conveyed to the Minister for approval and only 24 items were still to be completed. The Minister approved 216 leasehold applications and deferred 3 items. However, the real measure of progress is the 128 items completed for registration with the MLSNR (Registration Section). Considering the 1998 figures here described, the differences in terms of consistency between the new leaseholds and the new land applications is considerable, given the fact that both of the processing procedures are virtually similar. However, considering the processing results along the procedural phases, the experiences are similar to the land applications. According to the Computing Section, only 108 new leases were planned and computed, and 45 were examined Computed Leases in 1998. The Survey Section surveyed 98 new leases, which were made up of 158 allotments. The Drafting Section for the same duration completed 426 Deeds of Lease (410 Deed of Leases, 10 Deed of Sub-Leases and 6 Permit Leases). Like the Deeds of Grants, these Deeds of Leaseholds have to be channelled through the Registration Section for the Minister's final endorsement. Again, the number of items processed at each sectional phase varies. Some 270 new lease applications were received but 426 Deeds of Leases drafted, again indicating a significant backlog. The occurrence of this backlog has become so normal that it is rarely raised as a significant issue. The crucial issues here are the reasons, which in most cases are inadequate and groundless. For instance, travel has often been given as an excuse but it is basically a time management issue. There are ways of getting around this: planning tasks to also take into account the time away would be one resolution. Whilst some backlog will always occur, when it involves lengthy delays even with such straightforward procedures it becomes a problem. There are cases in Tonga that took up to four years, which is not only unjustified for a small bureaucracy, but could easily be unique in most Pacific countries.

Unlike the above situation, land mortgages are not only different in processing procedures but have more simple procedures, lessening both the time and red tape encountered. The only sections involved are the Land Administration (Registration Section) and the Minister's Office. In 1998 the MLSNR registered 551 land mortgage

items; 413 of these were located in the Tongatapu Group (including 'Eua), 80 in the Vava'u Group, and 58 in the Ha'apai Group. This was a result of the MLSNR, in this particular land activity, land mortgage, only being responsible for the confirmation of entitlement and registration of the mortgaged land. The limited amount of processing in this specific land activity enables greater efficiency.

7.5.3 Issues concerning MLSNR performance.

Work is heavily regulated within the MLSNR, typical of a bureaucratic organisation, and yet regulating authorities are heavily concentrated at the top. This is not an uncommon characteristic of organisations, bureaucratic and otherwise, in Tonga. The MLSNR is management controlled and management initiated, endorsed by both the wider bureaucracy, in terms of centralisation of control and traditions, and in terms of power stratification within the Ministry.

Case 7.3

The usual procedure for external correspondence, especially with the public, was for the concerned operation unit to draft the official response, then this is endorsed by the Secretary before seeking the Minister's approval. The whole procedure usually takes an average of three working days. However, re-designation of operations and re-assigning of tasks saw some officers being promoted. Subsequently, the procedure required another officer's endorsement before the secretary's endorsement. In effect, the process was lengthened by another day at least. The average for these common notifications of MLSNR decisions on building permits for example is now about a week with this new arrangement.

Delegating authority to lower levels would mean decentralising decision-making within the MLSNR, and, in effect, responsiveness would be improved. Furthermore, this would be a positive initiative as employees with delegated power would be motivated as a result of being empowered. However, the success of the current delegation depends on the nature of specific issues. Firstly, further delegation of authority will require both legal and policy amendments, which mean laborious manoeuvres within the bureaucratic system because there is bound to be resistance to the idea, especially by those that would

relinquish authority as a result. It also means 'change', a concept that is not overwhelmingly well received since bureaucrats try to maintain norms that are increasingly irrelevant to the Ministry's functions. Bureaucrats argue that the MLSNR had always met its bureaucratic responsibilities over the years so there is no need for change. In other words, as a government organisation, the MLSNR performs satisfactorily based on quantitative standards of legislature but annual reports can be misleading. The question of achieving its objectives is another matter. The mandated annual reports for the MLSNR have always quoted the nature of work carried out and the number of jobs completed, not the duration of the procedure. This is a major element of every report but quality is extensively defined by quantity, quality and time. The duration for any procedure or processing within the MLSNR is often prolonged due to the nature of the system itself, that is the number of procedures, or the bureaucrats. The former is emphasised by the 'bottle-neck' effect where the limited concentration of power results in a backlog. Considering the employees themselves, the long processing duration can be attributed to lack of motivation and lack of direction.

During the time of Tuita [chief/Minister], he tried to introduce a time-book where each work done on an item [or case] is recorded and dated. The purpose was rather more of a power thing, but it would have improved the MLSNR performance by speeding up internal processes. I am not sure what happened to this scheme, but the Ministry just slipped into its old ways, in the way of lengthy processes. (CL pers.comm. 1999)

Moreover, besides individual divisional and sectional objectives, there are no set goals for each of the proceedings in regards to either duration of processing items and/or the number of items targeted for completion. Imprecision in relation to time or duration of processing has not only sanctioned problems such as nepotism, but also exposes MLSNR efficiency to criticism and scepticism from the public.

Furthermore, the surrounding bureaucratic environment, which includes other Government ministries, social institutions, economic and political environments, is a key variable in any strategic changes within the Ministry. Secondly, mid-management qualifications, in terms of management skills in addition to their area of expertise should

be a requisite. Experience gained from long service may enhance general skills but it does not specifically enhance either the necessary managerial skills and/or the decision-making ability currently appropriate. Training or re-training individuals at managerial posts is a prerequisite for any development strategy. Thirdly, delegating decision-making authority to various parts of the MLSNR and/or individuals will allow operations to proceed without the consent of the Minister. However, as a reactionary argument for caution, delegation within the current complexity of the organisation, may compromise uniformity and consistency, because of the current lack of individual direction due to the absence of job descriptions. Changes must be a continuous process over a specified time, instead of being instantaneous because of existing conservatism and/or obstinacy among some of the senior bureaucrats.

The discussion earlier regarding structure demonstrated that the MLSNR had not only expanded but also evolved as an organisation. Re-organising through re-structuring and re-designation of the whole organisation in the late 1990s signified not only strategic changes in the government but the endeavour of the MLSNR to cope with changes in its entirety, in terms of operations and mandates. Expansion of the MLSNR has meant more parting of main divisions into specialised sections and/or units; this is an advantage as it mitigates duplication of specific tasks through specification of individual sections and units functions. However, co-ordinating the new divisions and/or sections rest upon mid-management at the divisional level, which eventually maintain the concentration of power at the upper levels. Despite the re-designations based upon expertise, and overall strategies, the concentration of power permits protraction of procedures, hence the current backlogging problem. Because of multiple tasks, and unfocused guidelines, time spent on each activity is inadequate. Priorities are flexible, derived from the organisational culture, where time is not quite appreciated yet. Nepotism and corruption further back such relaxed atmosphere. Various tasks or assignments are influenced by either members of the MLSNR, members of other organisations (governmental and non-governmental), or members of the public (elite) (Case 7.4).

Case 7.4:

I can take my application straight to the Secretary for endorsement and even to the Minister for approval.

This was a comment from a senior officer from another ministry, who was not happy with the delays on her application. She needed a permit to dig across a gravel road in order to divert the water pipe to her husband's land allotment. The fact that she was quite high up the bureaucratic structure, she could not wait like everyone else. Even threatened to take her application personally to the concerned authorities for approval. It would have been different if she was just an ordinary worker or an ordinary person. However, the collusion among senior bureaucrats both within their respective ministries and/or with senior bureaucrats of other ministries allow this type of behaviour.

As a result, the 'first come first serve' assumption that is held by the majority of the people is not consistent with MLSNR norms. However, prioritising within MLSNR processes is often justified by reasons other than bureaucratic efficiency, but since these reasons are always culturally tied, they are usually widely accepted within the Ministry. As a bureaucratic institution charged with land governance, within the Tongan context, this is almost expected of the MLSNR. Unfortunately, the current prioritising approach, based on favouritism, without hindrance can either conceal pretentiousness among bureaucrats or influence impartiality within the Ministry, thus leaving possibilities for both morale and regulations to be compromised.

The MLSNR is not just an organisation but it is a part of a more comprehensive bureaucratic system; in order for the government to function as it should, various components must not only function well as discrete organisations but also in concert as an entirety. Here too, however, there is duplication of responsibilities. Beyond the MLSNR, natural resources, such as water, are also the responsibility of the Ministry of Health (water quality and drilling) and the Tonga Water Board (distribution and management). Similarly, forestry is the responsibility of the Ministry of Agriculture and Forestry (MAF), but as a natural resource it is also under the MLSNR. The fact that the general objectives of all these organisations are in line is not the concern here but the

rationales and priorities of these organisations vary. The quality and quantity of these resources are not gauged uniformly in terms of either sustainability, as a resource, or profitability. In effect, two bureaucratic institutions are currently trying to govern one resource. The specialisation between various ministries' objectives is further differentiated through implementation and maintenance of various projects and resources; natural and physical resources are perceived and treated differently by concerned ministries, thus compromising sustainability, the very essence of MLSNR objectives. There is a need for all development policies to be strategically aligned alongside refinement of the current legal framework. This will enable the MLSNR and other Ministries to function more effectively.

Duplication of responsibilities between Ministries and within the MLSNR inevitably leads to duplication of tasks, which, although common, is not conducive to high quality performance in terms of an organised system of governance. For example, site plans for new buildings drafted by the MOW's architects often do not correspond to the actual land allotment. This has become a common occurrence where the site plans brought by people with their application for a building permit is either returned to be re-drafted or a more accurate site plan is drafted in the Planning Unit.

Similarly, the maps produced and surveys performed by the MLSNR and private companies are of concern because, except for the licensed business operator, there is lack of training and/or experience in the private surveying company. Differences among the organisations may seem insignificant but it can accumulate into an uncomfortable situation not only for MLSNR, but for its relationship with the private company.

Effectiveness, like the issue of efficiency discussed in the above paragraphs, is critical but it depends on implementation of all the legal provisions, governmental directives and organisational policies. It has been stated earlier that the legal framework is inflexible and inept, but nonetheless the law should be at least respected. This is not an easy task but neither is it impossible. In this regard, the MLSNR has yet to implement in full the

requirements of the current land tenure system, under the legal framework currently in place. In response to this, new proposals were considered as in Case 7.5.

Case 7.5:

The MLSNR is proposing re-designation of 19 officers from various units and sections to form what would be known as the Enforcement Section. The main task of the new section is policing, making sure that the legal provisions and the people are following the Ministry's directives. It was also assumed that this would improve the MLSNR's performance.

The partial implementation not only continues indefinitely but it gathers momentum as time progresses among the estate-holders, people and the MLSNR. Despite the fact that practice varies between the three parties, impracticality of the tenure provisions and necessity with regard to social and economic realities are two common hindrances and reasons for partial fulfilment of the land law.

The organisational sub-culture or organisational behaviour within the MLSNR plays a role in this respect, taking into account the lag in implementing the land law. Thomson (1991) stated that the organisational culture described above, directly influences an organisation's effectiveness. The 'way it has always been done' factor is an attributable norm. An organisation such as the MLSNR is inseparable from organisational culture, for three reasons. Firstly, the top echelon are mostly occupied by employees who not only started at lower positions but have been with the MLSNR for a very long time, averaging 15 years. This is a common aspect of almost every government department. Given the starting posts and the length of service, the norm of organisational sub-culture is not only privileged but has also continued. Secondly, the wide scope of, or non-existence of well-designed job descriptions, leaves new employees to learn by experience, which often means imitating long established employees, who in turn imitated now-retired employees. The cycle then is continued, not necessarily with the technical side, but through the organisational norm of doing tasks at hand. Thirdly, a point that is related to the previous one, is the absence of a human resource management (HRM) unit within the MLSNR

organisation. There is a personnel attachment within the General Administration section (*Division 1*) but this is for administration purposes not for specifically managing employees. The HRM for the MLSNR, as well as the other governmental organisations, is located and managed from the Prime Minister's Office (PMO), but locating a HRM at a different organisation than the MLSNR limits its effectiveness. The MLSNR is a well-established and mature organisation that requires a HRM unit of its own. Understanding the daily mandates and organisational sub-culture within the MLSNR is a task that only an internal HRM unit can completely comprehend. Changes with regard to the accustomed organisational behaviour will be better initiated and carried out by the MLSNR, though this raises the question of qualification and skills for such an area of expertise (HRM). Thus it would be an advantage and a gain for the MLSNR to include HRM preparation in its overseas training programme and long-term strategies.

The pacification (or appeasing) attitude among the three actors namely the MLSNR, the estate-holders and the people, has also fuelled the limited implementation of the full 'legal' tenure. Considering the estate-holders and the people, cultural, social, political and now economic incentives and requirements, based upon subjective logic, often resulted in extra-legal and non-legal behaviour. Most of the time these activities are rationalised by referring to customary tenure based on cultural values and social structure. However, the inception of the modern change agent, money, has displaced cultural values, although some are still in place.

Land is no longer a representation of cultural identity or at least the most important representation of it, or of social security, but has become an economic valuable. The land administrators (MLSNR) often neglect this combination of rationales of the estate-holders and the people, either intentionally or otherwise. People see land as a livelihood whereas estate-holders generally see land as a livelihood as well as a medium of power. This is where the estate-holders and the government are similar but the latter legally owns the land. Thus the unofficial aspects of the tenure system have not only been established in conflict with the law, but have been allowed to thrive over the years, like the land market for instance. The MLSNR does not condone such practices but its actions are also

tied not only to the legal framework, but also to cultural, social, economic and political values, just as are the estate-holders and the people.

The nature of 'land' and the contemporary hybrid tenure system are not fully recognised within the current legal framework. Considering the land customs and practices outside the law, the two main factors that uphold these on all sides - MLSNR, estate-holders and the people - are social and economic sanctions (see Chapter 6). The pacification attitude, regardless of rationale, between these three groupings, within the tenure system compromised the implementation issue further. The MLSNR in most instances is in a delicate position because, unlike other governmental administrative organisations, it is a bureaucratic organisation controlling a 'multifaceted' resource, the land. Legal provisions and policies, although normal for bureaucracy, are not the only considerations when it comes down to daily activities.

The MLSNR operations are also hampered by either inconsistency, extra-legal practice or non-legalities. The former refers to practices arbitrary to the law and the latter includes practices that are not covered by the law. At times individual sections operate within grey areas with regard to the current legal framework. Inconsistency often arises when the interpretation of the law varies between individuals within the MLSNR and among members of the public, even between the public and the MLSNR. Case 7 illustrates the issue of interpretation.

Case 7.6:

A landholder in Fua'amotu lived with his youngest of four sons. The apparent heir and the other two brothers all have families and land of their own. The landholder passed away and the widow and the youngest continued living on the family land. Neither the widow nor the apparent heir claimed the land. When the widow died the apparent heir still did not make any claim. The youngest son recently applied for the family land as his own.

There were two interpretations of this case within the Ministry:

Firstly, one officer claimed that the youngest son does not have any rights, and that, in succession it should be the heir apparent, or the other two elder sons.

On the other hand, the youngest son has a right because legally, the land is the estate-holder's since no claim was made within 12 months of the landholder's death, even his widow's death. Furthermore, the youngest son has a customary right since he took care of the parents and worked the land for so long.

The two officers ended up seeking the Minister's decision on the case. The Minister at the time decided that the second view was right and ordered the youngest son's application to be processed, then he granted the land to him. This decision was even praised by the elder brothers including the heir.

In reality, most activities are carried out and newcomers follow old procedures without any reference to either the Land Act and/or operational manual. Passing down 'interpretation' by assimilation is likely to deviate from rules and regulations as time passes, which has led to confusions among some members of the public. Taking into account the non-legal argument, the MLSNR often faces some obstacles. An example of this would be the Town and Physical Planning Unit operating without any type of building code on the one hand, and narrowly defined jurisdiction on the other. In terms of the latter, registered land is out of bounds thus restricting any attempt at zoning. These type of occurrences highlight the land tenure system's, and hence the MLSNR's, emphasis on protection and administration of land rights rather than managing those rights for the short and the long term benefits of those concerned. Though managing is well within the MLSNR's responsibility, it should be more concerned with handling rather than controlling. Controlling, or *pule'i* within the Tongan context, implies a unidirectional type of relationship, whilst managing, or *ngaue'i*, implies more of a dialogue. The former dominates bureaucratic operations, which suited the traditional

aristocratic structure, but the latter would be better suited to a modern institution, especially in today's dynamic environment.

7.5.4 The judgement

The main objective of the previous sections was to shed light on the general operation of the MLSNR. It is now necessary to consider the outcome of the MLSNR efforts. This is where the bureaucratic nature of the MLSNR organisation is most evident. Dealing in land and natural resources involves a lot of people, which large organisations cannot normally handle effectively, considering the variation and complexity, in relation to land, of individual lives. The MLSNR only communicates relevant personal facts to the nature of tasks at hand, screening out complex facts about a person's life for instance, hence the employment of the 'item' or 'case number' as references for people.¹² The MLSNR processes numbered 'items' in order to lessen interaction with people, and thus minimise human unpredictability. The Land Administration is the main intake section where clients make human contact, and from then onwards, a reference number commonly known in the MLSNR as the 'item number' replaces the human aspect. In reverse, a numbered item should make processing easier since it supposedly detaches human contacts and/or emotions from land allotment being processed. The bureaucratic approach is ineffective in removing social attributes from land in Tonga.

Efficiency and effectiveness are gauged on the number of submissions to a specific section in relation to the number of items completed. The processing procedures of items are continuous from one section to another; however, land activity procedures commence at the Land Administration (Registration Section or the Land Valuation Section) and finish with approval of the Minister's Office. On the other hand, items concerning natural resources, although the Minister's approval is indispensable, do not proceed through the same successive steps as land. Overall, the increasing number of items processed by the MLSNR is accumulating in number every year, as the growing population exercises their

¹² A 'case' or an 'item' is only a series of relevant characteristics of a person. It is a model of the characteristics the client displays to qualify for the bureaucratic control and service.

land rights, practises their land customs and uses their land. Potential landholders are effectively looking for land allotments, whilst landholders are engaged in mortgaging, leasing (customary or legal) and issues of land succession (customary and legal). Though the MLSNR has continued to deal with the demand over the years, the 'service' provided must be adjudged on quality rather than mere quantity of items processed.

We used to write notifications to people on such things as that their applications had been processed and for them to collect their deed for example. Even indexed allotments, so that we know short histories of an allotment and its succession. Little things like that were worth it because people appreciated such courtesies. It makes a difference because some of the items completed can be picked up soon enough thus reducing backlogging claims. Now, it is not done anymore, may be they [clerks] have a lot of work now, but then there were only three clerks that worked in the Minister's office, now they have about eight, I think. Their work mostly concentrated on things that are related to money (SP (ret.), pers.comm. 2002)

The common impression mirrored in any of the annual reports is convincing, given the number of jobs done, and is predictable, because problems are not expected to be shown on annual reports.

We do our job and these are annually reported in the Minister's report [...] annual reports can be economical with the truth and it is the true nature of those things. (SP (ret.) pers.comm 2002)

Regardless of its merit, this is expected of a bureaucratic organisation, being self-serving, puritanical and reticent. Strikingly, problems encountered by the MLSNR are hardly disclosed and discussed, especially administrative, technical and managerial issues. Technical problems and lack of funding for instance, often cited in ministerial reports, are obvious and certainly true. The constant interpretation is that the individual section's efficiency is being represented satisfactorily, in terms of completed items, which easily leads to the impression that the MLSNR is exceptionally effective. This is unquestionable and is often taken at face value because the figures reflect the number of items or projects completed based on the government-defined organisational objectives. On the other hand, there are other issues that dampen this apparent effectiveness. For example, the lengthy duration of processing an item has led to accumulative backlogging. The MLSNR has

only moderate capacity in both the implementation and enforcement of law. Inevitably, accountability, as an integral element of effectiveness, has become an issue. Keeping in mind that activities of each section or individual performance, are rationalised with logic drawn from the MLSNR objectives, it is not surprising that personal responsibilities have become systematic accountabilities. Results are viewed in totality for both individual sections and overall performance such that individual performances are rarely scrutinised. Employees are accountable to their superiors, namely sectional (managers), divisional (Deputy Secretary) and organisational (the Secretary), and the whole ministry (Minister). Ultimately, the Secretary (SLSNR) is accountable only to the Minister. This is advantageous with regard to internal accountability but such control and systematic approach had compromised accountability, hence scepticism over the external accountability of the MLSNR (see Chapter 8).

In relation to accountability, equity comes to light and it is another controversial aspect of MLSNR performance. Everyone is allegedly treated the same but this view is tied to socio-political values. The three-tiered social structure is perceived differently within the MLSNR. Within these social classes, individual members are ranked differently. For example, elite are judged higher than an ordinary person. In addition, the role of 'contacts' within the MLSNR is also a contributing factor to the equality controversy, as higher social status of the client may assist with the processing, by compelling MLSNR to act more quickly. However, at the final stage, all items or projects are judged on merits before being given the seal of approval, whether it is by the Minister or the Cabinet or the Privy Council. The challenge is for the MLSNR to review its internal processing by repositioning its organisational sub-culture, thus ensuring equity in the processing and assessment procedures, which makes decision making at the top rational and impartial.

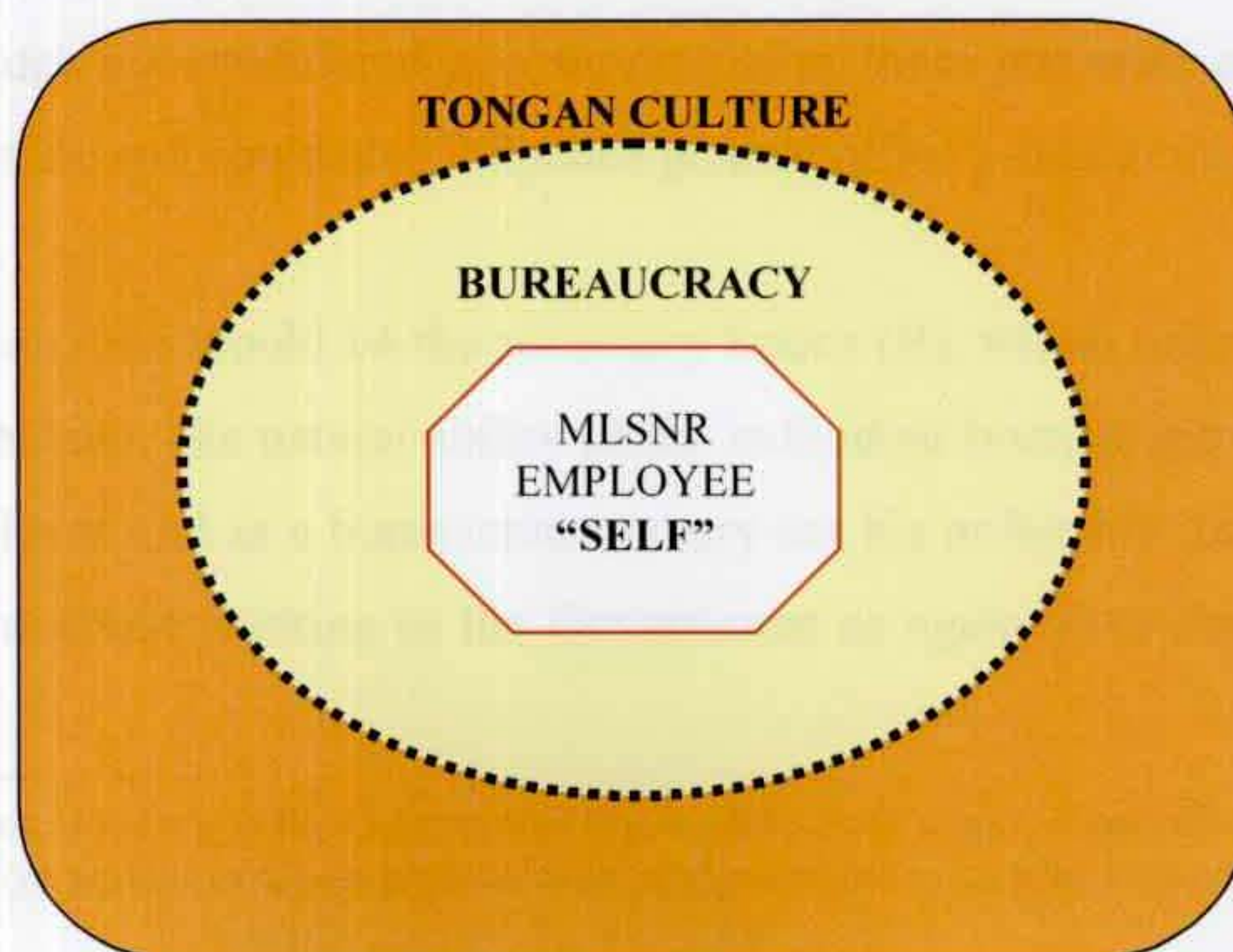
In this sense, being effective is not the real issue, as the MLSNR had been a major part of the development process in Tonga. The MLSNR evidently has been effective to some extent and fairly efficient given its limitations (see above). This is due to MLSNR responsiveness, critical for governing key a resource such as land, especially in a small developing nation like Tonga. The MLSNR stands between the status quo (traditions,

legal framework, and politic) and the transforming practices (social, political and economic developments) in view of the hybrid tenure system. Administratively, the MLSNR has put the law into practice with satisfying results so far. However, limited responsiveness with a multifaceted resource such as land, and a complex bureaucracy, has also meant conservatism in the face of modernity. This can be attributed to variations of interpretation and understanding among members of both the MLSNR and the public.

7.6 Proficiency: A matter of interpretation.

Evidently, the dominating culture within the MLSNR is a variation of bureaucratic-societal behaviour. Thus it is imperative to note that, although work is still a central activity in most peoples lives and a factor in the organisation of people in society (Rudman 1991), work should be perceived within the context of its cultural setting. In attaining set objectives through work, bureaucrats in Tonga have three basic but vital factors to address (Refer to Figure 7.7). The values upheld by the workforce have resulted in organisations re-examining and re-positioning policies, practices and managerial values (Beer et al. 1985).

Figure 7.7: The spheres of influence.



Firstly, the personality (self) as revealed through their attitude to work (A), the attained basics necessary to do the job (B), and their commitment to their job (C). This proposed model, bureaucrat's ABC may be modestly elementary but it crudely defines a worker's own humanity (self) relative to his/her work. This proposal is based on the Tongan context, which may be different in terms of work related values as opposed to foreign societies. Tongans commonly referred to work or *ngaue* as a customary social duty and obligation, which is now necessitated by commercial realities. The attitude (A) towards work is influenced by experiences both within and external to the MLSNR. In modern Tonga, work and employment are increasingly valued and work has become a prerequisite of life. The motivation to work, whether it is individually, socially, politically or economically prescribed varies between individuals. Consequently, the meaning of work, hence the attitude towards work, varies among MLSNR employees. Bureaucracy within the MLSNR then, can either nurture or downgrade these motivational factors. At present most bureaucrats work and sometimes make recommendations, but only a few are involved in decision-making. This lack of participation in decision-making is illustrative of the current organisational culture. Different employees or bureaucrats respond distinctively in their attitude towards work. Consequently, due to the strict control at times, general morale will either be heightened or reduced. In illustration, it is common practice for some bureaucrats, at certain instances, to take off early for lunch and/or take a lengthy lunch or tea break. In terms of turnover, getting a medical certificate is relatively easy which adds to unnecessary and lengthy absences of some bureaucrats. Although not considered as a serious issue, these instances could mount up to loss of working time and could also influence general office productivity.

A prerequisite for any job would be the necessary basics (B), which refer to the training and aptitude that enhance the natural ability of the individual (mental and physical), both as a potential employee and as a bureaucrat, to carry out his or her job. In contrast to the general public view about working in the Government or *ngaue faka-Pule'anga*,¹³ both

¹³ In the Tongan context, working in the Government (*ngaue faka-Pule'anga*), especially in the MLSNR, is naively assumed by most people, as a non-physical work and restricted to an office space.

physical and mental fitness are required in the MLSNR. However, the importance and necessity of work today, especially in the Government, convinced a lot of 'older' generations to educate the 'new' generation. This is evident in the increasing number of students sent overseas, either privately or through scholarships, which are being sponsored by either government or foreign donors. In addition, local Government and non-government organisations¹⁴ have recently established technical institutions for higher education (tertiary). The result of the increasing appreciation of education has been phenomenal for a developing nation. Fakafanua (1997) estimated that Tonga had a literacy rate of around 95 percent. In effect, education presented an opportunity to learn skills and it also provided work for both qualified and unqualified employees (Kupu 1989).

Commitment¹⁵ (C) to work is sustained by both attitude and basic skills, but to a large extent depends on the motivations initiated, in this case, by both the MLSNR (group-oriented) and personal situations. Parker (1971) stated that economic and social inequality is an important part of contemporary sociological thinking about work. Taking this into account, individuals have their own identity as prescribed by their family heritage (kinship) and place of origin. In addition, the link between identity and occupation, which is increasingly significant in the changing Tongan society, positions an individual (bureaucrat) relative to the economic and social organisation. Inside the MLSNR, the sense of belonging is a positive phenomenon for bureaucrats. However, in an agricultural country, shifting from agricultural to office work (Afeaki 1988, Howard et al. 1983), Tongans are starting to obtain their sense of identity through their commitment to work.

ABC varies between individuals, but the influences and authority within the MLSNR organises them into the structure that forms the MLSNR organisation. Organising

¹⁴ Non-government organisations offering training and education include Churches and private organisations.

¹⁵ Commitment is having some feeling of attachment to the organisation values and objectives and associated roles, also an attachment to the organisation for its own sake rather than just its instrumental value. Cook, J. and Wall, T (1980) 'New Work Attitude Measures of Trust, Organisational Commitment and Personal Need Non-Fulfilment', *Journal of Occupational Psychology*, 53:39-52.

individuals in a bureaucratic manner may limit their freedom but not their individuality (ABC). This is a fundamental point that the MLSNR should address as part of the overall challenge of achieving increased professionalism. Inter-relationships among workers, both vertical and horizontal interactions, can in general be personified both by conformity and the conflict between bureaucracy and culture. ABCs may be similar in terms of the general cultural guidelines but, each individual prioritises values differently hence the range of ABCs. Regardless of the differences, and, regardless of their reason or reasons for joining the MLSNR, individuals follow set regulations and co-exist with other bureaucrats within defined perimeters (bureaucratic environment), pursuing unity within diversity. Thus it seems that the individual, a member of a wider social network, as in *famili, fa'ahinga, kainga* (family, kinship and territorial affiliation), is compelled to behave differently in the working environment. In the Tongan context, bureaucrats face awkward situations, which often generally mean compromise between accustomed cultural values and the bureaucratic regulations. There is no other option, given the confined bureaucratic environment but to conform. In wider society, an individual has more space to reposition in terms of potential options to be taken in a particular situation. This is not the case within the bureaucratic environment where they frequently choose the most obvious option, which is compromise. Eventually, both cultural and bureaucratic values are compromised and the end result is a Tongan bureaucracy that is really a hybrid product of foreign bureaucratic principles and native culture.

Particular values, depending on the work environment, could either lead to compliance or non-compliance with regulations. Socio-political values such as respect and loyalty for example, would compel a MLSNR employee to comply with bureaucracy regardless of his or her own values and beliefs. In this respect, cultural values advocate and parallel bureaucratic hierarchy and control. More importantly, it is the same set of values that prioritise social relationships over bureaucracy, often leading to corruption and nepotism within the MLSNR. Bureaucrats often overlook their work obligations and position, in honouring socio-cultural relationships and social obligations, technically unprofessional but socially acceptable in the Tongan context. Bureaucrats also manipulate the rules hence moulding the system to fit the environment. Consequently, there are established

informal practices within the MLSNR, which relate to bureaucrats' cultural background. This is also related to the grouping among the employees, and such solidarity often leads to internal frictions that are rarely identified as an issue or properly resolved. Bureaucratically, the MLSNR should be administered according to the legal framework and governmental directives, but culture and customs are intertwined with land, in actual MLSNR practices.

Finally, it is necessary to consider the relationship of employees, as bureaucrats, with the wider society. These transitions between bureaucratic and societal principles, often conceal employees from issues, such as employee manipulation, because it enables superiors to employ both principles alternatively. Similarly, bureaucrats often amplify their position and importance over the masses, enabled by non-bureaucratic socio-cultural values. These arbitrary behaviours allow nepotism and corruption like the following comment by a MLSNR employee.

It is not an uncommon thing to accept something [implying payment] from the clients, especially when they wanted something to be done quickly. It is not necessarily a bad thing [...] It is our custom, the Tongan way, sort of assisting each other. (FP, pers.comm. 1999)

Neutral perceptions that behaving professionally is a vital issue for the MLSNR performance is another problematic issue based on its variety of interpretations among bureaucrats. This is rarely addressed in full and managed effectively in the Tongan work place, taking into account the Tongan context, where professionalism is an alien concept. However, the current trend of increasing individualisation and materialism may assist in favour of professionalism by relegating social ties and associated obligations. Such cultural development implies that professionalism will not only be valued more but increasingly acknowledged. From an organisational point of view, this is a long needed transformation because it has slowed down developments within the MLSNR working ethics

7.7 The Local Bureaucracy

The central administrative body for land is the Ministry of Lands, Survey and Natural Resources, but this section will focus on the local arms of the government, namely the Town Officer and the District Officer. The Town Officer (or *'ofisa kolo*) acts as the mouthpiece of the central government (bureaucracy), and supposedly dictates government policies on a variety of issues including land issues. In light of land distribution, he is the intermediary between the village (chief and people of Nukunuku) and bureaucracy in Nuku'alofa, as well as between the chief and the people within Nukunuku. The District Officer (*pule faka-vahe*) has similar duties except he oversees the whole district consisting of several villages (see Chapter 5).

In Nukunuku the District Officer and Town Officer are responsible for enforcing the land provisions; the former oversees the districts in general, the latter focusses on local villages. Although the Town Officer answers to the Prime Ministers Office (PMO), he works closely with the estate-holder and the MLSNR. This is quite an odd arrangement, and it makes the land bureaucracy more complicated. The method of selection of a Town Officer has changed in the last decade, which has led to a small number of people querying his credibility. Traditionally, the PMO selected the Town Officer from local Nukunuku candidates. However, in a move to involve local people more in the process, the people now elect the Town Officer from candidates subject to endorsement from the PMO on the elected individual. Despite the advantage of local democracy, questions of favouritism and nepotism can still be expressed. On one hand, it is a PMO controlled election, and on the other, local socio-political context does influence such elections. Some village people are concerned that the elected Town Officer is more likely to be concerned with what is popular with the local people rather than what should be done. For example, in view of the local social environment (see Chapter 5), the Town Officer is likely to pursue what he thinks is popular but not what he knew would be beneficial for Nukunuku.

By law the Town Officer and the District Officer can hold periodical inspection of allotments and enforce the legal provisions. For example, bush allotments are to be

planted according to specified legal instructions and town allotments are to be built upon. Failure to comply in both instances could lead to the allocated allotments being made void and the estate-holder reallocating these particular allotments to another person. In reality, these officers, especially the Town Officer, face rather sensitive land related duties, which sometimes can be unpopular in Nukunuku.

Enforcing the legal provisions, especially concerning land use, is not easy, mainly because most unused land in Nukunuku belongs to absentee landholders. At the same time, the legal provisions on bush allotments are obsolete. For example, growing 200 coconut trees is not only impractical it is inconsistent with the current commercial agriculture system. Squash rather than coconuts are currently in demand, and having too many coconut trees hinders modern agricultural machinery such as tractors. Currently, people are cutting down coconut trees for various reasons rather than growing them.

However, many duties are more of a secretarial nature, rather than putting the law into full effect. The Nukunuku Town Officer not only kept an account of village affairs, involving in communal working committees, but also acted as a land assessor¹⁶. Thus the Town Officer must act impartially and independently when advising the estate-holder, especially in cases where two parties lay claims to one allotment. In this regard, the Town Officer is in a position where he can influence to some extent, the chief's decisions on land.

There have been no recent significant changes with regard to the duties of Town and District Officers. However, changes have stemmed more from the elected officer's personal character. In this regard, the Town Officer is in a key position where he could either promote or undermine the village morale. People will always judge (as discussed in previous sections) him in comparison to his successors, regardless of any development since then. The moral credibility of the officers is now being criticised more than before, because of the improvement in terms of knowledge, experience and beliefs among local people.

¹⁶ A land assessor is a person who assisted the chief with accurate and specific information on both the current and previous history of particular person or family on land matters.

7.7.1 *The Guardians (Estate-holder)*

The current guardian of the land, Tu'ivakano, represents the more modern estate-holders in Tonga. He is well educated, yet values Tongan tradition, and governs in a way that is neither too strict, like his predecessor, Tu'ivakanom Polutele, nor liberal, like his grandfather the late Tu'ivakano Siua. This was a strategic choice, based on his view that people need to live neither in fear, as in the pre-contact era, nor in idleness. They need to be free but not beyond freedom. However, Tu'ivakano's effort to endorse the exploitation of land based opportunities, without directly forcing people may be difficult, but it is seen as an admirable act by village people.

Nukunuku people would unhesitatingly testify that Tu'ivakano is their chief ('*eiki*) which is synonymous with the term '*eiki nopele* (honourable noble) and '*eiki ma'utofi'a* (estate-holder). More commonly, the term '*eiki* (chief) is often used as a shortened form for either '*eiki nopele* or '*eiki ma'utofi'a*. Being a chief does not necessarily mean being an effective leader, although this is not the case in Nukunuku. People, out of respect and appreciation, would also refer to Tu'ivakano as the *taki 'o e fonua* (leader of the land) which basically meant the 'leader', as in the modern context of the term. The guardian of the land, the chief Tu'ivakano, is passionate about his leadership role, hence he organises a monthly public meeting (*fono*) in Nukunuku, something that most chiefs hold more infrequently. These meetings are generally to inform people and also to get feedback on village affairs in general. However, as discussed before, these meetings are mostly to inform people. In addition, people can either go through the local administration namely, the Town and District Officers, or the customary channels, namely, the *fototehina*, the *matapule*, and close associates of the chief; or go directly in person to discuss land issues. The motive here is to promote some sense of close communication between the chief and the people. Tu'ivakano has said himself that being a good leader is not easy especially when land becomes an issue.

It is not always easy for me to deal with people regarding the land. I know how important it is for them [Nukunuku people]. I also know what my

people are like. Every decision I made [regarding land] is crucial, because land is central to living in Nukunuku, hence my decision would affect not only the landholder or land applicant, his family, his kin, and eventually the village. People may think that I live an easy life but it's the opposite, I must be fair and sometimes I have to be harsh just to keep them in line. (Tu'ivakano, per.comm. 1999)

The basic role of allocating land often poses a difficulty because not everyone would be pleased with any decision being made hence a chief must consider and understand every factor relating to a specific land decision and act with discretion. Chiefs may receive both compliments and criticisms (see Chapter 5). But, partly due to the aristocratic aspect of the chiefly title, some criticisms may be seen as insubordination.

There is no doubt that the people or *kainga* of an estate-holder revered the chief. In addition to personal opinions, this is an accustomed attitude towards the chiefs, since in an aristocratic society like Tonga, the people of Nukunuku still believe that the chief is their leader. Being revered as the leader is a common reference of traditional leaders (or chiefs), but this is different considering 'modern chiefs' (or nobles), James has described nobles as ineffective as leaders because of their distant association with the people (1997:52). However, social stratification is widely accepted in terms of an '*eiki* (chief) and his *kakai* (people), which can also be translated into the land tenure system as the '*eiki ma 'utaofi 'a* (estate-holder) and his *kainga* (land occupiers or landholders). The latter is sustained by the norm that land belonged to the chief which is often voiced by Nukunuku people when saying that *ko hono kelekele* or *tofi 'a* (it is his land or estate). Most people are either naive or take no notice of the constitutional ownership of all land by the crown; the estate-holder is always considered the owner of the land (see Chapter 8).

7.7.2 Local Village Administrative Operations

There is a sense of land ownership on the estate-holder's part, despite the constitutional situation that all land in Tonga belonged to the Crown. Such a sense of ownership is not only sustained by the culture, especially land customs, it is also allowed to a certain extent by the legal provisions. Thus an estate-holder is able to act autonomously in

governing his hereditary estate. There are wide differences in public opinions expressed with regard to different estate-holders. However, Tu'ivakano has worked to maintain and improve his relationships with the Nukunuku people, a relationship that is heavily dependent on his performance in terms of governing both people and land.

The notion of being the owner of the hereditary estate is very critical in upholding the chiefly status. Regardless of chiefly title and affiliated *kainga*, the difference between the current nobility and non-noble chiefly titles is the fact that the selected titles were given land in the form of hereditary estates. In spite of the culture and accustomed traditions affiliated with the non-noble chiefly titles, their reputation and the respect towards them have diminished, and they have effectively become commoners. Here, the Tu'ivakano title not only became and remains owner of the land (estate-holder) but the land is hereditary estate and the medium for continuing traditional duties and influences on the Nukunuku people. At present, the reigning Tu'ivakano like most other estate-holders, tries to maintain his relationship with the *kainga* by managing wisely and effectively the hereditary estate of Nukunuku.

A common belief within the Nukunuku community is that their superiors especially the chief has a duty of care for the Nukunuku people. Love, or '*ofa*, was commonly declared by the common people as the significant role of Tu'ivakano. This is represented by the noble's willingness to allocate them land above all else. In support of '*ofa*, the credibility of the chief and community superiors is measured against their integrity as leaders. A leader is commonly seen within the Tongan context as an individual with knowledge and a vision for the future. In addition, the chief should encourage people, rather than abusing them as in ancient times. Leading by example is a commonly acknowledged characteristic but one that is often ignored by people when considering superior individuals. Modern chiefs must enlist extra assistance; in Nukunuku these include the officials (District or Town Officers), the cultural governance (*fototehina* and the *matapule*) and other people of various professions. Leaders should reflect on their decisions and motives and balance customary values ('*ofa* and *faitotonu*) against modern materialism, such as money. Lastly, a leader must constantly seek God's guidance, and the leader's participation in, and actions according to, religious principles commonly

measure this. Such attributes are necessary for any leader, including Tu'ivakano, to be successful especially on governing the land.

Coupling the top-down approach, the bottom-up approach is characterised by the way the Nukunuku people revere the present chief because the majority of the people appreciate his governing style and intuition, though this also follows from *faka'apa'apa* (respect), *fatongia*¹⁷ (obligation). People are willing to do or follow Tu'ivakano's directives. Leadership has also gained public approval and credibility based upon predictability. The experiences shared by the people have given them some sense of security and transparency about governance in Nukunuku. In other estates, the unpredictability of governance greatly undermines its own credibility, which has raised concerns. In Nukunuku, there were however some concerns with the local bureaucracy but focussed on isolated incidents, with criticisms mainly directed at individuals involved in particular matters or in influential positions close to the estate-holder (see Chapter 8). Misinforming the estate holder is one of the main acts of these people, which eventually led to unsatisfactory decisions on land matters.

I was quite unhappy with a decision I made which resulted in one allotment allocated to an applicant. I found out some time later, that that particular individual was only fifteen and not yet sixteen. I based my decision on what I had. Now, I make sure that this does not happen again. I was angry, but I also understand their desperation. I did not take the land, which I could, but I reprimanded them harshly. The kid is over sixteen and he can register the land. I do not condone this, but when people are desperate they do these things. As a leader, I can only be more vigilant. (Tu'ivakano, per.comm. 1999)

The concept of *faka'apa'apa* and *'ofa* are also experienced within each strata of the social structure, that is between family members and between families. This social inter-connection among people is culturally expressed by the *feveitokai'aki* notion, the basis of comradeship within the social unit (*famili*) as well as the wider community (*kainga*) and it can either divide or unite the local social organisation.

¹⁷ *Fatongia* does not necessarily mean obligation as a social role within a basic household inter-relationship like cooking for instance. It is more within the context of inter-relationship between two social levels, namely the common people and their superior or the chief. Thus *fatongia* here is basically *tauhi 'eiki* or observance of commoners duties towards their chief.

This notion of *feveitokai'aki*, backed by *faka'apa'apa* and *'ofa*, is influential in relation to land. These cultural attributes not only allowed for but provided some degree of justification for extra-legal land customs. However, customary rights and entitlements can either be embraced or ignored by using the accustomed *takitaki* practice. This is similar to gift-exchange phenomenon. However, *takitaki*¹⁸ has a more particular intention, the hope of persuading, or making a point to, the recipient of the *takitaki* item. Regardless of the ultimate aim of carrying out this practice, it is increasingly inappropriate in modern Nukunuku, and has been known to cause aggravations among members of the same family. There is no record of such divisions in Nukunuku, and even feuds are rarely reported, leading to no official litigation record. Inappropriate application of the practice would negate the above attributes (*'ofa*, *faka'apa'apa*). Effectively, the culprit would be detested, hence his or her relationship with others would break the *feveitokai'aki*. Most such problems are dealt with either within the family, if it concerns the kin or locally, if it concerns two different *famili*. Interventions of village superiors namely the elders (*'ulumotu'a*), the church (*faifekau*), and especially the estate-holder often pacify and solve any problems. In rare cases where reconciliation cannot be reached within the Nukunuku customary establishment then it will proceed to the court (Land Court).

Like any other village in Tonga, social status and related powers are commonly tied to land. Tu'ivakano has both the uppermost legal and customary power over land. Second in line of significance are the official arms of the law, the Town and District Officers, followed by the mass, who still have a certain degree of influence but, like the officials, this is often compromised by cultural factors. There is very little difference between the power structure based on land and the social structure (see Chapter 5).

Power over land is a significant attribute for any individual especially in small communities like Nukunuku. Prominent social positions are, by and large, linked to land ownership and control. In basic terms, within a *famili* (nuclear family) or an extended

¹⁸ *Takitaki* actually means to be carrying in the hand or to lead on. Therefore it is an appropriate term for gifts offered especially when requesting a favour of someone. For example, offering to the estate-holder at the time of land applications or to the landholder when requesting land for lease or temporary use

family (*kainga*), it is the 'ulu (head) namely the *tamai* (father) and the 'ulumotu'a (godfather) who is the (original) landholder and the authoritative figure. This mirrors the same configuration in wider Nukunuku society.

In addition to the social establishment, the customary authority of estate-holders as chiefs over land hinges on the estate-holder's power of consent. There is no real estate-ownership, as all land belongs to the Crown. The Crown is represented by a member of the social echelons, either a royal or a noble, hence the indistinguishable nature of ownership and estate-holders, at least in practice. In reality, estate-holders, including Tu'ivakano, have exploited the law either to maintain or enhance their existence in socio-political domains. The power of consent, although required by law to allocate land, is one of the bargaining tools. Consent on land matters, especially land applications and land and lease registrations, reinforce chiefly power. However, according to Tu'ivakano;

“...you [noble] waive it [80 *seniti* or 80 cents rental payment] a little bit...it helps some people such as those who cannot afford their water usage fee. Even though the village water is much cheaper than the Government metered water [Nuku'alofa]. People appreciated that...and plus most of them [Nukunuku people] are glad to address any thing you requested of them. Plus, if you value the '*fatongia*' (duties or obligations) they do for you, it is far more than 80 *seniti*. But the most important thing is how you maintain the relationship between you and your people...”
(pers.comm. 1999)

From the people's point of view, such actions as waiving the 80 *seniti* tax on bush allotments, signify the chief's duty of care. The fact that it comes from the top social authority is appreciated more. Almost every interviewee used the phrase; '*...malo pe 'ene [Tu'ivakano] 'ofa...*' (thankful for his [Tu'ivakano's] love), in reference to the non-implemented 80 *seniti* tax, among other things. People do not really gauge the actual value or benefits of the action. Although there are times when people might feel hard done by, these are rarely contested because it is against the norm and social attributes described above.

Estate-holders were traditionally not well educated and relied heavily on experience. However, this is changing as the young estate-holders and heirs apparent, including the

Tu'ivakano title, are university graduates. Education, especially the overseas tertiary qualifications attained by Tu'ivakano, is of paramount importance as both a cause and effect of modern governance. It allows him to perceive the local situation from an educated perspective not just on local experience. According to one estate-holder, Lasike stated when asked about local bureaucracies in hereditary estates:

“...That [uneducated chiefs] is a thing of the past. Whether we had or had limited education was enough at the time. Nowadays, people are well educated, modern things arises, and we [chiefs] must also be educated in order to rule in modern Tongan society.” (Hon. Lasike, pers.comm. 1999)

Knowledge is a priority for guiding people (*kainga*) into the future. Tu'ivakano admitted that, based on experiences, certain traditional bureaucratic methods are still employed. Nukunuku social organisations prove to be effective still and people are accustomed to it. Any dramatic change is not only illogical but impractical (see Chapter 8). However, procedures for conducting village affairs, according to the chief, have changed.

Including Tu'ivakano, the chiefly title selected as aristocratic titles form a class of their own. Often officially known as the Nobles of the Realm, these titles vary in terms of background, especially of tribal clans (*ha'a*), ranks and associated cultural responsibilities. However, that they belong to one social class (chiefs) and share a common responsibility as estate-holders, resulted in a form of camaraderie among nobles. However, it is rare for one chief to interfere or intervene with land related issues in another hereditary estate. On the other hand, personal favours and friendly advice are often exchanged at the top echelon of society.

Town and District Officers have limited influence on the estate-holder. Like their customary advisory counterparts, the *fototehina(s)*, they are the official advisors. The *fototehina(s)* are 'customarily-brothers' of the chief. The criteria for such position rest on the social and cultural characteristics of particular individuals. It is a gender dependent position hence all *fototehina(s)* are male, while they are not only prominent members of

the Nukunuku society but they are also part, distant or otherwise, of the extended Tu'ivakano clan (*fa'ahinga*).¹⁹

The *fototehinas* are commonly skilled and qualified individuals therefore they are better equipped to deal with real issues than the traditional *matapules*. In this regard, the two complement each other in terms of traditions and modern capabilities. Moreover, their combined efforts are of great assistance to the estate-holder, and are also the reason for relatively smooth and untroubled governance in Nukunuku. The whole concept of employing the *matapule* and the *fototehina* is an advantage for Nukunuku over some of the other hereditary estates, where the fact that the close assistants to the estate-holder are not officially or culturally established may have contributed to some scepticism among the landholders. Furthermore, without an established system, meant estate-holders employing various people at different times present the community with a seemingly unorganised institution.

7.8 CONCLUSIONS

The MLSNR as an administrative arm of the Government, charged with administering land and natural resources, has a very significant role in maintaining and sustaining life in general. More importantly, it is also responsible for the land development, making the MLSNR unique among government departments. The multifaceted nature of land in Tonga provides the foundation for the peculiar MLSNR characteristics. This is based on the fact that the legal framework allows some degree of discrimination in terms of land management, which is different from any other Ministries. Moreover, the centrality of land in Tongan life meant that bureaucracy as a foreign concept and institution faces immense cultural influences.

Amidst increasing concerns for, and changing perceptions of, land, the MLSNR endeavours to implement and maintain the land tenure system according to the encoded

¹⁹ The *fototehina(s)* selected by the chief from his kin, based on socio-political and economic status.

legal framework. Immediately, the MLSNR encounters three basic complications with regards to the tenure system, the legal framework, and the organisation itself. Firstly, the supposed transformation between customary and the legal tenure has progressed only partially. Land customs and practice still highlight basic principles from both tenure systems. Secondly, the rigidity of the current legal framework is largely due to delays in updating it. Reviewing the legal framework should not be the sole responsibility of Parliament, but the people must be involved as well. Although the people are represented in the house, given the current system, this is insufficient to initiate any land reform. The MLSNR, as a bureaucratic organisation, must function within the current fixed legal framework. In certain ways, this has proven to be a constraining exercise. The current method of partially updating the land law in response to specific needs and circumstances is not only injudicious and inadequate in the short term but also risky in the long term. Administratively, it is far better for the MLSNR in the long term that the lawmakers draft an updated framework based on comprehensive and in depth research of the whole tenure system. Being aware of the problems, such as lack of funding and the disproportion of people and land ratio in view of entitlements, highlighted in almost every MLSNR annual report for the last decade, is not the same as fully comprehending the land situation. As discussed before (Chapter 6), the main thrust behind the contemporary pressure on land is commercialism, and not necessarily land shortage as implied by the MLSNR. Thirdly, the organisation must adapt to its growing responsibilities by adopting new internal transformations. Given restrictions with respect to resources (human, technological and financial), the MLSNR must focus on what to do with what is available and less with what it does not possess. This will have two important implications for the institution, internal and external. Firstly, improving performance needs to start with rectifying the existing organisational sub-culture. Fundamentally, in an environment like Tonga, personal choices with regard to 'working' can either undermine or promote the overall organisation efficiency. Other factors such as developing knowledge, skills, and technology also play significant roles but work culture begins with people. Secondly, the MLSNR must rectify national land issues prior to any overseas land projects. Overseas projects do not resolve internal issues. With regards to land entitlements, it was estimated in 1996 that only 35 percent of the male population, provided that they all applied for

land, could be accommodated with land allotments. Disproportionately, the population is still growing but the land is finite. However, land use, although increasingly commercialised in terms of agriculture and continually expanding with regards to business and residential purposes, is still masked by under-utilisation. Land rights distribution is still uneven and patriarchal. In an era where human rights are an international issue, some people allege that the tenure system is discriminatory in nature. Over time land customs have continually transformed by adapting to more modernised Tongan society and adopting new values. Being pragmatic has gradually become the norm, which in some instances necessitated extra-legal practices.

The MLSNR, despite all the obstacles, claims to have managed its responsibilities with satisfactory results. This is reflected by the term 'fairly productive' used by the Minister to describe the performance in 1998 and 1999 annual reports, but this is the same results claimed over the years in terms of MLSNR performance. Any improvement on this will definitely need changes not in one sector but in totality: the tenure system (legal framework) and the MLSNR (administrative organisation). Unresolved issues concerning land tenure and the governance body, and the gap between the two have allowed both the estate-holders and the people to use land on a more pragmatic basis. Nevertheless, MLSNR organisational changes are necessary and the most appropriate point to initiate reforms. According to Kilman (1989), successful transformation can be achieved by integrating culture, management skills, strategy and structure, and the reward system. The MLSNR must synchronise changes on each of these organisational dimensions, to ensure that, in effect, the MLSNR is better prepared to implement a reformed land tenure system.

CHAPTER 8.

BUREAUCRACY AND THE VILLAGE

The main objective of this chapter is to examine what people, in this case Nukunuku villagers, think about the bureaucracy, and to trace the changing relationships between the bureaucracy and the people. The bureaucracy (MLSNR) supposedly performs in a rational and organised manner, while villagers are heavily influenced by social considerations. However, as discussed in the previous chapter (Chapter 7), the surrounding environment, in social, cultural and political contexts, influences bureaucracy. The land tenure system was first westernised by the change in the legal system and by the employment of bureaucracy as the governing institution over land. However, bureaucracy, being embedded in the Tongan environment, has also been 'Tonganised'¹ due to influences from the local culture and social structure, moulding the internal (bureaucracy) organisational culture (see Chapter 7). Nonetheless, throughout these transformations, the bureaucracy has operated in accordance with its outlined mandates, derived from the virtually unchanged 1927 Land Act. Given the changes that have occurred within Tongan society in terms of economic development and commercialisation, the slow rise of a democratic movement, and social shifts towards individualism, it is not surprising that the land tenure system has also evolved in response and in parallel. Bureaucracy has also evolved, as the government endeavours to cope, but at a relatively slower rate. This situation is critical for the land tenure system and also reflects crucial issues addressed in this research. This chapter focuses on the relationships between the bureaucracy and the villagers. This has been rarely studied before. The final parts of the chapter examine the changes considered necessary by the villagers, and, in order to shed some light on the villagers' proposed changes, the issue of land value will be revisited.

¹ 'Tonganised' here generally means that the foreign introduced institutions such as the MLSNR, a western type of bureaucratic organisation has been exposed to and also influenced by the local Tongan principles (see Chapter 7).

8.1 The village people (Nukunuku) and ‘thinking’ about bureaucracy.

It is necessary to initially shed light on basic considerations that influence who the village people perceive as ‘bureaucracy’. Culturally, people are supposedly submissive and submit to superior authorities; at a national level, authority means the bureaucracy, which is the Ministry (MLSNR), and the higher echelons of society, dominated by the estate-holders. However, following social, economic and political changes in Tonga, attitudes to authority have evolved. Observations from Nukunuku suggest that there were three key factors influencing the village people’s thoughts on the MLSNR: *‘ilo* (knowledge), *tui* (belief) and *feangai* (experience). Changes with regard to these, both individually and in combination, have some bearing on how people characterise land bureaucracy. In essence, people can make an informed judgement, educated guess or an uninformed characterisation of various individuals and/or bureaucrats. Characterising local individuals leading to classifications is a part of everyday village life. Individuals are often identified either by social status (personal characters, family background and history), economic background (wealth), and political background (affiliation with the local polity, political beliefs), or any combination of these personal histories. Local villagers often refer to local people in terms of their character, thus demarcating that person or persons either by the similarities and/or differences in comparison to the villager norm. In expressing their opinions, whether of individuals or of the Ministry, people usually used words like *‘sio*’ (perception) and *‘fakakaukau*’ (thought). The following is an attempt to describe how villagers think and express their feelings about bureaucracy, in terms of the three aspects.

8.1.1 *‘Ilo (Knowledge)*

‘Ilo constitutes what people in the village (Nukunuku) are aware of and thus how much they understand about bureaucracy and the tenure system. What people know about the tenure system and bureaucracy is apparent when it comes to the legal framework that directs and controls the current tenure system. Only the basic provisions, such as the land entitlement of every tax-paying male, are well known to most people. Consequently, lack of understanding of the legal provisions is a matter of concern, and one of the main reasons why people tend to rely on various sources, both governmental and non-governmental, for guidance and advice.

As in any other village in Tonga, the local government representatives and sources of information are restricted to the Town Officer and/or the District Officer. Since both positions are either appointed by the Prime Minister's Office or, as in Nukunuku's case, elected by the people, the criteria of selection often emphasise issues other than land. Consequently, ulterior motives and/or lack of communications undermine the only official village-level link on site between the people and the MLSNR. In effect, the relationship rests heavily upon information passed to and from these village-level links. People in the village draw knowledge from customary tenure rather than legal tenure, such that the discrepancies in knowledge between villagers and bureaucrats can be considerable and remain unchecked. In effect the relationship between the people and the chief is consolidated, because the main source of information comes mainly from sources dominated by customary tenure. These customary sources of information include kin members and fellow villagers, in addition to sources such as the estate-holder and his close associates in the village. This is not to say that there is an extensive difference between the two sources (bureaucracy and local knowledge) in terms of information but the effect is visible. However, the differences are based on the fact that the bureaucracy has legal authority over land whilst the local polity, acting on customary tenure, has some control of land practices at the village level. Such differences are visible in extra legal practices in Nukunuku, as evident in Case One.

Case 8.1

Mr. Mohokoi 2, the eldest son of Mr. and Mrs. Mohokoi 1, inherited the family land. However, he and his wife do not have any male children so they adopted Mrs. Mohokoi 2's nephew by customary principles but this was not registered as a legally binding arrangement. Mr. and Mrs. Mohokoi 2 now residing overseas and the land had been surrendered to their adopted son, Mrs. Mohokoi 2's nephew. This disregarded the statute of succession where the land should have reverted back to Mr. Mohokoi 2's patrilineal line of succession, namely an uncle. In effect, the family land is not kept within the family, the patrilineal family, but it has diverted to the matrilineal line (or the wife, Mrs. Mohokoi 2). Despite some aggravations for some family members of Mr. Mohokoi 2, the land has been diverted in terms of succession for good.

Case 8.1 clearly demonstrated two important points; firstly, the fact that despite the legal definition of adoption, customary adoption is still perceived as valid, in view of land succession. Secondly, concerning such transfer, although not common, it is very likely that the MLSNR is aware of the practice, but is legally disabled to do anything to rectify it. Transferring information

through customary sources not only shifts the bases of what people know, but compromises what the people think about the bureaucracy. Discrepancies in 'knowledge' about the legal framework often lead villagers to contest MLSNR employees whose knowledge about the law is considered unreliable at times. The belief that bureaucrats' knowledge of Tongan customs, including land custom, is either inadequate and/or has been disregarded compounds this. The fact is, bureaucrats do have the knowledge (see Chapter 7), which is the reason why these practices are being overlooked by MLSNR.

8.1.2 Tui (Belief)

In basic terms, belief relates to the perception of the 'truth' about land in Tonga. This truth is shaped by the dominating principles upheld by the family, and by Christianity. Christian principles strongly influence beliefs with regards to land.

In our Tongan [Christian] way, land is sacred. Land is a God given source of livelihood, hence we should be all careful how we use it, and those who misuse or misappropriate that gift [land] will pay the price (MT, pers.comm. 1999)

And, similarly:

Those people who misappropriate land do not live long and/or something bad [curse] happens to that person and his successors. (Rev.Tupou, pers.comm. 1999)

As far as the tenure system is concerned, land has appropriated divine connotations. God in general had always been linked to land throughout the history of Tonga. However, there seemed to be a contradiction in principle at least, in this spiritual aspect of land, especially in modern Tonga: if land was a divine gift to mankind and, in Tonga's case, was devoted to God by the unifier, George Tupou I, then 'all' Tongans should access, own, and benefit equally. However, tradition and customs disconnected any biblical notions of equality, by endorsing the social stratification now referred to as the aristocratic system, where land is unevenly owned and/or distributed. Nonetheless, people still maintain that land is God given and that certain laws must be followed, despite land practices in many regards being questionable on religious grounds. Necessity has meant that the 'unequal' characteristics of both the land tenure system and associated processes are secondary, despite the biblical principles of equal human rights.

Similarly, working the land is defined as a divine covenant over land. There is a general belief that 'doing the right thing', that is utilising the land, will lead to great benefits, and doing the

opposite will bring great misfortune. This covers both land use (agricultural, residential, commercial and private) and land management (sustainability, inheritance and solicitous). Backed by both scientific and cultural ethics, this belief is different from that of bureaucracy but in touch with customary governance, between chief and people. However, the 'belief' does not always match reality, as people often turn from customary governance to bureaucracy and vice versa depending on specific situations. People remain adamant, at least for the time being, about their belief in the 'whole' system (bureaucracy and customary authority) rather than in bureaucracy alone.

We have our law to guide us, which is a good thing. However, some people turn to our custom for guidance from time to time. I think that this is why we are lucky as Tongans, our Tongan way is fine. We should not rely on one [meaning the law] or the other [meaning the customs], we use our consciences then decide what to do with the land. I do not think that [foreign] countries have this type of liberty. (T01, pers.comm. 1999)

And;

Despite the [political] critiques we hear nowadays, we have God and Tonga [land], it is written and it symbolises Tonga, differentiating us from our neighbours. Every nation has problems, but no one has died of hunger here [Tonga] because we have God, our land and our own way [culture] of living. (S.M., pers.comm. 1999)

8.1.3 Feangai (Experience).

Experience is the knowledge gained from interacting with others through the land tenure system. People experience village polity firsthand, which as part of the tenure system, is different to bureaucracy, where a set of rules predetermine its activities. Institutionally, power concentration and structural stratification are parallel, considering that the control over land is in a superior's hand, and that superior is also the estate-holder. In effect, people perceive that the chief, or estate-holder, owns the land as opposed to the Crown. The MLSNR, being a government organisation, automatically earns some degree of respect from people but power is always associated with the estate-holders. However, this type of respect has been scrutinised in recent years based on 'experiences' with the bureaucracy's performance.

I do respect the monarch, the government, and the civil servants [employees of the MLSNR]; they worked hard to help us [local people]. However, the way they

[MLSNR] handled my case [land application] was not satisfactory; it took a long time and a lot of trips to town before I finally got what I wanted [Deed of Grant]. It is unfortunate that a few people [in the MLSNR] affected my admiration of the government. The monarch tried so hard to help his people but a few government officials made it [government] look bad. (M04, pers.comm. 1999)

The above quote is typical of how the government automatically earns the respect of local people for two reasons; firstly, it is the governing institution, and secondly, it is associated with the monarch (traditional leader) (see Chapter 7). Overall, local people respect the government, including the MLSR, without having any firsthand experience with it.

The MLSNR can influence 'experiences' among the people more than it can influence the knowledge and belief systems especially in terms of what people think about bureaucracy. Based on expressed views during conversations with Nukunuku people, it was evident that general experiences were similar and most expressed some concerns, as in the following quotes illustrate.

In my opinion, the Ministry is doing fine except it always took a long time for them to process a land application. (T09, pers.comm. 1999)

And;

The Ministry and the [land tenure] system, I think, is okay; it is the people who work there that I am concerned about. Their priority is dubious because they care more for their own relations than other people [customers]. (S.K., pers.comm. 1999)

In terms of expressing opinions on the MLSR, local males were more opinionated than their female counterparts, which was to be expected in light of the patrilineal nature of Tonga's land tenure system. However, a few women expressed some concern about both the MLSNR and the land tenure system, generally that women have limited entitlements. Expressed opinions from local people were clearly different from the auspicious record of bureaucratic reports (see Chapter 7), and these sorts of disparities hinder the functioning of the current land system. The lag in communication in terms of relaying the truthful image of MLSNR in the public eye is either ignored or considered unimportant by the bureaucracy; Case 8.2 clearly illustrates such a case. It should be noted that the first interpretation in Case 8.2 did not consider the covenant between the Minister and the mortgagee, which is not transferable.

Case 8.2

People generally perceive that once they access land, especially if it is registered, they have indefinite rights to it, which is partially true. There are still other legal requirements that most people are not aware of, like the transfer of mortgaged leaseholds.

Mr. Heilala leased some land and used the leasehold as collateral for a loan from the bank. He failed to repay his loan for over six months, giving the bank the right to repossess the mortgaged leasehold. The bank tendered the leasehold to the public, which was bought by Mr. Kaute. This was where the misunderstanding occurred; both the bank and some MLSNR officials believed that the mortgaged leasehold is automatically transferred to the successful bidder because it was default mortgage leasehold.

However, when the bidder (Mr. Kalosipani) applied for a permit to build on the leasehold, this was refused, causing reassessment of the case and thus revealing two different understandings or interpretations of the law.

Firstly, the bank, hence most local people, believed that because the mortgage was defaulted, the bank could tender the leasehold, and rights to the leased land would be automatically transferred to the successful bidder.

Secondly, the MLSNR knew that the above transactions were legal, however, the contract on the original leasehold was between the original holder (Mr. Heilala) and the Minister not the bidder hence the bidder had no right to build on the leasehold.

The second view proved to be correct and the bidder had to apply to sub-lease the defaulted leasehold. Once this was approved by Cabinet, a fee was paid (MLSNR Stamp Fee), which was 10 percent of the bidding of the price. The building permit was then issued after all these things had been done.

On the other hand, there were also claims that bolstered the reputation of the MLSNR. Regardless of the diversity of experiences, these affirmations seemed to be related to the period of office of various Ministers, suggesting a link between public experiences, MLSNR performance and serving bureaucrats, particularly the top echelon. This is a very realistic view of land bureaucracy since a Minister is almost boundless as a bureaucrat, given the current amount of power bestowed upon him by law. The MLSNR's performances largely depend on the Minister's visions, strategies and performance. One of the possible gauging factors for the Minister's performance is public opinion.

In combination, knowledge, beliefs and experience influence what people think about bureaucracy. These are by no means the only influences but these are the most commonly

mentioned by the local village people when expressing their opinions on land related issues such as bureaucracy.

8.2 Bureaucracy: People's view

8.2.1 Bureaucracy according to the villagers.

People do not distinguish between bureaucracy, as in the governing institution (MLSNR), and the estate-holders. Estate-holders, powerful forces in local village polity, are generally perceived to be a significant part of bureaucracy. Such perceptions are maintained and sustained by the pacification attitude between the estate holding chiefs and the MLSNR. The mutual respect between the two authorities, based on cultural values and traditional practices, allows the two authorities, although they represent two different tenurial powers, to exist in parallel. Nonetheless, having two authorities in place in view of one legal tenure system can be confusing. Local people often refer to the estate-holder as having the power of control over land, rather than the MLSNR, and even ownership of land (estate). Phrases like '*ko hono kelekele or tofi'a*' (it is his land or estate) and '*ko ia 'oku pule*' (he is in control) are not uncommon when people of Nukunuku talk about Tu'ivakano, the local chief and estate-holder. In general, these are typical references to estate-holders, especially among the royal and noble estates in Tonga. Based on the fact that every estate-holder knows of his responsibility to distribute land among his people, this type of reference is a revitalised view of the traditional chief-people relationship.

Bureaucracy, being identified with the Government, is accepted as a different form of governance in parallel with the customary land authority, and not as the sole governing institution. Local people, being accustomed to both the legal authority of the MLSNR and the customary control of chiefs, perceived both as part of one governing system, the land bureaucracy. When formally asked for an opinion on bureaucracy most chose not to answer this question (74 percent); moreover only 10 percent commented on the MLSNR, and the other 16 percent commented on the estate-holder instead. Concerning the amount of people that chose not to comment, such percentage revealed the limited contact between the local people and bureaucracy. However, the most common concerns raised by the 122 respondents concerned three key issues: land distribution, processing procedures, and especially the governing manner. Considering the latter,

local peoples' claims are supported by the fact that the manner in which various hereditary estates are controlled varies between estate-holders, even between successors and their predecessors.

Land distribution is a major concern among the people of Nukunuku, which is analogous to most villages. Despite limited land supply, given the number of potential landholders and the amount of land available, which most villagers are aware of, people are still bewildered with land distribution. Local people insist that in view of the depleting land supply, the priority for land distribution should be the local people. Land allocation is one of the main issues, especially concerning the large areas held by the estate-holder, which were either under leases, owned (*'api fakatofi'a*),² or vacant land not yet sub-divided for allocation. Similarly, re-allocation of previously allocated land by the estate-holder was also raised as a potential problematic issue. This is not a new issue or even confined to Nukunuku, but especially concerns those with unregistered allotments. In terms of registered land, the land often deviated from the rightful lineage for a number of reasons. In an extended kinship network, succession is complicated by multiple claims and then further complicated by ill-informed bureaucratic decisions, as Case 8.3 demonstrated.

Case 8.3:

Mr.Siola'a registered a piece of land in the late 1940s. However, in the mid-1990s, the same piece of land was processed for registration for Mr.Melekoula, and later the same year, a part of the land was leased by Mr.Melekoula. Late 1990s, Mr.Melekoula's family needed a map of their landhold for personal reasons. They correctly pointed their land out on the map, but the name on the map was that of Mr.Siola'a. not their father's [Mr.Melekoula].

There were no records found on how the land was transferred from the Siola'a family to the Melekoula family not to mention the fact that the registered holders (Mr.Siola'a and Mr.Melekoula) are not related.

The following comment by a MLSNR member supported cases such as Case Three:

This type of case [of an allotment being registered twice by two different holders] is worrying. It is not common but once is one too many. I have heard such cases

² This is an area of land allowed to be held by the estate-holder for personal use (livelihood). This is besides the 5 percent of the total estate allowed for the estate-holder to lease out. However, most people are not aware of the fact that the law does not define the area that can be set aside by the estate-holder as his livelihood.

before. I am not sure how these things occur, for me, registration records should have been checked before allowing any registration process to continue. (CFL, pers.comm. 1999)

Overall, the concern about allocation reveals the increasing demand for land (see Chapter 5); hence the growing pressure on land. In effect, there is an increasing potential for all involved, namely estate-holder, bureaucrats and local people, to be at fault. In any flawed situation, the estate-holder failed for not allocating land effectively and/or equitably, the local people for bypassing the law, and the Ministry for its own mistakes regarding such cases. Ultimately, it all comes down to the partial implementation of the encoded land tenure system by the Ministry, which then allows both the estate-holders and the people to manipulate the system to their own advantage. Nonetheless, local people blame the Ministry for most problems and faults within the land tenure system.

The governing approach is an issue that is increasingly voiced by the people, and is again due to the limited supply and vulnerability of the land in Tonga. This issue was raised in regard to both the MLSNR and the estate-holder. Allegations were made against the MLSNR regarding the bureaucracy's integrity, that criticised 'personal' influences of bureaucrats on land matters, especially allocation processes and succession procedures, whilst the duration of bureaucratic processing of land applications and claims was lengthy and frustrating. Frustration among the people had led some to question land 'ownership', whether it is the Crown's, which they see as analogous to the Government, or the estate-holder's. Effectively this centers on the issues of 'control', which in the Tongan context, *'pule'i e kelekele'* (control of the land) denotes *'kelekele 'o'ona'* (ownership of the land). Because the owner controls the tenure, this leads to the confusion of ownership, as some locals put it, between the Government and the Noble. The control of the estate-holder, based on his power of consent, seems to be more prevalent than the legal provision that directs all estate-holders to allocate land and is supposedly upheld and/or enforced by the Ministry. Some people reject the MLSNR, as just an administrative body with limited authority, and see ownership questions as only a matter for the King and the Nobles. Such people argue that the estate-holder should allocate the land according to the wishes of the monarch. This perception is based on the fact that those people related to the monarch as the divinely bestowed and ultimate ruler of society and not just the head of Government.

At a more personal level, firsthand experiences with bureaucracy left doubts among certain Nukunuku people. In addition to such issues as processing durations, the serving manners of bureaucrats were claimed to be ordinary. Although incidents were few, this was still perceived as unacceptable given the fact that the main task of bureaucrats was to serve the people. The villagers largely attribute this alleged unsatisfactory behaviour of bureaucrats as an attitude issue. Furthermore, local people claim that many of the problems they face at present were not an issue a decade ago. But internal issues such as management and procedural matters also compound the problems, which lent some support to their claims. Part of this concern is due to the internal bureaucratic culture (the accustomed manner of functioning) and the structure of the tenure system (legal-customary admixture).

8.2.2 Opinions on the MLSNR

Nukunuku people had more to say when asked to rate the MLSNR performance instead of the term bureaucracy. There were 124 respondents, with only 10 choosing not to voice their opinion. The significant point to note here is that despite the overall good ratings for MLSNR (Figure 8.1), the reasons given posed some concerns. Overall there was considerable expressed satisfaction with the MLSNR, with more than half (55 percent) being at least satisfied with its overall performance. Nonetheless more than half the respondents also raised certain concerns, which can be classified under three general categories, namely comments on the operations, on the bureaucrats, and suggestions for policy modifications (Table 8.1). Only six landholders claimed they knew nothing about the MLSNR. People have expectations and ideas about the MLSNR, and these expectations emerge from the socio-cultural context of land tenure, which can be challenging for the MLSNR.

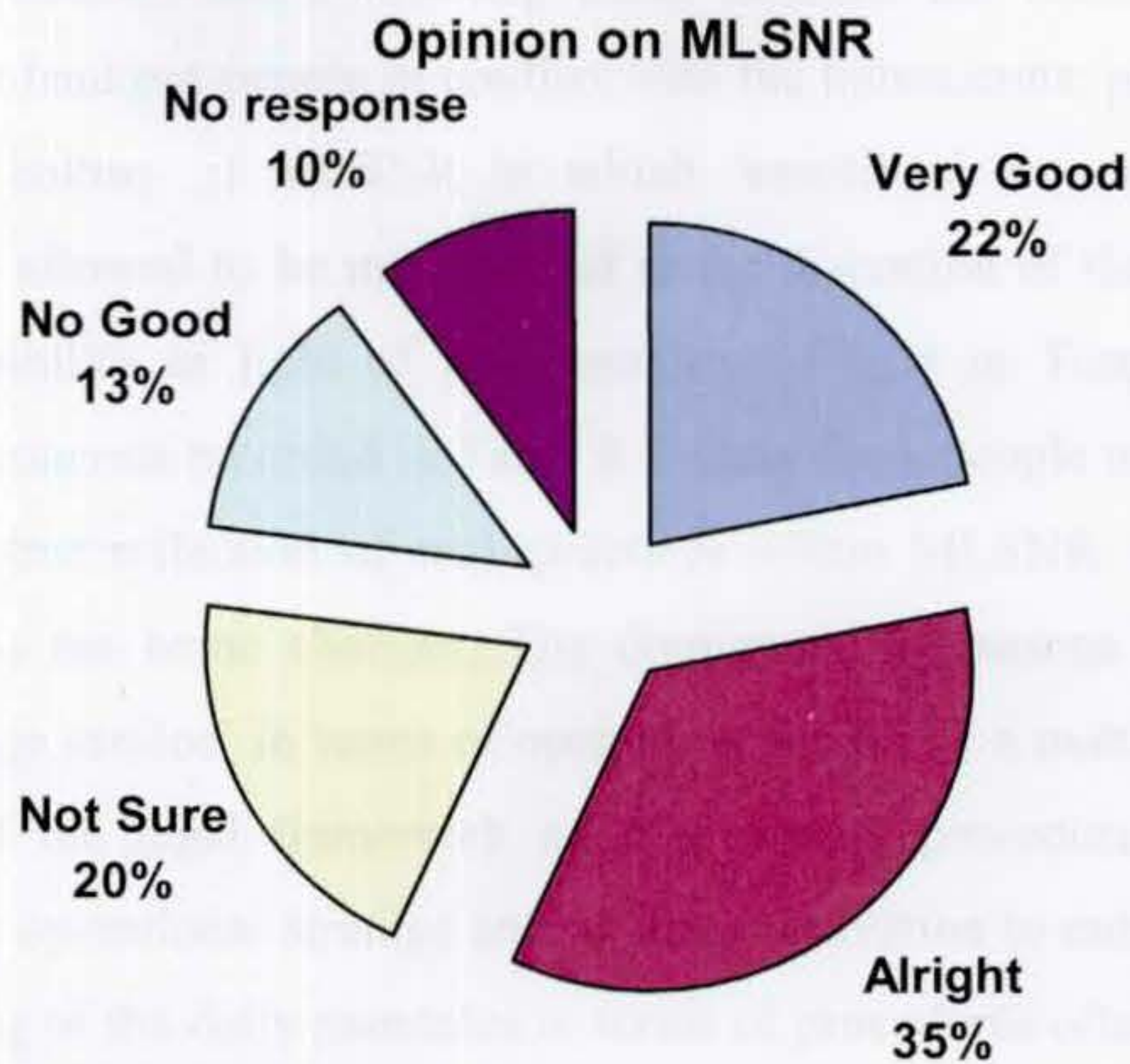


Figure 8.1: People's Opinion on MLSNR

Table 8.1: Reasons given for ratings on MLSNR.

	Bureaucrats	Operations	Policies
	Lacked knowledge (13)	Average Service (19)	Should Prioritise Land Allocation (2)
	Backlog due to frequent travelling (8)	Lengthy processing (11) due to number of items held up	Enforce use (1)
	Inconsistency (7)	Need Improvement (1)	
	Arrogance (4)	Losing Vital Documents (1)	
	Nepotism (3)		
Total	35	32	3

There were some distinctions and conflicting ideas between the bureaucrats and the village people. Social ties with land put people in conflict with the bureaucrats; people are also confused by the organisational culture of MLSNR in which 'emotions' are not only allowed to be influential but also are allowed to be manipulated at the discretion of the bureaucrats. This is a very powerful responsibility in light of the centrality of land in Tongan culture, hence the concerns about the bureaucrats recorded in Table 8.1. Only three people mentioned nepotism, but this is by no means a true reflection of such practices within MLSNR. It is evident that many people would prefer to see some changes. The dominance of reasons given such as 'lacked knowledge' and 'average service' in terms of operations should be a matter of concern, and both suggest the rigidity of the legal framework and the formal procedures of processing. They highlight the lack of an operational strategy and internal motivation to enhance the organisation's performance. Exercising of the daily mandates in terms of procedures often changes as a result of two factors; specific problems that arise and/or recommendation by the top management with limited or no consultation with the concerned operational unit. This overlooks the link with the people, the operational units that come face to face with the public. On the other hand, these units can advise people from time to time on procedural changes.

Because of the demand for land, people prioritise land access in terms of use and needs, hence the suggestions from local people (see Chapter 6) for the MLSNR and the estate-holder to consider local Nukunuku people before foreigners and Nukunuku migrants. Such a proposal directly challenges the basic, although constrained, legal rights of all Tongan subjects to Tongan land. It emphasises the controversial issue of discrimination, yet Nukunuku people prioritise their own concerns when land is in short supply. The argument here is that the laws can be changed because bureaucrats create laws, apparently for the people, but no one makes land.

People's perceptions suggest that, despite all the developments in technology, and expansion in size and functions, the quality of provided services (performance) seems to have improved slightly since the 1970s. The number of people satisfied with the Ministry's performance is reasonable (57 percent), although this is decreasing.

The people [bureaucrats] before did their job perfectly because they did not care about money and they were loyal to the king and the people. Now that there are more of them [bureaucrats] still the service has not improved but it seems to have got worse. (T.M., pers.comm. 1999)

The current bureaucratic transformations in matters of organisation development and adaptation to both national and international pressures appear to have made little difference to the evolving land tenure in Tonga, hence opinions such as the above.

8.3 Bureaucracy and People: The problems encountered

8.3.1 Problems encountered

In addition to the land's physical limitations, alongside legal rigidity, economic constraints, and social obligations, people have to cope with bureaucracy and, as discussed earlier, there are some complications in this. Given its slow transformations, in terms of political and structural development, the land bureaucracy is wedged between the traditional and local aristocratic control and the centralised legal authority of the government. Although people have adopted capitalism and adapted to modernisation in many ways, the multiplicity of control within the estate-holder's social sphere and the obstinacy of the government, in terms of taking heed of public concerns, cause administration to still pose potential land problems.

a) The people's voice

Voicing in public any dissatisfaction with the MLSNR is different from written correspondence including questionnaires, especially with sensitive issues such as land. During casual conversation in social *kava* parties in Nukunuku concerns were raised over the Ministry but no one had made any formal complaints. Partly this is because there is no independent body to handle complaints against poor bureaucratic performance or estate-holder misappropriation. Out of respect for the legal system and Parliament, people are reluctant to complain against land bureaucracy. Villagers are not comfortable complaining against the bureaucracy to the same bureaucratic institution. Indeed this was part of the reason for the 1983 Royal Commission inquiry on the kingdom's land tenure, which was intended to be an independent enquiry. Unfortunately, the Royal Commission's Report was shelved and never made public. As with any bureaucracy public concern over land is unavoidable.

The following four categories generally encapsulate problematic areas voiced by the people in the village.

i. People's view

The economy is being commercialised and society is being modernised, which means that commercialism is increasingly featured in the relationship between bureaucrats and the people.

It was a difficult time for myself when I went to the office [MLSNR] trying to get them to demarcate and draft a map for my land. They always tell me various dates and times to come over but when I turned up, nothing had been done. Sometimes they said that the Minister had not authorised the surveyors or whoever because he is overseas, and there was nothing they can do about it. They claimed that they had a lot of work and they even suggested I pay the fees again so that they can do the work on a Saturday or a public holiday. In this case I paid fees to the office [MLSNR] and again I paid another fee for the surveyors for their work [on a Saturday]. (K009, pers.comm. 1999)

The above comment represents not only the concern with the delay in processing a case but it also reveals the existence of corruption so that customers pay more for the service to be performed quickly. However, the delay and backlog is often due to the fact that the appropriate authorisation has not been given. The demand for and value of land increases whilst the administering body becomes too bureaucratised (see Chapter 7) for it to be efficient and effective in serving the public. Subsequently, the needs of the people, which are evolving with both economic and social developments in Tonga, are not met. General awareness of the shortage of land has necessarily increased demands on land; regardless of particular reasons for seeking land, securing an allotment and registering it is critical. The value of time, from the people's perspective at least, has either been misunderstood, underestimated or ignored within the bureaucracy.

ii. MLSNR: In force by enforcing.

The myth that villagers are either ignorant and/or receptive to advice and direction from above is a common misunderstanding in the bureaucracy. Contemporary villagers like those of Nukunuku, are both better educated and more experienced than before. Consequently, there is increasing

awareness and better understanding of modern land issues, so that people are more conscious of bureaucratic performances. Some villagers have suggested that the MLSNR failed to enforce certain legal provisions, arguing that bureaucracy, or bureaucrats, seemed to be arbitrarily deciding on which provisions to enforce and which provisions to ignore. The local people expressed this view in opinions such as the following.

They [MLSNR bureaucrats] are biased because they only care about the people with money, and they often do not offer any satisfactory explanation with regards to our needs. (L.013, pers.comm. 1999)

Most such concerns related to land security, and more specifically land allocation and registration. The basic entitlements provided for by the law, especially allotment entitlements for males sixteen years of age and over, the provision for estate-holders to distribute land, and the rights to register allocated allotments, were the most contested by the villagers.

They [MLSNR] should do their jobs in accordance with the land law [Land Act 1927], and do these with impartiality. (F045, pers.comm. 1999)

According to the local people, the MLSNR is inefficient in land allocation and registration. Even with the understanding that land supply is limited, people still claim that the MLSNR should do better with what land area is available.

iii. *“God and Tonga are my inheritance”*

The character shown by bureaucrats should be worthy of the primary place of land and the principles of a government establishment, yet villagers experience some sense of mistrust towards the MLSNR. Instead of direct condemnation, people argue that bureaucrats should be honest, competent and considerate. Pinpointing problems rather than proposing solutions to mitigate problematic areas is generally preferred because of the sensitivity of land issues, and a preference for avoiding direct confrontation with bureaucrats. In the village context, even indirect preference for change, based on encountering bureaucracy, challenges the traditional submissive attitude towards government.

Customer service and processing procedures urgently need improvement, according to the villagers. The fact that bureaucracy is supposedly detached from intimacy and sentiment has led people to believe that bureaucrats are inconsiderate. This is further complicated by the 'double' character of the MLSNR, in its incorporation of bureaucratic and customary behaviour. Such a dual principle only makes bureaucracy more complex and not 'user-friendly'. Any resolution would require either fully implementing the current tenure or updating both the legal framework and ministerial policies, with the latter the most likely and proper approach given the current transitional situation of the people and the country.

Taking into account the current relationship between the people and the Ministry, the precept of God and Tonga are my inheritance, is drifting from the MLSNR strategy. The two key figures featured are God and Tonga, which shows the importance of land and the covenant between 'man and God' over land (see Chapter 4), thus putting the MLSNR in a position of overseeing that this covenant is being upheld.

iv. Comprehensive not partial benefit

People maintain that the MLSNR must have a comprehensive overview of the nation's needs, since the MLSNR, in its mandate, is charged with the overall responsibility for all land. This reveals the gap between the MLSNR objectives and its performance, but it is the latter that is experienced by the people. At a local level, bureaucrats often overlook, either intentionally or unintentionally, or do not comprehend, that what they are dealing with is central to Tongan life. Decisions made within the MLSNR, on a single land allotment for example, can affect many people in various ways, and ill-considered decisions can cause harm to members of a single family (*famili*), extended family (*fa'ahinga*), and even blood related kin (*fa'ahinga*) and territorial kin (*kainga*). Some people believe that change must start at the top, suggesting that the people should elect the Minister or, alternatively, there should be increased delegation of power within the bureaucracy. It was also apparent that there was a need to lessen the gap between the people and bureaucracy. Identifying with the people will not only solidify public confidence in bureaucracy but also present better opportunities for bureaucracy to fully understand people's needs. Overall, the attempt to change the MLSNR should be incremental and in small ways, but

coordinated. These small changes could start with updating MLSNR objectives, and a review of its mandates.

b) The official link between people and bureaucracy: Town and District Officers

The role of town and district officers is crucial, yet confusing. People in these positions are supposedly the eyes, ears and voice of bureaucracy among the communities, with both the District and Town Officers observing the bureaucratic directives, at the same time working closely with the estate-holder. Since the 1980s, the people now elect both officers, further complicating the post as a government agent. The office holders in the past were usually prominent individuals, especially in the agricultural sector. The contemporary holders are more prominent in the non-agricultural sectors, such as the current officer who has a *fale-koloa* alongside his farm. However, there was indication that the office holders should be of chiefly heritage, because having some type of relationship with the chief does help. However, anyone can stand for election, but only a handful who have the necessary criteria in terms of social, political and economical wellbeing. Nevertheless the office holders', considering the Nukunuku Town Officer, therefore conforms to the government and also estate-holder's directives but must also consider the general villagers attitudes. In this sense, the officers may be more political. Comments from villagers on the role of the officers were about two aspects, namely the personality of the holders and the way they approached their duties, themes that are not mutually exclusive. These perceptions were more directed towards the local Town Officer rather than the District Officer, since they were more familiar with the Town than the District Officer.

i. *The character of the Officers.*

Since the positions are not new, people have considerable knowledge and experience of previous officers regardless of the appointment method. In general, local people believed that truth, honesty, hard work and good manners are important characters for the Town Officer, as revealed by the following samples of expressed opinions.

They [Town Officers and District Officers] must be impartial, and not show favouritism towards their own family members [...] but make it their priority to find land allotments for those who have reached twenty-one years old and still have no land. (M020, pers.comm. 1999)

In addition to such characteristics as impartiality, people also valued time and efficiency.

The town officer should carry out his duties in the proper manner, and be honest, and also on time. (S024, pers.comm. 1999)

Some local villagers related the performance of officeholders in the village, namely the Town Officer, District Officer, the estate-holder and the Ministry to the overall community life in Nukunuku.

They should be honest in doing their duties for the people [...] this would promote both steadfastness and kindness among the people here in the village [of Nukunuku]. F045, pers.comm. 1999)

Such characteristics would have made it impossible for anyone to hold the job. The centrality of land in village life and the hybrid-land tenure practice has made it difficult for anyone to uphold all the characteristics highlighted by the local people. In effect, the concerned officeholders must not only comply with the law and government directives, representing the encoded tenure system, but also the local village polity, represented by the estate-holder and the people. Thus nepotism, and at times arrogance, is a common theme that always concerns local villagers. On rare occasions however, political issues often account for some actions of the Town Officer, in his MLSNR capacity.

The Town Officer often looks out for his own family and sometimes those who are close to him, in terms of prioritising his attention. This is not a major problem, and it is natural for us Tongans to be like that, but when it comes to the communal affairs, it is a totality thing and no one should be treated differently, especially land applications. (T088, pers.comm. 1999)

ii. *Approach to work*

Villagers argued that both officers should stay out of the government and estate-holder relationship, despite following directives from both, since they were conscious of how influential

these positions could be for land tenure. Being a link between government and village (both estate-holder and people), and between the estate-holder and the people, places the Town Officer in an information-controlling situation. This is potentially crucial because decision-makers - bureaucracy and estate-holders, base their judgements on information received. Nevertheless, people habitually underestimate the power of the local Town Officers because they often think of the Town Officer as one of the local villagers.

Partial implementation of land provisions, a common theme within the bureaucracy, was apparent in Nukunuku. In terms of checking on allocated allotments, especially unutilised allotments, that duty of the Town Officer has been disregarded. Legally, land allotments are allocated with Minister's directions for the successful applicants to utilise the land within a certain period of time. The time frame for the landholder to take action varies depending on the Minister's discretion. Similarly the estate-holder often allocates allotments based on the understanding that the landholder would utilise the land. Landholders in most cases do not take heed of such directives believing that the allocated land will not be taken away. Such attitudes towards land contradict the general perception of a land shortage among the local people. Nonetheless, no unused lands have been re-allocated for lying idle. The Town Officer's inaction in this matter is condemned by the landless. People believed that Town Officers should identify landless people, as these deserved some priority in terms of land distribution. However, allocating land is much more complicated, in terms of categories, than just being landless; willingness to co-operate in the community by addressing various obligations works to the advantage of any land applicant or potential land applicant (Chapter 5). Most villagers do not dispute this but many landless people felt that the Town Officer, hence the estate-holder, should relate their demands in terms of obligations and duties in accordance with the residents' land status. Moreover, landless people should not have the same amount or type of obligations as landholders.

The responsibilities of both Town and District Officers have become more demanding, as land in Nukunuku gets scarce. Some villagers queried whether the Town and District Officers are accountable and to whom they are accountable despite being elected by the people. Officially, they are accountable to the Prime Minister's Office, not the MLSNR, and, customarily, they are also accountable to the estate-holder. In terms of supervision, it is also unclear because, as an official, there are bureaucratic guidelines for operation, and as a member of the community, there are customary practices, but it is mainly local factors, such as the estate-holder's directives and

people's judgement, which have influenced the daily mandates of both officers. An officer not only requires the strong support of the estate-holder but also the confidence of the people in order to keep his place. In this regard, the Ministry has little to do with the election and performance of the officer, except when the Town Officer is involved with the land application process, by providing the necessary information on local situation and/or on applicants. The District Officer on the other hand, has little to do with local issues such as these, his portfolio is more with the general district and not particular villages.

c) The Estate-holder

The difficulty of getting any opinion on the estate-holder was obvious. People were more willing to comment on the MLSNR and the Town and District Officers than on the estate-holder. Such hesitation is primarily attributed to the four aspects of village culture: respect, loyalty, love, and/or obligation. Moreover in the land tenure system people also have a fear of losing their land entitlements or being ostracised for speaking against the norm. However, about a quarter of the respondents did voice some concerns over the estate-holder. Most people were comfortable with the current approach and method of governance by the estate-holder. Their concerns included consistency, considerateness, and intentions. Thus, in nine different instances, both the landholders and the landless accepted decisions made by the estate-holder, but no one entirely agreed with the decisions. However, the following is typical of the responses concerning the governing of land in the village.³

[The] chiefs should use their power [over land] honestly and in the proper manner...sometimes estate-holders re-allocate [unregistered] family land. Thus the land [allotment] that should be an inheritance of one family is being given to another family...not the right lineage. (K013, pers.comm. 1999)

³ Most people used a general term when referring to the estate-holder, such as using a plural term. Two of the main reasons for doing this are as follows, firstly, to avoid direct reference out of respect, especially when reproving. For example, most people either used the term '*hou'eiki*' (chiefs) instead of quoting the title name or a singular term such as '*eiki*'. Secondly, most people felt restrained from openly criticising the estate-holder.

Almost inevitably, there were concerns about land distribution, demonstrating the commonality of the land distribution complaints between the MLSNR, the Town Officers, and now the estate-holder. Having no or limited knowledge about the strategies of the estate-holder, people, especially immigrants relied on their experiences and beliefs. The belief that land should be distributed among people is an increasingly popular issue basically due to two crucial reasons: the increasingly disproportionate people-land ratio, and the relatively high proportion of land perceived to be held by the estate-holder, including the estate-holder's own land ('*api-fakatofi*'a), and private leases. Taking into account the latter, people were increasingly aware and opinionated on the matter, reflected in the following quotes.

Yes, I believe that estate-holders should distribute land [from their respective estates] fairly, because I know a lot of people who need land but the estate-holders are holding on to a large area of land, which they do not even use (T058, pers.comm. 1999)

And;

Yes, I do not have anything else that I find problematic related to land, except that I am not one of the few that have both a tax allotment and a town allotment. In the mean time, there are a lot of families that only have a town allotment, but have no tax allotment. In that case, I think it is very unwise considering the way leasing provisions are being exploited [by the estate-holder]. (V030, pers.comm. 1999)

Although the history of tenure (Chapter 4) revealed that power and land have always been linked, this has increasingly become controversial. Attesting to the amount of land being '*puke*' (held) or '*fihia*' (tied up), according to the local terms used, people also pointed out unused land allotments that belonged to overseas migrants. In accordance with the law, they believed that the estate-holder should either force people to utilise their land or re-allocate it to those that would utilise it (and especially the land of absentee landholders who either reside on other properties in Nukunuku or in other villages in Tonga, or overseas). The two main reasons that inhibit the estate-holder from re-allocating land of absentee landholders are: most of this land has already been registered, and secondly such a move would nullify the basic rights and freedom of Tongans to their land. Nonetheless, villagers also argued that it was the local people who bear the general daily shortcomings of village life and obligations who therefore deserve the land more. Similar

views were given in light of the idle lands that belonged to the migrants but with some empathy since migrants do assist the local population with their remittances.

Prioritising land allocation is another matter that people were concerned about in Nukunuku. The most common worries were about the accustomed 'gift-exchange' practice. The majority of respondents did not dispute the practice itself, because it is a traditional and proper custom. However, the parties involved, and the form and value of gifts involved, troubled most people. According to some villagers, non-Nukunuku individuals with money have a better chance as a land applicant than poor local people. The increasing role of money in land related gift-exchange is now well known (Chapter 6). Once money is involved, some people are excluded, purely based on financial status, since only those who are better off can afford such land transactions. This differentiation is compounded further by the land value involved, which has increased incrementally. In terms of value, both those who exploit the money and the customary items are divided further. In this manner, the land seekers are classified into five general groups. Each of three basic economic groups in Nukunuku, namely the rich, the well-off and the under-privileged, has a sub-group, as the rich become richer and the poor become poorer. The rich section now has 'richer' above the normal 'rich, and similarly with the under-privileged section. This further restricts those who can afford the gift-exchange phenomenon within the land tenure system, because the top 'few' have the power to increase the price. It is becoming apparent that the very few rich families go along with this line of practice (Figure 8.2).

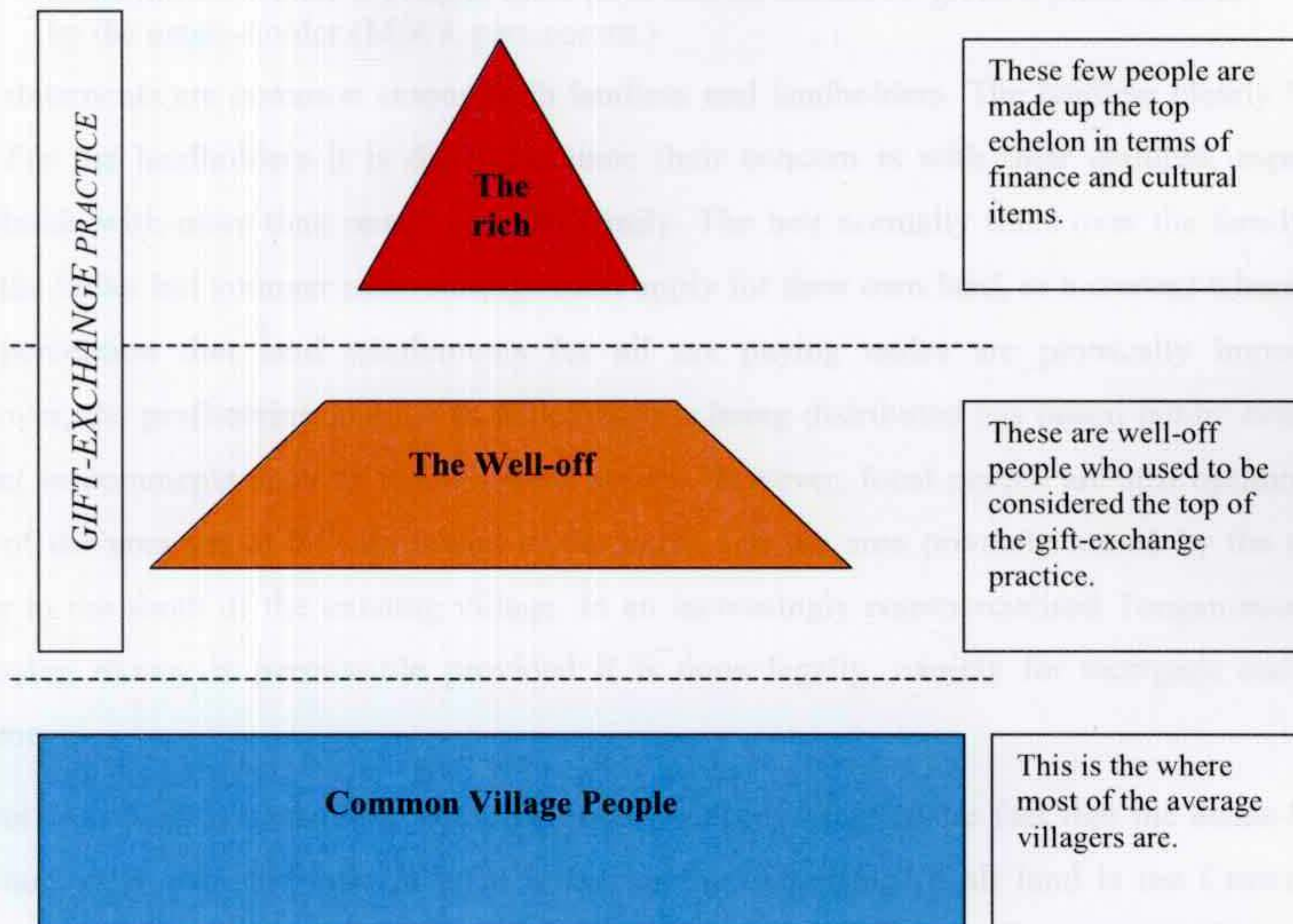


Figure 8.2: Gift Exchange and Household status.

Concern over the effects of gift-exchange is encapsulated in the following reply from one of the senior residents of Nukunuku:

I believe that if one has an allotment in a village (town allotment) that the noble [estate-holder] should also give [the landholder] a [bush allotment of] 4 acres as a livelihood for him and his family. [However] this is difficult nowadays because money is [the main] power [of influence over land]. (T059, pers.comm. 1999)

Taking this concern further, the following comment questioned basic accessibility in terms of the land rights of the villagers.

If only the estate-holders and their representatives would try and abstain from profiteering off land, and distribute it properly...because it is well known nowadays that a lot of land belongs to those who have money, thus leaving those without money landless, which is inconsistent with the

Constitution...once a Tongan male pays tax, he should be given a piece of land by the estate-holder.(M009, pers.comm.)

Such statements are common among both landless and landholders. The landless clearly have a case. For the landholders it is different, since their concern is with their children, especially households with more than one son in the family. The heir normally takes over the family land from the father but younger male siblings must apply for their own land, in a context where there is a perception that land entitlements for all tax paying males are physically impossible. Moreover, the profiteering manner in which land is being distributed has raised public concerns, evident in comments such as those quoted above. However, local people are still optimistic in view of the area yet to be subdivided to the north and the area privately leased by the estate-holder to the south of the existing village. In an increasingly commercialised Tongan economy, employing money is permissible provided it is done legally, namely for mortgage and lease agreements.

Control over land is something villagers willingly accept despite the fact that the estate-holder does not really own the land in legal terms, as the ownership of all land is the Crown. The scarcity of land in Nukunuku, as elsewhere, has made land control much more valuable, and increasingly influential on almost every aspect of village life, hence the estate-holder is in a very central and influential position. The estate-holder's authority over land is entrenched further by his chiefly title and noble status, as custom and politics are combined. The estate-holder of Nukunuku, the Honourable Tu'ivakano, like most estate-holders, is not only aware of but appreciates this situation (Chapter 5). In Nukunuku, many villagers recognise the fact that the estate-holder employs the land situation as a tool for dominating village people. Strategically distributing land in a controlled manner has five outcomes. First, there will always be some areas reserved for the estate-holder's private utilisation. Secondly, the high demand for land and a very low supply heightens the economic value of land. Thirdly, people are bound to appreciate the allocation of land, hence feeling obligated. Fourth, most people continued to be politically subjugated and cannot migrate to a different situation elsewhere. Lastly, the gift-exchange custom is kept in motion, as people continue to return favours. The estate-holder in Nukunuku does not enforce the legal provision for the TOP\$ 0.80/year tax on land as a token of good will. However, this has deepened the feeling of obligation among the people towards the estate-holder,

though, according to some villagers, paying the annual tax of TOP\$ 00.80 is cheaper than addressing social obligations, since, like land, obligations are increasingly costly.

8.4 Changes perceived necessary by the villagers.

Generally, villagers of Nukunuku not only have some basic ideas about the tenure system and strong beliefs about land, but such beliefs are influenced continually by their experiences with the current system. Most people have preferences for change. Voting for change is basically a pragmatic exercise for the villagers based on necessity. A good proportion of the villagers were aware that neither the bureaucracy nor the estate-holder, or both, would welcome some of the suggestions. However, the following discussion is an attempt to recapitulate the changes perceived as necessary by the people of Nukunuku.

8.4.1 The Governing of Land

The precariousness of the customary conditions prompted some villagers to propose that all land in Tonga and all authority over land should be bestowed upon the Government (MLSNR). This is an unorthodox supposition because it challenges the Tongan notion and social setting of the '*eiki* (chief) and his *kainga* (people). Such a proposition would mean a new duality of bureaucracy and people, with the latter including the chiefs. Whilst the respondents still pledged their loyalty and respect to their chief, they discreetly preferred a consolidated estate-holder, the Government. In support of this, the divergence between estate-holders in terms of governing land was a factor as the following quote suggests.

I think if the government hold and control all the land, there will be unanimity among all the villages. At the moment, estate-holders do as they please with running affairs of their respective hereditary estates. Hence, some people are obligated more than others but every Tongan should be equal. (K091, pers.comm.1999)

And;

People living on government estates do not bear obligations as much as those who live on nobles' hereditary estates. (H066, pers.comm. 1999)

The divergence between estate-holders in terms of governing land was a key factor. Governance differences between the government and the noble and royal estates were evident; 'residents of government estates bear less obligations and duties' according to many local people. This is because they only address personal and some communal obligations but not necessarily chiefly obligations. The authority embedded within the 'power of consent' bestowed upon estate-holders by law was the main basis for chiefly control over land. However, most people hope that land re-allocation will be abolished. Most local people, more specifically the landholders, supported the idea that once land had been allocated, it should not be re-allocated regardless of it being registered or not. Many respondents also considered that verbal agreements between the estate-holder and the landholder should be legal in terms of customary practice. In the same instance, people were also willing to change in order to better themselves given the current progression of modernisation. Although these views are contradictory, they are both true because people need change with the notion of bettering themselves in terms of living standards and economic status, but they still value Tongan traditions and customs.

Villagers would prefer the existing gift-exchange practice involving land to be checked and regulated. Most people in Nukunuku are not comfortable with employing money in land deals.

There had been a lot of progress on the issue of land allocation. This is because when the heir passed away, of course there is bound to be a family member who is next in line. The noble should understand the concerned family history and allocate the land as such. Sometimes that person is slow to act on his entitlement [as successive heir] but he is still the successor. No one should be re-allocated the land by the noble just because he offered money, before applying for the land, so the original [landholding] family loses their inheritance. (S078, pers.comm. 1999)

The above statement is typical of most villagers, who consider that such practices are illegal and that their irregularity favours a small portion of the community (see Chapter 5). Stopping the exchange of money either for land and/or in appreciation for land given, and/or as an enticement, is a difficult task. Firstly, the law is too general on the issue, hence loopholes are being exploited; for instance the law prohibits land sale but it does not specify the exact nature of such trading. Secondly, the practice is well harboured within cultural customs. Nevertheless, some villagers believe that it is up to the estate-holder to either reject or avoid any monetary offers in exchange for land or as an enticement. Again, this is also difficult to regulate, as it is heavily dependent on

the estate-holder's integrity and principles. It is, or should be, the Government's responsibility to check on the existing land market in Tonga. The fact that it is already established means that stopping it will be difficult, thus leaving the option of legalising it so that it can be regulated. Failure to acknowledge the issue by the bureaucracy is potentially problematic hence the call for change by the villagers.

Prioritisation of land distribution was another change sought by the villagers, where the main concerns were directed at the foreigners and immigrants (see Chapter 5) as the following suggests.

There is something related to land that I want to comment on: those who let the Chinese use their land. These people [Chinese] use the land to build themselves up prominently while the Tongan people are left with very little. (V013, pers.comm. 1999)

The above comment was directed less at foreigners in general but particularly towards the Chinese, because Chinese have dominated immigration in the late 1990s. Nevertheless, the villagers were not so much discriminatory as preoccupied by the current land tenure situation. Furthering this point, some villagers were even worried about their future as Tongan people.

The other thing that I'd like to say is that it is necessary to make sure that foreigners must never be allowed to hold land; otherwise we (Tongans) will be in a similar situation as the Fijians and the Indo-Fijians in Fiji. (K061, pers.comm. 1999)

Increasingly, international experiences, incidents especially around the Pacific, have some bearing on the villagers' views. Coupled by local situations, more specifically the increase of Chinese immigrants in the late 1990s, people are increasingly aware and understanding of the privilege of having land. The estate-holder's view on foreign immigrants (see Chapter 5) is also both the cause and effect of the general perception towards land being held by foreigners.

8.4.2 The ideal changes?

A large number of villagers believe in the need to update or modify the land laws. A smaller number called on the land bureaucracy to revoke the rights of anyone who does not utilise his

land. Taking this point further, others suggested that at least a 5-year period should be allowed for the landholder to utilise his land. Once the honeymoon period lapsed, the allotment should be re-allocated if nothing had been done yet; significantly this proposal contradicts their opposition to land re-allocation. Absentee landholders definitely contribute to the problem of non-utilisation, especially those who have lived overseas for a long time. Some villagers proposed a mandated 'caretaker' or 'temporary' type of holding. Through this tenure, a close relative of the migrant landholder, who is genuinely landless and lives in Nukunuku, can utilise their migrant relative's land until the time either the landholder or the heir returns to Nukunuku to live. This notion of a 'caretaker' holding is accumulating local support and most believe it should be legalised.

Taking into account current land distribution, some villagers challenged the official area allowed by law, aiming to reduce mandated areas in order to increase the number of land allotments available. For example, some argued that the current 4 acre area should be reduced to only 2 acres for bush allotments, backed up by experiences in the squash pumpkin industry, which has intensive agricultural practices. In other words, it was realised that a shift from extensive cultivation such as that of banana and coconut, to more intensive practices such as squash, might reduce demand on land, if the same income could be earned from smaller areas. In terms of family land, the old 8 acre plot can be sub-divided among four sons. A similar idea but held by some villagers, was that 'undersized' portions of land should be allowed to be registered. In most cases, these are areas left after the mandated area has been demarcated, although, the original landholder would still prefer to hold on to the 'extra' portion of their land, as such a portion of land is as valuable as any other portion. However, in other cases the 'extra' portion is enough for utilisation, especially for residential purposes. The general point made by the villagers is that they would like to either hold on or be able to utilise these 'extra' portions of land, but these are out of their reach.

Land leasing was also raised as an issue that should be addressed by changing the relevant legal provisions. Because of the amount of land being tied up in lease agreements, the villagers proposed that two aspects of leasing should be changed. Firstly, the leasing period should be restricted further. In fact, 50 years was identified by many villagers as sufficient for the maximum period for any type of leasing arrangements. One of the main reasons for this suggestion was to reduce the effect of leasing on successive heirs. In terms of the estate-holder's leases, a 50 year limit would allow the land to be recycled for distribution in a standard and

expeditious manner. Secondly, the land to be leased should also be circumscribed, according to some villagers, so that it balances the needs of the mass of villagers with that of the lessor's. This was obviously directed at the amount of land leased by the estate-holder. Similarly, the amount of land allowed to be leased by churches was also raised as an issue. In Tonga, this sort of idea may seem radical, especially in an environment like Nukunuku where religion is a decisive factor in village life, however, the land situation is increasingly affecting people in various ways. Villagers maintained that their contention was not with the *lotu* (religion), or more specifically the *tui faka-Kalisitiane* (Christian faith), but churches should not hold a large amount of land whilst there are a lot of landless people in Nukunuku and in Tonga as a whole. In similar fashion to the public's beliefs about the bureaucracy, their unconditional devotion to the *siasi* (organised religion) is changing, if not to the *tui faka-Kalisitiane* (Christianity belief). Ironically, it was the Council of Churches that challenged the bureaucracy on land and migration issues almost two decades ago, although the amount of land held for religious purposes was not then vigorously discussed. Similarly, the churches were seen to have exploited religious beliefs to justify their land tenure. In both cases, land accessibility is reduced, while the extensive area and number of land allotments held by churches cannot be justified.

Land rights of various individuals were also identified as burdensome given the reality of modern Tonga. Most concerns were focussed on two groups of individuals, namely the family siblings, and females, more specifically the daughters of the landholder. In the first instance, it was argued that all siblings should have equal rights to their father's land. In contrast to the current male heir succession provision some villagers argued that male siblings should have equal rights, such that the family should decide who would be best to succeed as holder of the critical family inheritance, the land. The second suggestion for change involved the controversial issue of female land rights. It was argued that provided there is no male heir, daughters should be considered as next in line, and that a daughter's landholding should be equal to that of a widowed mother at least, to last her life span.

One village concern was the *tau'ataina* (freedom) revered as unique within the land tenure. In general, the villagers see the constitutional freedom as being compromised by the arbitrariness between bureaucracy and tenure. Although few in number, the point raised by these villagers is important. These villagers basically perceived their constitutional freedom being compromised by the directives and anticipations of bureaucracy, for example, through the move to sustain chiefly

powers by legalising the estate-holders' control through their power of consent. Generally, people believe that socio-cultural obligations are greater on the noble and royal estates than on government estates. However, although the expected communal cooperation and respect towards the local polity is the basis for obligatory duties and although people are proud of such traditions and customs, they argue that this is increasingly becoming a burden in the modern commercialised economy. As discussed in previous sections, one suggestion was to distribute obligations more equitably according to an individual's status in terms of being a landholder or landless. Nevertheless, the main point suggested was for the legal framework, with regard to the largely unrestricted non-legal local governance, to consider and regulate the perceived cultural and economic constraints on the bestowed *tau'ataina* of the people. The underlying factor in this change is 'fairness', being fair on both the people and the estate-holder, and between the landholders and the landless, in terms of obligatory contributions and also in terms of relinquished *tau'ataina*. Villagers stated that every villager should co-operate with communal obligations but not to the same extent because not everyone is in an equal social and economic situation.

8.5 Nukunuku Land: It's importance to the villagers.

Every person in Nukunuku had some basic idea of the value of land to them personally, to their respective kinship group, to Nukunuku as a community. The opinions being offered were in two major categories.

Value affiliated with Nukunuku land

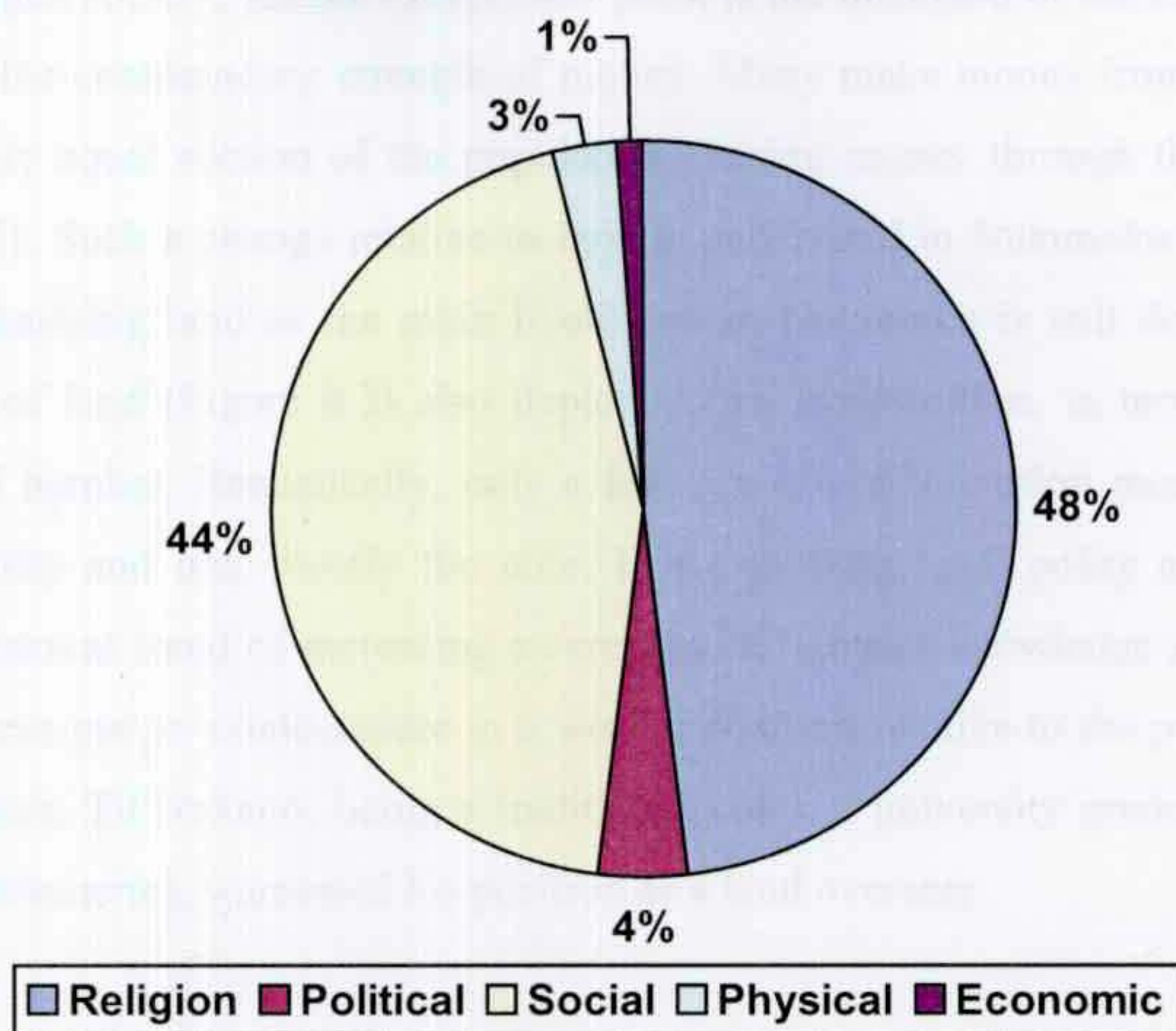


Figure 8.3: Valuing land in Nukunuku

Over ninety percent emphasised both the socio-cultural values and religious beliefs about land. Under religious value (48%), almost half of villagers attested that land is a divine gift and the other avowed to the fact that Tongan land was ceremoniously abdicated back to God by George I. A few stated that the land of Nukunuku was just their earthly home. Overall, the general belief in Nukunuku is to a large extent influenced by Christian principles. Second to religion, land was also seen as having some socio-cultural value (44%). Over two thirds of those in this group claimed that the value of land was as a source of livelihood. The other third of the group revered how land provided them with the means to address obligations, and as an inheritance for the family lineage. A few people attested to the political value of land, as people appreciated the fact that land gave them a sense of freedom. Only 3 percent considered the physical values of land in Nukunuku. Only 1 percent of the total number of respondents proclaimed the economic value of land, considering land to be a resource that could be exploited for financial benefits.

The profound representation of both religious and socio-cultural values is typical of the centrality of land in Tongan society, yet the exceptional point is the disregard of the current commercialised economy and the commanding strength of money. Many make money from the land but there is also a relatively equal section of the population earning money through the employment sector (see Chapter 5). Such a change relative to land is underrated in Nukunuku because conventional ideology emphasising land as the main livelihood in Nukunuku is still dominant. Furthermore, the valuation of land (Figure 8.3) also depicts social organisation, in terms of status, finance, influence, and number. Realistically, only a few can afford to exploit money when it comes to land accessibility and use, mostly the elite. However both local polity and bureaucracy often overlook the current trend of increasing awareness and greater knowledge among villagers. Such complacency can put an estate-holder in a weaker position relative to the people he deals with in the village. Here, Tu'ivakano, being a traditional chief, a university graduate and a member of Parliament (bureaucrat), warranted his position as a land overseer.

8.5.1 Land and Urban Migration

Migration, especially international migration, was evident in Nukunuku, hence people were asked whether they would be willing to migrate. Challenging the common pattern of out-migration, 78 percent denied any thoughts of moving away, 13 percent stated they were seriously considering migrating (nationally or internationally), and 9 percent were not sure. Most of those that had considered migrating had various overseas destinations in mind. However, a few contemplated moving to the capital, Nuku'alofa. The reasons given for this rural-urban migration included having already secured land in the Nuku'alofa area, being closer to work and school; and land in Nukunuku had been secured having been registered.

Reasons for not leaving Nukunuku for Nuku'alofa

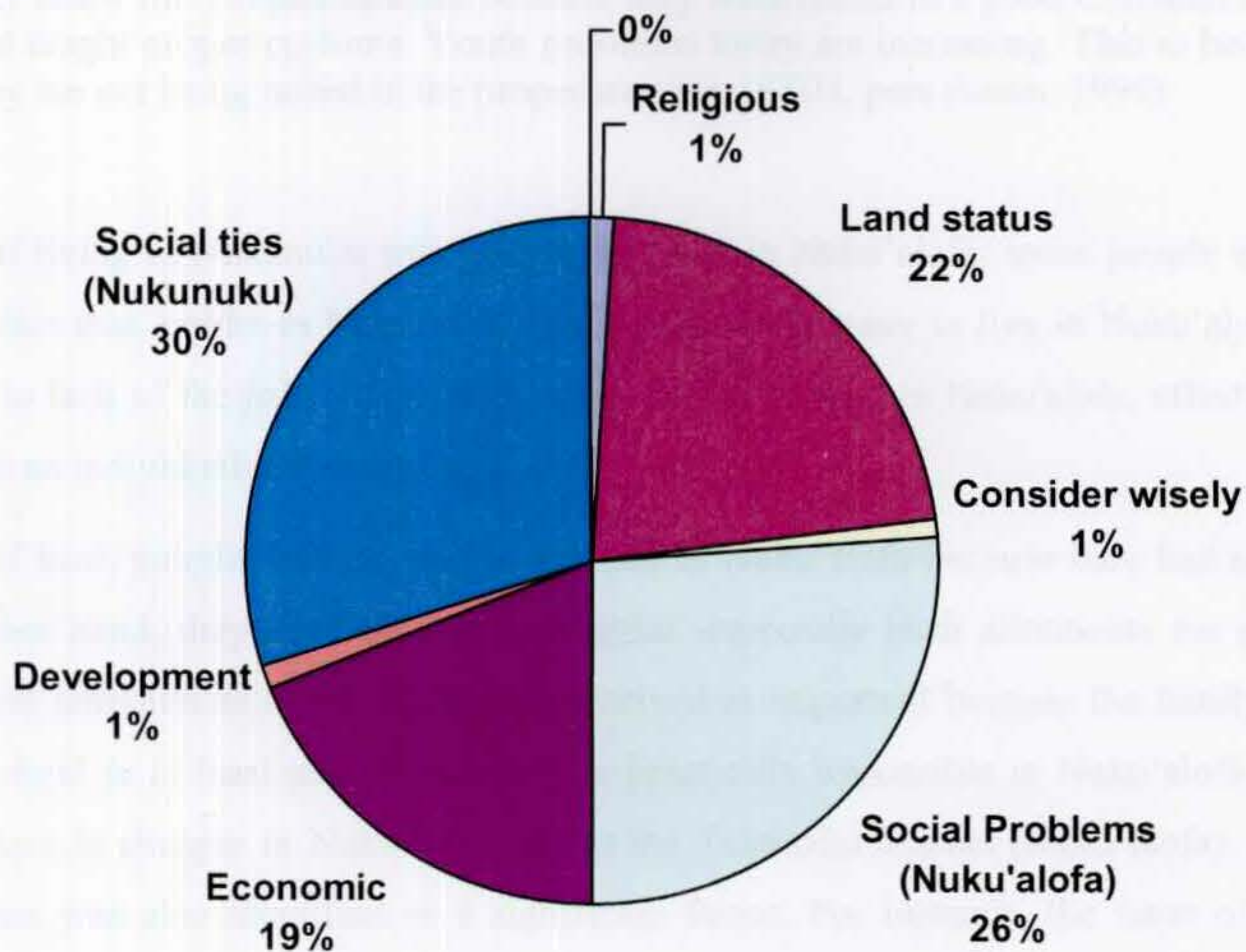


Figure 8.4: Reasons for not leaving Nukunuku for Nuku'alofa

Social justifications were also prominent in decisions not to move, with one third of the respondents claiming that social life in Nukunuku was better than in Nuku'alofa. Villagers of these particular groups gave four basic reasons for their preference. Some people preferred the closeness within the Nukunuku community, and others would like to raise their children in such a social environment. However, others made it clear that they had to stay because they have responsibilities in the Nukunuku community and obligatory duties towards their families. Some did not want any dramatic change from their current lifestyle in Nukunuku. Coupling these people who revered Nukunuku, some people ostracised Nuku'alofa as a social uncertainty, considering that Nuku'alofa is not only overcrowded but it also poses a lot of social problems. Negative behaviours such as crime and nightlife were given as evidence.

Nukunuku is a far better place for raising children because it is safer than Nuku'alofa, and also easy for us to teach our children the proper manner [Tongan

custom], which is impossible in Nuku'alofa. They can go when they are old enough but at least when they face foreign influences [evident in Nuku'alofa], they know the Tongan custom, because they were raised in a good Christian home and taught proper customs. Youth problems today are increasing. That is because they are not being raised in the proper manner. (ST03, pers.comm. 1999)

The cost of living in Nukunuku was preferred to that in Nuku'alofa; some people were adamant about the fact that, unlike in Nukunuku, one would need money to live in Nuku'alofa. This was attributed to lack of the *faka-Tonga* and more of *faka-palangi* in Nuku'alofa, effectively making Nuku'alofa an individualised society.

In terms of land, people decided against moving to Nuku'alofa because they had no land there. On the other hand, they have land in Nukunuku, especially bush allotments for growing food crops and/or commercial crops. This was perceived as important because the family could grow their own food or at least part of it, which is practically impossible in Nuku'alofa. In addition, local produce is cheaper in Nukunuku than in the Talamahu Market (Nuku'alofa). The physical environment was also identified as a significant factor. For instance, the issue of pollution in Nuku'alofa was given as a negative factor as opposed to the rural and more natural environment of Nukunuku.

In general, potential migrants are more patient now and consider any decision on migration seriously, being more conscious of their environment, and especially social and economic matters. Contradictory to the usual push-pull factors, such as education, employment and perceived social improvements, people really considered their options thoroughly, especially the social issues and potential changes. Significantly, this is quite different from their approach to the international migration issue, where social issues were secondary to economic issues when it came to considering migration. In both cases, internal and international migration, the attitudes of people have changed, as opposed to three decades ago. In the last two decades the loss of population from 'Western Tongatapu [which include Nukunuku]' (Maude 1965:82) seemed to have reversed. The reasons for internal migration at present (see Chapter 5) are similar to those given by Maude (1965:83) but with different results for Nukunuku. In terms of moneymaking opportunities and employment, local Nukunuku people consider it unnecessary to migrate because they can commute. Inversely, the pace of urbanisation has resulted in virtually no opportunity for acquiring land in Nuku'alofa now, compared with three decades ago, thus making

Nukunuku a crucial place to reside upon. Overall, the pull factors of Nuku'alofa have been compromised thus shifting local people's attention to international migration.

8.6 Conclusion

Bureaucracy, as a form of centralised government based on a set written law, is not only foreign but different from accustomed aristocratic authority. For over two centuries now, both bureaucracy and people have been successful in ensuring Tonga's political stability. However, considering the land tenure system, changes have been considerable that the land bureaucracy has lagged behind, due to the rigidity of its legal framework.

In Nukunuku, villagers had contradictory opinions about bureaucracy, due in part to the confusion about the 'control' and 'ownership' of the land. People viewed the governing of land as the estate-holder's vocation, despite estate-holders being legal guardians and not the ultimate authority over land, which is the bureaucracy (MLSNR). The mystification on the people's part has been affirmed by bureaucratic behaviour, such as the bureaucracy's disinclination to implement legal provisions. Such an approach is deeply entrenched within the organisational culture, which in turn has interfered with MLSNR's performance. This was apparent according to some of the testimonies of villagers based on their experience with bureaucracy. However, in many ways the MLSNR is tied, because of the rigidity and obsolescence in sections of the legal framework. Nevertheless, the collusion between the estate-holders and bureaucracy has not only strengthened the estate-holder's control on both land and people, but also maintained customary tenure in the village. Consequently, most of the villagers respected the estate-holder's control and ownership of the land, whilst bureaucracy on the other hand, is perceived as an administrative body with limited control.

Furthermore, modernisation and westernisation have forced changes in terms of social and economic values upon the villagers. The economy is increasingly commercialised, society is individualised, and villagers are more politically conscious, whilst the people-land ratio is commonly emphasised as the primary issue. Taking these facts into account, both land behaviour and practice in Nukunuku have been significantly transformed. Not content with the current system, villagers are increasingly opting for change in both the bureaucracy and the legal

framework. The villagers showed that they had the will and the ability for change, and made their own suggestions including, firstly, the proposition for prioritising land distribution by concentrating on local families who are landless. Secondly, the villagers called for more restrictions by reducing both the area and the duration of all leases. Thirdly, the increasing concerns about the existing land market, especially the increasing exploitation of money within the tenure system, prompted the call for the bureaucracy either to check such practices or regulate them. One of the significant concerns raised was the need to bring the legal framework up to date. The land rights of family members, especially women were identified as below standard, yet, on the other hand, there was a desire for non-related individuals, foreigners and immigrants, to be considered secondary to locals. Hence, land rights in these proposed improvements in Nukunuku are still uneven and discriminatory in certain respects. This highlighted the fact that any acclaimed 'equality' in legal terms is not possible within the tenure system.

Overall, the gap between the villagers and bureaucracy remains extensive and unchecked. However, the limited connection between the two institutions, village and the bureaucracy, is often taken as an advantage and/or ignored by the bureaucracy. The challenge is for both parties to close or at least lessen the gap. Bureaucracy must take the lead in this regard because bureaucracy was institutionalised to govern; it is superior in power, especially legal; its objective is to serve and protect Tongan people and Tongan land; and it has both the human and financial resources to explore and implement changes.

CHAPTER 9

CONCLUSIONS

This thesis set out to examine contemporary changes in land tenure in Tonga, with specific focus on the last three and a half decades of the twentieth century, the relative significance of culture and the economy, and their effects on the local land tenure system were critical in this research. The thesis sought to focus on the complexities of the existing hybrid land tenure system (see Chapter 6), and the impact of commercialisation. The role of the bureaucracy in managing and mediating such a hybrid system was also examined. Underlying this was the aim of tracing the impact that recent social and economic changes, such as emigration and cash cropping, have had on land tenure, and how the land bureaucracy has responded to this. This has revealed substantial changes, that have led towards greater individualism and more conflict and tension without the land tenure system, but little effective bureaucratic response to this.

9.1 Land and Land Tenure in Nukunuku

Land has been the basis of livelihood in Tonga for centuries, in terms of subsistence but increasingly as a basis for cash transactions. The latter has increased in importance since the 1960s as Tonga progressively commercialised the economy with the objective of generating revenue and achieving modernity. Industrialised nations perceive the customary land tenure system as inhibiting land utilisation and agricultural production and some have argued that it should be replaced with a system that encourages individualism (Acquaye 1984). Commercialisation and monetisation were compelled and accelerated by globalisation in the last two decades, as capitalism intensified. Since the 1960s concerns over both land value and/or land shortage have been part of Tonga's contemporary history, but perceptions of these issues have

varied considerably. Nonetheless, land issues in Tonga have been given little genuine attention over the same period.

Values and relationships among the people of Nukunuku have become irrevocably monetised and politicised. As a cause and effect this resulted in a movement away from the extended kinship, in terms of production and land utilisation. Individualisation allowed individual family units to advance, although at different rates, in terms of improving their living standards. At the same time, the cultural practice of sharing the production has not only increasingly focused on the growing significance of individual family units, but has also emphasised specific nuclear kinship becoming stronger in comparison to hitherto. However, this is where the conundrum of modernisation is revealed, since not all reap the benefits of commercialisation, and 'inequality' is one outcome.

Tonga's population has continued to grow, if very slowly, despite the effect of migration. However, contemporary developments in Tonga have been increasingly concentrated on the main island, Tongatapu, making it a centre for internal migration, especially around the Nuku'alofa area, hence maintaining population pressures on resources on Tongatapu, if not on other islands. Kinship connections brought migrants to most of Tongatapu, including the village of Nukunuku, yet Nukunuku's population has scarcely increased since the 1970s (see Chapter 5). Despite an unchanging population total, Nukunuku people have intensified their pressure on the defined land area, through commercialisation, whilst migrant Tongans retain ownership of village land.

The notion of increasing pressure on the land due to population growth in the 1960s (Maude 1965) has now become inappropriate, since international migration has managed to release some degree of population pressure over the years (see Chapter 5). In the increasingly commercialised village economy, transfers of land in Nukunuku occurred at a scale never previously imagined by the local people. In addition to long established village people, non-Nukunuku people are now also involved in the process.

In general physical terms, land rights have become individualised and access to allocated land areas has become restricted. Although the formal legal entitlement infers access to any Tongan land, rights are restricted to the allocated land, especially the registered allotments. Whilst physical access and the ability to take up one's rights have decreased, landholders' rights are not beyond the impact of local customs and tradition. In terms of both the legal and the customary rights, land rights in Nukunuku have changed in view of the social and economic developments. Legal responsibilities for land are transferred to the landholders, but in terms of authority, this is still subject, although to a less significant extent, to the now monetised custom.

The refinement of land rights and beliefs about land are inseparable from social, political and economic developments within general Tongan society. However, generalisations, within both the legal framework and traditional understandings of customary tenure, are inappropriate. Individuality in terms of land rights in Tonga, a product of commercialisation and modernisation, meant that decisions over land are increasingly likely to be shaped by economic motives. Customary rights and legal rights are increasingly divorced due to the rigidity of the legal framework as opposed to the evolving customary rights, leaving a hybrid land rights system to emerge that is increasingly independent of either the legal or the traditional past.

Since most rights are either tied to and/or represented traditional duties, part of the structure of current land rights stemmed from ancient duties. This is well illustrated by the relationships between the landowner (the Crown), the land guardians (estate-holders) and the landholders (people). In terms of the socio-political structure, the legal duty of care is vested in estate-holders, such as the king, the nobility (chiefs) and petty chiefs, to govern (manage) land. At the same time, it is the peoples' duties as landholders to respect these land authorities, through co-operation, submission and contribution, the essence of customary tenure. This is the underlying framework that defined the land tenure structure, regardless of the European introduced individual land rights. Customary obligations are a common feature of the legal tenure system, which here and now constitutes the 'old' social structure camouflaged in a modern bureaucratic context.

The difficulties associated with gaining access to land in Nukunuku, whether applying for land or borrowing land, are mitigated by the number of people that have shifted from land based livelihoods (agriculture) to non-land based livelihoods, namely wage and salary employment. At the same time, the increased number of those employed is at least partly a testimony to the land shortage in Nukunuku. About a third of the people in Nukunuku stated that employment was their main source of income, which is as high as those relying on agriculture, and is not only a sign of social development, but also indicative of the Nukunuku community being monetised. One way or another many Nukunuku villagers have joined the paid work force, either in casual or full employment, government or private sector, skilled or unskilled labour. Employment and emigration, in the case of Nukunuku, do alleviate the issue of land shortage together with some of degree of population pressure. However, the current market economy and subsequent commercialisation of land use, have brought back the issue of land shortage, which is largely a result of population growth (since emigrants do not lose their village claims) and commercialisation, rather than the local perception of population growth via immigration being the cause of land shortage and pressure on land.

Unlike the 1960s, mobility is not only 'horizontal' in the sense of movement of people within kinship structures (through marriage), and in and out of the community (migration), but also vertically in terms of new positions in the social structure. This is the result of changes in access to wealth and education. This vertical movement in society applies to politics, society and economic structures and occurs in Nukunuku and elsewhere. Despite this additional socio-economic complexity, within contemporary South Pacific feudal aristocracies, those with traditional high chiefly status have the means (power and money) to maintain personal and communal vested interests (Overton 1987). The elite group has furthered their wealth and power through economic development, as has occurred elsewhere in the Pacific (Ward 1995). Nukunuku ideology generally implies resistance to change, or at least a lack of change, yet new social and economic structures indicate otherwise. This fallacy is exploited because the top echelons of the Nukunuku society pay but lip service to

tradition. In the contemporary commercial economy, the centralised status of land in Tongan society endorses commercial values since land equals money. In effect, money gives some people, especially the elite and the chief, additional commercial and political power when it comes to land access and use. Subsequently, intensified commercial land use, to the extent that some people are concerned about land degradation, puts greater pressure on land, as opposed to the relieving effects of migration and employment.

Nevertheless, the better living standard now enjoyed by most local people is practically impossible without having an extra non-local source of income. Some of this extra assistance came through government development programmes and non-governmental organisations but, above all, it has come from remittances from overseas family members. Many families found such remittances convenient if not crucial for their survival. At the village level, in terms of community development, remittances complement both the government's and the community's endeavours. More importantly, local people are investing remittances, not merely spending, especially in money generating projects as in private businesses and agriculture, and also in human development through education. In line with the shift into non-land activities, local people are more sensitive now of the centrality of the *pa'anga* alongside land in modern Tonga. The *pa'anga* represents wealth and economic power; on the other hand land represents prospects of wealth and traditional power.

9.2 Land Customs and Practices: The mixed phenomenon

Living in modern Tonga, as represented by Nukunuku, means a multitude source of livelihood: agriculture (and/or fishing), remittances and wages. Striving for survival in a commercialised economy requires adaptability, perseverance and diversity, which is the very reason for the gap between land practice and the encoded tenure framework. It cannot be assumed that the current tenure system will always be upheld, despite its history. The people of Nukunuku have now demonstrated that,

given the choice between surviving and adhering to the legal provisions, survival is a necessity. This is represented by the extra-legal land practices being performed, though local people uphold the legal and/or the customary tenure system, depending on their needs.

Concerning the hybridity of current land tenure practice, village people wittingly exploited customary principles in rationalising their extra-legal activities; and, vice versa, rationalised their actions legally when it contradicted the customary system. This is evident in land distribution in Nukunuku as land allotments bypass the succession lineage defined by law, namely the patrilineal lineage. In most cases, the flexibility of customary practices allowed land to be transferred to landless individuals who would have missed out if the legal provisions were upheld. Moreover families that had no apparent heir would keep the family inheritance within the same *fa'ahinga*, and not release the land back to the estate-holder. In addition, borrowing land for temporary use allowed landless families to use either relatives' and/or friends' town and tax land for residential and/or farming purposes. However, the increasing importance of money has effectively reduced this practice. Like the leasing and the mortgaging arrangements, customary borrowing now involves payments.

The expansion of mixed farming practice, with a greater commercial component, is a further indication of the more monetised modern Tongan economy. Alongside commercial exports of farm produce, farmers either sell directly to consumers in Nukunuku and/or Nuku'alofa, or consign produce to relatives overseas who will sell the products to other Pacific island migrants: a new commodity chain. There are indications that farmers producing for domestic markets are increasingly growing crops specifically for those markets rather than just selling what is surplus to their own consumption requirements (Shepherd 1999:3). This kind of strategy has become the contemporary version of the customary practice where Nukunuku villagers farm crops that would cater for both subsistence and social obligations. In effect, more versatile crops such as cassava (*manioke*) are being farmed, in comparison to traditional crops like the *'ufi*. This is a key change from the 1960s, where cassava was only being farmed in areas of high population density (Maude 1965). Significantly

cassava grows on overused soils of low fertility. Versatility has become a common characteristic of farming practice in Nukunuku, hence the arbitrary distinction between commercial and subsistence farming. Except for a handful of farmers, who either sold or consumed all their produce, the majority of the farmers traded part and consumed part of their crops.

Like any other society, Tonga has a government charged with the welfare and security of the nation, and a Ministry - the Ministry of Lands, Survey and Natural Resources - that deals with land issues. Despite many developments in technology and managerial responsibilities, the MLSNR has not changed in terms of administering land. Partial implementation of programmes and unresponsiveness to local needs are inappropriate in the current monetised society. For example, continuing to undervalue land and/or overlooking the fact that land has become a commodity delimits the MLSNR's capacity and ability to manage land. The MLSNR should hold an internal review of the organisation in terms of management, human and technical resources, and structure and strategy. Secondly, it is necessary to regulate and monitor extra-legal practices. Given that the existing legal framework is the 1927 Land Act and the Constitution, it is unsurprising that this is no longer adequate. The MLSNR performance must be improved in order for its relationships with village people to be effective, and objectives will become much closer to what people actually need. In effect, the gap between provisions and practice needs to be reduced, making bureaucratic objectives such as effectiveness, efficiency, proficiency and sustainability achievable.

9.3 Land Tenure and Bureaucracy

Bureaucracy, as a form of governance has never been independent of customary polity in Tonga. Ideologically, bureaucratic impersonality does not accommodate the centrality of land in Tongan society, which involves powerful emotions and beliefs. This has led to basic ideological differences between land and bureaucracy among

people. Although Tonga was never formally colonised, the kingdom, like any other island nation in the Pacific, still experienced and retained remnants of colonialism, and the present land bureaucracy is one outcome of that.

In terms of governance, the bureaucracy is the official structure, which is still paralleled by the customary polity. The relationships between these are strong, mainly due to the positive relationship between the two structures. This is unsurprising because it is virtually the same people who make up the top echelon of both structures. Whilst this may be essential for the stability of society, as could be argued from a social point of view, it has resulted in a bureaucracy that is reluctant to enforce the encoded legal provisions on land, and is relatively immune to change.

This situation frustrated village people, the actual land users. In most cases, people respect both authorities, the bureaucracy and customary polity, as the same governing structure or two different parts of the same structure. Having two authorities meant two sets of rules, which eventually meant that people sought opportunities for extra-legal practices. In effect, the presence of two functioning authorities also meant that there were two sets of rules, the legal and the customary, that people could employ in rationalising non-legal and extra-legal practices. In this way, a range of new practices could somehow be rationalised. Through lengthy bureaucratic and governmental stability and inertia, land tenure poses the greatest modern dilemma as Tonga continues to develop and change.

9.4 The fusion of the two tenure systems: A new hybrid tenure system

The land tenure system in Tonga has accommodated the Tongan way of life, in relation to its social, political, economic and physical environment. In this regard, Tonga is no different from other PICs. Land productivity, more specifically agricultural productivity, is related to tenurial arrangements, but this is 'a cause and effect relationship that works both ways' (Boydell and Small 2001:5). The current representation of both the customary and encoded tenure systems in Tonga has

reinforced Marchak's argument that land tenure systems only exist as long as society is willing to uphold them (Marchak 1998:1). Though there have been pressures on the Tongan system, and new practices devised to bypass it, it has scarcely changed formally in almost a century.

The contemporary land tenure system is the product of two tenurial modes: indigenous and foreign. However, despite cultural differences, there is some unity in terms of principles and objectives. For instance, survival or more appropriately security is the key principle, whether it be cultural survival (customs, values and beliefs), political survival (customary polity and bureaucracy) or economic survival (food production and income generation). In Tonga, and certainly in Nukunuku, overcoming failures especially in modern markets, draws on customary solidarity within the community. Such social cohesion, and common identification with local governance, and joint cultural and social norms, have made the Nukunuku community a more cohesive entity, despite contemporary challenges to this, partly through internal migration to the village. In crude terms the land tenure system defines the relationship between people and land, and the greater diversity of means of survival and security, as people cope with the changing local environment, the developing national scene, and developments at the international level. The degree of cohesiveness of the social capital, and the social order, generally promotes a positive environment for development, despite tensions over land. This is especially important when considering contemporary land tenure, and is in some part due to a relatively concerned chief.

Whilst it is far from perfect, as the resort to extra-legal device indicates, and inequality and landlessness have both increased, there has been some accommodation of customary and legal practices - and some bypassing of them - that has proved reasonably effective. Responsibility and accountability are now assumed more as personal duties and rights and less on membership of social groups. Individualisation too has challenged the efficacy of the present system. In the greater complexity of contemporary society, people have exploited every avenue to make any situation and institution, such as the land tenure system, work in their favour. For instance, in

combating local imperfections such as land shortage and economic hindrances, either people migrate, find employment or employ extra-legal practices. Yet, ironically, the elite, the educated and the well off have been the foremost beneficiaries of this new flexibility.

The increasing complexity of Tongan society due to both internal transformations and external influences, means that the limited land area of Tonga must meet the needs of a changing, better educated people with rising expectations. Only an increasingly complex land tenure system - or the lack of it - as people exploit new possibilities, has allowed the system to cope. As society has become more flexible, so has the land tenure system, but both 'custom' and the bureaucracy lag behind.

9.5 Culture and Modernity: the overall structure of change in Tonga

Land tenure systems in Tonga, and in the Pacific in general, have become increasingly complex. This is based on the fact that culture, which is the basis of most tenure systems, has changed through continuous additions, subtractions and a diversity of influences due to globalisation. In effect, bureaucracy and the encoded tenure both lagged behind tenure practice in terms of transition and adapting to the modern dynamic environment. In societies like Tonga, where chiefdom is the norm, the governance of land is increasingly politicised and commercialised. These two issues are by no means the only factors but they are important. Politicisation of the bureaucracy is not a new issue, but commerce is, hence the considerable recent changes in tenure practice, fuelled by a growing population and new local economic pressures. Changes are continuous but uneven.

Village people, such as those in Nukunuku, not only understand but demand that change is required within the land tenure system, prompted by their perception of space and time scales being limited (see Chapter 8). Neither bureaucrats nor estateholders showed any enthusiasm for land reform. Existing land rights, whether for access or use, have been delimited in terms of area and duration of use. With global-

based changes influencing the current commercialised economy, the negative characteristics of land tenure must be overcome in order to permit better returns to occur without constraints. This view of the land tenure system represents one of the two dimensions of the relationships between people and land, namely that of the 'material/economic' understanding (Small 1997). However, most people have reservations about changes to the land tenure system, since land holds special and comprehensive value for all Tongans. This is the second half of the relationship between people and land (see Chapter 6), the spiritual or metaphysical, where there is deep-rooted belief in the stewardship of land (Small 1997). However, of these two dimensions the latter has been more exploited by local people as a defence against inappropriate change (and wielded in the face of local migrants from other islands), and the former has become a reason for contemporary land customs and practices to evolve into the current hybrid tenure system, that enables greater economic security. Thus generally, in effect, there is mixed behaviour within the land bureaucracy, overlapping between customary and legal principles, and conservation and dissolution occur at the same time.

9.6 Land Reform: A viable option for Tonga?

There is a perception within industrialised nations that customary tenure inhibits land utilisation and agricultural production in favour of a system with individualised rights. Dominated by economic prerequisites, it is assumed that land tenure systems that promote individualism are more appropriate for capitalism than customary collective systems. This idea is now deeply rooted in Tongan political and economic thought hence the call for reform of the tenure system, based on the fact that rational economic behaviour does not always coincide with social behaviour. This is evident in the slower adaptation of tradition and customary practices as opposed to economic practices and/or development, hence the assumption that reform is the solution.

Commonly, land tenure systems, especially customary tenure, as in the case of Tonga, have been labelled hindrances to economic development. In part this has resulted from overlooking local Tongan culture, especially its social and traditional facets, within development strategies. Given the fact that land tenure systems are social constructs (see Chapter 4), overlooking social traditions in formulating or reviewing the tenure system challenges what is a very 'conducive environment for development and solidarity', namely the 'social order' (Baas 1997:3). Moreover, given the fact that land tenure as a system has changed as people have changed, in adaptation to both national and international pressures, both land practice and customs have evolved regardless of the rigidity of the legal framework. At times, developing Pacific nations such as Tonga, have wrapped themselves in 'protective layers' of traditions and customs against changes, though change has inevitably occurred.

Commercialisation is apparent within the agricultural sector, as in every aspect of life in modern Tonga. Its advantages are evident but the distribution of its benefits poses challenges. Like almost any other foreign ideology, other than religious beliefs, particular features of local society mean that the influence and affiliated benefits will be unevenly distributed. Power, land and capital are very much linked within the Tongan societal order in an uneven fashion. Skills, education and wealth have allowed common people to move within a once rigid societal organisation, some becoming a new elite group. The fluidity of population movements across international borders has allowed both Tongans and migrants, together with certain foreigners, to entrench this contemporary class. Some gained, either directly or indirectly, strategically powerful positions, which in many cases also meant better access to land and influences on land distribution. Yet, through this process, other people are either denied access, suppressed or exploited. Even within this new form, capitalism fits easily into a stratified society like Tonga. On the one hand, it has allowed those who possess either power and or wealth to enhance their use rights physically beyond their demarcated landholder rights. On the other hand, those who did not have land have usually found or adopted mechanisms to gain access. Uneven access to land has not yet created a significant dispossessed group. Landholders that

temporarily lost their right to use land, both through repossession (mortgage) or leasing arrangements, still maintained rights of land-ownership and made some financial gains. The traditional economy has evolved, whilst traditional social and political order has been reinforced and entrenched (Overton 1987), but in a way that has allowed both social mobility and the protection of the rights of the poorest.

There were two major movements for change in Tonga, which were not surprisingly non-governmental and people-based, namely the Council of Churches in 1975 and the Pro-Democracy Movement in 1997. Regardless of differences in motives between the two groups, the former focussing on the welfare of the people and the latter, although concerned with the people, being predominantly political, bureaucracy has scarcely responded to pressures for change. The 1975 movement did oblige the government to hold a Royal Commission on land tenure, aimed at fathoming public opinions on land tenure and searching for a viable solution, yet, the Commission's report in 1984, nine years later, has neither been made public nor has it been acted upon.

Inaction or the lack of change has been defended based on cultural rationalisations but such rationalisations are based on the notion that the 'protective layers' of tradition and customs are perceived to be original, one of the contemporary myths in Tonga. This perception is impractical since today's traditions are not original, and culture is not pure. In addition, one of the facts that causes apprehension within the current governance of land, is the fact that removing the 'protective layers' will not only revolutionise the tenure system but restructure the whole society. Yet change is inevitable and appropriate, despite resistance from governing people and institutions. In terms of counting the cost, it is far better to face the current situation and make strategic changes so that at least there is some control over the type and extent of the changes to be made.

Despite reluctance and resistance towards changes and/or land reform from above, the fact that land tenure is people-oriented almost guarantees that the tenure system in Tonga will continue to evolve in response to cultural changes. Ultimately, the growing pressure on land, not so much from population growth but from the

increasingly commercialised land use, almost guarantees that everyone (people, bureaucracy and estate-holder) is at fault from time to time, in dealing with the hybrid system. Endorsing this imperfection are the rigidity of the legal framework and the duality of land practice and custom, corroborating the indecisiveness on the subject of land reform in Tonga. Nevertheless, considering the current hybrid tenure system and the mixed bureaucratic system, change is inevitable even without real structural change. On one hand, guarantee that the contemporary tenure system is convenient and practical, on the other hand, preserve the problematical gap between the two tenure systems.

It is however evident in Tonga and that there is no absolute solution, but continuously endeavouring to resolve its land problems. Hybridity, and diversity, are likely to remain the key elements of Tonga's contemporary land tenure. The MLSNR, spearheaded by the Minister, must take on the difficult challenge of collaborating and unifying the hybrid system as one comprehensive system that is practical, impartial and manageable. Thus echoing the inscription on the coat of arms, "*Ko e 'Otua mo Tonga ko hoku Tofi'a*", and permit 'the right to life and enjoyment' of Divine Creation [land] (Late Prince Fatafehi Tu'ipelehake).

Appendix 1: Sample of the Questionnaire Paper

1. Who is the head of the household?

Name: _____

2. Head of household (Circle one): Male or Female

3. Age of the head of household: _____

4. Are you holding any position or positions (lakanga) in any organisation, committee or group?

No (Go to 4)

Yes (Fill in the following table)

What position(s) do you hold?

(Fill in the table below)

POSITION(S)	ORGANISATION, COMMITTEE, GROUP etc.

5. Marital status :

Never married

Married

Divorced

Widowed

Separated

6. Do you have any children? No (Go to 6)

Yes (Fill in the table below)

	FEMALES		MALES	
	UNDER 19	19 AND OVER	UNDER 16 YEARS	16 AND OVER
NUMBER				

7. How many people are currently living in this household? _____

8. Type of household (Tick one that is most appropriate):

Single person

Single person with kin

Simple Family

Simple Family plus kin

Simple Family plus kin plus friend

9. In the last year, has anyone moved in with you:

No (Go to 10)

Yes (Answer 9a; 9b; 9c)

9a) How many people moved in?

	NUMBER OF PERSON
KIN	
NON-KIN	
NON-TONGAN	

9c) Where did they live originally?

Village name: _____

9c) What were the main reason or reasons for their moving here?

Education

Employment

Domestic help

Marrying into the family

Other (Please specify)

10. Household **members** and their **education** background:

AGE	FEMAL ES	MA LES	HIGHEST EDUCATION (TICK ONE ONLY)			WHERE
			PRIMA RY	SECONDA RY	TERTI ARY	
0-9						
10-19						
20-29						
30-39						
40-49						
50-59						
60-69						
70-79						
OVE R 80						

11. Any member of this family who are now living overseas?

Yes (Continue to 11a and 11b)

No (Go to 12)

11a) What were the main reasons for their migrating overseas?

Business

Education

Employment

Holiday or vacation

Visit (friends and relatives)

11b) How long are they planning to stay overseas?

Permanently

Do not know

Temporary

12. Do you think that your current household is overcrowded?

Yes (Continue to 12a)

No (Go to 13)

12a) What is/are the reason(s) for your answer in Question 12?

13. Do you think that your village is overcrowded?

Yes (Continue to 13a)

No (Go to 14)

13a) What is/are the reason(s) for your answer in Question 13?

14. What income was earned by household members who are/were non-agricultural workers during the last twelve months?

MEMBER	OCCUPATION	WHERE	WEEKLY EARNING

15. What are the **three** main sources of income for your household? (Tick (✓) three)

i) Wages

ii) Pension

iii) Agricultural sales

iv) Business sale

v) Remittances

vi) Other (please specify) _____

Which **one** of the three chosen is the most important source of income for your household?
(Circle one)

i) ii) iii) iv) v) vi)

Estimated value earned from this specific source of income; \$ _____

16. How long has this household lived in this village?

Less than 1 year

1-5 years

6-10 years

over 10 years

Lifetime (Go to Question 17)

For households who have **not** lived 'lifetime' in the village:

a) Why did you move here?

b) In what other places has this household lived before moving here?

Name of village; _____

b) Does this household intend to stay permanently?

Yes

Don't know

No

c) If you are not staying permanently:

i) How soon will you move on?

Less than 1 year

Less than 5 years

Less than 10 years

Do not know

ii) Where will you be going to move?

Name place: _____

17. Any member(s) of this household who has/have already left?

No (Go to 18)

Yes (Answer the following a) and b)

a) Where have they moved? _____

b) Their reasons for moving:

18. What type of 'api do you have? (Tick (✓) the appropriate boxes)

	FORM OF OWNERSHIP					USE:	
	REGISTER	UNREGISTER	LEASE	RENT	ONLOAN	PRIVATE	COMMERCIAL
'API KOLO (TOWN)							
'API TUKUHAU (BUSH)							

19. How did you get the 'api?

Town allotment: Inherited

Applied for

A gift

Exchanged for

Bush allotment: Inherited

Applied for

A gift

Exchanged for

20. Please fill in the size and location of your 'api on the space provided below:

Town Allotment ('api kolo)

Area: _____

Located at; _____

Bush Allotment ('api tukupau)

Area: _____

Located at; _____

21. Who is going to get the 'api after the head of household?

a) 'Api kolo:

Name; _____

His/her relationship to current landholder;

b) 'Api tukupau:

Name; _____

His/her relationship to the landholder;

22. Do you have access to any other land?

No (Go to 23)

Yes (Continue on with 22a and 22b)

22a) Why do you need the extra land?

22b) Mark the appropriate answer (✓) on the two tables below:

i) Town Allotments ('api kolo):

NUMBER OF 'API ACCESSED :	ACCESS METHOD:			OWNERS OF THESE LAND:		LAND USE:	
	RENTED	LEASED	ON-LOAN	KIN	NON-KIN	PRIVATE	COMMERCIAL
1							
2							
3							
4							
5 OR MORE							

ii) Bush Allotments ('api tukuhau):

NUMBER OF 'API HAVE ACCESS TO:	METHOD OF ACCESS			OWNER OF THIS 'API		LAND USE	
	RENTED	LEASED	ON-LOAN	KIN	NON-KIN	PRIVATE	COMMERCIAL
1-2							
3-4							
5-6							
7-8							
9-10							
MORE THAN 10							

23. Do you know any vacant 'api nearby?

No (Go to Question 33)

Yes (Answer the following questions)

How many 'api kolo: _____ ; Located at : _____

How many 'api tukuhau : _____ ; Located at : _____

Reason(s) for the 'api being vacant?

24. Who operates the household farm? (Tick (✓) one)

Head of household

Other person/people

If answered 'other,' specify his/their relationship to household head;

Relationship: _____

25. How often do you work at the farm in a week?

Once a week

Twice a week

Three times a week

Four times a week

Five times or more

26. Who do you get your advice from? (Tick (✓) the **three** most important ones)

Government

Farmer's association

Friends

Kin members

27. What area of your 'api tukuhau do you leave unplanted in a year:

FALLOWING PERIOD (IN A YEAR)	AREA FALLOWED

28. When clearing for agricultural purposes, what method do you use?

Burn

Slash

Both (burn/slash)

Other (Specify) _____

29. What kind of labour do you employ? (Tick (✓) **one in each row**)

	ALL THE TIME	SOMETIME	HARDLY
KAUTAHA			
KIN			
PAID KIN			
INFORMAL LABOUR			
INFORMAL PAID LABOUR			

30. What are the three most frequent form of payment do you use? (Tick(✓) **three only**)

Money

Labour

Access to farming equipment

Gift-exchange (eg. Pig, mat etc.)

31. Within the last twelve months what type of farming equipment did you use?

TYPE OF EQUIPMENT:	FORM OF OWNERSHIP (✓)		
	OWNED	BORROWED	HIRED/COST
BUSH KNIFE			
HOE			
DIGGING SPADE			
AXE			
TRACTOR			
WEEDER			
IRRIGATION SYSTEM			
ROTARY HOE			
PLOUGH			
OTHER (SPECIFY)			

32. During the last twelve months, what were the main crop or crops in the household farm.

CROPS CULTIVATED:	PERIOD OF TIME	AREA USED:	MAIN PURPOSE (✓):	
			SUBSISTENCE	COMMERCIAL

33. From your list above (Question 32), which are the **two** main crop farmed in the last twelve months?

i) Commercial crop(s): _____

ii) Subsistence crop(s): _____

34. Do you use any of the following items on your farm during the last twelve months?

	FREQUENCY	AMOUNT USE	OBTAIN TICK ONE (✓)			ESTIMATED COST
			BUY	CREDIT	GIFT	
SEEDS						
FERTILISER						
HERBICIDE						
PESTICIDE						

35. What crop/livestock was sold from the farm during the last twelve months?

COMMODITY	QUANTITY	VALUE	WHERE OR WHOM SOLD

36. What household crops/livestock given for various obligations in the last twelve months?

COMMODITY (CROPD/LIVESTOCK)	QUANTITY	TYPE OF OBLIGATION

37. Give **three** main factors that limit agricultural production in the last year.

(Fill in you factors in order of importance):

	IMPORTANT	MORE IMPORTANT	MOST IMPORTANT
FACTORS THAT LIMIT AGRICULTURAL PRODUCTION	1)	2)	3)

38. How important are agriculture, wage income, and fishing to this household as a livelihood?

(Tick (✓) one for each row)

	VERY IMPORTANT	IMPORTANT	NOT SURE	NOT IMPORTANT
AGRICULTURE				
WAGE INCOME				
FISHING				

39. How important is agriculture to the Tongan economy? (Tick (✓) one only)

VERY IMPORTANT	IMPORTANT	NOT SURE	NOT IMPORTANT

40. How satisfactory are you with the existing Land Tenure System? (Tick(✓) one only)

VERY SATISFACTORY	ALL RIGHT	NOT SURE	NOT SATISFACTORY

41. Give as many as relevant reasons for your answer in Question 40?

42. Have you been to the Ministry of Lands, Survey and Natural Resources office recently?

Yes (please answer)

No

a) How would you rate your experience? (Tick ✓one)

Excellent

Good

All right

Not good

Very bad

b) Give as many as relevant reasons to your answer in a).

43. Any changes would you like to see in the services provided by the Ministry of Lands, Survey and Natural Resources?

44. Any changes would you like to see in the Land Tenure System?

Appendix 2: Household Detail Interviews

Names	Dates	Place
'Old' Settlement		
Tevita Tu'inauvai	30/9/99	Home
Tau'akoloto	4/10/99	Home
Sosaia Tava Tupou	7/10/99	Home
Makaliuakifanga	11/10/99	Home
Saimone	14/10/99	Home
Lolohea	18/10/99	Home
Falemaka Fihaki	21/10/99	Home

NOTE: Most of the above interviewees' families have been part of the established population.

'New' Settlement

Sione Taula	2/11/99	Home
Le'ota Taufu	8/11/99	Home
Malakai Fifita	11/11/99	Home
Sione Pasikala	17/11/99	Home

NOTE: The above interviewees have recently immigrated between late 1970s-1999.

Appendix 3: Nobles (Estate-holders) Interviewed

Titles	Estates	Dates	Places
Kalaniūvalu	Lapaha, Hamula, Toloa	12/8/99	Residence
Tu'ipelehake	Pelehake, Ha'atalafale (Hp), Ha'atalafale (Vv)	4/8/99	Residence
Nuku	Kolonga, Poha, Veitongo	16/8/99	Parliament House
Ma'afu	Tokomololo, Vaini	7/8/99	Residence
Fielakepa	Havelu	18/8/99	Parliament House
Ve'ehala	Fahefa (Tt), Pangai ('Eua)	30/8/99	Residence
Tu'iha'ateiho	Tungua, Matuku, Ha'ateiho (Tt), Ha'ateiho (Hp), Ha'ateiho (Vv)	30/7/99	Residence
Malupo	'Uiha, Taka'amoato'a, Teleki	24/8/99	Parliament House
Fotofili	'Alele, western side of Angaha&'Ahau, Palau and Ha'ahoko	12/8/99	Residence
Ma'atu	Vaipoa, Hihifo (Nf), Vaotahi, Hunganga, Tavili (Ntt)	25/8/99	Parliament House
Luani	Nakolo, Malapo, Fetoa (Tt); Tefisi (Vv)	29/8/99	Office (TVB)
Tu'ivakano	Nukunuku, Matafonua, Vaotu'u, Matahau	9/8/99	Residence
Fusitu'a	Faletanu and eastern side of Angaha and Ma'ufanga (Niua)	1/9/99	Residence
Lasike	Lakepa ('Ahau, Tt), Lakepa (Neiafu, Vv), Lakepa (Ha'atau, Lakepa (Kala'au), Lakepa (Ha'amea), Lakepa ('Eua), Lakepa (Navutoka), Fonongahina,	6/9/99	Residence

Tafangafanga

Veikune	Tongatapu: Longoteme, Matamoana, 'Oneata, Kanatea; Vava'u: Pale'a to Fongotofe, Talahuo, Lolopipi, Kolotahi, Ha'akoka, Fangaeva	19/8/99	Parliament House
Tu'iha'angana	Ha'ano, Pukotala, Muitoa	5/8/99	Parliament House

Appendix 4: Part of the Survey Results

GENERAL INFORMATION ON INDIVIDUALS AND HOUSEHOLDS:

Gender:	Males	121				
	Females	27				
Age:	21 - 30	31 - 40	41 - 50	51 - 60	61 - 70	71+
	18	33	22	26	21	14
Positions held	No	61				
	Yes	72				
		Education	3			
		Community	24			
		Business	2			
		Church	54			
		Government	1			
Religion:	Free Wesleyan Church	82			Tokaikolo	1
	Seventh Day Adventists	1			Roman Catholic	4
	Anglican Church	1			Assembly of God	1
	Church of Tonga (Tau'ataina)	20			Church of Tonga (Hou'eiki)	5
	Latter Day Saints	29				
Customary Title	Yes	6				
	No	123				
Marital Status	Never married	Married	Divorced	Widow	Separated	Re-Married
	2	110	8	12	3	1

Have Children	Yes	111				No	8				
Children's Detail	Females					Males					
	Under 21	113		Over 21	70		Under 21	121		Over 21	85
Adopting		28					1				
Household size:	1	2	3	4	5	6	7	8	9		
	6	6	11	21	20	25	16	6	5		
Household Types	Single person	6				Single + Relative	3				
						Parents + Children (Family)	97				
						Family + grandparents	9				
						Family + Relatives	14				

INFORMATION ON MIGRATION

Addition to Households	Yes	41			
	No	77			
Details on additional Household members	Place of origin and Reason for immigrating	Outer Islands	Education	12	
			Employment	6	
			Miscellaneous	14	
		Other villages on Tongatapu	Employment	1	
			Temporary Stay	2	
		Overseas	Returning Migrant	1	
		Deportees	1		

Education 1

Visiting 9

Within Nukunuku Migrants Children 5

Adoption 1

Kin members 5

Level of Education

Primary

Secondary

Tertiary

60

96

20

Family members overseas:

Yes

47

No

45

Year migrated

65-70

71-75

76-80

81-85

86-90

91-95

96-99

6

9

11

23

17

31

Reasons for migrating:

Family

Business

Education

Employment

Vacation/
Temporary

25

1

18

36

30

Prospect of Returning:

Not sure

Not returning

Will return

25

1

48

Reasons for returning

Family

19

Retiree

2

Land

9

Reclaim
identity

2

Short Visit

9

Education for
children

2

Religion

1

Remittances	Yes	93						
	No	5						
Form of remittances	Money	Food	Vehicles	Building materials	Farming Equipment	Personal effects		
	85	74	18	17	5	41		
Frequency of remitting (per Quarter)	1	2	3	4	5	6	7	8
	19	14	17	4		5		1
Households	Crowded	29						
	Not Crowded	100						
Village	Crowded	88						
	Not Crowded	65						

SOURCES OF INCOME:

Sources of Income	Employment	Pension	Crop sale	Business	Remittances	Fishing	Live-stock	Carving
	58	8	92	35	105	5	2	1
Primary source	36	4	35	8	15			

INFORMATION ON ACQUIRING LAND

Way of acquiring land	Town allotments	Tax allotments
Inherited	41	41
Applied for it	109	28
Given	15	8

	Exchanged land for land	3		4			
	Exchanged land for money	-		-			
Offered 'gift' when apply for land	No	86					
	Yes			Money	10		
			21		Cultural items	10	
					Offered services	1	
Landholding successor	Heir	Widow	Uncle	Adopted son	Heir's son	Second son	
Tax land	90	2	1	1	1	1	
Town land	60	1	nephew		1	2	
Needing more land	Yes	39					
	No	68					
Land given to someone else			Registered Lease	Lend for money	Loan (no rent)		
	Town land	6		2	3		
	Tax land	7		5	8		
That someone else is	Relative		No relation				
	17	4					

Land is being used for

Subsistence	Commercial
35	11

Land Registration

	Town land	Tax land	TOTAL
Registered	66	11	77
Not registered	12	19	31

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