

Chapter 5

THE PACIFIC DIFFERENCE

In the course of the Manila workshop, Shireen Lateef from the Social Development Division of ADB opened up a discussion of the reasons why Pacific states might be expected to deal with resettlement in a manner that differed from the approach adopted in countries of Southeast Asia. This chapter is based on the issues that she introduced.

The Pacific is not Asia

Whereas in countries of Asia, large populations can be affected by development projects, in Pacific countries, the size of population groups and the numbers likely to be affected by a particular project are usually very small. Large infrastructure projects are exceptional in the Pacific, but common in Asia. Both Asia and the Pacific have their problems of poverty, but in Asia it has become commonplace that there will be a wide range of nongovernment agencies concerned with the welfare of the poor. Such institutional arrangements are less common in the Pacific and greater reliance is placed upon programs initiated by government. In many countries of Asia, the opportunity to provide land-based solutions to the displacement problems of affected people has just about reached its limit. This is due to the scarcity of suitable alternative land and the sheer over-crowded nature of living for many in Asia. By contrast, there is still plenty of space in most Pacific countries although much of the land, especially on coral atolls, is extraordinarily fragile.

Involuntary resettlement has been taking place in Pacific countries but mostly on a very small scale and in relation to modest public investments or emerging environmental problems. In particular, involuntary resettlement is associated with urban infrastructure, associated housing projects, construction and widening of transport facilities including airports, ports and roads, the generation and distribution of electricity, and the operation of mining enterprises in some countries.

Land, Culture, and Values

Customary ownership of land is the norm in the Pacific. This means that title is legally recognized as being vested in traditional occupiers of the land. While the use of the land by individuals within the group or even outsiders can be sanctioned by them, the basic rights to the land are inalienable. Colonial powers usurped these custom laws to acquire land for administrative centers and public facilities, but this was on a relatively small scale. Even today, about 80 percent of all land in the Pacific is communally owned. The constitution of Vanuatu adopted at independence vested 100 percent of land in the customary owners, even that which had formerly been alienated for townships.

The nature of customary landownership is complex. Whether or not the land is in productive use, it will all have innumerable "owners". Indeed, the ownership of most Pacific lands extend to past and future generations as well as to those who may presently occupy it or have links to it by parentage or marriage. Rights attach differentially to the land as well

as to trees on the land, pasturage, and current plantings of annual crops. Natural features have significance including as places of spiritual attachment. This results in a complex web of relationships between the people and the land to the point that they may be regarded, in many cases, as indivisible. The land is the people, and the people are the land.

All this makes land a particularly sensitive political issue. The sense of nation is bound up with the concept of land and place and there is a reluctance to sell land or even undertake formal registration of landholdings. The fear that any such measures will ultimately result in the loss of access to the land is always present. At the very least, this is seen as a threat to the survival of the customary landowning group who can always revert to its use for subsistence in difficult times. Some attempts have been made at introducing a system of land title registration, but these are mostly on a voluntary basis. The most complete attempt to mobilize land for use in nontraditional pursuits has been undertaken in Fiji with the establishment of the Native Lands Trust Board and the Native Lands Development Corporation 30 years ago. Between them, these two agencies facilitate the assignment of land use rights to local and foreign entrepreneurs on the basis of leases with guaranteed financial returns to the custom owners.

A Changing Environment

However, the modern environment is vastly changed from that under which customary rights evolved. In particular, relatively few people now depend entirely on a subsistence livelihood. Nearly all are in one way or another involved in the market economy and reliant on it for their living standards. The place of land (including lagoons and reefs) and its natural products in the traditional process of reciprocal obligations and exchanges are diminishing. For the most part, these traditions are being overtaken by work for wage labor, the exchange of goods for cash, and market goods bought with cash. Land is acquiring new values quite alien to those that made custom ownership strong. These include value as a source of minerals and as the basis for tourism—particularly beaches, lagoons, and reefs. Finally, as populations have expanded, the balance between land and people has changed markedly. Even though only a few islands have become crowded, it would no longer be feasible for the entire population of any one country to maintain an acceptable livelihood based on subsistence use of the available land.

Box 5.1

Recent Developments in Land Use Practices in the Pacific

- Subsistence living is giving way to a market environment;
- Traditional exchange of obligations is being displaced by work for wages;
- Supposedly unmarketable land has acquired a value in large-scale agriculture, tourism, or mining; and
- Demographic changes have taken many potential land claimants away from their homeland to New Zealand, Australia or from rural to the urban districts in the larger Pacific countries.

Source: Presentation at the Manila Workshop by Shireen Lateef, Social Development Division, ADB.

The responses to all these changes have inevitably weakened the importance of customary rights and practices. While many states retain a policy of inalienability of land from custom groups, the reality is more pragmatic. Examples of new tenurial arrangements including rental, lease, sharecropping, and even apparent sale of heritable land use rights can be found. In the past different individuals would have held different rights (tree crops, annual crops, grazing, etc.) over the same piece of land. Now it is quite common to find that one member of the customary owning group has assumed or acquired (often for cash) all of the rights and believes them to be perpetual and heritable. This is about as close to personally owned freehold land as one can get without legal sanction. In these ways, that which had been a complex communal asset has become private property.

Implications for Resettlement

The implications of all these developments for resettlement activities in the Pacific are considerable. Some care needs to be taken to make sound resettlement policies consonant with established cultural values. In the case of compensation for lost land, ADB policy implies that it should be done at replacement value. As the discussion above indicates, it would not always be a simple matter to determine this as formal markets may not exist. In practice, such compensation has been worked out by a process of negotiation between the development sponsor and the affected customary landowning group. Compensation for other assets and for standing crops is simple enough, although determination of the persons or groups to whom such payments should be made is not necessarily straightforward. The rights to plant such crops could pass among different individuals and certainly belong to future generations as well as the present. Some attempts to use trust funds to address such intergenerational issues have been tried.

The restoration of livelihoods and standards of living are limited by the belief that it is not possible to provide land-for-land solutions—there being no land considered “vacant” or “for sale”. As a result, most reliance is placed on measures to enhance transition out of land-based activities through the acquisition of new skills. This also provides an opportunity to give special attention to the needs of vulnerable groups. These include the very poor, those with no rights to land, those living on the urban fringe as squatters or tenants, and women. Given the inevitability of lessened dependence on land and subsistence, resettlement and associated programs of rehabilitation can be the trigger for accelerated access to a more sustainable livelihood for many of these people.

Box 5.2

Pacific Land Use Issues—Workshop Discussion Points

When these issues were discussed by participants, it was notable that many of the concerns that were a major problem in Pacific states, were also present in countries of Asia. The difference is that such traditional ties to the land now only remain in isolated communities and particularly among minority, indigenous, or tribal groups. Whatever models for resettlement might be developed for the Pacific states would also have relevance for these communities. Pacific representatives urged ADB to consider providing some technical support for efforts to codify resettlement guidelines that took account of traditional cultural values in their countries.

A key requirement of ADB resettlement policy is that the process should be based on a participative planning strategy. In the Pacific, one of the really important stakeholders is the group or groups of customary landholders affected. Where only a few members of the group appear to be affected, it is tempting for officials and investors to negotiate directly with those individuals. In fact, this shows a misunderstanding of the rights they hold and could readily result in the deprivation of rights from other, unrepresented, group members, including, of course, future generations. These problems are apparent in the process of land acquisition whether for the main project or for the resettlement of those displaced by it. Making a determination of who can legitimately represent the past, present, and future interests of those with a claim to land needed for a project or for the protection of the communal environment can be time consuming and even indeterminate.

New Expectations—New Problems

New problems have emerged in this process. A foreign mining company is likely to be reluctant to deal with whole communities and expects to work through elected or nominated representatives. This has made some of the Big Men of the Pacific even bigger and concentrated their power over property and people in a way that was not customary. With male domination of development processes has come a diminution of the traditionally large role of women in Pacific community affairs. There has been a reaction to this phenomenon as women become more aware of the rights they might exercise. Traditional matrilineal societies have seen men take over commercial interests in land that was not strictly theirs to control. They were allowed to do so in the past because business was for men, not women. These attitudes are changing as the results of such land deals become apparent.