

Land and Women: The Matrilineal Factor

*The cases of
the Republic of the Marshall Islands,
Solomon Islands
and Vanuatu*

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Foreword

How well is our understanding of the current status of women in relation to land tenure, land management and access to land in matrilineal societies in the Pacific? This question forms the central objective of this research by Joel Simo, Ana Naupa, Kristina Stege and Ruth Maetala and Dr Elise Huffer commissioned by the Pacific Islands Forum Secretariat in 2007.

The researchers attempt to improve our understanding of the roles of women over land in matrilineal societies in two dimensions. One dimension is examining women's role with respect to land. The second dimension is examining the role of women in leadership, including decision-making. Both dimensions are explored in terms of the past and the present thereby allowing for the changes that might have occurred over time to be observed and how those changes impact on women's current status with respect to land and leadership.

Unlike the first dimension which is centred within the confines of traditional values and structures, the second relates to the impact of modern land management practices, land laws and policies on the current status of women. The invariable influences of modern laws and policies on traditional land tenure and land practices do escape examination. Here, the impact of current land policies and laws with respect to women's access to, management and ownership of land is evaluated. Examining these complex mixtures of roles by bridging the traditional with modern land management practices, laws and policies and how these impact on gender is what this research tries to address as simply as it possibly can.

The draft research findings were presented at the 10th Triennial Pacific Conference of Women, which was convened at the Secretariat of the Pacific Community in Nouméa, New Caledonia in May 2007. This research complements other major research on land in the Pacific such as the AusAID funded Pacific Land Programme and the Land Management and Conflict Minimisation for Peace, Prosperity and Sustainable Development project managed by the Pacific Islands Forum Secretariat.

Research work around land continues to support the good governance pillar of the Pacific Plan, specifically the initiative in resource management, and in the harmonisation of traditional and modern values and structures, covering models for land ownership, tenures and use. The Pacific Islands Forum Secretariat appreciates the contributions of the authors – Joel Simo, Ana Naupa, Kristina Stege and Ruth Maetala and Dr Elise Huffer for their hard work in producing a quality product.

We hope that the findings of this study will help inform and contribute to improved gender considerations in policy-making, law-making, land management practices, including access to land by women in matrilineal societies.

Feleti P Teo
Acting Secretary General
Pacific Islands Forum Secretariat

Introduction

Elise Huffer

“The women here are so sure of themselves... maybe it’s that we know for sure that we have land... Even if I don’t get land from my husband, I still have it from my mother and nothing can change that...”

— (Palauan woman [no name given], cited in Margold and Bellorado, 197?)

This report brings together three studies on matrilineal land tenure carried out in the Republic of Marshall Islands (RMI), Vanuatu and Solomon Islands. The respective authors, Kristina Stege, Anna Naupa and Joel Simo, and Ruth Maetala, conducted their research in at least two areas in each country – including one urban and one rural – with the overall objective of providing a better understanding of the current status of women in relation to land tenure, land management and access to land in matrilineal areas.

This work is aimed at contributing a gendered perspective to the current regional focus on land issues and reform, particularly initiatives such as the Pacific Islands Forum Secretariat’s Land Management and Conflict Minimization for Peace, Prosperity and Sustainable Development project (LMCM) and AusAID’s Pacific Land Program. It is also designed to provide updated, accessible and locally derived information and recommendations for national land policy and legislative changes currently taking place in the three focal countries.

Land is treasured in the Pacific, but it is often forgotten how precious it is to women. The modern emphasis on commercial agriculture, extractive and other commercial activities has often marginalized women, sometimes robbing them of their roots, status and authority. Governments, mirroring church and colonial administrations, have, for the most part, disregarded women’s attachment to, and dependence on, land.

There is nonetheless an increasing acknowledgement regionally and nationally that gender equality in resource management is not only fair but also economically and socially desirable. This acknowledgement is in part fuelled by the adoption of international human rights conventions and platforms such as the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Millennium Development Goals (MDGs). However, translating human rights into national and local contexts is not always easy and can elicit negative reactions.

An alternative or complementary means to promoting a gender lens in land matters is to examine women’s cultural roles, past and present, in land tenure and management. This three-country study seeks to do this by focusing particularly on matrilineal areas where it was assumed that women, potentially, play stronger roles¹ and have greater influence in land affairs.²

Matriliney has disappeared in some parts of the Pacific. Remaining matrilineal areas have not been well studied in terms of women’s relationship to, and roles with respect to, land.³ The last publication dedicated specifically to women and land was published 20 years ago.⁴ There is therefore a lack of updated and detailed information on women’s roles with respect to land in general and on matrilineal land in particular.

To our knowledge, there has been no comparative assessment or regional mapping of matriliney in the Pacific.⁵ This study clearly cannot fill this gap, but we hope that it will generate greater interest and closer attention to women’s decision-making and resource management roles in local communities, in both matrilineal⁶ and patrilineal areas. Although the authors of the three studies draw on anthropological work, this report is not driven by purely academic concerns. It is designed to provide a snapshot of the status and influence of women in selective matrilineal areas

across the region today in order to inform policy makers and encourage further applied as well as scholarly work on the relationship between women, land and natural resources in the region. We consider this important for local, national and regional level policy making and implementation.

Additional objectives of the studies are to 1) better understand the relationship between women's roles with respect to land and their roles in leadership in matrilineal areas, past and present, and 2) evaluate the impact of current land policies and laws on women's access to, management and ownership of land.

Matriliny and land in the Pacific

Many areas of the region have traditionally been matrilineal, particularly across the western and northern parts of the Pacific.⁷ In these places land has generally been transmitted through the mother's line and in some cases women have exercised significant responsibility over land.⁸ Among the Nagovisi of Bougainville described by Jill Nash (1987: 158), women played "an essential part in lineage discussions and decision making with regard to pig distributions, land use and compensation settlement...." She adds that the women look after descent property and that brothers play an advisory role. Among the Tubetube of the Massim (South-East Papua New Guinea), writes Macintyre (1987), "decisions about land are deemed the province of women" as they are the "reproducers of lineage identity". Women are involved in public debates about "land use, property rights and inter-lineage disputes". In his discussion of Namonuito Atoll in Chuuk, John Byron Thomas (1980: 175) writes that the inhabitants deem it logical that "women should act as the primary caretakers of the clan's assets – land and children..." because they "stay" on the land and hold the knowledge related to it,⁹ including its boundaries and history. The women thus manage the land and men, again, play an advisory role. Byron adds that no man would take action on land matters without first "obtaining the approval of a senior female of his descent group".

The above are examples of matrilineal areas in which women play strong roles in land management and are the main actors. In other matrilineal societies men have been the actors and women the advisers. But as the case studies particularly of Vanuatu and Solomon Islands will show, women's roles are (increasingly) constrained by male domination.¹⁰

The status, authority and power of women similarly vary across matrilineal areas.¹¹ In some places, matriliney is synonymous with gender equality and women holding leadership positions. For instance, Lepowsky (1993: 40) writes that in Vanatinai (South-East Papua New Guinea) there are "big-women" or *giagia* (givers) a title which is gender neutral, (as there are in other parts of Papua New Guinea and the Nagovisi of Bougainville).¹² She adds that women can hold significantly more prestige than their husbands through their role as *giagia*. Even though there are fewer women than men who engage in traditional exchange "there are also some women who are far more active in exchange and feasting than the majority of men" (1990: 38). Another example is provided by Jill Nash (1987: 151) who notes that Nagovisi women "have substantial and important rights" and that "there is...equality between men and women". Martha Macintyre (1987: 212) states that for the Tubetube, political power is held equally by both genders: "Both men and women have *kaiwe* [power] and both men and women can make decisions which effect or enforce changes in the lives of others". However, in other matrilineal places, women have much less autonomy and say in decision-making.¹³

Women's positions appear to be stronger when postmarital residence is matrilocal or uxorilocal¹⁴ as well or bilocal, rather than virilocal or patrilocal.¹⁵ This may be in part because when women remain in their own lineage land or move only temporarily to their husband's, they are better placed to influence what happens there. But it is also because, as explained by Macintyre,

women can retain greater independence from their husbands: “In the years when she resides in her husband’s hamlet, a Tubetube woman’s independence of her husband’s lineage is publicly proclaimed in the gifts of yam, pigs and pots brought by her brothers and sisters” (1987: 224).

During contact, missionary and colonial times some matrilineal areas gradually became patrilineal in terms of title inheritance and/or land ownership and transmission. This occurred across the region including, it seems, in parts of Vanua Levu in Fiji,¹⁶ Tokelau,¹⁷ as well as in some islands of the Marshall Islands, Vanuatu¹⁸ and Solomon Islands as demonstrated in the studies which follow.¹⁹ Pohnpei provides a clear example of the influence of colonial administration on land tenure²⁰: it was a German law that introduced patrilineal land inheritance and awarded “each adult male a piece of land”. Land is now commonly transferred from father to son although daughters can and do also inherit land (Petersen, 1982).²¹

The demise of matriliney or of aspects of it in some places (e.g. the decline in the social influence of women) has been attributed to a variety of factors.²² These range from social disruption caused by depopulation through disease; colonial-era land alienation; patriarchal land laws; the legacy of missionization and conservative interpretations of Christianity;²³ the promotion of males in education and in the formal economy from colonial times to the present;²⁴ women’s generalized exclusion from public office and electoral politics; and ever-increasing pressures on land today due to population increases, to the pressing daily need for cash.

Petersen’s (1982) account of Pohnpei, where he was old by both men and women that in the past women were “more important”, provides an illustration. He attributes the change mainly to the shifting roles of men and women caused by new conditions. Women in the past had been important producers of ceremonial craft goods as well as of dry land taro, which was a traditionally important crop. In converse the role of men in agriculture grew following a significant decline in population due to disease, and men’s abandonment of warfare – which became too violent with the introduction of European weapons (a change demanded by missionary and colonial authorities). Men also engaged in new cash productive activities which enhanced their influence. As Petersen explains: “the importation of manufactured goods, largely paid by the labor of men, displaced the craft work of women. By the end of the 19th century weaving had disappeared on Ponape. The fine tapa cloth, belts, headbands, sails, mats and ornaments had been replaced by the products of European, Japanese and American factories. Where once Ponapean women had produced the exchange goods that knit together their society, now they relied on men’s agriculture or wage labor to produce the capital to purchase exchange goods. From a position of equal partnership in production, women were turned into consumers” (1982: 137).²⁵

Another example of a matrilineal society which was heavily affected by colonial rule is Guam. Matrilineage was abolished by American rule and, from 1919 on, married women were forced to take on their husband’s surname as were their children. This was reinforced by the Guam Code of 1953 (subsequently undone in 1980 by the Guam legislature). However, as Souder argues in her *Daughters of the Island*, Chamorro women have managed to continue to “hold significant and powerful positions in Chamorro social structure” and they remain keepers and transmitters of genealogical knowledge.²⁶ This no doubt is due to the enduring strength of the “matrifocal kinship system” among the Chamorro.

Lepowsky notes how religious and government authorities have devalued the role of women in Vanatinai. She notably relates how government officials from other non-matrilineal parts of Papua New Guinea do not even seem aware of the “presence of female *giagia*” and do not expect to deal with women. Their visits make the women (many of whom do not speak English) uncomfortable and as a result women have kept out of the sphere of electoral politics at all levels: local, provincial and national. Politics is now the domain of young, formally educated men who speak English and have spent time away from the island. Lepowsky adds that church officials from both Protestant and Catholic denominations other than the nuns who are in any case seen as subservient

to the priests, like government authorities, “expect to deal with Vanatinai men” (44). As a result, women are excluded from important activities and sources of political power. They rarely venture off-island, are not part of the cash economy and are not participating in introduced politics, all “avenues... [which] are effectively closed to women” (44).²⁷

Matrilineal land and women today

This report does not seek to reinvent or ‘reify’ the role of women and their links to land or argue that women’s positions with respect to land have declined systematically everywhere in the region,²⁸ but it is concerned, as stated, with finding out what their present situation is and how it compares with the past. We acknowledge that this is not always easy to do accurately but it is important to try to understand the changes that have taken place and where that has led women today. Clearly not all matrilineal societies have been as gender ‘equal’ as the examples provided above but there is a sense in the Micronesian countries²⁹ as well as in other places, that women who have a strong links to land through matriliney also have strong legitimacy to claim a prominent role in other spheres of public life.³⁰

Prominent women from matrilineal areas have made statements about how important their relationship to land is to their present roles in leadership. One such example is the speech given by the Deputy Speaker of Bougainville’s Autonomous Government’s Parliament, the Honourable Francesca Semoso, in 2006 where she describes how women’s importance as caretakers of the land and of family wealth has had direct political ramifications in the contemporary context, concluding: “I firmly believe that our matrilineal system has played a very important role in the creation of three seats in the three regions of Bougainville.”³¹

But there is also a sense that women’s roles in matrilineal societies have been ignored, poorly understood and even dismissed in contemporary times, which in some places has had dire consequences. This comes out clearly in Elizabeth Momis’s discussion on the role of Bougainville women in peace making³² where she emphasizes that although the causes for the eruption of violence were manifold, one of the problems was the dismissal of “the matrilineal nature of Bougainville society”. She particularly points the finger at Bougainville Copper Limited (BCL) who “disregarded” the appointment in 1989 by the Panguna Landowners Association of their representative who was a woman. BCL, who “looked down on” her, instead “appointed their own man” which led to problems in the distribution of royalties, and the ensuing conflict.

The dismissal of women is an issue also raised by Julia Byford in the context of mining in Misima (Milne Bay Province, Papua New Guinea). According to Byford, before gold mining began in 1989 women had a “relatively high status” based on their “central role in land ownership” and played a “relatively prominent role in public life, church and community affairs”. Mining led to a decline in women’s status by changing their relationship to land. In addition they were not part of the negotiations process and compensation was distributed to men only. She concludes that when the mine’s operations cease it is unlikely that women will regain their former relationship to the land and their former status.³³

Women’s roles in history have often been neglected, a point noted by Souder for whom “the Chamorro women is virtually invisible in formal historical accounts” (1987: 43). This neglect has continued into the present when it comes to land and natural resource management and use. This report is a step in assessing the role of women in this area and it is not meant to exclude women in patrilineal areas, rather the matrilineal focus is meant as a small introduction into what is hoped will be much greater and more detailed attention given to women, land and natural resource management in the future.

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Notes

- 1 For instance, in the case of Vanuatu, Michael Allen (1981: 3) writes that in the matrilineal areas of Vanuatu which he lists as: "the Torres and Banks Islands, Maewo, North Pentecost, east Aoba [Ambae], Espiritu Santo, and Efate and its offshore islands as far north as Tongoa", "there are strong prima facie grounds for expecting both a higher status accorded to women and a marked reduction in male hegemony".
- 2 We acknowledge that there is a debate about this (see for instance Chowning 1987) but agree with Lepowsky that matriliney does not necessarily confer in itself greater status or power to women but as a general rule, it does provide the potential for it: "Matrilineal descent provides the preconditions favourable to the development of female political and economic power, but it does not ensure it" (1993: 297).
- 3 Matriliney has been mainly the concern of ethnographers and anthropologists. As Lepowsky (1993: 33) points out, it is a topic which has been debated for over a hundred years but much of early writing on matriliney was by male researchers who viewed it as the "survival of an archaic social form dating from a matriarchal past in which women has power over men and women's sexuality was unregulated." Thus for a long time matriliney was seen as preceding the "more highly evolved patrilineal form of social organization". Allen (2000: 32) also notes that for early ethnographers in north Vanuatu such as Rivers, Layard and Deacon, matrilineal systems were an early form of evolution destined to be replaced by more 'advanced' or 'superior' patrilineal institutions.
- 4 See *Land Rights of Pacific Women*, authored by Cema Bolabola et al., published in 1987 by the Institute of Pacific Studies, USP.
- 5 Studies of matriliney in the Pacific have focused on particular islands or communities, and mainly on Papua New Guinea and in parts of the Northern Pacific.
- 6 There are matrilineal areas where women do not play or no longer play a role in land management. See for instance the case of Trobriand Islanders reported in Weiner 1976. See also Petersen, 1982, and Scott 2007.
- 7 Most of Micronesia is matrilineal (Palau, FSM, RMI, Nauru, Guam, Northern Marianas).
- 8 There are instances of matriliney where lineage, but not land, is transmitted through mothers. In the case of Pohnpei, for instance, "land is controlled through the male line, but access to the most important titles is controlled through the female lines" (Petersen, 1982: 131). This occurred because of German influence. Vanuatu also had examples of lineage being passed through the mother but land being handed down patrilineally. See report by Anna Naupa and Joel Simo.
- 9 This knowledge is described as *wuruwo* ("secret lore") and is held especially by the senior women of the descent group. For full details see Thomas, 1980.
- 10 See Chowning 1987: 130 also on matrilineal societies where men tend to dominate society generally.

- 11 How women's roles and status are viewed also depends in part on who is doing the research and for what purpose. As Lepowsky points out the older studies on matriliney focused mainly on the role of male relatives of women. It is the more recent works that focus on women themselves.
- 12 Lepowsky refers to the work of Chowning 1979 and Nash, 1987.
- 13 For a discussion on the range in Melanesia and elsewhere, refer to Lepowsky 1993: 296-7
- 14 For a definition/typology of these terms, see Divale 1984.
- 15 Bilocal means that the spouses move between their respective kin's places. In Vanatinai, for instance, husband and wife first settle in the wife's parents place and then move to and from their respective kin's places for varying amounts of time. See Lepowsky, p.108. Uxorilocality was the "preferred pattern" in Rotuma which Howard (1964: 30 and 38) describes as bilineal. He also states that women were accepted as pure over land but that this occurred after contact with Europeans. See also Daily Post news item (1 December 2000) on land in Rotuma at: <http://www.rotuma.net/os/NewsArchive/Archive2000/archive0011.htm> stating that Rotuma is matrilineal with a correction by Howard.
- 16 "Vanua Levu has many distinct signs of the matriarchate. Descent is through the mother, and the natives can trace their pedigree back for thirteen generations. Women also have land in their own right. They take a certain precedence, and may even become heads of phratries" See Deane, 1921: 3. In their notes to their *History of Macuata*, Françoise Gardère and David Routledge write that "elements of matriliney", including in terms of rights to land, were "characteristic of the traditional social order in some parts of Fiji". See p.68, note 10.
- 17 Gordon Macgregor (1937: 162) supposes that Tokelau was once a matrilineal society that became patrilineal. He notably writes: "Together with the adoption of the eldest son, frequent inheritance of family property by the daughter, and celebration of the birth of a child by the mother's kindred, there is the suggestion that Tokelau society was once more strongly matrilineal than when first seen by Europeans. Bird's comments... on the importance of women and the position they took in state affairs and official receptions substantiate this. Micronesian societies gave more respect and importance to their women than did those of western Polynesia; in eastern Polynesia, descent and inheritance were sometimes reckoned through the matrilineal line. Tokelau society became more patrilineal in later times, due to cultural influences from Samoa or elsewhere in western Polynesia". Matrilocality, however, remained the rule with the older sister holding authority over lineage land: "She resides on her kindred's property and the men of her household and her sisters' husbands use the kindred plantations which she controls. Because of her residence in the chief household of the kindred, she is termed the *fatupaepae* (rock of the house foundation)" (1937: 48). In a general description on land, Macgregor adds that often landholders left complete control of the land to their eldest daughter with the sons receiving a share only of the products but that in some cases older daughters and sons received the land but not their younger siblings (p.58).
The discussion on land tenure in Nukunonu (one of the three Tokelauan atolls) in *Matagi Tokelau* (1991: 154) (translated and put together by Judith Huntsman and Anthony Hooper) states that the *tamatane* ("the male descendants, of the sons of the founder of the descent unit") had responsibility for land. The *tamafafine* ("the female descendants, of the daughters of the founder of the descent unit") were responsible for the "division of produce" brought in by canoes and the pandanus plantations. The *fatupaepae* (the senior female among the *tamafafine*) divided the goods derived from the labour of the *tamatane*. They add that post-marriage residence was matrilocality with the daughters of the land "staying firmly put in their natal land". This was the case until 1914, date of the death of the last high chief. See <http://www.nzetc.org/tm/scholarly/tei-MacToke-t1-body-d1-d11-d1-d5.html>

- 18 In her discussion of Nguna, an island close to north Efate, Ellen Facey writes that the matrilineal principle with respect to inheritance of titles had been largely replaced by a “change to hereditary succession through males, that is chiefly titles passed from father to son instead of “mother’s brother” to “sister’s son”. This occurred in 1900 and was directly influenced by the role of Peter Milne the Scottish Presbyterian missionary based in Nguna. See Facey (1981: 304).
- 19 Although the position of women in matrilineal societies is not always necessarily more favourable than that of women in matrilineal areas, it can be said that patriliney does disadvantage women. We agree with Michael Young’s general statement: “To commit the fallacy of reified intentionality for a moment, let us view patriliney as a male conspiracy and indicate how it disadvantages women. Patriliney and its concomitants – including the rule of patrilocal residence which separates women from their natal kin – are means to ensure male solidarity and generational continuity. Men attempt to appropriate the value of women - their reproductive capacities – and convert it into value-for-themselves” (1987: 230). He goes on to describe more specifically how this occurs.
- 20 Pohnpei has remained matrilineal in descent terms but not in terms of land inheritance. See Petersen, 1982.
- 21 Petersen (1982) points out that there are a range of inheritance practices. See note 2, p. 142.
- 22 In his work on the Arosi of Makira (Solomon Islands) Michael Scott shows how changing links and lack of clear connections between matrilineages and land tenure, caused in part by depopulation and the dying out of original lineages, are ‘dealt’ with. He writes that the discrepancy between matrilineal identity and father to son inheritance is “cast in terms of land as the concern of men and their sons and “love” as the essence of a matrilineage” (2007: 253).
- 23 Frequent references to the Bible are used to deny the importance of women and to justify a secondary role to men.
- 24 Lepowsky (1993: 75-6) observes that in Vanatinai “the male advantage resulting from contact with Europeans had begun by at least the 1870s, when island men started to trade with European beche-de-mer fishers and pearlbers, bartering for food and selling their labor as divers and collectors to men from cultures whose ideologies led them to take men only as their exchange partners, the way the islanders saw it, and to deal with women only when they wanted sexual relations, forcible or consensual. The pattern of Europeans dealing with island men as representatives of their people continued throughout the colonial era”.
- 25 See also Linnekin’s comments on Petersen’s article (1990: 233). For her useful assessment on the status of women and gender under colonial influence, see chapter 8 of the same book.
- 26 Laura Marie Torres Souder (1992: 59) writes that mothers are responsible for teaching genealogical knowledge, and that although the Society of Chamorro Genealogists “is composed chiefly of me, the resources always being quoted are the *tan*, female elderly”.
- 27 Lepowsky argues that the effect of democratic elections and “appointed administrators” may “inadvertently have narrowed the access to influence and a public voice by women and older men on Vanatinai” (1990: 45). She nonetheless concludes that positive attitudes towards women in Vanatinai should enable them to take advantage of educational and employment opportunities in the future, thereby improving their access to modern forms of authority.
- 28 Jocelyn Linnekin (1990)for instance shows that in Hawai’i (where kinship was bilateral) that in the mid-19th century the land inheritance of women grew in spite of the simultaneous reduction of their legal under Euro-American inspired laws. But she argues that it was the Hawaiian cultural values that led to the increase of women land-holders under particular circumstances. For more details see especially chapters 7 and 8.

- 29 See, for instance, 'Women Lead Palau, and its Cultural Arts' by Katerina Martina Teaiwa at <http://www.piccom.org/dancesoflife/palau.html> .
- 30 The status of women is not necessarily determined by links to land or production but we agree with Linnekin's assessment that control over resources and goods are "key aspects" of social position (1990: 230).
- 31 Speech given at the Pacific Regional Workshop on Advancing Women's Representation in Parliament, 19-21 April 2006, Rarotonga, Cook Islands. Available at http://www.forumsec.org/_resources/article/files/Hon%20Francesca%20Semoso-Bougainville%20PNG.pdf
- 32 See article in Pacific Magazine: "Hail the Peacemakers: Why Bougainville's Women Make a Difference", May 1 2006, at <http://www.pacificmagazine.net/issue/2006/05/01/hail-the-peacemakers>
- 33 See Byford, 2002.

An Kōrā Aelōn Kein
(These Islands Belong to the Women)

**A Study of Women and Land
in the Republic of the Marshall Islands**

Kristina E. Stege

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Executive Summary

This report examines women's traditional rights and responsibilities with respect to land and land distribution in the Marshall Islands. It also seeks to relate those rights and responsibilities to contemporary governance practices, with a particular focus on addressing issues of land-related conflict.

The passage of the Land Registration Act in 2003, in the context of the general legal framework surrounding land tenure, is also examined in terms of its potential impact on women's rights and access to land.

- I. The basic tenets of traditional Marshallese land tenure, particularly as relates to women, include:
 1. The collective ownership of land by lineage groups (the *bwij*), the primacy of matrilineal rights to land within the lineage group, the placement of lineage groups and rights to land into a two-tiered social structure that determined differing levels of usufruct rights, the underlying principle of reciprocity that served as a behavioral guide for all members of the system, and a flexible application in practice of strict customary principles.
 2. Within this matrilineal-based system, women possessed both authority and influence directly tied to their role as the primary link to land and land rights. The locus of this authority was within the lineage group whereas men, in a complementary manner, took on the more public persona of lineage head acting on behalf of the group.
 3. Women in the chiefly class were accorded the title of *lerooj*. Female chiefs did not traditionally exercise the direct power wielded by a paramount chief, or *iroojlaplap*. Rather, these duties were left to junior male relatives. Similarly, at the commoner level, the *alap* headship of a lineage generally fell to a man. Male lineage heads, nevertheless, were expected to consult with their senior female relatives on decisions affecting land and family.
- II. Contemporary land tenure in the Marshall Islands defies simple description. Social and economic changes, particularly in the last quarter century, have challenged the resiliency and flexibility of traditional tenets of the system. Roles and responsibilities in relation to land, including those of women, are changing in a variety of ways. Strains on the overall system are most evident in Majuro, the nation's capital and urban centre.
 1. Majuro landowners manage their landholdings in increasingly diverse ways that may or may not incorporate such basic tenets of traditional tenure as the primacy of matrilineal land rights within the lineage group. Disputes over title are common and often end up in the court system. The intense commercialisation of land as well as other pressures on the system of tenure such as rapid urbanisation, immigration, and over-population provide fertile ground for conflict.
 2. In comparison, the landowners on the rural atoll of Namdrik demonstrated a more established consensus regarding the primacy of matrilineal rights within the land tenure system. Although disputes over titles and boundaries occur, they rarely end up in the courts.
 3. Women are taking an ever more public role *vis-à-vis* land in today's society. Many

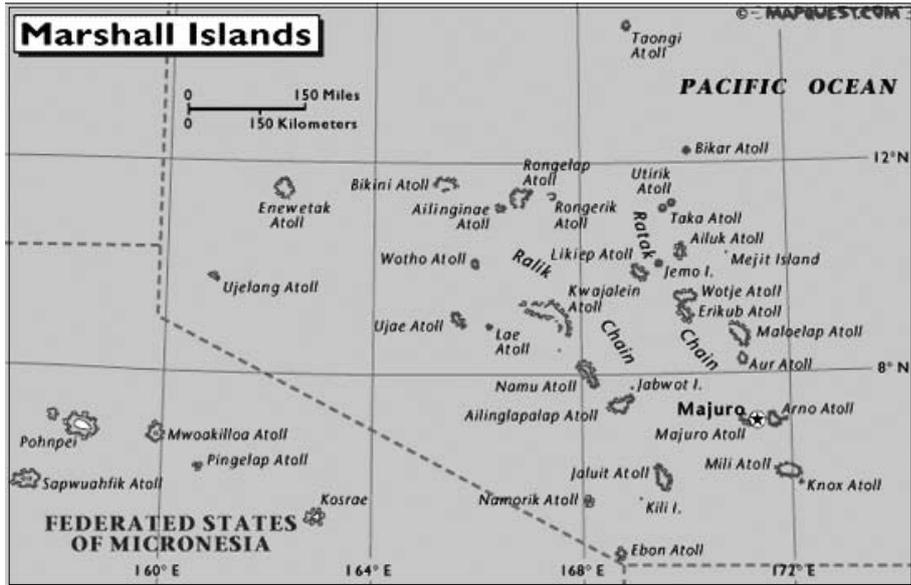


Figure 1 RMI Map (Source:www.embassyworld.com)

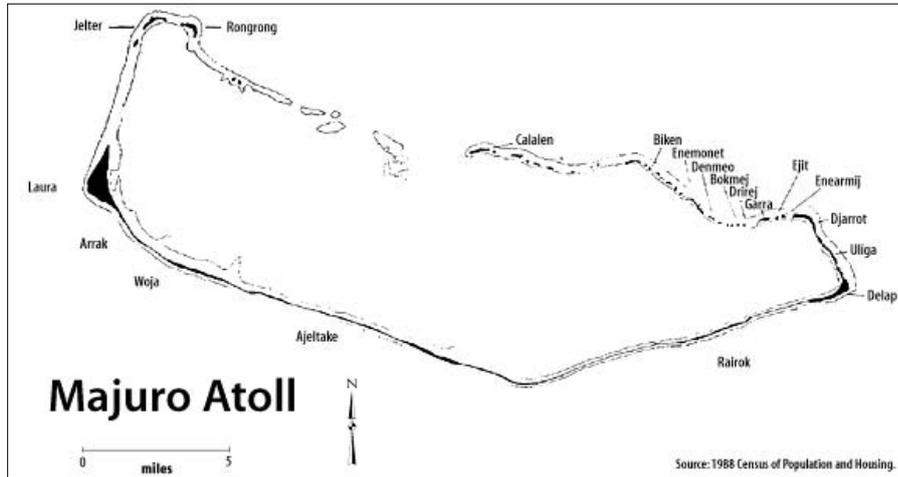


Figure 2 Majuro Atoll (Source:http://marshall.csu.edu.au)

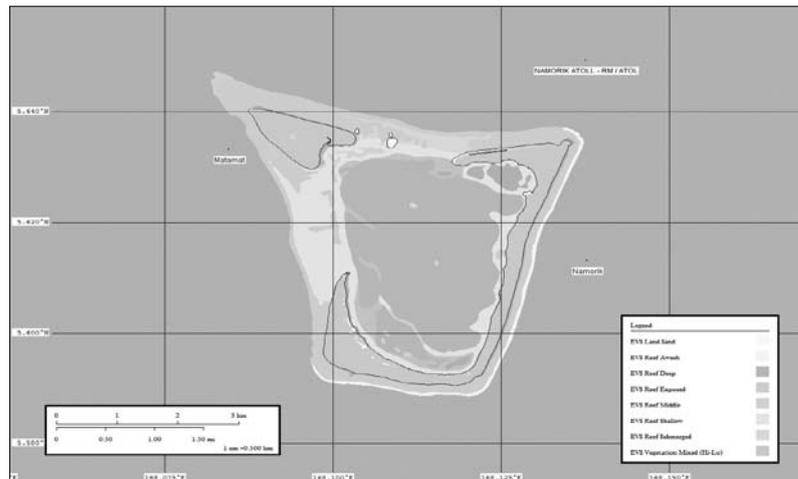


Figure 3 Namdrik Atoll (Source:http://en.wikipedia.org)

women chose to fulfil the duties of lineage head themselves rather than defer the responsibility to a male relative.

4. Land provides Marshallese women with a critical power base in a modern political environment dominated by men. At the family and community level, women participate directly in land-related decisions. The continuing challenge is translating this empowerment at the local level into representation and a voice in land development issues on the national stage.
- III. In December 2003, the Marshall Islands government created the Land Registration Authority (LRA) to provide a legal framework for the people of the Marshall Islands to voluntarily register their interests in land. The stated aim of the LRA was to bring clarity to the issue of land ownership and to facilitate investment in and development of land in the republic.
1. To date, the overall impact of the program on land tenure in general, and women landowners in particular, has been minimal due to the lack of participation in the program. The vast majority of landowners interviewed for this study did not view the LRA as a useful mechanism in determining land rights. Lack of knowledge about the program remains a major problem for the office. And, for those interested in registration, costs are often prohibitive.
 2. Any individual, male or female, with a claim to a piece of land may submit an application for registration to the LRA. The application must be signed by all “senior land interest holders” to the property in order for the application to be processed, i.e., Iroojlaplap, Iroojerik, Alap and Senior Ri Jerbal. The act further specifies that reference to “Iroojlaplap” rights is not restricted to men but includes female chiefs (“Lerooj”) where applicable.
 3. Lack of investigation into current land tenure realities and the potential impact of the program in the face of these realities has been a major flaw of the land registration program. Plans to conduct a review with funds from an ADB technical assistance have yet to be implemented.

Introduction

Locating the islands

The Marshall Islands is composed of 29 atolls and five lone islands that together comprise 181 square kilometres (km²) of land scattered across nearly 2 million km² of ocean.¹ The archipelago consists of two island chains, the Ratak (Sunrise) chain to the east and the Ralik (Sunset) chain to the west. While Marshall Islanders from the two chains share a common language and cultural heritage, there are certain differences in land tenure practice that distinguish them. To account for these differences and in an effort to explore urban and rural divisions, research for the report was carried out on two atolls: Majuro Atoll which is situated toward the southern end of the eastern Ratak Chain, and Namdrik Atoll which lies further south and west of Majuro in the Ralik Chain.

Majuro Atoll is both the capital of the RMI and its unequivocal centre. In 1999, nearly half of the Marshallese population - 23,676 of the nation's total 50,840 people - lived on 9.17 km² of

land at Majuro atoll (EPPSO 2004).² Although the atoll numbers 65 islands and islets in total, the major population centres are within the 1.2 square kilometres that comprise the main island's (also called Majuro) D.U.D. communities.³ In order to understand the extent of the crowding, consider that 1999 census figures put population density for Majuro overall at 2,400 people per km². A recent socio-economic survey of the D.U.D's Jenrok Village counted 33,958 people per km², the highest population density to date for any single area in the RMI (Chutaro 2004). The crowding and competing needs for space in Majuro are a stress on the local land tenure system and the kin relationships with which it is interwoven.

Namdrik Atoll, 385 kilometres south and west of Majuro, is smaller than Majuro with just two islands. Namdrik, Namdrik, the main island, is almost 9 kilometres long with a single dirt road that runs the length of the island. Never more than a kilometre across, the island has a total land area of 2.8 km² with a population that in 1999 numbered 772 (EPPSO 2004).⁴ No one lives on the smaller island of Marmar, which is used as a supplementary site for gathering food and materials. The crowding common in Majuro is nonexistent on Namdrik. Most families live in or near the village centre located on the northern end of the island. Residential sites are spacious, even in the village where multiple households may live on a single property. Those families who choose to live further away from the village centre often represent the sole household on their particular property.

The research

Research for the report was conducted using various methods. A major component of the project consisted of structured interviews with titleholders and/or their representatives on 18 randomly selected land units, called *wāto*, in Majuro and Namdrik respectively.⁵ Interview questions focused first on categorising the land unit in question. Did informants identify it as maternal lineage land, paternal lineage land, or land belonging to some separate category? How did they determine succession to positions of leadership within the land-holding group? What role did gender play in that determination? What other factors influenced inheritance patterns? Answers to these questions were gleaned not only through the direct questioning of informants but also through the construction of genealogies.

A second line of questioning focused on land-related disputes. In cases of conflict, what issues were at stake, who were the parties involved, and how were problems resolved (or not)? Finally, informants were asked about their knowledge of and attitudes toward land registration. The D.U.D town area in Majuro boasts 63 *wāto* while Namdrik, Namdrik numbers 90 *wāto*. While the sample size of 18 *wāto* per atoll is too small to provide definitive conclusions regarding contemporary land tenure, study results can provide an idea of various trends within the system.

The data collected as part of the *wāto* study is supplemented with information from interviews with various individuals and focus groups in the two communities, some of it gathered for a previous study in 2005.⁶ Given this background research as well as the longer period of time spent on Majuro as part of the current study, the information on Majuro land tenure is more complete than that which was collected in relation to Namdrik.

Archival research at the courthouse and the recently established Land Registration Authority provided a valuable means of cross-checking facts and genealogies provided in the Majuro *wāto* study. Since none of the Namidrik *wāto* studied were the subject of a court case or land registration, this same type of documentary cross-checking was not possible for Namidrik. However, the small size of the Namidrik community provided greater opportunity to cross-check facts by speaking to a broader range of community members.

The study results were presented at the annual Women United Together Marshall Islands (WUTMI) conference on Majuro in April 2007. Established in 1987, WUTMI is chartered in the RMI as a non-governmental and not-for-profit organisation. It acts as an umbrella organisation for twenty-four women's groups, or "chapters", throughout the RMI and recently two in the United States. WUTMI's stated mission is to support and strengthen Marshallese women and, in so doing, strengthen Marshallese families. The organisation's annual conference brings together representatives, one male and one female, from each inhabited atoll in the Marshall Islands to review, discuss and adopt recommendations on a wide range of issues that impact women.

This report is divided into three parts. The first examines the traditional land tenure system and women's roles therein; the second looks at the contemporary tenure and management and women's involvement in it, and the final section addresses the role of the state in land management and the repercussions of the latter for women.

I. Traditional Land Tenure and the Role of Women: In Principle

Much of what we know of the traditional Marshallese land tenure system is based on the archival and ethnographic work of anthropologists, nearly all American, who arrived in the islands following the United States defeat of Japan during World War II.⁷ Working nearly 200 years after the arrival of the first Europeans in the islands, these researchers quickly recognised the fundamental role of land in the social and economic organisation of the existing society (Mason 1947, Spoehr 1949). All Marshallese are born with ties to certain lands, a system that in the past not only provided secure access to the food and materials needed to sustain life but also directly impacted one's social status and identity within the culture. As Jack Tobin states in his classic essay on the subject, "the Marshallese system of land tenure is the dominant factor in cultural configuration" (1956:2).

The *wāto*

The building block of the Marshallese land tenure system, the *wāto* or land parcel, is uniquely suited to atoll life where scarce land and poor soil are balanced by the rich vastness of the ocean. Although generally small at an average of two to five hectares each, a *wāto* stretches across the islets of an atoll from lagoon to ocean side to encompass all or most of the resources available in an atoll setting: the marine life of the lagoon, a sheltered living area of pandanus and palm along the lagoon side beach, the breadfruit trees and taro that grow only in the protected interior, and finally the hardier shrubs, some with medicinal properties, exposed to the salty spray of surf along the oceanside (Pollock 1996).⁸ Note, however, that as with many of the "rules" of Marshall Islands land tenure, there are exceptions to the lagoon-to-ocean geography of the *wāto*. Both Majuro and Namdrik, in those areas where the islands are widest, have several *wāto* with property lines that bisect the island.

Land and social structure

Competition for scarce land and coastal resources contributed to the formation of a two-class social structure in which *irooj* (chiefs) held residual title to the land and the *kajoor* (commoners) held provisional title. Provisional title, which may be categorised as secondary ownership, accorded a commoner the usufruct right to work and live off the land parcel concerned. Residual title as held by chiefs granted primary ownership, which invests its holder with the right to intervene in

the usufruct of the land parcel exerted by the holder of the provisional title (Shimizu 1987). In the Ratak Chain, Marshallese recognised further subdivision of chiefly authority into the paramount position of the *iroojlaplap* and the lesser authority of the *iroojedik*, or small chiefs, who comprised a sort of noble class.

The rights of chief and commoner were meant to operate in balance, with reciprocal obligations that rendered each class dependent on the other. Thus, the members of the *kajoor* class were to maintain the productivity of the land and share its fruits with their *irooj* in various ceremonial offerings. The *irooj*, for his part, was expected to provide his *kajoor* with leadership in all matters relating to land, relief in times of natural disaster, and guidance in those special areas of knowledge such as navigation and medicine which were his purview. Mason describes these reciprocal ties succinctly, writing:

In the Marshallese language, “kajoor” means not only commoner as a social rank but also translates as “power, force, strength.” This implies that an *iroojlaplap* is only as strong or powerful as the continued loyalty of his subjects. At the same time, the Kajoor...look to the *iroojlaplap* for guidance and leadership needed to meet and to overcome the uncertainties of atoll existence” (1987:5).

This principle of reciprocity extended beyond the chief/commoner tie to the general network of relationships based in land that bound individuals to their communities.

Women chiefs

Females in the chiefly class are referred to as *lerooj*. The anthropological record does not provide a great deal of information on the role of *lerooj* in traditional Marshallese society. Tobin does discuss the relative degree of sexual freedom afforded both men and women in chiefly lineages, explaining that in cases of adultery where both husband and wife claimed chiefly ties, neither party was subject to punishment by their spouse. The rationale cited is that “both chiefs and chieftesses have the same power so they cannot punish each other” (Tobin 1956). In contrast, commoners with a royal spouse faced serious consequences, regardless of gender, if caught in a relationship outside their marriage. A sharp divide between men and women is more clearly visible in the codes of conduct governing the relationships of men and women sharing the same lineage, i.e., a brother and sister, maternal cousins, etc. Details are provided in the discussion of roles and expectations within lineage groups, both chiefly and commoner.

The *bwij* and the land

The *bwij* or lineage group served as the foundation of the two-class social structure described above and its associated hierarchy of land use rights. Every newborn was born into the society with primary rights to land parcels held collectively by members of its mother’s *bwij*. In Marshallese the word *bwij* comes from the word *bwijen*, signifying either the navel or the umbilical cord, which nourishes life. The related term for land, *bwidej*, links ideas on maternal nourishment with the notion of earth itself. Thus, as Julie Walsh comments, the “concepts of mothers, food, life, lineage, and land are symbolically and inextricably linked in the terms *bwijen* [the umbilical cord] and *bwidej* [land]” (2003:123).

It is important to note that within the *bwij*, both matrilineal and patrilineal heirs possessed land rights. However, primary permanent authority on the land was determined, possessed and passed down through the maternal line.⁹ Informants in the present study often referred to the traditional saying, *iep jältok*, to describe the significance of matrilineal heirs for the *bwij*. The phrase applies strictly to female infants and may be translated as “a basket whose opening is

facing the speaker.” In other words, the baby girl represents a basket whose contents are available to her relatives. The saying reflects the notion that the birth of a girl child benefits the *bwij*, ensuring that the tie between land and lineage, place and identity, past and present continues in the uninterrupted passage of rights from mother to daughter. Male children, by contrast, were destined to father children belonging to the matriline of their spouse and so were described as *iep jāllōk*, “a basket facing away from the speaker.”

In the past, the organisation and classification of many related matrilineages into an overarching *jowi*, or matriclan, was a significant aspect of Marshallese culture. Members of the same *jowi* trace their ancestry back to a single woman. The name of a *jowi* does not recall this ancestress but rather a place of origin. For example, *Rarno* is the *jowi* of people originating from Arno Atoll. One study identified approximately 50 *jowi* in the Marshall Islands. The study also found a decreased awareness of the clan system and its usage in contemporary Marshallese life (Walsh 1999). In terms of land tenure, this decrease in awareness does not necessarily signify a weakening of the matrilineal nature of the system. While both *jowi* (clan) and *bwij* (lineage) classifications relate in various ways to the system of land tenure, the *bwij* is more directly concerned with actual use rights.

Land, authority and succession

Head executive authority of royal lineages was vested in the *iroojlaplap*, or paramount chief. The lineage head of *bwij* in the commoner class held the title of *aļap*. An *aļap* was responsible for the overall productivity of the land and acted as the lineage’s intermediary with the *irooj*, or chief. Tracing rights and rank through the female line, siblings in one generation inherited the lineage headship (*aļap*) position from eldest to youngest. Between generations, the pattern of succession became more complicated in cases where a single lineage split into associate lineages (*bwij eritto* – senior lineage; *bwij ioļap* – middle lineage; *bwij edik* – junior lineage). In German times, with the introduction of copra production, lineage members below the rank of *aļap* who worked the land came to be known as *rijerbal*, or “workers.”

Previous anthropological studies suggest that succession in these cases ideally proceeded within the senior lineage until the maternal line of descent became extinct. However, these same studies also document deviation from that ideal in practice (Spoehr 1949, Tobin 1956, deBrum and Rutz 1968). Thus, *aļap* succession could also proceed in a horizontal manner such that members of the younger generation, i.e. the sons and daughters of the females in the preceding generation, do not ascend to the position of lineage head until all members of each associate lineage in the elder generation have passed away. At the chiefly level, the desire for power by members of a junior *bwij* line often led to warfare between the related lineages. In either case, custom allowed for flexibility within the system of inheritance. Several informants in the present study referred to the saying, *mejed kabilōk kōj* or “eyes that guide us,” to describe the traditional authority of a lineage head – commoner or chief – to tweak the rules of succession based on the perceived needs of the group at the time.

The *ṃaan maroñroñ* and women’s authority

The written and oral historical record also indicates that while the *aļap* leadership position passed theoretically in chronological order from sibling to sibling regardless of gender, it was common for a younger brother, nephew or son to assume the duties of the position on behalf of a more senior female relative (Spoehr 1949, Tobin 1956). This man was considered a *ṃaan maroñroñ*, literally “man with power to” act for the woman in question. The same concept was, if anything, more strictly adhered to among men and women of chiefly descent. A chieftess, or

lerooj, demanded deference and respect but the record indicates that she rarely, if ever, enjoyed the power to exercise direct authority as wielded by a paramount chief, or *iroojlaplap*. Indeed, the word *leroojlaplap* or “paramount chieftess” does not exist in Marshallese.

This said, it is important to note that the relationship between men and women of the same matrilineage was meant to operate in a complementary and reciprocal manner. Thus, a woman occupying the position of lineage head might defer to her brother in public, recognising him as the spokesperson for the family. However, in return, a man acting as *maan maronron* for his sister (or his mother/aunt) showed his respect by consulting with her on decisions affecting the land and the lineage. Men and women thus occupied different but complementary roles as joint stewards of lineage property and interests.¹⁰

In his discussion of Micronesian societies, including the Marshall Islands, Francis Hezel likens the traditional authority of women within the matrilineage to that of a “shadow government,” without institutional form but powerful nonetheless. Seen as caretakers of land and lineage, women “exercised a large measure of control over the allocation of land use rights within or outside the family” (2001:47). *Lejmaanjuuri*, a term applied to women in the Marshall Islands, reflects this traditional “caretaker” authority. *Lejmaanjuuri* has several connotations but generally refers to the influence of women within the lineage, particularly in relation to male members of the *bwij*. DeBrum and Rutz report that the term refers to the female’s power to interfere with or alter the decision of a lineage head (1967:23). My own informants described the authority of *lejmaanjuuri* as that of a peacemaker – the sister, aunt or mother who stomps down (*juuri*) disputes between her brothers or sons (*maaan*) to protect the welfare of the *bwij* as a whole.

The power to make peace implies a corresponding power to break the peace and so women could also take on the role of *kōrā jeltan bwij*, or woman who disrupts the unity and harmony of the lineage group. Along these lines, it is interesting to note that traditional Marshallese society accorded women a specific role in warfare, particularly given that wars were most often fought over land-related disputes.¹¹ The phrase *limaro bikbikir kōlo eo* describes women who stood behind the men in battle, inciting their emotions and giving them the will to fight.¹² The application of these various phrases to women in the past suggests that the traditional Marshallese woman played an active and influential role in her lineage and, consequently, on lineage land.

The Marshallese legend of Jebro and his mother, Liktanur, provides further insight on the behind-the-scenes, yet real, influence wielded by the “shadow government” of females in this society. According to legend, Jebro was the youngest of ten brothers who decided to race against each other in their paddling canoes. The man who won the race would be designated chief. Liktanur asks each of her sons to grant her a space on their canoe but all refuse except for Jebro. Liktanur then calls on her expertise as a weaver – a traditionally female skill – to reward Jebro with the gift of a sail. The first of its kind, the sail propels Jebro ahead of his brothers. He wins the race and the chieftainship because, in the end, he is the son who showed respect for his mother.¹³

Strict principles, flexible practices

Land tenure principles such as matrilineal inheritance or the *maan maroñroñ* concept of ceding lineage headship to a younger brother were tempered by a great deal of flexibility in practice. Marshallese landholding traditions are similar in this respect to those of other Pacific island societies.¹⁴ Thus, while matrilineal rights in land were generally considered stronger than other land rights, other modes of access to land lent suppleness to the system. Individuals possessed usufruct rights on land belonging to the *bwij* of their father, with the caveat that the door to the *alap* or lineage headship on this land was generally closed to them (Spoehr 1949, Tobin 1956, deBrum and Rutz 1968). Marriage and adoption also yielded alternative avenues by which Marshallese could gain access to parcels of land (Pollock 1974).

In addition, the system provided various options for land transfer and inheritance aside from the strictly matrilineal model. *Iroojlaplap*, or paramount chiefs, possessed the greatest leeway in this regard. While warfare ceased to be available to chiefs as a means of redistributing land in the early 20th century, an *iroojlaplap* retained the power to make rewards of land rights to men or women who had performed a special service for their chief (i.e., nursing, guarding, sailing, etc). Land parcels where rights had been acquired in this manner were called *imōn aje* or *bwidej in aje*.¹⁵ In contrast to *kapijukunen* or old lineage land passed down through a matriline, the inheritance pattern on *imōn aje* land allowed for greater flexibility. Depending on the category of gift land, property rights could be assigned to either one's matrilineage or one's children. The anthropological record does suggest that rights on *imōn aje* land generally became the heritage of a *bwij*, whether immediately if assigned to the awardee's matrilineage or in the succeeding generations of the awardee's female descendants (Tobin 1956, Mason 1987). The most radical transfer of rights out of the customary matrilineal line occurred when an *irooj* declared a *bwilok*, literally "break," in the *bwij* rights because of some serious offence by members of the *bwij*. Land rights might then be assigned to a new group, related or not.

Commoners also had ways of transferring land rights apart from the matrilineal system of inheritance. In particular, a male *aļap* could in certain circumstances pass land rights patrilineally *in ninnin* (literally "nurse from the breast") to his children. One such circumstance occurs when only one adult male is left in a lineage. Marshallese describe the *bwij* as extinct in this case (*elōt bwij eo*), thus allowing for blood (*bōtōktōk*) inheritance through the male line.¹⁶ One interesting development recorded in the present study is that people currently apply rights *in ninnin* to situations that generally involve the passage of rights from individual (male or female) to individual (male or female) as opposed to situations in which the last member of the *bwij* is strictly male. The study thus found two cases in which women without children decided to pass on their rights *in ninnin* to an adopted child. Whether this is an expansion of the definition of *in ninnin* beyond a strictly patrilineal designation or a newly recorded instance of long-standing practice is not known. Past studies do show, however, that a strong preference existed for *ninnin* land to revert from *bōtōktōk* patrilineal inheritance back to a *bwij* matrilineal line of succession after one generation (Tobin 1956, Mason 1987).

Matriliny, change and continuity

In the past, the flexible application of strict principles in practice allowed Marshallese to adapt their land tenure system to the changing needs of the society. Marshallese lived under the rule of three foreign administrations for more than a century before independence. The Germans formally annexed the islands in 1885 only to lose control to the Japanese at the onset of World War I in 1914. The Americans took over at the end of World War II under a United Nations trusteeship arrangement that finally ended with the signing of a Compact of Free Association between the US and the RMI in 1986. There is no question that colonial rule impacted the Marshallese system of land tenure, in some cases dramatically.¹⁷ Shifts in the relationship between chiefs and commoners, a newly commercial valuation of land as copra production took hold in the islands, the incorporation of a *rijerbal*, or worker, status into the commoner class – all these instances and more are examples of the evolving nature of local land tenure practice and understanding. In the Ralik Chain, in particular, the confluence of foreign influence, local political ambitions among various chiefs, and the basic lack of female heirs within the dominant chiefly clan contributed to the establishment of a patrilineal inheritance pattern within the four chiefly lineages (Walsh 2003).

It is interesting that despite these changes at the chiefly level in the Ralik chain and other influences, the overall picture of landholding in the Marshalls remained fundamentally matrilineal

into the American period.¹⁸ Pollack found matrilineal claims still primary on Namu (also in the Ralik) though part of a larger array of land access mechanisms (1974). Certain fundamental principles of the *bwij* system, such as matrilineal inheritance, collective ownership, and a two-tiered hierarchy of rights, appear to have remained more or less intact until as recently as the late 1960s. The Laura Report, a 1967 research study under the direction of Dr Leonard Mason, found that the presence of three foreign administrations had not greatly changed the land tenure or inheritance systems on Majuro (Milne and Steward 1968).¹⁹

In 1987, twenty years after the publication of the Laura Report, Dr Mason came to a very different conclusion concerning Marshall Islands land tenure. His observations pointed to a traditional system that was “still alive but not well” and he went so far as to predict that Marshallese in the next generation would abandon the two-tiered title system and replace matrilineage sharing of land by more individualistic concepts (1987:26-27). The present study seeks to put a finger on the pulse of Marshallese land tenure yet another twenty years later, in an effort to understand how the system functions today and, more particularly, what role women play within it. In so doing, I view the evolution of land tenure arrangements somewhat differently from Dr Mason. It is not the intent of this study then to determine whether the land rights regime today remains more or less “true” to some traditional form, particularly given the flexible nature of land tenure principles in the past. Rather, my interest is in the interplay between old and new governance practices with regard to land and the part that women are able (or not) to play in shaping current realities.

II. Land Tenure Today: A Mix of Rules and Roles

As Hezel writes of Micronesia generally, the land tenure situation in the Marshall Islands today defies simple description (2001:40). Highly accelerated economic, political and social change in the last quarter century in particular has brought with it an expanded set of opportunities, not to mention new models of thinking and acting, *vis-à-vis* the land. In Majuro, the RMI's city centre, the pressures of rapid urbanisation, immigration, commercialisation and over-population are challenging the resiliency and flexibility of the land tenure system. The people of rural Namdrik face a very different set of issues, with out-migration leaving gaps in the system of leadership on and for land. How do these changes impact women? This section looks at the operation and wellbeing of the lineage group, the *bwij*, as one way of answering this question. Most importantly, do matrilineal rights within the *bwij* continue to serve as the basis for leadership and organisation of lineage land rights? A second line of inquiry considers the influence of female actors in land matters. What authority do women have, if any, over land and how do they wield that authority?

Land inheritance

Question Marshallese on either Majuro or Namdrik today about the role of women with regard to land and the following phrase is heard repeatedly: *an kōrā aelōn kein* (these islands belong to women). The stated commitment to the *bwij* land-holding system and the primacy of matrilineal land rights within that system thus remains strong on both atolls. Moreover, the majority of the participants in this study made a strong connection between matrilineage land and their own sense of identity and security. A young woman in her 20s, born and raised in Majuro but with land rights on Ebon Atoll through her mother, expressed her understanding of this essential link between women and land in the following terms: “If not for our mothers, or women, where would community, place and land be?”²⁰ The importance of this connection between mothers, land,

lineage and self should not be underestimated, particularly given that Marshall Islanders continue to make that connection in the face of a host of challenges to the local land tenure system.

It is interesting that some of the most eloquent testaments to the customary importance of the *bwij* as a matrilineal landholding group originate among members of the four chiefly families with lands on Namdrik. And yet, as noted previously, a patrilineal pattern of inheritance of lands and titles has been established among the four *mwojen*, or chiefly domains, of the Ralik Chain for several generations.²¹ On Majuro and in other atolls of the Ratak Chain, the path to a paramount chieftaincy remains by and large matrilineal. Descendents of a royal lineage on Majuro in which the female line failed over a century ago may retain *iroojedik* (lesser chief) rights on certain land parcels today, but that is the extent of their power. A woman, *Lerooj Atama Zedekaia*, is accorded *iroojlaplap* status over much of the rest of Majuro as the oldest living member of a still-vital lineage that traces its chiefly origins through female pathways that stretch back many generations.²² These discrepancies between the chiefs of the Ralik and Ratak demonstrate the complex and multi-dimensional nature of land tenure in the Marshall Islands, as well as the power of a matrilineal

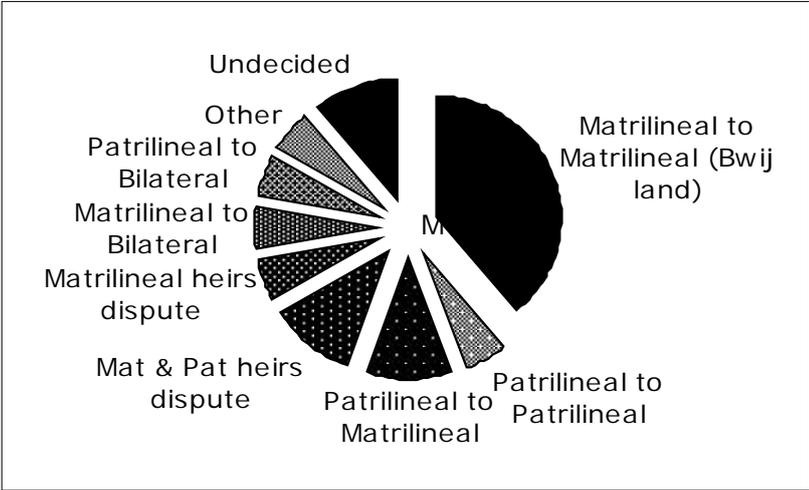


Figure 4 Majuro Inheritance Patterns

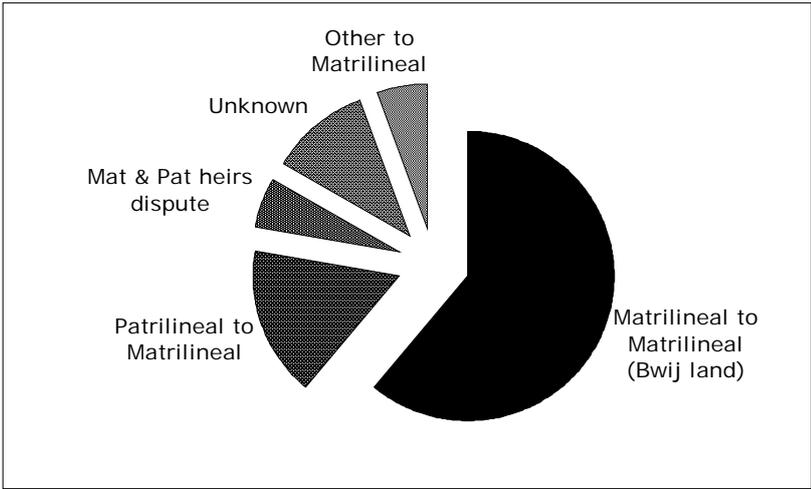


Figure 5 Namdrik Inheritance Patterns

ethic that remains the standard *par excellence* in the face of such complexities.

Turning our attention to the commoner landholding class, a look at inheritance patterns on individual land parcels in Majuro and Namdrik reveals a significant divergence between the two communities in the way that matrilineal ideals translate into actual practice. Results of the 18 *wāto* studied in the D.U.D. area of Majuro Atoll show that 61 percent of the landowners interviewed (and/or their representatives) chose to class their property as “Non-*bwij*” rather than “*Bwij*” land. In stark contrast, only 24 percent of the Namdrik landowners interviewed identified the *wāto* under their care as “Non-*bwij*.” While interesting, these results alone are not necessarily indicative of a trend away from matrilineal land-holding patterns on Majuro versus the continuing dominance of matrilineal inheritance on Namdrik. Recall that Marshallese land tenure provides traditional avenues by which people can acquire property apart from the matrilineal model. Landowners on both atolls generally cited some traditional practice, such as *imōn aje* (gift land) or *ninnin* (land given to patrilineal heirs), as the basis of their “Non-*bwij*” designation. The issue in question is whether a preference remains for property acquired by other than matrilineal means to be incorporated into a property ownership model dominated by matrilineal rights. As stated previously, the anthropological record does show that this preference existed in the past.

The canvas of commoner landowners on Namdrik revealed that island inhabitants generally opted to reincorporate land into a traditionally matrilineal system. Of the 18 land parcels studied, five are currently overseen by *aļaps*, or lineage heads, who acquired their rights by other than matrilineal means. The histories involved are varied and complex. One man inherited his rights from an adopted father who had been the last in his *bwij* lineage (*elōt bwij eo*). The same was true of one other male *aļap*, though his rights came to him from his natural father. Another woman, the youngest in a large family, received her *aļap* rights *in ninnin* from her father in his will. Although the bequest has strained relations with her elder siblings and raised some eyebrows in the community, she is generally recognised as the rightful *aļap* on that piece of land. The *aļap* on yet another land parcel, a man who married into the Namdrik community, actually purchased his rights by clearing the debts of a close friend at the local store. Finally, on the last *wāto* in question, two female patrilineal heirs vied for the *aļap* headship in the absence of any matrilineal claimants to the position.

Although these histories are varied, it is noteworthy that the patrilineally-affiliated *aļaps* on the four land parcels not in dispute stated, unequivocally, that their lineage headship rights would pass to their daughters and their daughter’s descendents in succeeding generations. The *aļaps* explained that this was the custom, or *manit*, and other landowners on island generally agreed. One might argue that these statements are future-oriented, thus leaving the real commitment of landowners to matrilineal inheritance untested. However, I would contend that the very agreement among landowners that non-matrilineal land *ought* to be reoriented toward female pathways demonstrates that, on Namdrik at least, islanders continue to use, understand and relate to the land based upon a shared standard that locates matrilineal rights at the very centre of the land tenure system.

The same does not appear to be true for landowners in similar situations on Majuro. If Namdrik landowners can be characterised as generally in agreement on a customary standard of inheritance that favors matrilineal rights even on non-matrilineal land, then their counterparts on Majuro may be described as a mixed bag of attitudes and approaches to property, particularly property identified as “non-*Bwij*.” Consider that responses from commoner landowners on 9 of the 18 *wāto* studied demonstrate adherence to inheritance precepts of varying modes outside the matrilineal model. These include the passage of key rights and titles to land through paternal bloodlines, the adoption of bilateral inheritance patterns (in which matrilineal and patrilineal claims are placed on equal footing), and, in a unique case, the formation of a Western-style corporate entity in which individual shareholders/family members each decide how best to pass on their interests.²³

Given the variety of approaches toward inheritance, one might expect a great deal of dissension within the community over the disposition of land titles. In fact, all but a handful of the land parcels surveyed on Majuro had been the subject of court proceedings at one time or another. A review of the court records in these cases shows how landowners interpret, negotiate and maneuver their way through and around customary precepts, such as matrilineal inheritance, to arrive at very different conclusions. Thus, Majuro presents an array of landholding arrangements that often do not conform to what is considered traditional land tenure, i.e., *bwij* property organised and managed along matrilineal lines.

Land management

Inheritance patterns, while important, are only one part of a much larger picture of women's roles in relation to land in the Marshall Islands. The study also examined the involvement of female landowners in the management of their property. The RMI Constitution recognises four potential titleholders with authority over the management of any one *wāto*: the *Iroojlaplap* (paramount chief), the *Iroojedik* (lesser chief), the *Alap* (commoner lineage head), and the Senior *Rijerbal* (commoner worker/lineage member).²⁴ Women may hold any one of these titles though, strictly speaking, the term *lerooj* denoting a female chief is not included in constitutional language. The consent of all relevant titleholders is required in any matter involving the alienation or disposition of land, whether by sale, lease, mortgage, and/or registration.

An increasingly public role for women

Recall that women in the past, though influential, tended to exert their authority privately within the confines of the lineage group. If a woman succeeded to the head of a commoner or chiefly lineage as either an *Alap* or a *Lerooj*, she generally recognised a junior male relative (*maan maroñroñ* or “strong man) to act on her behalf in public. These traditional gender roles were already in flux on Majuro some 50 years ago. DeBrum and Rutz discovered a number of women acting as lineage heads in their own right in the late 1960s. At the time, the practice was seen as a new phenomenon. Several of their informants insisted that women never held the position of leadership in the *bwij* prior to the American period (1967:22). The current study demonstrates that what was once new and unusual is relatively common practice today, not only on Majuro but also on Namdrik.

Only a small minority of the female lineage heads interviewed on each atoll, whether commoner or chief, delegated their land-related responsibilities to a *maan maroñroñ* figure. Indeed, many women (and some men) relied on female relatives rather than the traditional male counterpart when and if they needed assistance. More broadly speaking, one finds that women wield influence at nearly every level of the decision-making process regarding land. Female *alaps*, like their male colleagues, participate in community meetings relating to land matters, serve as intermediaries between *wāto* residents and its chief, oversee the collection and distribution of *wāto* resources, and work to maintain order on their land. Women of chiefly rank have the opportunity to wield influence over land on a wider scale. Female chiefs sit in roughly equal numbers with their male peers on the Council of Irooj (Chiefs), an advisory body to the national parliament with considerable clout on legislative matters affecting local land tenure.²⁵ At the local government level, women with *lerooj* status are among the few females who have managed to succeed in the realm of electoral politics. Women with chiefly ties have served in both the mayoral post and on the local council in Majuro. The Namdrik Atoll Local Government counts among its two current female members a *lerooj* who, for the past several years, has been the highest-ranking chief living on island. She occupies the Council seat reserved for a chiefly representative.

Bill 84

The trend toward women landowners moving beyond the confines of the lineage group to take an active role in public sphere does not come without its share of social tensions. Much confusion and debate in recent years has focused on the question of a women's right to serve in an *alap* capacity. Some community leaders interpret the *maan maroñroñ* tradition of female lineage heads delegating authority to male relatives as a rationale for restricting land titles and the decision-making authority that goes with them to men. The issue first came to national attention in 2005 when the RMI High Court, with the concurrence of the country's Traditional Rights Court, decided in favor of two female plaintiffs claiming *alap* and senior *rijerbal* rights respectively on Kwajalein Atoll (MIJ 4/1/2005, MIJ 4/22/2005).^{26 27} In the aftermath of the case, two Senators in the *Nitijela* (Parliament) introduced Bill 84 in order to clarify Marshallese customary law by defining the term "*Alap*" as *only* a male person, an uncle, a male elder, or the eldest male member of a lineage.²⁸ The bill did grant women some measure of authority within the lineage, permitting an elder sister or aunt to divest a junior male of his *alap* title in cases where he acted contrary to custom and/or the interests of the family group. However, this concession did little to dampen the wave of opposition to the bill that quickly gained ground among women.

Women United Together Marshall Islands (WUTMI) led the effort to defeat Bill 84. A non-governmental organisation that serves as an umbrella institution for women's groups throughout the nation, WUTMI ensured that women's voices, particularly those of female chiefs, were heard on this issue – in newspapers and on radio (including regional stations such as Radio Australia), through community-wide petition drives targeting elected representatives, at a public hearing held by the *Nitijela* parliament, and by appeals to members of the Council of Irooj as the government watchdogs of custom. The ultimate success of the campaign demonstrates, on the one hand, the extent to which female authority in the Marshall Islands is deeply rooted in the landed traditions: many of the women protesting the bill saw themselves not as radicals but as traditionalists determined to protect Marshallese *manit* (custom). At the same time, the very public, media savvy campaign against the bill showcased the ways that women today are asserting their traditional authority over land in innovative and effective ways.

The connection between women's groups and land matters is not simply a Majuro phenomenon. On Namdrik, WUTMI affiliated women's groups such as Wut Kajro and Jabkinira take the lead in community projects to clear, clean and generally make improvements to the land. Financial and political problems have plagued the Namdrik local government administration to such an extent that it has essentially suspended operations until the upcoming elections in November 2007. The two women's groups have stepped into the void to take on airport runway clearing, road maintenance and agricultural projects on behalf of the community. Gauging the influence of the two groups and women in general on Namdrik, one elected male official went so far as to say that "women run the show" (M.Z., personal communication, 3/11/07).

Land, women and governance

Land provides Marshallese women with a critical platform in a modern political environment dominated by men. At the national level, there has never been more than a one female senator serving in the 33-member parliament at any given time. Female participation in local government councils has improved slightly over the years, but total numbers remain low. As noted in a recent Millennium Development Goals report, "the current political environment is not 'gender' sensitive and/or does not readily view women's issues as a national priority" (EPPSO 2006). Although some progress has been made in raising the profile of issues such as domestic violence or income disparities between men and women, garnering attention for these issues remains a challenge.

The same does not appear to be true for land-related concerns. Women do not hesitate to speak out when and if their land rights are under attack, as was the case in the Bill 84 debate. During the study period, the RMI Government became embroiled in another controversy surrounding the development of a dry dock in the Delap village area of Majuro. Women landowners from Delap and representatives from WUTMI were among the most vocal of the opponents to the dry dock (Yokwe Online 2/1/07, Island Business 1/29/07). Land seems to serve as a natural rallying point for women and, thus, a kind of *entrée* into the political sphere.

The case of Majuro

The tensions surrounding changes in women's roles in relation to both land and lineage are part and parcel of broader tensions within the system of landholding itself. It is on Majuro that the strains on traditional land tenure arrangements are most visible. The framework of tenure is still there but people are pushing beyond the limits of what is acceptable within that framework. Thus, as discussed earlier, Majuro landowners manage their landholdings in an increasingly diverse ways that may or may not incorporate such basic tenets of traditional tenure as the primacy of matrilineal land rights within the lineage group.

As a magnet for Marshallese from all over the country, Majuro is a bustling urban centre with all of the challenges that accompany rapid and relatively unplanned urbanisation. Several recent reports have sounded warning bells with regard to the population explosion in Majuro's urban areas, associating crowded conditions with problems ranging from rising poverty and hardship to advancing environmental degradation (Chutaro 2004, EPPSO 2005, ADB 2006). Crowding has also meant increased competition for land and resulting spikes in land values. Those sitting in the titleholder positions of *iroojlaplap*, *iroojedik*, *alap* and senior *ri jermal* can derive significant benefits from their property, including rental incomes from commercial leases and roof tax payments (*barwoj*) from private individuals and families. Chiefs receive, in addition, annual tributes of food and good (*ejjek* or *ekkan*).²⁹ In modern Majuro's principally cash-based economy, money has become a driving force in the way that titleholders reap and redistribute benefits associated with the land, with many people taking a more individualistic, ownership approach to land management. As one Majuro landowner so baldly put it, "There are no more *alaps* of the land, only *alaps* of money." It is in this context that land fuels social tensions between landowners and non-kin tenants, *bwij* (the extended kin network) and *baamle* (the nuclear family), and chiefs and commoners. Disputes between these various parties are increasingly played out in the courts, reflecting the weakening of traditional dispute mechanisms headed by the chiefs and the stresses within the system as a whole.

Namdrik Atoll

The realities of land management on Namdrik Atoll are very different. Relatively isolated and with a much smaller, more coherent community in residence, there are fewer obvious strains on local land tenure arrangements. At the time of the study, there were no cases involving Namdrik *wāto* at any level of the RMI court system. This is not to say that the Namdrik community is not facing its own unique set of land tenure challenges, or does not have its share of land-related disputes. Disagreements over *wāto* boundaries appear to be fairly common and, in at least one recent case, prompted a physical confrontation between two landowning families. Meaningful resolution of such disputes is rare, possibly because so few titleholders with authority to reach and enforce a settlement reside on island.

Emigration to Majuro and beyond (many Namirekese now live in the United States) has left gaps in the leadership framework of the traditional landholding system. Note that 14 out of the

18 *aļap* I sought to interview on Namdrik were absent from their landholdings (as compared to four of 18 *aļap* on Majuro). While most of these absentee *aļap* continued to be involved in the management of their land by proxy, at least five seem to have for all intents and purposes abdicated their authority. The atoll's four paramount chiefs (*irooļapļaps*) rarely visit Namdrik, much less reside there. The one woman of chiefly rank who lived on island received the respect due to her station but, in practical terms, did not wield enough broad-based authority to deal with land-related concerns except in an advisory capacity.

Notwithstanding these issues, traditional land tenure arrangements appear adequate to meeting the overall needs of the Namdrik community. Despite its share of disputes, often over boundaries and at times in relation to title, the Namdrik community continues to work by and large within traditional tenets of the tenure system. Thus, landowners still look, first and foremost, to principles such as collective ownership, matrilineal inheritance and a two-tiered hierarchy of rights in making their land management decisions.

III. Land and State: The Registration Debate

The investigation into the evolving rights and responsibilities of Marshallese women with regard to land would not be complete without some discussion of the impact of the State on the land tenure system generally and the place of women within it. In light of the complex realities of land tenure at the local level, land is nothing if not an extremely challenging issue for the RMI Government. On the one hand, the State derives a not insignificant part of its legitimacy from its acknowledgement of and commitment to a specifically Marshallese system of land tenure. Land lies at the very foundation of the nation, with the rights and responsibilities of titleholders not only enumerated in the Constitution, but also directly and indirectly supported by the very organisation of the government structure.³⁰ At the same time, land remains an essentially local concern, i.e., rooted in and so defined by specific *wāto* (land parcels) that are privately owned by groups of landowners.

Note that there is *no* public land in the Marshall Islands, nor does the government – national or local – exact property taxes on privately held land. Indeed, State involvement in land tenure matters is generally regarded with skepticism, even within the government. A case in point is the aforementioned controversy surrounding Bill 84 and its restriction of the *aļap* title to males. Among those who objected to the bill, one common concern was that the law failed to capture the diversity of local land tenure practice. The sentiments of Senator Abacca Anjain-Maddison, the only female representative in the *Nitijela* (Parliament), demonstrates this point:

It is unfair if this bill comes up and forces everyone to be uniform. Different families acquired their land rights in different ways and then along comes a piece of legislation that makes us all the same. Who is the *Nitijela* to tell individual families how to organize themselves and their affairs. The government hurts *manit* (custom) by ignoring the fact we are on our lands for many different reasons that stretch far back into the past. (personal communication, 9/3/06)

The Senator's comments reflect the natural tension between the flexibility of traditional land tenure precepts and State-sanctioned land laws that codify customary principles of authority, inheritance, and the division of rights.

Local landowner wariness of national land-related initiatives has proved to be a roadblock in the RMI government's recently established land registration program. The program is the government's response to some of the very real land tenure challenges facing the nation. As mentioned previously, there are a myriad of land management problems related to rapid urbanisation in the centres.³¹ Access to land for public facilities, particularly schools, is hampered

by title and boundary disputes between local landowners. In addition, the increased competition for space has contributed to a spike in land values that is pricing the government out of the land rental market (MIJ 7/15/2003).

Given the lack of space, the State is looking to invest funds in land reclamation projects. Public statute provides that any land reclaimed by the state belongs to the state. However, for years the practice has been that local landowners incorporate new land into their existing properties. In order to disburse funds designated for infrastructure development under the RMI's Compact of Free Association with the United States, the government must be able to conclude lease agreements that provide not only secure long-term use rights to property but also clear title to any new land created as part of improvements to that property. Thus far, millions of dollars in Compact funds have been held up as a result of land-related issues. It is circumstances such as these that prompted local journalist Giff Johnson to conclude recently that that "land is one of the biggest problems facing the Marshall Islands today" (PIM 2005).

Implementing land registration

Established in 2003, the Land Registration Authority (hereinafter referred to as the 'LRA') was supposed to address these various needs. The new office was to provide a legal framework for the people of the Marshall Islands to voluntarily register their interests in land in order to bring clarity to the issue of land ownership and to facilitate investment in and development of land in the Republic. The office was also to set standards for land leases in order to protect both owners and investors. Finally, the Authority was charged with maintaining public records of land and land transactions and to facilitate bringing land into the economic marketplace (24 MIRC Ch. 416). These are the stated objectives of the program but what does registration really mean for the land tenure in the Marshall Islands? It is a question that concerns Marshallese in general but women in particular. If traditional land tenure arrangements serve, as our discussion has shown, as a basis for female influence and power with the society, then any measure that might affect these arrangements deserves scrutiny.

In terms of women specifically, it should be noted that the registration program does not discriminate in any statutory manner based on gender. Any individual, male or female, with a claim to a piece of land may submit an application for registration to the LRA. The application must be signed by all "senior land interest holders" to the property in order for it to be processed, i.e., *Iroojlaplap*, *Iroojedik*, *Alap* and Senior *RiJermal*. The act further specifies that reference to "*Iroojlaplap*" rights is not restricted to men but includes female chiefs ("Lerooj") where applicable. Although the LRA board does not include any women in its current membership, the Registrar and head of the LRA office is a woman. These issues aside, land registration as a general policy still presents cause for concern if one considers implications it could have for the system of land tenure as a whole.

International partners such as the Asian Development Bank and the United States maintain that standardised and secure property rights are essential to economic development in the islands.³² The argument is that both the public and private sector require clear, undisputed access to land over the long-term before they make the financial investments necessary for economic growth. In addition, proponents of the program argue that there is a benefit to landowners who, possessing clear title to a piece of land, can then use that land as collateral for loans. Thus, promotional materials for the land registration emphasise the necessity of the program to the economic future of the Marshall Islands:

If the Marshalls wants to march toward modernization, people here may have to move in the direction of certifying land rights...land represents the most important

resource in the Marshalls and one that must be used to propel Marshallese toward economic development” (Hezel 2004:2).

And yet, in analysing these arguments, it is essential to recognise that development focused on economic growth at the expense of social and cultural considerations can produce unexpected and even negative consequences. Experience in other countries shows that land registration can lead to landlessness, and therefore loss of individual security and identity within society, when pursued without regard for the needs and practices of people at the grassroots level.³³

The Marshall Islands experience with land registration thus far proves that disregard for local needs and concerns does result, at the very least, in significant roadblocks for the program. In nearly five years of operation, the LRA had received just 15 applications for registration. Since the program was conceived and implemented in a top-down manner that left little time or money for public dialogue, the office never had any community buy-in. The vast majority of landowners interviewed for this study regarded the office with indifference at best and suspicion at worst. Few understood its purpose and many others associated registration with a government desire for greater control over private property. Several prominent chiefs, including *Lerooj* Zedekaia on Majuro, have gone so far as to instruct their *alap* not to register any *wāto* with the LRA. In addition to these political problems, there are practical concerns over the costs of registering land. This is particularly true for landowners in the outer islands who must cover the additional transportation and housing costs of those brought in to survey their distant properties.³⁴

The RMI Government has enacted several changes to the Land Registration Act in order to address some of the more pressing issues raised in parliamentary debate over the program. For example, the length of the notice period for an application was recently extended to respond to concerns that those with limited access to local media, particularly Marshallese living on the outer islands and overseas, did not have adequate time to assert their claims under the original terms of the act. The Land Registration Act was also amended to restrict the role of the registration office to the administrative function of recording and registering land and to refer all disputes to the RMI courts for determination. This amendment of the act addresses the legitimate concern that LRA board members, as political appointees, may be unduly influenced in the determination of proper land interest holders and therefore disputes over title should be in the realm of the courts.

These changes notwithstanding, the fact remains that land registration policy in the RMI is being pursued with little investigation into either the realities of land tenure at a grassroots level or the potential impact of the program in the face of these realities. Consider that one of the stated objectives of the LRA is to make it easier for Marshallese to use land as collateral for banks loans. The terms of such transactions are set in the Real Property Mortgage Act, which was amended in 2003 to operate in tandem with the new land registration regime. The revised statute appears to discard “statutory leasehold” provisions that had protected landowners from the alienation of their property through the restriction of mortgages to leasehold (not ownership) interests in land.³⁵ Reflecting on this change, a lawyer well-versed in local land law comments that the application of ownership versus leasehold interests to a mortgage is, in any case, irrelevant to the real problem with land-related investment in the islands. In his view, leases of adequate duration – 50 years or more – can provide adequate security for lending and other forms of investment.³⁶ It is rather the lack of assurance in the lease agreements themselves, due to unclear ownership and boundaries, which inhibits confidence in property as collateral for loans. In this context, land registration could provide a sorely needed mechanism for establishing and recording clear titles to land but does not need to do so at the expense of local land ownership (G. Danz, personal communication, 9/4/06).

For the moment, the prospect of landlessness as a result of new laws and policies is not critical. As noted previously, few people are engaging in the registration process in the first place.

Moreover, banks remain unable to accept land as collateral for loans since the law also requires that land be wholly owned by a Marshallese individual or entity. This requirement disqualifies any banks currently operating in the RMI, apart from the Marshall Islands Development Bank, from owning land. While the issue may not be a pressing one, it demonstrates the need for dialogue on a much broader level to consider the impact that policies like land registration may have on the existing land tenure system and, therefore, the society as a whole.

The lack of dialogue on land issues generally has contributed to a real disconnect between landowners and the national government when it comes to the wide range of social concerns connected to land. One recent report noted that “during a 1999 forum between the Marshall Islands Visitors Authority and several dozen Majuro *aḷap*, many of the traditional elders voiced their concern over the absence of dialogue with the government on issues of concern to them, including population, the environment, and the land” (ADB 2006). At the LRA office, staff recognise the need for a public education program to familiarise the community with the office and its objectives. There is a radio program about land registration in the planning stages and staff continue to work on informational materials for the public. However, with just three employees and a modest budget, it is likely that public outreach will continue to pose a challenge for the office.

In terms of women landowners specifically, it is critical that the LRA exercise due diligence in its public outreach effort. Although women are taking an increasing public role in land matters, it is clear that the *ḡaan maroḡroḡ* tradition of delegating duties to male relatives remains a part of the social fabric. Thus, in cultural terms, the registration process may well be perceived more accessible to men than to women. The RMI Government, therefore, must make a concerted effort to ensure that women are engaged in every step of the decision-making process as relates to the LRA.

Once the LRA issues a certificate of ownership, it is applicable only to the titleholder listed on the certificate during his or her lifetime. Any heirs to the titleholder who wish to register their interest on inheritance of the title must re-register. Thus, it does not appear that the registration process has any direct implications for patterns of inheritance, matrilineal or otherwise. Registration may have a significant indirect impact on inheritance and ownership patterns in that it provides a mechanism for those outside the traditional system of land tenure to legitimise their ownership claims. Consider that nearly half of the applications for registration thus far involve individuals who purchased one or more of the land interests on their property.

The RMI Government recently received a four-year technical assistance grant from the Asian Development Bank (ADB) aimed at improving the prospects for private sector growth in the country. Strengthening the Land Registration Authority is a key component of the grant’s three-part strategy, in addition to removing administrative barriers to business and providing access to credit through the use of moveable property. Consultants hired to implement the TA have said that a comprehensive review of existing land tenure practices and dialogue with landowners are on their agenda. However, these plans have yet to come to fruition and, in the meantime, the LRA continues to founder.

Given the complex and evolving nature of land tenure in the Marshall Islands, it is essential that the Government pursue its land tenure review as soon as possible. Moreover, there should be regular opportunities for fine-tuning the legal land regime in future. Ron Crocombe, an author who has written extensively on land tenure in the Pacific, points out that land rights are a product of legal, economic and social relationships that, in the Pacific, are in states of transition. Therefore, “legal and administrative instruments must be sufficiently flexible to accommodate the needs of the many people involved in this process of change” (1987:374).

Conclusion

The study of women and land tenure in the Marshall Islands offers no easy conclusions. Instead, we are presented with the complexities, contradictions and challenges of a land tenure system that is evolving. That said, it is clear that women are active participants in that process of change at the grassroots level. Their involvement may take on a more traditional guise, with women working behind the scenes and within their various lineage groups. More and more commonly, women may assert their authority publicly as the head of their lineage group. The greatest challenge for the RMI will be to ensure that women continue to be fully engaged in land-related matters. In this regard, it is telling that informants, male and female, suggested that the greatest potential threat to women's land rights would be a declaration of customary law (allowed for under the Constitution) barring women from traditional positions of authority (as would have been the case if Bill 84 had passed).

It is important to recognise that in the midst of change there is also continuity. Marshallese land tenure – as a system that is fundamentally matrilineal and collective – remains very much a relevant part of culture as lived experience for people. The men and women who took part in this study referred to the following phrase time and again: *an kōrā aelōn kein* (these islands belong to the women). Land in the Marshall Islands has been and continues to be a source of strength and power for its women.

Policy Recommendations

As part of a consultative process, the issues described above were shared with the nearly 40 delegates, men and women, who attended the annual WUTMI conference in Majuro, Marshall Islands in April 2007. Three recommendations came out of the conference directly.

1. To broaden the scope of the study to include other atolls in the Marshall Islands. In particular, participants thought it would be useful to gather information from regional sub-centres such as Jaluit or Wotje. Whereas Namdrik is decidedly rural and Majuro thoroughly urbanised, the sub-centres present a sort of middle ground useful for comparative purposes. Each has its own high school and relatively sizeable populations, not to mention relatively more development and infrastructure (including their own power utilities and, more recently, cellular phone service). The results of this study could be particularly useful to the Land Registration Authority in terms of providing some understanding of contemporary land tenure arrangements at a grassroots level and the potential impact – positive or negative - of land registration on those arrangements.
2. To collect and record genealogies as a means of clarifying the relationships of people to the land and to each other. Delegates at the conference emphasised that, particularly for the younger generation, genealogies are an essential tool for conveying knowledge of customary inheritance patterns. The vision for the project was decidedly local, with the individual female members of each WUTMI chapter seen as taking a lead role in recording their family genealogical chart. If the organisation initiated such a project, it could potentially serve as a mechanism for asserting women's interests in land. From a national perspective, a genealogy project initiated at the local level could potentially bring people into the stalled registration process. The LRA is already set up to receive and record genealogical information for plots of land.

3. To require the appointment of women to positions on boards and in offices that have an impact on matters of land and custom. These include but are not restricted to the Traditional Rights Court, the Manit (Custom) Commission, and the Land Registration Authority. Given the history of female participation in land-related matters at the local level, it is important that national institutions include female representatives at the highest levels of the decision-making process. Currently, no women are serving as judges on the Traditional Rights Court or as board members for the Manit Commission or the LRA.

In addition to the recommendations arising from the conference, other changes to be considered should include the following.

1. The Constitution does not specifically recognise the female equivalent of the male chief by listing the term “Lerooj” in its breakdown of titleholders. This oversight has not thus far hampered the ability of women to serve in the “Irooj” and “Iroojedik” titleholder positions. However, as it did in the wording of the Land Registration Act, the Government ought to consider amending other legislation, including the Constitution, to bring statutes in line with contemporary practice.
2. The RMI Government should work with WUTMI and other stakeholders to develop opportunities for dialogue on land-related issues at both the national and local levels. Regular forums on land issues are needed if the Government hopes to succeed in addressing related economic and social concerns such as waste management, environmental degradation and overcrowding. The forums should include representatives from all sectors of the community, including traditional, religious, business and civil leaders. In this vein, plans to conduct a review of existing land tenure practices and needs as part of the ADB TA supporting land registration should be implemented as soon as possible. Rather than a one-off proposition, the review should be regarded as a starting point in an ongoing process of adjusting and refining the legal and administrative instruments affecting land tenure.
3. Local atoll governments should also be more proactive in working with landowners to address community concerns. Although major landowners had been elected to serve on the local councils in both Majuro and Namdrik, no one office or person within either institution was charged with oversight for land-related policy.

Appendix A: Marshallese Words and Phrases

<i>Aḷap</i>	(1) Lineage head; (2) elder
<i>An kōrā aelōn kein</i>	These islands belong to women
<i>Bōtōktōk</i>	(1) Blood; (2) Refers to the paternal line
<i>Bwij</i>	Lineage, family
<i>Bwijjen</i>	(1) Umbilical cord; (2) Construct form of <i>bwij</i> meaning “from the <i>bwij</i> of”
<i>Bwidej</i>	Soil, earth
<i>Bwilok</i>	(1) Break; (2) Refers to the “break-up” of a <i>bwij</i> land rights
<i>Elōt bwij eo</i>	Refers to the extinction of a lineage
<i>Eh</i>	(1) House; (2) Reference word for <i>wāto</i>
<i>Eojek/Ekkan</i>	Tribute of food and goods for chiefs
<i>Iep jaḷḷok</i>	(1) Basket facing away from the speaker; (2) Said of male children
<i>Iep jāltok</i>	(1) Basket facing toward the speaker; (2) Said of female children
<i>Iḿōn aje</i>	Gift land
<i>Irooj</i>	Chief
<i>Iroojedrik</i>	Small chief
<i>Iroojḷapḷap</i>	Paramount chief
<i>Jowi</i>	Matrilineal kin, clan
<i>Kapijukunen</i>	Old lineage land
<i>Kajoor</i>	(1) Commoner; (2) force, strength, power
<i>Kōrā jeltan bwij</i>	Refers to power of women to create trouble within the family/lineage
<i>Lejḿaanjuuri</i>	Refers to the power of women to act as peacemaker within the family/lineage
<i>Lerooj</i>	Female chief
<i>Liḿaro bikbikir kōḷo eo</i>	Refers to the power of woman to encourage and, if necessary, incite emotions of men in war
<i>Ḽaan maroḿroḿ</i>	Male relative with power to act for a female lineage head
<i>Manit</i>	Custom
<i>Mejed kabilōk kōj</i>	Literally, “eyes that guide us”, the saying refers to the ability of a lineage head to tweak inheritance guidelines for the benefit of the lineage
<i>Mwojen</i>	Chiefly domain in the Ralik Chain
<i>Ninnin</i>	(1) Nurse, suck; (2) Land inherited from one’s father
<i>Wāto</i>	Land parcel
<i>Rijerbal</i>	(1) Worker; (2) Commoner

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Notes

- 1 The RMI is located 3,790 km southwest of Honolulu and approximately 2,700 km north of Fiji, the RMI is on the eastern edge of the region known as Micronesia.
- 2 Majuro has experienced extremely rapid population growth, with a seven-fold increase in population between 1958 and 1999. The number of people continues to climb. Recent estimates place the population at some 28,000 (EPPSO 2006).
- 3 D.U.D stands for Djarrit – Uliga – Delap, three administrative districts established during the US trusteeship period. Originally separate, the US Navy built causeways to connect these three islands and eleven others shaping modern day Majuro.
- 4 Updated population figures are unavailable for Namidrik as there has not been any follow-up census work done on the atoll since 1999. However, if Namidrik is in line with trends on other outer island atolls, the population may have declined due to out-migration since the last census (EPPSO 2006).
- 5 I met with a total of 35 informants for interviews averaging an hour in length for this portion of the research.
- 6 Much of the Majuro-related information was gathered in the context of a 2005 research project focused particularly on land tenure issues in the capital. As part of that project, I recorded over 25 hours of audio interviews with recognised community experts on land tenure and custom, a number of political and business leaders, a wide array of women, and people working on land registration.
- 7 For an excellent assessment of the interests and impact of American anthropology in Micronesia, see the volume *American Anthropology in Micronesia*. Robert Kiste, a researcher who is well-known in the Marshall Islands, is an editor.
- 8 Informants on both Majuro and Namidrik often referred to *wāto* as *em*, or “house,” rather than by its actual name. The *wāto* as a land unit thus may be identified as a “home” irrespective of whether or not an actual house or household is situated on the property.
- 9 Enewetak Atoll and Likiep Atoll provide notable exceptions to the pattern of matrilineal preference. Located in the far westernmost reaches of the archipelago, Enewetak represents a cultural crossroads of sorts, with influences from neighboring islands in the Federated States of Micronesia (FSM). Passage of land rights is bilateral, with both paternal and maternal claims possessing equal weight. Two European entrepreneurs purchased the land rights on Likiep Atoll in 1877. Descendents of these two men continue to own the land today. However, further study would be needed to understand land inheritance and management patterns among these descendents.
- 10 In her study of landholding on Namu Atoll in the Ralik Chain, Nancy Pollock reports that when asked whether the man or the woman was more important in cases where an *alap* title was shared between a brother and sister, “respondents indicated that each is, in his or her own sphere. However, the woman is the key link in the system and the man ‘just works for her’” (Lundsgaarde 1974:119).
- 11 Before the German administration banned warfare in the late 1800s, political machinations in the form of war, murder and intrigue were by all accounts very much a part of Marshallese life (Spoehr 1949, Tobin 1953, Kiste 1967). The Machiavellian maneuverings concerned those at the apex of the society – the 18 to 20 paramount chiefs who possessed primary title to the land. Rynkewich writes that warfare provided “the rationale, incentive, and rewards for chiefly redistribution of land” (1972:200).
- 12 Engaged on a voyage of discovery in 1815-1818, Lieutenant Otto von Kotzebue of the Russian Imperial Navy was the first European to record detailed observations of Marshallese

- society and culture. Kotzebue relates the following conversation he has with an informant about warfare: “Even the women take a part in the war, loaded with baskets filled with stones, which they throw, as they form the rear-guard, over the heads of their warrior, into the hostile army; they likewise afforded succor to the wounded, and Kadu, who has been in many such battles, assured us that the women were of great service in war (1821:49).
- 13 Tobin’s excellent work, *Bwebwenatoon Etto: A Collection of Marshallese Legends and Traditions* (1992), includes a re-telling of the story of Liktanur and Jebro in full.
 - 14 See Ward and Kingdon’s overview of early contact Pacific island land tenure systems in which they observe that traditional land regimes throughout the region share at least two underlying features: 1) the incorporation of strict customary principles that in practice are flexible and pragmatic; and 2) an emphasis on different levels of usufruct rights rather than outright ownership (1995:251-257).
 - 15 *Imōn aje* can be further sub-divided into various gift land categories. Tobin lists 11 types of gift land in his 1956 report on land tenure.
 - 16 One *aļap* informant referred to the following saying to describe the patrilineal passage of land rights in such cases: *bwij eo ej kōne eo jibwōd im ñe erub ebed leotibōb*. Roughly translated, it likens the *bwij* (female line) to an hardwood tree and the *bōtōktōk* (male line) to the pandanus. While the ironwood may die if subjected to harsh conditions, the pandanus is among one of the hardiest plants in the islands. Thus, the pandanus survives to carry on a line through blood until a new ironwood sprouts in its shade (H.N., personal communication, 3/16/06)
 - 17 See Kiste’s analysis of changing patterns of land tenure and social organisation in the Bikinian community after their resettlement on the island of Kili as a consequence of the US Nuclear Testing Program (1967).
 - 18 See Pollock 1974, Rynkewich 1972, Milne and Steward 1968.
 - 19 Described as one of the deans of Micronesian anthropology, Mason was among the first wave of American anthropologists employed in the region during and after World War II. Through his various positions both applied and academic, including a long association with the University of Hawai’i as chair of the Anthropology Department, Mason greatly influenced at least two generations of younger anthropologists in the region, especially those who worked in the Marshall Islands (Kiste 1999:391-392).
 - 20 Although the study included younger Marshallese, it did not consider them as a separate group. It would be both interesting and useful to focus specifically on younger people in order to gauge whether there is a significant generational gap in the value attached to land.
 - 21 Some of the present titleholders in the Ralik royal lineages – men and women – contend that custom dictates the *irooļapļap* title revert to newly emergent female lines within these lineages. However, when queried on the customary guidelines in such situations, informants demonstrated little to no consensus in their responses.
 - 22 In the early 20th century, the German ban on warfare ended a long-standing battle for sole *irooļapļap* authority over all Majuro lands between chief Kaibuki and his maternal uncle Jebrik. Lands that had been divided up in battle became fixed property for one chiefly line or the other. Since then, title to Kaibuki’s lands has passed in a direct matrilineal line of descent to the present *irooļapļap* titleholder, *Lerooj* Atama Zedekaia. The last direct heir to Jebrik, on the other hand, died in 1919 (Spoehr 1947, Tobin 1953). No one holds the *irooļapļap* title on Jebrik’s lands today. There is precedent for choosing a successor to the title from among those with *iroojedik* authority; however, informants indicate that this is an unlikely prospect at the present time.
 - 23 The legally incorporated land interests involved a family that bought the *aļap* rights to their property in the 1980s. In the cases involving the sale of land titles that the study came

- across, all transactions occurred exclusively within the commoner class. Thus, people who purchased land bought the *aḷap* and senior *rijerbal* titles to a land parcel. If a chief also held rights to the same piece of land, the individual continued to pay tribute to the chief. The purchaser only possessed sole ownership rights to the land in the absence of a chiefly claim.
- 24 The inclusion of “Senior *Rijerbal*” as a formal title in the Constitution gave legal weight to a relatively recent status that first gained ground under the three-part division of copra production payments. Confusion surrounds the Senior *Rijerbal* position because it is so new. While many of the *aḷap* interviewed (particularly on Namdrik) identified the position with patrilineal members of the *bwij*, others choose to recognise a maternal relative and/or assume the title themselves.
- 25 There are 12 members on the Council, which is modeled after the House of Lords in the British system of governance. Eleven members of the council are nominated from *irooj* or chiefly clans and one from two of the land “owner” families of Likiep Atoll.
- 26 Kwajalein Atoll is home to the Ronald Reagan Ballistic Missile Defense Site. The US military base brings in millions of dollars a year in rental income to Kwajalein landowners in the *Irooj*, *Aḷap* and Senior *RiJerbal* positions.
- 27 The Traditional Rights Court (TRC) has no original jurisdiction, advising on cases of customary law and land practice referred to it by other courts. Three judges, representing the different classes of land rights, sit on the court. Under the Constitution, the decisions of the TRC are given substantial weight but are non-binding on the judgments of a certifying court.
- 28 The Honorable Michael Kabua, Senator and *Irooj* from Kwajalein, co-sponsored Bill 84. In his capacity as chief for the lands under dispute in Kwajalein, *Irooj* Kabua has been a key figure in the *aḷap* controversy from its inception. He was the initial adjudicator in the quarrel between Julie Lokboj and her male relative, Lane Rowa, over the collection and distribution of the *aḷap*’s share of land rental payments. Lokboj broke with traditional practice in taking her case to the courts *after* chief Kabua had decided that the *aḷap* title belonged to Rowa. *Irooj* Kabua testified for the defense in the case but was not able to sway the court. That his name was attached to Bill 84 did not come, therefore, as a surprise.
- 29 Although Majuro landowners have been collecting lease payments from government and commercial sources for many years now, the institution of the *barwoj*, or “roof tax,” is a relatively recent phenomenon restricted almost exclusively to the D.U.D. area of Majuro. The amount and frequency of a roof tax collection varies from *wāto* to *wāto* and landowner to landowner. Results from the 2006 Community Survey on Majuro show that one-quarter of all households made roof-tax payments to *irooj* and *aḷaps* (EPPSO 2006).
- 30 Several authors have commented on the confluence between land, nation and power in their review of the RMI’s beginnings, including Meller (1989), de Jonge (1993), and Hezel (1995). Julie Walsh looks in particular detail at the enormous influence of Amata Kabua, elected President of the RMI for its first seventeen years while also a paramount chief in his own right. Thus, she notes that “Kabua’s influence in the design and structure of the government of the Marshall Islands intentionally was built upon recognition and awareness of the traditional authority held by *Irooj*, which prevented public dissent or opposition, even *within* government (2004:233, italics in original).
- 31 See Stege 2006, Chutaro 2004, ADB 2003.
- 32 ADB and US officials can point to an international chorus of development experts advocating for standardised property systems as the key to economic growth. Hernando de Soto is perhaps one of most well known of these experts. In the *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, he calls the formal property system capital’s “hydroelectric plant”. The idea is that the integration of all assets into one formal

representational system makes it easier to evaluate and exchange an asset's potential, thus enhancing the production of capital (2000:53-54).

- 33 See Slaats (1999), "Land titling and customary rights: comparing land registration projects in Thailand and Indonesia."
- 34 The LRA charges a fee of \$243 to cover its administrative costs. There is a separate \$75 fee assessed by the Office of Lands and Survey, which operates independently of the LRA out of the Ministry of Internal Affairs. Transportation costs for surveyors easily runs into the thousands of dollars if a flight to the outer islands is required.
- 35 "Statutory leasehold" gives lenders full use rights to a piece of mortgaged property until the repayment of loan debt but stops short of granting ownership rights.
- 36 Payne contends that a period of 30 years is normally considered the minimum necessary in terms of the ability to use property as collateral (1997:18).

**Matrilinial Land Tenure Systems
in Solomon Islands:**

The cases of Guadalcanal, Makira and Isabel Provinces

Ruth Maetala

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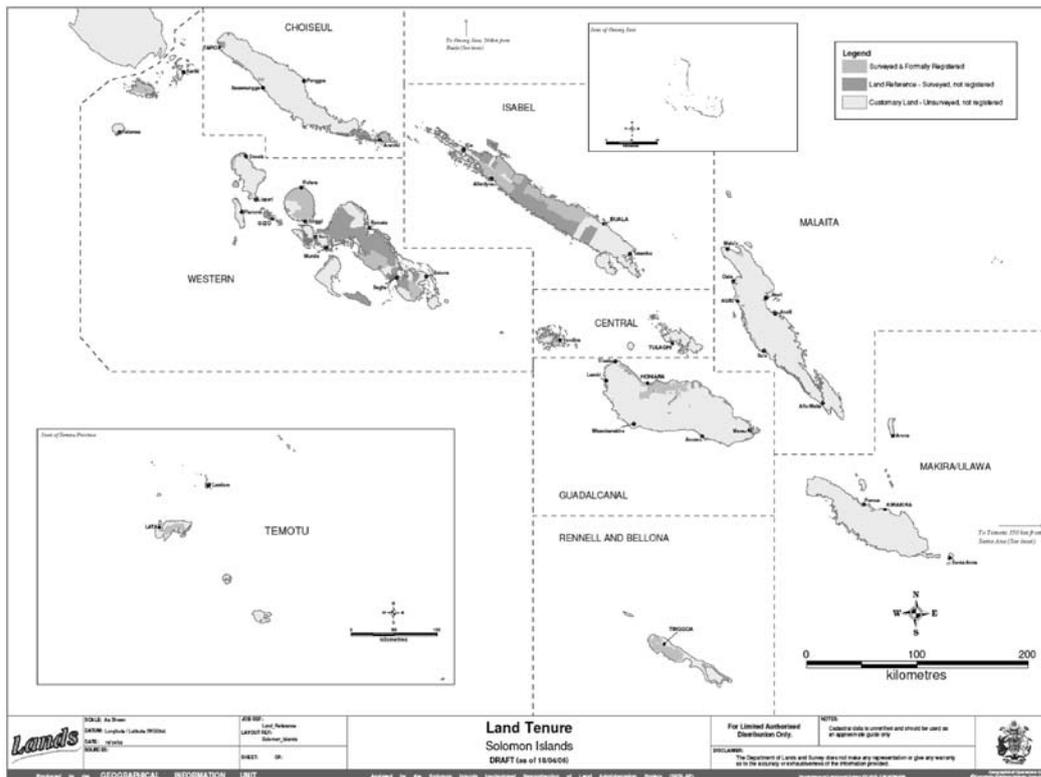


Figure 1: Land Tenure in Solomon Islands; Source: Ministry of Lands and Housing, February 2007

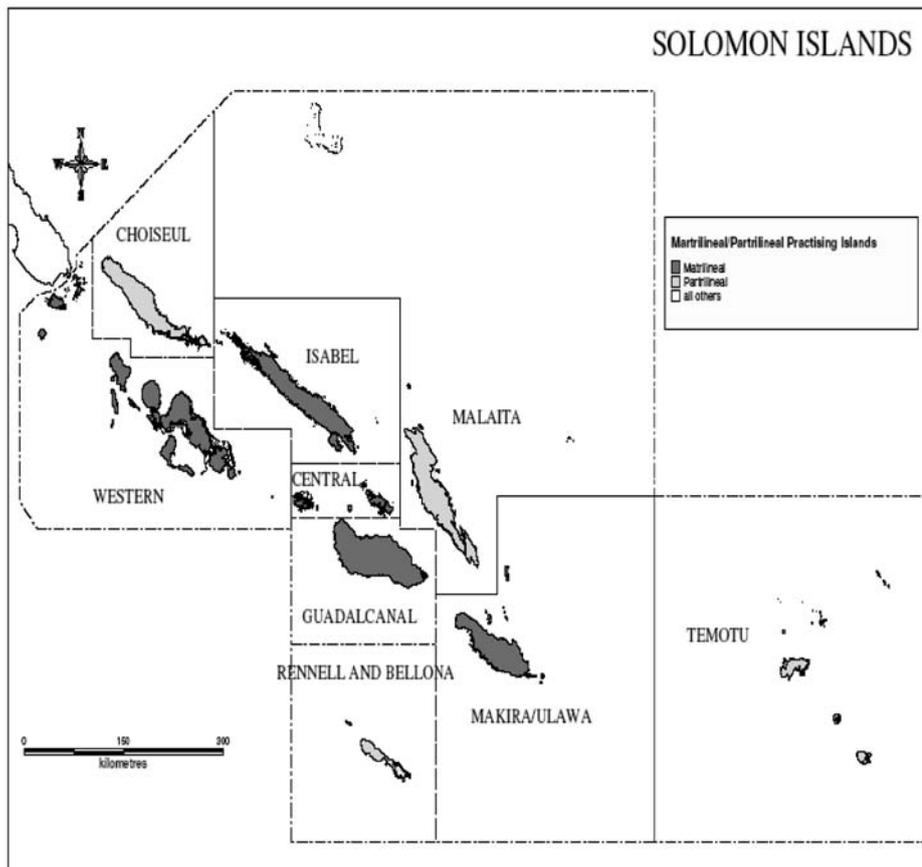


Figure 2: Islands practicing matrilineal land tenure systems in Solomon Islands. Source: Ministry of Lands, February 2007.

Executive Summary

1. This chapter reviews matrilineal land tenure in three Solomon Islands provinces, Guadalcanal, Isabel and Santa Ana (Makira), to ascertain:
 - landownership of women past and present
 - women's contribution to decision-making with respect to land
 - men and women's attitudes towards women as landowners and decision makers
 - the role of women in land and conflict management and
 - policies and legislation on land and their effectiveness in relation to matrilineal land.
2. The report is based on existing literature and first-hand qualitative research including workshops, village meetings, semi-structured interviews and village focus group meetings held in the three provinces between 17 February and 19 March 2007.
3. The results showed that in the past women in the matrilineal societies of Solomon Islands held a prominent role with respect to land tenure. Matrilineal protocols encouraged and promoted women as equal partners in decision-making in traditional society. However, even though women were recognised by the community as equal partners in the inheritance of land (through which they gained authority to exercise powers as landowners), their leadership role was, and is, still not celebrated or even acknowledged publicly. Women's inherited role in land succession has traditionally only been acknowledged implicitly.
4. Major changes in attitudes and policies with respect to land tenure, access to land and land management have occurred due to the increase in market demand for land and large-scale developments in Guadalcanal, Isabel and Makira, and the monetary benefits which are derived from the latter. All three provinces are currently experiencing growth in exploitation of natural resources such as nickel, gold and logs, and the exploitation of hundreds of hectares of land for plantations. As a result of these changes women and men have modified their ascribed roles in communities with men taking over the role of decision makers in land matters. Men have become trustees, signatories and beneficiaries of royalty payments without proper consultation with women. This has resulted in unequal shares in the benefits and led to false claims of landownership. It has created an environment ripe for enmity among families and clan members.
5. Gender imbalances between men and women are embedded in Solomon Islands culture, history, and contemporary socio-economic conditions. Women's power to make decisions has been undermined by their non-participation in forums and processes at the family, tribal, community and national levels. This calls for an examination of attitudes and behaviours that constrain women's equal participation in decision-making and their right to landownership, and for the mainstreaming of gender in the processes involving land and women in communities.
6. The communities of Isabel, Guadalcanal and Makira recognise women as legitimate landowners but there is need for legal recognition through legislation such as the Land and Titles Act 1969. Government is yet to promote policies that would regulate equity in landownership and land use in matrilineal societies. There is no specific legislation to enhance the role of women in decision-making in matrilineal societies. There are, however, other international, regional and national platforms which women can use to push for policy and legislative changes. These include the Convention on the Elimination of all forms of Discrimination (CEDAW), the Pacific Platform of Action (PPA), and the SI National Women's Policy (SINWP).
7. One of the main challenges to women's roles as landowners and as decision makers is the lack of women's representation in the national parliament and their low rate of participation in the electoral processes. This should be addressed through very small but positive steps like

increasing the number of women in public service sector, increasing the number of women participating at polling stations and so forth. The establishment of a new ministry for Women, Youth and Children is a positive step to address such inequalities.

8. This report concludes that there are simple practical steps that can be taken by the Solomon Islands Government and key stakeholders to take an integrated approach to achieving gender equality in matrilineal societies. These include:
- the design of a strategy for increasing women's participation in decision-making at all levels
 - the design of a strategy that would enhance women's participation in community and provincial level decision-making organisations that deal with land on a daily basis
 - a submission to the national legislating body to legislate the right of women as landowners in matrilineal societies, and
 - multi-sectoral training to increase women's awareness of land issues and land management (to be pursued through present structures and leadership programs so as not to reinvent what has been implemented so far by various stakeholders).

Introduction

Guadalcanal, Isabel and Makira practice matrilineal land tenure but women have been marginalised and in many cases excluded from decision-making, particularly with respect to land. Women's traditional role of sharing responsibility for the land has been weakened by introduced roles and structures and through women's focus on other roles. Although the Solomon Islands constitution recognises and acknowledges tradition and culture and has made provisions to accept and maintain traditional practices,¹ these opportunities for strengthening matrilineity have been undermined by women's marginalisation in decision-making, and particularly with respect to important negotiations in major development projects and natural resources management.

The study is a stocktake of matrilineal land tenure in selected areas. It seeks to better understand the following:

- Land tenure principles and practices in Guadalcanal, Makira and Isabel.
- The role - past and present - of women with respect to land tenure, land management and access to land, and the resulting impact on the participation of women in wider decision-making in local communities and at the national level.
- Changes in attitudes and policies with respect to land tenure, access to land and land management and the role of women therein, and the impact on gender relations.
- Past and current legislation with respect to land tenure and management and its impact on women's access to land and their role in decision-making at the community and national levels.
- The role of gender in contemporary land management and the potential for conflict.

The research methodology consisted of qualitative discussions, workshop discussions, semi-structured interviews, two provincial visits, and village focus groups. A consultation of women and provincial leaders of the Guadalcanal Provincial Assembly was conducted on 14 and 15 February 2007.

This report provides an overview of the general situation of women and land in Solomon Islands and examines some key issues of land tenure, land management, decision-making and access to land in three matrilineal societies: Guadalcanal, Isabel and Makira.

Women In Solomon Islands

According to the Solomon Islands national census of 1999, women make up almost 48% of the country's total population.² Since independence, however, the country has only had one woman member of parliament (MP): Hilda Kari, from Guadalcanal. Solomon Islands is among 10 countries in the world that do not have a woman representative in parliament (Women in Leadership Desk Report, 2006:1). The 2001 general election failed to return a woman representative (Roughan 2001c in Leslie 2000: 65). The same occurred in the 2006 election even though there was an increase in the number of women candidates – up from 18 women in 2001 to 28 in 2006. At present there are only three women members in the provincial government: one in Rennell/Bellona Province and two in Isabel Province. Women hold only 6% of senior positions in the government (four women compared to 21 men are permanent secretaries) and 16% in the private sector (SIG 2000, SIHDR 2002, Sigimanu, E. 2005:8). There is therefore a great need for increased participation and representation of women in traditional and contemporary leadership roles.

Women in Solomon Islands have nevertheless played important roles in leadership as mothers, breadwinners, and keepers of their families and clans (Pollard, A in Leslie 2000: 65). They were greatly affected by the violent conflict of 2000 but drew on their traditional leadership roles and integrated these with newer roles introduced by Christianity to provide counselling and psycho-social support for victims who were affected and traumatised, and to promote sustainable peace and security.

Some women have been appointed in Isabel to serve as tribal chiefs. However, they rarely serve as village chiefs although they take on the responsibility of ensuring that village governance is enforced.³ The Isabel Council of Chiefs (ICC) is composed of three area chiefs from eight different districts. Currently only one woman chief from Kia is represented, thus demonstrating that equal opportunity for women at the chiefly level is also lacking. The Guadalcanal Council of Chiefs (GCC) also has only one woman representative.

The Council of Chiefs areas follow electoral boundaries which sometimes conflict with tribal arrangements – particularly in electoral wards where there are a large number of tribes. This prevents adequate representation, particularly of women chiefs. Where this is the case, the politics of land becomes primarily the business of men because there is less scope for women to be present in the council.

Women have always taken a keen interest in land issues but today their roles in land matters have become invisible. Even when they are present or represented in the different decision-making structures (whether traditional, contemporary or faith based), women's views and decisions may not receive priority. In tribes decisions are usually made by a consultative group composed of the tribal head (usually a man or a group of men) and elders of sub-tribes and clans.⁴ In other words, men make the decisions and then convey them to the rest of the members of the tribe.

An examination of behaviours and attitudes of people showed that in villages it is difficult for women to be publicly recognised as equal partners in decision-making by communities. This has traditionally been the case. In Isabel, for instance, men were warriors: their role was to protect women and the community. This was public knowledge and every time a headhunter returned there was celebration and public display of the prized possession of the headhunter, such as material goods or the body of a young woman. When men went to war, women stayed at home and carried out the domestic and village responsibilities, sometimes taking on the masculine role of men such as cutting leaves, sewing and building houses in addition to caring for the elders and children and providing food. However, when the war was over, women's contributions to the success of the tribal wars were not publicly celebrated. Women were not congratulated for their success in maintaining peace in the village or keeping the family in one piece, and their

contributions to the war were not rewarded with any formal feasting or recognition. Their role in decision-making was suppressed even though they were the sole decision makers when men were at war.

Women are today marginalised in development initiatives in the country, not only through the traditional systems of governance but through government policy. Although the present Grand Coalition for Change (GCC) Government has indicated its support for women by giving recognition to the existence of the SI National Women's Policy and through Solomon Islands' accession to the United Nations Convention of Elimination of all forms Discrimination against Women (CEDAW) in May 2002, it has yet to increase the budget for the women's sector. The Women in Development Division (WDD), which is responsible for policy development and implementation, lacks the resources needed to carry out and monitor its activities. It is under-staffed and operated by two full-time staff in the absence of a Head of Division and it currently has only one provincial officer in Rennell Belona Province. There are six women's development officers who are direct employees of provincial governments. However, neither Central Islands nor Makira Provinces have a women's development officer (WDD Information, 6/9/2007). The national women's machinery was reviewed in 1999 and the report highlighted the need for improvement of the WDD's link with other sectors (Kere, 1999:83) and programs (SIG (SINWP), 1998).

Since its initiation and development in 1998, the Solomon Islands National Women's Policy has never been implemented. Although the policy highlighted the need for state recognition of the rights of women in matrilineal societies (SIG (SINWP) 1998: 28) there has been little attention given within national programs to address the needs of women in land management and land governance in these societies. There is also a need for simplification and translation of the national women's policy so that it could be implemented both at the national and local levels.

The Solomon Islands Government National Economic Recovery Reform and Development Plan (SIGNERRDP 2003) did dedicate a few paragraphs to trying to bridge the gender gap using sex disaggregated data to demonstrate gender inequalities, but it has failed to recommend a strategy for improving the status of women.

Women's increased participation in decision-making would contribute to bridging inequalities between women and men and there is much scope for maximising women's present roles and potentials for positive contribution. This is being addressed with the creation of a new Ministry for Women, Youth and Children's Affairs (MWYCA) by the Grand Coalition for Change Government (GCCG). Within the GCCG policy framework steps are being taken to improve policy development for the advancement of women's status, and an understanding of the need to reactivate and prioritise all policies, draft legislations and strategic intent relating to women and gender issues, in order to strengthen and build up the division responsible for the advancement of women (SIG-GCCG Policy Statement for women, youth and children, not dated but issued at the Ministry of Women Youth and children's Corporate Plan consultation 19/7/2007).

Inequity is still prevalent education and literacy rates.⁵ The 1999 gap between girls and boys was three percent in primary enrolment ratios and nine percent in secondary enrolments. Out of a total of 118,638 illiterate people, 65,797 were female, and the percentage of women in the formal work force was a low 23 percent with their occupations generally limited to traditional service sectors (SIG 2000; Douglas, B. 2000:13). Women's low literacy rates contribute to their exclusion from negotiations and agreements between companies and landowners. They are also held back by the paucity of resources available to them, their general lack of knowledge about the legal system, and their lack of participation in most decision-making processes at the tribal, community, provincial and national levels (SIHDR, 2000). Lack of access to cash is another debilitating factor which impacts on decision-making abilities.

Marginalisation of women, particularly in rural areas, is worsened by lack of access to information. Pollard (2000a) argues that because women are not involved in the "political and

policy-making domains of their local, not to mention supra-local communities” they are often just expected to implement decisions made by men. In this process they are “denied information, knowledge and power”. Pollard asked women in the Waisisi area of Malaita whether in the past 5 years (prior to 1997) they had been consulted by their area council member or by their MP. Not one woman answered positively.⁶

Although a number of stakeholders, non-government organisations, government organisations and women’s organisations have taken some action to address the lack of women’s participation in decision-making, these efforts have been fragmented, and lack strong networking among rural women.⁷ Additionally, intervention projects like the Regional Assistance Mission to Solomon Islands (RAMSI) which has a Machinery of Government Unit with its own women in politics strategy, is focused on advancing women in institutions rather than women as community leaders. It therefore receives very little support from local women’s organisations. A closer examination of gender issues is needed particularly with respect to women’s involvement in decisions surrounding land, access to land and land governance.

Despite official efforts to redress the situation, Solomon Islands women are generally seen as having lower status than men. Recent reports support the view that the shift from an extended (communal) family structure to a nuclear context has encouraged male dominance and male control of the family unit (Solomon Islands Government (SIG) and UNICEF 1998:35, UNICEF 2006:40). The shift from community to individualism has led to changes in family and social structures, which has also affected the position of women as landowners in matrilineal societies. Women are still acknowledged as land and knowledge owners, and as playing a strong part in promoting harmony in the community, but the growing emphasis on individuals rather than tribes or communities has lessened their influence because their strength and status lie in the community. In rural communities, women nevertheless continue to make decisions every day as part of overall community decisions in relation to land, exploitation of resources, conservation of resources, responsibilities delegated to children and the sustenance of their livelihoods. But because women’s roles are inseparable from the community (unless one were to look at it from a Western point of view where interests of women could be separated), where the community is weakened so are women’s roles.

The decline in women’s roles is illustrated by the comment of an ‘Are‘are (Malaita) woman recorded in Alice Pollard’s book (2000a:39): “in the distant past, within the traditional setup of ‘Are‘are society, we women were on an equal footing with men. We participated equally in feasts and brideprice transactions and we participated equally with men in the decision-making processes. But just in the last hundred years, during the Second World War and the colonial era, our status has dropped dramatically in comparison that of our men”.⁸

Women’s low political representation has little to do with actual leadership capabilities of women and men but all to do with the attitudes and behaviours of both genders towards women in politics. Women’s representation is low at all levels, including provincial assemblies and local government. There is real scope for improvement of women’s leadership roles at the rural level which could provide the basis for women’s increased participation in national politics. If women were able to gain greater respect and roles as leaders in the community it may be less difficult for them to be represented at the national level. However it is currently difficult for the existing support for women in communities to translate into votes. Men may give their support to women as leaders in communities, but when it comes to national elections, women are disregarded. The electoral system is dominated by men and very few women are involved in the whole process.

Our research found that people are conscious of the gender inequalities in the Solomon Islands electoral system and see the need to take positive steps to increase women’s participation and representation in public life as well as in formal institutions. A few positive steps are being taken by the GCCG through the establishment of three gender positions in the Ministry of Planning and Aid

Coordination, the WDD and the Ministry of Public Service. These will begin gender auditing and mainstreaming and gender budgeting within the Public Service with a view to increasing women's involvement in public and political affairs. Once these positions are filled, women's leadership issues can begin to be addressed at the institutional level to encourage women's participation in decision-making processes including in land matters.

Land

“[You] women in Makira do not need to fight for [your] land. Only the men fight but you should be glad to know that [the] land belongs to you.” (Man, Makira, April 2007).

Land in Solomon Islands holds an important place in the life of women, who put an immense value on its ownership and usage. Eighty-eight percent of land is owned customarily,⁹ vested in clans and tribes whose lineage can be traced through either the mother (matrilineally) or through the father (patrilineally).¹⁰ Out of the 10 provinces making up the Solomon Islands, five: Guadalcanal, Isabel, Makira, Central¹¹ and Western are currently considered as actively practicing a matrilineal land tenure system.¹²

Customary land in Guadalcanal, Isabel and Santa Ana (Makira), like elsewhere in Solomon Islands, is mostly communally owned (through family lines, clans and tribes). This means the norm has been equity in landownership within the landowning tribe, clan or line. However this has changed with land sales which began under the influence of colonialisation and have persisted with modernisation. Land was alienated by the Colonial administration in the late 1960s and early 1970s and since independence land in Guadalcanal, Isabel and Makira has been sold to the Solomon Islands government (SIG), to private companies, to provincial government and to individuals.

During colonial times, much land was sold well below its value, leading to lasting tensions and conflicts, and to distrust of the customary authorities involved in the transfer of land.¹³ In the 1900s Honiara was sold to the colonial government for a few pounds and some material goods. Today Honiara is the centre of all economic, social, political and spiritual activities within the country. But the question of who owns Honiara lingers. All agree that Mbaranaba sold it to the British Colonial government for what were perceived to be valuable goods at the time of sale, but participants at the Guadalcanal Matrilineal Land workshop raised the concerns of his descendants about this sale. They asked questions about who the women owners of this land were, how the sale of Honiara came about and who benefited from it.

Land sales in Isabel and Guadalcanal have contributed to many of the disputes that have arisen today among tribal groups, clans and lines. This is because the economic dimensions of the land have overridden traditional identity to the land. This has led to an increased trend away from communal towards individual landownership, and to a consequent lessening of the role of women, an issue addressed further in this chapter.

General tenure principles

Landownership in Guadalcanal, Isabel and Santa Ana (Makira) is vested in the line that claims ownership by proving their genealogical link with the original woman settler. Women and men who are born to the landowning women have automatic ownership. Land succession occurs through the descendants of the first-born female, who heads the family clan. Her descendants become responsible for the inheritance and administration of the land. When the first-born female's time

comes to pass on land she chooses her oldest daughter, but she also appoints a male child or brother to be the spokesman for all land-related issues. In cases where a woman is barren, land is generally passed to the next woman in line (usually it would be her sister). If there is no sister in that family her brother can take the responsibility of managing the land until another female in that family is old enough to take on that responsibility as successor of the land in question.¹⁴ A woman's ownership is inclusive of her tribe – meaning that her brothers have access rights. However, her brothers' children cannot inherit land.

When a male child is born to a woman from Guadalcanal, Isabel or Makira, he can claim secondary (i.e. usage) rights to the land, through his mother's primary rights. However, when he matures and marries a woman from another line, his rights to the land in principle end with him¹⁵ – they are not passed on to his children.

Although the traditional principle has been that all women on Guadalcanal, Isabel and Makira own customary land through their heritage, there are cases where women's land rights have been denied for reasons such as misbehaviour of husband and children, disrespect for community elders and/or disrespect for mothers.

There are also cases where land has been passed from father to son in matrilineal areas. This happens when the father has 'bought' a piece of tribal land.¹⁶ The father then has the right to transfer land to any of his children. In this case his son may become the next owner of the land rather than his daughter.¹⁷ Today, when land is individually owned, it is often passed down to a son; if there is no son, then to a brother. Upon the brother's death land is passed to the brother's children: in such cases landownership can be transferred from brother to brother, father to son, uncle to nephew in matrilineal societies. This however is restricted to bought land and does not apply to tribal land, which has to be passed down from mother to daughter, mother to sister or aunt to niece.

Marriages

Marriages which occur between members of tribal groupings in Guadalcanal, Isabel and Makira guarantee security of tenure to both partners and to their children.¹⁸ However, if a man from Isabel, Guadalcanal or Makira marries a woman from a patrilineal society like Malaita, neither party in the union will hold primary rights to land. In this case a man from a matrilineal society may either perform a traditional transaction of feasting or *sage* (in Guadalcanal) to keep land in his mother's place, or attempt to buy land. A woman from Malaita will only be able to own land if she buys it or if a piece of land is given away to her as a token of appreciation by her father at her marriage.

When men from patrilineal societies marry women from matrilineal societies they are often accepted into the tribe and may be given primary rights to land, particularly if they have been able to gain status in the community through their character and behaviour, and have obtained as much status as a man from a matrilineal lineage married to the same landowning group. This is, for instance, the case of Luke, a man from Malaita who is married to Elizabeth,¹⁹ a woman from Poro, Isabel. During their 25 years of marriage, Luke planted trees, initiated income-generating projects and gained respect from his wife's people. In return, he was appointed village chief. At the time of the study, Luke's children gave him a traditional feast on their and the community's behalf to publicly thank him for his role as part of the matrilineal community. Luke has nothing to return to in Malaita but if he did decide to do so, then his children could also benefit through his birthright to land in Malaita. Thus when a man from a patrilineal society is married to a woman from a matrilineal area his family is generally secure on both sides.

Women landowners from matrilineal societies who have married into societies practicing patrilocality tend to move into their husband's places. This is the case of many Santa Ana women,

but it doesn't necessarily mean they are distanced from their tribal land. For example, Naomi (a landowner in Star Harbour) who married a man from Malaita remains a strong leader among her brothers and sisters and in her mother's line. Thus, even though she has embraced her husband's culture she has also been able to maintain a strong link with her brothers and her tribe's people.

Inter-marriages and mixed cultures resulting from people's desire for and exposure to employment in urban areas are leading many women from landowning groups to marry men from islands that practice patriliney. In many cases (unlike in Santa Ana) the women are no longer land or resource owners in practice. At the same time, some men are making use of their marriage to women from matrilineal areas to further their own interest.

The payment of bride price also influences gender relations in marriages. Most of Guadalcanal practices bride price but Isabel does not. In Makira certain communities practice bride price and others do not. In the case of Guadalcanal, when a man pays bride price, the wife goes to live with him. However, this does not give the wife rights to land in her husband's place, other than for access to gardens and housing. At the death of her husband, the widow is at the mercy of her husband's sisters. If the latter want to rid their line of her they send a message to her people, who are fully responsible for her repatriation. However, when a man is alive, he can organise a feast to secure his family's place in his lineage and land for his children and wife.

Today the commercialisation of bride price is contributing to tensions over land and undermining gender harmony. There is therefore a need to regulate the practice.

Other means of acquiring matrilineal land

People other than the landowning group may own land by performing good deeds. For instance, widows and widowers as well as outsiders can gain acceptance by the wider tribe, clan or line without a blood relationship. An illustration mentioned above is that of a husband who knows he may soon die; he can opt to organise a feast to confirm the transfer of land to his wife and children. But to be entitled to pass down that land, his actions and behaviour during his stay with the landowning group must be seen to be "good". His good deeds would then form the basis for the land transfer to him and his family. When he dies, his family is secure due to his good deeds. However, as generations pass without the retelling of the tribal history, there is a danger that new generations may forget about these good deeds. This is when conflicts may arise. The onus is therefore on the elders to remind the youth of their tribe's traditions, customs and history.

Another means of acquiring land is through the acceptance of a people or family into a tribe. In this case, traditional feasting and shell money (or other valuables in Guadalcanal) are exchanged and a public announcement is made to seal the land transaction. There are three types of feasting in Guadalcanal, Isabel and Makira. The first one is feasting for the right of access to land for gardening and natural resources development. Under this arrangement men and women can gain temporary access and control over a plot of land used for gardening. The second type of feasting is for the purposes of settlement (building of houses and utilisation of wood for fuel). This, like the right to access, is generally temporary. This is creating some tensions today, as in the case of Eli²⁰ who lives in Tasimboko where his family had settled on land which belonged to his father's line. Because of women's primary right to tribal land, and because of increasing competition for space and resources, Eli is now struggling to hold on to that land used for gardening and other domestic activities. He said his life was like "waiting for a boat to arrive to take [him] and his family back to Ruavatu where [his] mother was originally from." Although his father had ensured that he organised a feast to allow his family to remain settled after his death, that transaction does not guarantee his right to that property permanently.

The third way to own land is through adoption. In the past, land was acquired through adoption

based on trust built through cordial cross-tribal relationships. However, this has changed in some ways. People from Guadalcanal, for example, said cases for adoption are no longer considered due to population growth. In addition, with younger generations not well informed of the rationale behind adoption, the focus is shifting to the effects of adoption. This adds on to resentment faced when adopted communities do not follow local customs. For instance, many Malaitans adopted by Guadalcanal people have brought their ways of living and practiced them on Guadalcanal when they should have adapted to the ways of Guadalcanal. This is particularly the case of Malaitans who came to live with their relatives who had been adopted by Guadalcan people. The latter often failed to demonstrate the same respect shown by their kin for their hosts. The clashing of cultures has often resulted in friction among family members.

In the case where a woman does not have a daughter but needs one to retain landownership rights, a mutual agreement between the spouses may result in child adoption. In Guadalcanal this is known as *sage* and sees the same rights accorded to an adopted child as to a biological offspring. *Sage* (known as *gajulehe* in Maringe, Isabel) involves feasting and the payment of shell money to demonstrate that the adoption was accepted by public opinion. The tribe, clan or line may subsequently avoid referring to the adoption to conceal the transaction. According to custom however the adoption is revered and honoured as much as a biological birth of that woman.

An example of land transfer discussed in the Santa Ana context but not verified in Isabel and Guadalcanal is the granting of ownership of land through clearing.²¹ This type of ownership requires the action of a man or woman unafraid to fight the ancestors who owned the bush on the land. If a person other than the landowners cleared an identified area within the tribal land then he or she was automatically allocated that piece of property. Subsequent generations would then have the right to inherit the land through his or her daughter. Feasting and payment of shell money would seal the transfer of land to the one responsible for clearing the land. For example, a man from North Malaita who came to Santa Ana and cleared land was given the right of ownership by Santa Ana people because it was believed that he was possessed by ancestral spirits. He then married a Santa Ana woman and his daughters became his successors when he died. Although he originated from a patrilineal line, his family perpetuated the practice of matriliney because he was married to a Santa Ana woman. Because his land was owned individually, inheritance was to his children only.

In the instance where matrilineal protocols are breached there are no laws that enable the removal of a man who owns land because he has cleared it. Today such ownership poses problems in Santa Ana.

Widows or widowers are generally expected to respect matrilineal protocol by performing a public feasting to retain temporary or permanent residence rights. If this is not done, a widow or widower may have to return her or his right to use and live on the land to his or her in-laws. In some cases they may have to leave their children and in-laws behind. In Isabel this practice is contained in the concept of *Dokula*, which can be translated as “owning things above the ground but not the land” (Bugotu, pers. comm., 13/3/2007). It is unfortunately often forgotten at the death of the partner who is part of the original landowning group.

As customary lands do not fall under the ambit of the Land and Titles Act 1960, it is difficult for tribes, clans and lines to prove ownership. Disputes are common among tribes and communities, and ownership of land is constantly challenged. In the case of Sikaiana, Teutao (in Heath, 1979:135) lists the “elimination of women’s rights and powers of ownership” as one of the factors causing land disputes”.

Additionally, there is no specific protection for women landowners in the Customary Land Act 1966. In Guadalcanal according to the research findings, it is not unusual for strangers to be allowed to use ‘line’ land if the leader of the clan gives approval. But in the event of an infringement by outsiders (immigrants), the matter is settled by public opinion.²²

Eroding Matrilineal Systems

Matrilineal land tenure has eroded in Solomon Islands²³ and there are signs that this is continuing. The trend began with the introduction of the mission in Solomon Islands, and continued under the establishment of the protectorate of the Solomon Islands in 1878. It has increased with people's more frequent movement between islands and the growing influence of the cash economy.

In 1957 Allan reported on the shifts away from matriliney that had been observed in the New Georgia group: "Irrespective of the position now, every indication exists that in pre-protection times the matrilineal rule applied."²⁴ He based his views on the findings of the first Lands Commissioner, who, in his enquiries conducted between 1920 and 1924, found that the matrilineal system in New Georgia "showed signs of breakdown where Choiseul immigrants had become established".²⁵

Allan gives a list of reasons for what he named the "repudiat[ion]" of matrilineal principles (1957:90). These include:

1. "Chiefs succeeding in having their sons recognised as holding primary interests in their lands" – an example followed by non-chiefly men.
2. "Men [doing] the talking and negotiating regarding land".
3. Men carrying out the custom of planting economic trees for inheritance by their son.
4. European emphasis on patrilineal descent which "weakened the peoples' regard for their own custom.
5. "Intermarriage and the ensuing confusion about descent".

All these factors remain applicable today. But one Allan does not mention is the impact of the church, which has been an important factor in reducing women's customary status – especially in matrilineal societies. The role of women as providers of logistical support to men during ancestral worship was undone when Christianity came in and said that women should not attend those 'heathen services for those heathen gods', and that they should 'learn how to become a woman

In Isabel Christianity was introduced by the Anglican Church (Church of England now called the Church of Melanesia) in 1902. While many women converts from other islands were forced to divorce their traditional role as providers of logistical support for ancestral worship, women in Isabel and other areas influenced by the Anglican Church were and are generally accepted as having traditional leadership roles within their community structure - these roles were accommodated for within church principles and practices. This has encouraged an active role of women in the church context. However, women's close relationship with, and governance of, land was affected because their principal link to land was through their ancestral gods and women were condemned if they worshiped ancestral gods.

and come to Church to worship the true God'. This led to the conversion of many women between 1900 and 1910, and subsequently to their more 'domestic' roles. This is noted by Alice Pollard (2000a:86) who writes that "the missionary-educators tended to undervalue the traditional role and knowledge of Solomon Islands women as food producers – expert exploiters of forest and lagoon. Instead the women were taught how to cook, sew, launder and sing". Pollard concludes that the effect of this was to create a dependency on men and to "produce women who lack the confidence, assertiveness and skills to accept positions of leadership in society" (p.86).²⁶

The effect of the church²⁷ was compounded by that of colonialism. As Pollard writes, "The patriarchal theology of the Christian missionaries harmonised neatly with the patriarchal power structure of the colonial government and the two together formed an effective ideological basis for women's subordination, submission and exclusion from the public decision-making

process” (42-3).²⁸ Women were expected to become ‘feminine’ and to carry out tasks that fit with this image.

The confusion about appropriate women’s roles was compounded by introduced technologies and shifting activities. With simple tools like axes and knives taking the place of spears, clubs, stones and tools men used to make, women started using tools that had been restricted to men in the past, thus changing the relationship between men and women. As men were recruited into colonial service and into plantations, women were left behind literally and figuratively. They were excluded from this recruitment process and expected to become above all producers of children. This “resulted in the lowering of women’s social status and the making of them into second-class citizens. Their labour as basic producers was not regarded as “real work” and, consequently, was critically undervalued” (Pollard, 2000a:41).

Women’s increased participation in formal employment and in money-earning activities has also contributed to a decline in participation in land affairs. Pollard relates the example of a Mrs Kareko (working as a “women’s interest officer for the Guadalcanal provincial administration”) who was less able to fulfil her “traditional female roles” such as participating in garden work and so on due to her work in Honiara. Although she contributed to traditional social activities through the purchase of foodstuffs, she felt that her role in as a traditional land-owner was “becoming less significant to her”. Pollard adds that Mrs Kareko “observe[d] that rights over land, even in the matrilineal societies of Guadalcanal, are increasingly falling into the hands of men”, a fact she regretted (2000a:12-13).²⁹

The influence of cash has led to men playing the role of ‘big men’ in negotiations, and discussions, and in the signing of document or agreements and as recipients of royalty benefits, while women focus on sustaining their families through sales of cash crops.

In the past, women, whether they were landowners or just those living within a tribe, would make gardens together. Today, there is little unity in relation to land. Economics have over taken communalism. Women nowadays plant gardens with the aim of selling to fulfil monetary needs thereby undermining “the old concept sisterly cooperation”.³⁰

Attitudes towards women as landowners in matrilineal societies in Solomon Islands were traditionally positive, a feature which still holds true today in some parts of the country. Loyd Maepeza Gina (2003: 7) refers to this in his recollections of his mother on Roviana: “Through the matrilineal system, women are strong”. Thus, he explains, marrying them was considered desirable: “... There were often arranged marriages between them, our women, and men from Simbo, Ranonga, Vella Lavella, Choiseul and Isabel. This was because when they begat children, they were stronger, but they had to live in Roviana”. He adds that “even today men from Malaita, Guadalcanal and other islands have married Roviana women for the same reason”. He goes on to state that even though he is “part Isabel and part Choiseul’ he has remained strong in Roviana because his mother made sure of this.

Women’s strength and status was also highlighted in the interviews with some participants who referred to women as ‘boss’ by which they meant that women had the right to exercise power in decision-making at both the family and tribal level. The strength of women lay in their contribution to and their expertise of community life. For instance, in the past, women of Guadalcanal, Isabel and Makira societies knew exactly what to do when it came to gardening, harvesting and crop rotation. Before the introduction of new technologies like tools and fertilisers, women had specific routines for crop management and sustainable harvest of crops and marine resources. If a feasting was planned for within ten months, the tribe, clan or line required specific gardens of taro, kumara and tapioca to go with the pigs, so the women would plant these specific gardens. In doing so they knew exactly what to plant where. Women also knew exactly how much food was needed to make the feast successful.

Women were also responsible for managing land use for building new houses and communities. Often when a man arrived at a place and brought his family there to settle, he would set up his *tabu* site; organisation of the village would take place. The woman's role would be to tell the husband where she wanted the house and the kitchen. She was partially responsible, too, for the gathering of materials to facilitate the building of the family home. These were learned skills that women gained from mentorship by older women. The study found this to be lacking nowadays, thus contributing to the increase in women not engaging in productive activities. Instead women are increasingly turning towards activities other than those relating to land, such as taking formal employment as teachers and in other occupations, spending time listening to the radio and spending more time on social life and leisure. The absence of mentorship at the village level was a concern for many women respondents as they saw it as taking away their traditional roles as decision-makers in land management.

Knowledge loss is another issue. Women are less regularly acquiring knowledge from older women so there is a danger of lost oral histories and genealogies – keys in the past to maintaining the matrilineal system and the role of strong tribal women. Dismissal of women's knowledge is an additional factor raised by Pollard: in "recent times" women's knowledge and wisdom have been "ignored or at least under-utilised by the leaders and decision-makers at community and national levels" even though "it is largely through the women that traditional knowledge is passed from the present generation to the next" (2000a: 52).

Guadalcanal, Makira and Isabel societies have similar tenure principles even though practices

In Isabel, matrilineal tenure was closely related to practices such as headhunting. In the past women were usually spared during tribal wars (unlike the men) as they were considered important in keeping the line alive. Inheritance of ownership through the female line was an important way to retain land rights and women have continued to inherit land rights since then. Women were in the past highly respected within their families, tribes and communities. Now, however, because of the introduction of the cash economy and its effects on natural resources development, more men are involved in decision-making with respect to land. This has affected the attitude and behaviour of men with some making decisions without consulting the women. Previously, decisions were made in the best interest of tribes and communities; land was communally owned and everyone had the right of access even if some had landownership rights. There was a common understanding: '*sakai mono, sikei ghada*', which in the Bugotu language means 'living together and sharing.'

vary from area to area. All who are born to a woman's line have access to the land. However, land matters are generally now decided by men who claim landownership through women landowners. In some cases men who have migrated from other tribes are also now claiming ownership and through this the power to make decisions based on their history with the landowning clan. Acceptance of such cases was traditionally based on empathy and shared interests. Today this is leading to conflict and enmity between original settlers and 'migrants' in matrilineal areas.

For the most part decisions on land distribution and usage in the past were made in good faith and transparency was the norm: hence decisions were accepted by the majority. Because land was revered, decisions were made with careful consideration of the social needs and wellbeing of the growing population and extended family relations – and with the objective of maintaining peace with other tribes. Community participation was normal, with most if not all in the community attending the meetings. In addition the relationships between the spokesmen, tribes and the women owners tended to be close. At times women disagreed but usually decisions would stand.

Today things have changed drastically. The increased population rate has created conflicts and disputes. Knowledge about land and tribal inheritances is now kept a secret because it is used in land disputes, to prove ownership in situations where tribal knowledge is disputed by several tribes who claim ownership of the land or natural resources.

There is no doubt all this has weakened women's status and roles. We can contrast the present with Allan's description of women's roles in matrilineal tenure in the 1950s: "... the status of women in matrilineal and bilateral societies, in respect of land, more closely approximate[d] that of men in patrilineal societies". Women in "matrilineal and composite societies" and in particular the "women holders of primary interests [were] consulted in land matters and [could] veto any proposed transfer". Normally the men would abide by the women's views (1957: 101). He concluded by stating that women could "succeed as land authorities" but that this was unusual.

Contemporary land management and matrilineal systems

In many parts of Solomon Islands there is pressure on land for development, housing, relocation of villages, and the raising cash for the livelihoods of families. Competition for space to accommodate the needs of a rapidly growing population in semi-urban areas like Honiara results in constant difficulties placed on the department of Lands and Housing to address land issues.

Major provincial centres and areas such as Buala, Kia and KiraKira are affected by large-scale developments such as plantations, extensive and extractive exploitation of natural resources through mining and logging operations, and developing tourism. Many of these activities lead to men disregarding matrilineal protocols in Guadalcanal, Isabel and Makira. When there is a project that will result in monetary spin-offs, men always want to head the negotiations. A woman respondent from the Weather Coast, Guadalcanal, said, "Even if I am a land owner, I am seen as a nobody, only good for home making and baby rearing."

In another interview a woman stated:

"In Vella La Vella women own the land... but when logging came in the women were forgotten. The first logging operation that I know about came in the early 1990s. Today logging is all around the whole of Vella Island. If you fly across the island, there is no jungle, no forest, only red mud and erosion. It has spoilt our trees and families. When logging came in tribes became enemies because they all claimed ownership of the same boundaries. In meetings only men attended, there was no consent from women, women are forgotten. One good example is North Vella (Kibiri logging camp) where an incident happened between blood cousins. My relatives were in conflict and burnt down houses, killed domestic animals and are enemies until now. They have not sorted out the feud between family members. Tensions still exist and although compensations were made to the host family nothing changed. Royalties were paid to the men and women received royalties but very small. Now gardening land is no longer accessible, the land is spoilt and cannot be restored to original form. Three logging companies are still there in Vella. Women are not trustees. Men who are trustees come to Honiara, live in hotels and spend the money in Honiara so no benefits go back to the village. There should be a policy that looks at the status of women as landowners. Educate the men that they are custodians but women are the owners of the land. Today women are owners in name only. Every say comes from the men. A policy must be developed to promote the interests of women as landowners. Before, men consulted women about land use etc. Now when logging is in operation they ignore the women. The men no longer consult women or seek their consent for

logging operations, they leave out women from negotiations, timber hearings and other important decision making meetings. Now pigs are eating gardens because there is food shortage, trees no longer standing, the land becomes bald. The initial logging operation was small but then the companies come back and harvested the trees slowly and there is no opportunity for reforestation. My grandfather has two sisters. One of the sisters' children wanted logging. My grandfather and his other sister did not want logging; the other group joined in partnership with the logging company and received royalty. The latter groups were resentful and were unsatisfied because they too were owners of the land yet they have not benefited much from the development. Now they are fighting each other because of this" (Pers.comm. Pilua, 12/2/2007).

In Guadalcanal, Isabel and Makira men hold the power to speak on land issues. In Makira where logging companies like Pan Pacific and Middle Island loggers are present, men have taken over the genealogical knowledge, which is used repeatedly over time to prove identity of true landownership. Women have very little knowledge of their roots which contributes to their low self esteem. In addition they lack knowledge about their legal rights and legislation such as the Land and Titles Act, and the processes through which they could benefit from development activities in their land. This lack of information undermines their ability to participate in land management and land discussions. For instance one respondent stated: "When we go to meetings, women say *"iu go becos iu nao sukulu gud. Go here kam den taem kam baek, iu talem mi wat nao iu herem"* ("just go to the meeting because you have a good education, when you return relay to me what you have heard"). "Therefore when we (men) go to meetings, we just have the liberty to go because our women often think of themselves as not having enough education to know what to talk about."

In Guadalcanal it was found that although women had good knowledge of their rights to land and resources, the dominant role of male chiefs suppressed the participation of women in decision-making processes related to large scale developments such as the Guadalcanal Plains Palm Oil Limited (GPPOL) and the Gold Ridge Mining Area. Currently a male chief is acting as trustee, signatory and beneficiary of GPPOL. This leaves no room for women to influence decisions because the traditional role of tribal leader has been expanded to cover a range of contemporary roles. In the past decisions represented a collective view, but this is no longer the case.

In Santa Ana there are still examples of effective consultations which are worth noting. In 2000 there was a need for a clinic so negotiations began to build it. The leader of the tribe, a man, gathered his sisters and aunts to discuss the issue of locating property to be allocated for the building of the clinic. With the consensus of the sisters the clinic project was built to provide health services there. But such cases of consultation are few.

Another issue that came out strongly during the interviews was the role of donor agencies. The introduction of donor-driven programs has affected the attitudes of men and women towards community development and land use. The concept of development must be understood in gendered terms and according to context. For instance, one woman in Isabel pointed out:

"Development to us is not water supply. We do not need running water to stay alive. When donors build our standpipes we cannot go to the river and wash and swim there. There is no privacy for women in the village. Donors forget that going to the river is our only time to socialise." (Personal Interview, Tausese, March 13, 2007)

In summary, women felt that donors, investors and development partners should consult properly with women to understand their needs, because women know what their needs are at the village level. In the example provided above, having access to running water solves the problems of long distances to carry water but it creates other problems such as lack of exercise contributing

to increasing levels of diabetes, obesity, high blood pressure and the lack of privacy when women are bathing, as stand pipes in villages usually do not come with the building of bathrooms.³¹

In addition, women participating in this research reported that some of the major impacts of development on communities have been an increasing dependency on aid money rather than the promotion of self reliance as the driving force of economic growth. They reported that women in communities, for example, are constantly seeking funding for activities like training and workshops on reproductive health, HIV/AIDS awareness programs, leadership trainings and income-generating projects. At the same time as many non-government organisations (NGOs) are working to improve the status of women, more serious issues like the harsh environmental effects of logging and the over-harvesting of marine resources (issues which have not been recognised and addressed by government or national organisations like the Solomon Islands National Council of Women (SINCW)) are leading to the suffering of women in areas such as KiraKira, Buala, Santa Ana and Kia.

Programs designed locally and specifically to meet the needs of women in these areas often remain under-resourced and therefore unimplemented. The Isabel Mothers' Union, for instance, plans their programs in alignment with the mainstream church programs, but they are not fully funded by the Church of Melanesia.

The strong focus on national development in the Guadalcanal plains and parts of Makira and Isabel has not led to real improvement in the lives of women in these places. The government has done little to address the socioeconomic needs of communities affected by mineral prospecting, logging and mining. Sustainable development programs for such communities have become the business of non-government organisations and Church-based groups. These include activities such as advocacy training by Oxfam International, leadership training for women in Isabel by the SINCW – especially of those who ran for provincial elections in 2006 – and other environmental groups like Solomon Islands Development Trust (SIDT) and Greenpeace, which have done work with communities experiencing land disputes and environmental impacts of development.

But members of the Guadalcanal Council of Women said leaders of the Guadalcanal provincial government do not recognise the negative effects of large-scale developments such as “women now walk[ing] long distances to fetch water, gardening and collect firewood.” (Solomon Star, 23/5/2007, Issue no. 3360, p8). An example is the prospecting by Guadalcanal Australian Gold (GAG), which has curtailed women's access to land due to security measures put in place by the mining company. This only adds to an already-frustrating environment, where people are still struggling with the healing process from the crises of June 5, 2000.³²

In Marovo, Vella LaVella and New Georgia in Western Province there has been extensive exploitation of logs, creating environmental degradation in affected areas. Although women own land, they are marginalised in the management of all these developments, including forestry (Cassels and Scheyvens 1999 in Boydell 2001). According to Boydell (2001:19) little has been done to integrate gender in forestry project planning, operations and management. This was confirmed by our research, which found there are cases where local knowledge of women about land issues is overlooked. Women also do not receive training to address gaps in reforestation efforts in their provinces.

Women are beginning to challenge the logging operation in North Vella, resulting in tensions between women and the logging operation (Pilua, pers. comm. 31/7/2007). Recently six women were hospitalised as a result of injuries inflicted by logging guards (Solomon Star 30/7/2007 Issue no. 3404). Women's efforts are not even recognised and acknowledged by those responsible for looking after the needs and interests of women. All this is creating ill-feeling in families and communities.

Social organisation – men and women’s roles in the matrilineal context

Clan membership is inherited from the distaff side – in other words a child belongs to its mother’s clan. Membership extends to all members of the clan wherever they live. This means in principle that blood ties with one’s clan cannot be undone. It is possible to determine clan membership by examining the lines of each clan member tracing them as far back many generations.³³ Clan membership also determines the land a person may use inside the tribal area.³⁴

Women in Guadalcanal, Isabel and Makira are tasked with ensuring that their young children receive and maintain cultural values and norms. Young boys and men are expected to gain knowledge about their ancestry and land history through oral history taught by the mothers, mainly so that they can adequately fulfil their role as spokespeople for the tribe. However, it is now being understood that this practice is undermining the power of women as landowners: the discrimination over who should be taught what is contributing to women gaining very little traditional knowledge of their ancestry and customs, and therefore being unable to participate in land decision-making. This is particularly the case in areas of Guadalcanal and Isabel. However, in Makira respondents stated that knowledge is transmitted by elder women or men to both male and female children alike.

When they transfer information mothers expect their young men to learn how to administer land fairly and to deal with land disputes. The role of women in this sense is therefore to teach and ensure that younger generations are knowledgeable of their histories and land rights. If a mother fails to do this, usually the grandmother plays this role in a boy’s life. Women are also expected to teach their young girls how to make a garden, look after the home and the family and how to care for the elderly. These roles are emphasised at a young age and maintained through generations. Often gender roles at the family level are determined by what the mother has taught and practiced. There have been recent changes in family settings with respect to the types of roles ascribed to boys and girls with a greater acceptance for boys to carry out domestic tasks which were reserved for girls in the past.

As stated earlier, at the tribal level, women in matrilineal societies are often referred to as “boss”.³⁵ They are responsible for the continuance of a tribe: the latter’s fate depends on the birth of a girl child without whom there is little hope for a tribe to maintain its land ownership. At the family level, women make decisions about food preparation, food gathering, child care, domestic chores and other household needs, including the needs of her husband. At the community level, women make decisions about community feasts, church-related decisions and the general livelihood and harmony of the village life. In some places women were also participants in land disputes. For instance, research in New Georgia “revealed that a few customary land disputes were actively participated in by women, especially disputes over old garden areas (Emata)” (Kolo in Heath, 1979: 84).³⁶

Women play these very important roles as decision makers in traditional matrilineal societies and it has been protocol that decisions are to be made with due respect to women’s position in land tenure and land management (including dispute management). An example of these protocols is provided in a study in Mangakiki (see below and Equity in Forestry report, 2003:45-46) which shows it is usual for women and men discuss a subject of importance as they retire for the night and, when daylight comes, to decide what to do during that day. In the past, decisions were reached in consultation with women and it was generally accepted knowledge that women had shared responsibilities in decision-making mechanisms and processes. But this research shows that in some places this is no longer the case. At a consultation in Tausese, Isabel, for example, it was found that women were informed after the decisions for mining prospects by chiefs and brothers.³⁷

In many ways the role of women is also determined by their relationship with men. For instance, in Kamau, East Guadalcanal, a number of women stated that although they are successors of land by birth and have rights and authority equal to that of their brothers, they feel that they should try not to overpower the views of their brothers because of the latter's traditional role as protectors of women, children and land. An associated problem for women is that their role as landowners is not publicly acclaimed, in contrast to men's traditional role as spokespeople. This creates a gap in the official recognition of respective roles and leads women undervaluing their own roles as landowners which affects their self esteem and in turn impacts on their performance as leaders in the clan or community. In addition men are today using their role as spokesperson ('mouth piece') to go take over other roles as trustees, signatories and beneficiaries of large-scale developments.

Women are also being excluded from participating in dispute resolution because many disputes are taken to all-male forums such as councils of chiefs or straight to male tribal and chiefly leaders.

Women also sometimes choose not to participate in decisions regarding land. In meetings dealing with disputes they may withdraw simply to avoid being in a situation that might result in violence and jeopardise their own lives. It is understood that men are responsible for protecting them, their children and their unborn grandchildren, and disputes may result in violence, injury and death. So in many cases women opt to remain either under a meeting house or to listen from outside. They will try to influence decisions informally through interaction at the family or community level. It should also be pointed out that women's views and interests are often accommodated when communal views are upheld. This is because men and women's interests cannot always be separated.

The role of men

In the past men hunted, negotiated, administrated, managed, and were custodians of the land. They have also traditionally been the protectors of women and children because it is crucial that women and children live to maintain the link with the land. Since men are not child bearers it is understood that they must give their lives to save the land for women and children. In Isabel a man in the clan or line is referred to as *gajulehe* (translated "dead branch")³⁸ because it is understood that men cannot ensure the continuity of the line. In contrast, in Isabel "the female is always the most important person in the line. She determines the existence of the line. [But] if she conceives only sons then she is called a "lost offspring" mother" (Kile in Heath, 1979:116).

Men are today seldom equal partners in child rearing, although in the past both elderly men and women were responsible for raising their grandchildren. In Isabel, men in the past shared responsibility in child rearing, babysitting and carrying young children to and from bush gardens. They were generally mild and lived harmoniously within their family structure and were very hospitable. Isabel women were worried that this was changing and that men were not taking on responsibility in the family setting.

One of men's traditional roles has been to pay the bride price although this role doesn't apply to some parts of Guadalcanal or to Isabel.³⁹ Bride price has a number of effects on land tenure, particularly as it often leads to patrilocality. When a man and his family have 'bought' the bride price, the woman is usually brought from her tribe into the man's tribe.⁴⁰ At his death, if there was no prior public declaration by way of feasting to secure land for the widow, the man's sisters have the right to expel their sister-in-law from her land because in principle the sisters own the land through blood ties. But in the case where land was purchased before death then the widow and her children may still live on that property (land).

The most influential role of men in the past and today in most matrilineal societies in the Solomon Islands is that of chief or big man.

Leadership

There are two types of headships in matrilineal structures in Solomon Islands: the tribal (or head of clan) leader and the community or village chief. The former inherits power to make decisions because he or she is born to the landowning line. The research found that this is a lifetime position of responsibility and women can be heads of clans, particularly if their mother was the previous clan head (women remain clan head after marriage if they were selected as clan head before marriage). The responsibility to lead a clan depends on the woman's position in the family which owns land or if she is from a chiefly (royal) family. In the case of Isabel, Asipara (in Heath, p. 72-4) found that "whoever was born to the eldest woman in a family may have a strong right to be a head of clan land" – including women. There are currently women in Isabel, Guadalcanal and Makira (Santa Ana) who are leaders under this category. Women heads of clans can also become community chiefs or Council of Chiefs (CC) members.

The second type of leader is the community or village chief, an appointed leader who is voted in by the majority of the community and normally chosen on the basis of character and leadership qualities demonstrated within the family, tribal or community level.

The tribal leader's position is inherited, while the appointed leader's is earned. The appointed leader, however, has the power to make community decisions on a daily basis while the tribal leader is only called upon to make decisions when the community chief feels unable to make a decision. Issues that are raised with the tribal chief are generally related to murder, adultery and land disputes. The appointed leader thus has greater influence than the tribal chief, who may be very influential at the clan level but less so at the community or village level.

In Santa Ana men were and are generally chosen as tribal chiefs because they are considered the protectors of the land. They are the guardians of the land and play the role of trustee for all activities taking place on the land. But this does not mean that they make all the decisions: these have to be made in consultation with the women, i.e. those who own the land.

The qualities sought out are based both on traditional criteria on good leadership and on Christian principles. They include the displaying of love, kindness, credibility, integrity and good character; the ability to influence others; to care for the elderly (in matrilineal societies, the ability to care for mothers); openness to all the tribe's people; living on the land; generosity; the ability to resolve conflicts, and sound knowledge of history and traditional protocols. These marks of a good leader have been internalised and practiced and are now part of *kastoms* and norms. Because of the issues that clans, tribes and communities face today, it is important for a leader to have strong interpersonal relationships, good listening and communicating skills and competence which can be ethically and effectively exercised and at the same time reproduced, nurtured and used to

mentor good leaders.⁴¹

In Santa Ana for example, it is up to the oldest landowning woman to perform the role of mentorship before she dies. She is responsible with identifying the next person (usually a male but possibly a female who meets all the criteria of a good leader) who is capable of taking on leadership responsibilities (Personal interview February 12, 2007).

Women and men in Guadalcanal, Isabel and Makira are equally expected to demonstrate leadership qualities, but it is harder for women to gain positions of responsibility. When they do it is difficult for them to raise questions about women's issues, as noted by a woman chief from Isabel: "Although I was appointed by the Paramount chief of Isabel Sir Dudley Tuti to serve on the

ICC, I cannot address issues affecting women of Isabel in a radical way. I have to look for ways to bring an issue to the table. But I am thankful for the opportunity because before women of Isabel sat in the kitchen, today we sit at the table.” (Dasipio, pers. comm., 16/3/2007).⁴²

Another woman in Guadalcanal spoke about her role in the Council of Chiefs in the following manner: “I am catechist (religious priest), the only one in the Church of Melanesia, but with respect to land issues, I cannot go in and do something radical about women’s role in land tenure and management. I have to wait for the right moment and use the right approach to advocate for issues affecting women in Guadalcanal, especially in West Guadalcanal. Only with this type of approach will I gain the respect of my male counterparts in the GCC.” (Gaokale, pers. comm. 19/2/2007).

Decision-making

There is no doubt that women in the past were effective in their role as decision-makers. They made decisions based on the activities they carried out in their daily lives. Many of these decisions were not made publicly, but the results of their decisions were demonstrated in the activities that were organised, particularly at the family and community level. Women had a say in every major land and natural resource decision. Although men were responsible for speaking and making the final decisions, women were powerful in advocacy and influence of any land decisions. These decisions affected land use patterns and the raising of children, leadership appointments, sustainable harvesting and other related matters.

The importance of acknowledging the role of women is demonstrated by the following example of a woman from Guadalcanal. A businessman in Honiara tried to buy the Kongulae water source. He used his mother, who is from Guadalcanal, to pay each of the landowners \$50,000 to transfer to him their rights to the water source – which supplies water to the Honiara township. Payments were made to all the men who, for the transaction, were deemed principal landowners but when a particular woman’s uncle’s turn came, he turned to his niece for a decision. This was her response:

“If you sell my land right, you have sold my great, great grandmother, my great grand mother, my grand mother, my mother and me to this businessman. If you respect my ancestors who are your ancestors also, then you will not sell my right to Kongulae water source.” (Personal interview, Honiara, February 19, 2007). This woman’s words were influential in the final decision: the Kongulae water source was not sold to the businessman.

As stated, a constraint to women’s role in decision-making is their anonymity with respect to landownership. Because land is automatically transferred through women’s lines at birth, there are no feasts held for them to publicly mark their inheritance of land. In the past, to conduct feasting for any event was to make a public announcement that something was agreed upon and was approved by consensus of the tribe. However, this was not done for land inheritance, except in the cases where land was transferred at the adoption of a person belonging to another tribe. Women thus became successors to land through general knowledge, rather than through a ceremony or public acknowledgement; it was known implicitly by all that they owned the land and resources. So even though women may gain respect as landowners for the duration of their life, there was and is

In Makira land is owned by women and is often referred to as *purunga* (ie land ownership rights of women’). Although women’s traditional role as landowners is still respected and esteemed, today their powers to make decisions in cases where natural resources are involved are limited to consultation, and often the benefits go to very few people.

Isabel has a close-knit chiefly system of land tenure and resource exploitation administration but women are not participating fully in current processes. At a chiefs' meeting in Tatamba, Isabel in March 2007 to decide on mining prospecting in San George Island out of the 125 chiefs in attendance only three were women. With such imbalances there is need for a strategy that is inclusive of approaches aimed at gender equity in land administration and management practices which includes important consultations.

no tangible evidence that they own land. Also, there is no way for younger generations to visualise the transfer of land from mother to daughter. This acts as an impediment to women participating actively in contemporary structures and processes for decision-making in matrilineal societies in Solomon Islands.

Our research found that women in the three provinces often choose not to challenge positions in power but rather seek to encourage equal partnership in decision-making. The reason is that women were trained and brought up to respect their elders and those in authority as a way to promote peaceful coexistence in families and communities. Challenging men's position as protector of the land and leader of the tribe can result in shame. In addition, present structures have maintained the traditional respect by women for men.

Women's speaking out has at times triggered violence, leading to injury or even death. Many

therefore focus on mobilising and working behind the scenes to make things happen. They try to use their role in the group to influence matters while maintaining unity. One way in which women have influenced decisions is through their genealogical links to the chiefs and by influencing their male relatives. This allows them to remind community men who the real owners of land and resources are. In addition, if a woman feels that a decision is not in the best interest of the community, she can approach the chief – either through a spokesman or – directly to voice her concern.

Land disputes and conflicts

The causes of the 2000 crisis have been listed as "...unequal and inequitable distribution of national wealth, rapid urbanisation, poor public sector management, unemployment, poor leadership, and the failure of successive governments to address these issues" (Kabutaulaka 2001 cited in Boydell 2001:28).⁴³ Land is also a factor: the post World War II grievances over the shift of the capital from Tulagi to Honiara are unresolved. Problems in Honiara include increased land value, population density and squatting caused by the in-migration (Anere et al. 2001 cited in Boydell p28).

Issues that were deeply rooted in the British administrative system have now become national issues. This is the case particularly for Malaita workers, long employed in the Levers plantation and CDC Oil Palm Limited, but deemed "illegal migrants" who have settled on land that is provided by these companies. Over time, these Malaitan families have grown alongside Guadalcanal ones, and land has become scarce. Although some Malaitans have met the traditional requirement to acquire land in Guadalcanal through practices like *sage*, attitudes and behaviours based on their patrilineal principles, customs and practices have filtered through to Guadalcanal communities and clashed with those of Guadalcanal peoples.⁴⁴ Judith Bennett (2002:5) also describes this problem stating that although women had rights to the land "a brother or uncle might allow a Malaitan a piece of matrilineal land, [and] over the years...as that one house became a hamlet and young, unemployed north Guadalcanal people needed garden land they often found their lands pockmarked by Malaitan settlements". She adds that "rather than blame their kinsmen, their displeasure fell upon the settlers".

Resentment against "Malaitan immigrants who acquired, foraged and hunted on Guadalcanal

land” (Common Country Assessment Report 2002), has still not been addressed by the central government. The tensions in 1999⁴⁵ between Guadalcanal and Malaita over land are still a security issue and feelings among ordinary Guadalcanal peoples have not changed much since 1999. The box below shows the range of demands put forward by Guadalcanal people in 1999, many of which are linked to land.

The issue the Solomon Islands government must face at some point is the mix of different cultures which has created an environment for potential conflict. Marriages between people from different islands can provide an opportunity for peaceful coexistence but also one for conflict over land rights and land governance. While Guadalcanal women own and inherit land, Malaita men who own land through purchase may opt to pass land onto sons, which is contrary to Guadalcanal tradition.

The issue of movement of people was also raised in the Santa Isabel Development Plan of 2003-2006 (UNDP 2003:3): “Modern Santa Isabel people have long been welcoming of others. However, the troubles of 1998-2001 involving Guadalcanal and Malaita have made them cautious about outsiders.”

In Santa Ana, women stated that the current shift away from traditional practices will lead to conflicts over land. Women have traditionally been responsible for identifying male leaders and for passing down oral histories to younger women through a strong mentoring system. Because of this tribal leaders have traditionally worked closely in consultation with women on issues relating to land and development. The weakening of this practice is jeopardising the traditional balance and communal approach.

The rise in the number of environmental refugees will also lead to future conflict. The time is coming where people will be forced to leave their original place of settlement –due, for instance, to the rise of sea levels which is a major threat to coastal settlers, islands and atolls, as demonstrated by the tsunami which hit Gizo in Western Province on 3 April 2007. Will our land tenure system be prepared to absorb people who will become refugees due to environmental threats? What will the government do about it? How will it establish policy to minimise conflicts in the future?

The role of women in conflict and dispute resolution

Women play a role both in disputes and in conflict management with respect to land such as differences in opinion over ownership or origin of a piece of land, claims to rights of custodianship,

Summary of Demands made at the February 2nd 1999 rally of Guadalcanal people.

1. State Government
2. Review of the Constitution
3. Review of the Lands and Titles Act
4. Transfer of Perpetual Estates Titles
5. Return of all alienated land
6. Rental for Honiara land
7. Increased shares in SI Plantations Limited
8. Review of the formula for revenue sharing
50% of all revenue collected by the government from investments on Guadalcanal
9. Proper acquisition of Honiara offshore area
10. Relocation of national capital
11. Control of internal migration
12. Amendment of the Electoral Act
13. Compensation for Guadalcanal people murdered in and around Honiara
14. Compensation for killing of a Guadalcanal youth by police

Source: “*The Bona Fide Demands of the Indigenous People of Guadalcanal*”, submitted to the Central Government on 2 February 1999 cited in *Common Country Assessment Report: Solomon Islands 2002*:.54.

transfers of land or simply access to land. A dispute may, for example, occur when a woman has decided to set aside an old garden to fallow but a new settler in need of garden space opts to use the fallow land. In this case the woman may engage in conflict because her decision has been disregarded. However, another woman may be instrumental in creating an environment to resolve the dispute.

The extent and intensity of a conflict generally determine what role a woman plays in conflict resolution. For example, a conflict which has resulted in injury is managed differently from one which, though intense, is only about a boundary issue and involves participants swearing at each other. In approaching an intense conflict a woman may be asked to stay home and pray while the men attend mediations and negotiations to find a peaceful solution. On the other hand, because women are considered traditional mediators, they could also take on the role as mediators. It is against tradition to take the life of a woman who is mediating (in recognition her importance to the survival of the tribe). Women can be instrumental in calming a spill-over by using their taboo parts (thighs, clothing) to cease the conflict (also see Pollard 2000 and Tovosia 2000 for detailed case studies).⁴⁶ Malaita, Guadalcanal, Makira and Santa Ana women use their clothing and bodies to calm an erupting conflict or use swearing words to stop men from fighting. However, contemporary practices using Christian approaches have increasingly replaced these traditional roles of women.

In contemporary Solomon Islands, even though women have and continue to be victims of violence and conflict, they have also played active peace building roles in prevention, management and recovery (Gender Situational Analysis, 2006). Women's traditional responsibilities for the mobilisation of logistical efforts to support warring parties, chiefs and other community leaders, and as providers of information to disputing groups as well as negotiators of peaceful solutions have been transferred to groups such as Women for Peace (Pollard. A. 2000: 44-46). But even though there appears to be political support for women's initiatives and activities, Pollard (2000) argues that this has not translated into actions that allow women to fully participate in the peace process. Due to the stereotyping of gender roles for men and women, women's role in the peace process is not promoted.

The Guadalcanal Women for Peace (GWFP) group was established in August 2000 by women living in Honiara who were working there or were married to men of other provinces. They established the group because they realised that movement in and out of town was restricted and that there was a need for a neutral body of Guadalcanal women who could provide moral support in that time of hardship. The group was instrumental in providing support through counselling, listening to trauma-affected peoples, liaising between national and Guadalcanal leaders, speaking to the Isatambu Freedom Movement (IFM) members, talking with mothers and implementing peace plans in alliance with the Women for Peace (WFP) group (Tovosia 2000: 47-48). One strategy was to use church networks⁴⁷ which was generally accepted by Guadalcanal men. But Tovosia (2000) argues that men in Guadalcanal have a poor attitude towards women, saying that Guadalcanal women's role was in the kitchen and that they have no place in leadership. Although the Guadalcanal men showed some respect for women as landowners, they felt their authority as tribal representatives threatened when faced by national women's organisations' promotion of gender equality. The same sentiments were shared by many of the men interviewed during the research. At the Guadalcanal workshop, male attendance showed that it is far better to revisit the traditional roles of women that promoted gender equality. They showed much more sympathy towards customary equity than towards the human rights discourse of gender equality.

Our research has found though that there has clearly not been enough work done to address land issues which was one of the main contributing factors to the crises. For instance, the Guadalcanal Council of Women articulated the need to focus on their traditional land knowledge and roles as landowners as priority training areas for women leaders. Other training areas which they prioritised in interviews were: leadership training for church women leaders and women chiefs; training in advocacy and lobbying, and training in how to understand and negotiate

company agreements. They felt that part of the causes of the (??) 1998-2001 were due to the lack of recognition from their brothers and uncles of their positions as leaders in the tribe but also the ignorance by large companies of the traditional rights of women with respect to land. They stated that they had been left out of participating in decision-making processes when it came to natural resources exploitation and development. Although women are often informed of what is happening, they are not given the opportunity to make decisions that are inclusive of their children and future generations.

Laws and policy

Land legislation⁴⁸ includes the Lands and Titles Act 1969, the Forestry Act 1969, and the Customary Land Records Act 1992 (which is under review).⁴⁹ The Lands and Titles (Amendment) Bill 2003 was reviewed in 2006 but is still pending approval by cabinet. There is a need for review of the Solomon Islands Constitution⁵⁰ and legislation to deal specifically with land and other natural resources in Solomon Islands, and particularly to recognise the role of women in matrilineal communities.

In the Land and Titles Act 1969, customary land is defined as,

“...any land (not being registered land, other than land registered as customary land, or land in respect of which any person becomes or is entitled to be registered as owner of an estate pursuant to the Provisions of Part III) lawfully owned, used or occupied by a person or community in accordance with current customary usage, and shall include any land deemed to be customary land.”

Although the act states clearly what customary land is, it does not specifically refer to matrilineal or patrilineal land. Definitions of “owners” refer to individual, group or community ownership. While there is provision for communal ownership of customary land, the commissioner has the power to purchase or lease customary land [CAP 133, Part V, Subsection 61.1]. The acquisition officer can be given the powers of a magistrate to acquire customary land. This suggests that although matrilineal (like patrilineal) land is customary it is still acquirable by law as the commissioner of lands has powers over all land in Solomon Islands. While the law makes provision for development activities taking place in customary land it does not specifically address the gender issues related to land. No part of Act is specifically designed to protect matrilineal or patrilineal land customs and protocols. Instead, in matters of decision-making, occupation and land management it refers to the powers of the commissioner in relation to the landowning group.

Part XXVI, subsection 239, of the act states that, “The manner of holding, occupying, using, enjoying and disposing of customary land shall be in accordance with the current customary usage applicable thereto, and all questions relating thereto shall be determined accordingly.”

The act therefore does not discriminate against either men or women but neither does it explicitly recognise matrilineal tenure. It therefore cannot offer specific protection to women land holders.

The GCCG has initiated a Land Use and Ownership Policy⁵¹ which will affect land tenure in the future: this includes policy 9.2 (c) which aims at “carrying out land reform thus recognition of indigenous tribes as corporate entities, corporate owners of the land as opposed to individual ownership and the protection of land from further alienation”; policy 10.4 (e) aimed at investigating cultural norms and practices important to the Solomon Islands way of life; policy 10.5 (d) the implementation of legislation through various Ministries to ensure women and children are protected, and the minimisation of the barriers that impede women from participating in decision-making at all levels (GCCG Policy Translation and Implementation Document, PMO, August 2006). With these policies in place government will be held accountable for ensuring that

the needs of women are addressed. Hopefully this will serve to advance the status of women with respect to matrilineal land.

Other initiatives which have been taken include the Ministry of Lands, Housing and Survey's (MoLHS) implementation of an AusAid-funded project called the Solomon Islands Institutional Strengthening Land Administration Project (SIISLAP), which ran from 2000 and ended in June 2007, aimed to strengthen the Ministry's role in land registration and land administration.⁵²

In addition to SIISLAP, a Land Reform Unit has been established within the Ministry of Lands, Housing and Survey. A Law Reform Unit has been created within the Ministry of Law and Justice. These are important steps taken by the government to address the need to address the existing and emerging land and housing issues. There is a clear need to have a proper land and housing policy to guide Solomon Islands into the future but these initiatives have to be accompanied by an increased awareness of women's traditional roles in matrilineal societies through existing women's structures as well as through the specific ministries' projects.

Since independence in 1978 there has been little official concern for land and women's issues in matrilineal societies. Women's interests have not been considered in government policy. This is in spite of the National Women's Policy's (1998) call for government to "put in place laws and regulations to safeguard women's rights in land matters and to ensure that women are involved in decision-making bodies relating to the ownership and use of land" and its determination that

Resource	Male access/control	Female access/control
Labour	Control	Access
Land	Control development	Matrilineal rights Custodians of land Pass land to children Right to Prevent sale Sponsor plantations for non landowners
Forests	Control – Chief controls logging and in past had final say	Access for subsistence needs
Water	Control through Rural Water Services (RWS) Project of the Ministry of Health	Access
Sea	Control with chief	Access
Credit (micro-project)	No access or control	Guadalcanal Women's Association was sponsored \$200 to purchase kerosene
Equipment/Technology	Control of road project equipment development of stone cage fords	No access or control
Education/Training	Access to forestry division works	Access to Forestry Division Workshops Involved in no other programs
Others Donor Projects	Control of AusAID road rehabilitation project Shared control of Rural Water Supply and Solteak Development	No access or control

Table 1: Mangakiki, West Guadalcanal has a logging company operating and also has a reforestation program implemented by the Ministry of Forests in partnership with AUSAID.

“women’s rights will be legalised and be enforceable through the country’s court systems” and that “government will also support communities that wish to formally document this.” (Solomon Islands National Women’s Policy 1998:28)

There has been at least one formal attempt to address women’s role as resources owners through a gender mainstreaming project of the Ministry of Forests undertaken in March 2002. In partnership with the Forestry Division of the Ministry of Natural Resources, AUSAID funded a workshop for gender mainstreaming in forestry contracting an international gender person and a local gender specialist to translate the National Women’s Policy using the case of Mangakiki, West Guadalcanal.

Our research carried out some gender analysis comparing Mangakiki with another area in Isabel, Kia where logging is present, to identify the gaps between women and men’s access and control over productive resources. The gender analysis of the Mangakiki area noted that men are heads of the families, controlled decision-making, have access to knowledge and resources such as land and forest seeds even though Mangakiki society is matrilineal.

The results of the analysis are presented in table form to demonstrate the lack of control of women in formal activities.

From our results we can conclude that women in both Mangakiki and Kia are not involved in development and have limited access to resources and very little control over benefits. In the Mangakiki case, the report stated that, “Women are most active in meeting the reproduction, household and community needs/roles. Often these roles are assisted by younger females of the community there by reinforcing the developed gender roles” (Equity in Forestry Report, 2003: 45).

Resource	Male access/control	Female access/control
Labor	Control	Access
Land	Control development	Matrilineal rights Custodians of land Pass land to children Right to Prevent sale
Forests	Control-Chief controls logging and in past had final say	Access for subsistence needs In the past few years women have been beneficiaries of royalty payments but amounts have been small
Water	No response	No response
Sea	Control with chief	Control with woman chief Access
Credit (micro-project)	No access or control	No access or control
Equipment/ Technology	Control of road project equipment by logging company	No access or control
Education/Training	No response	No access or control
Others Donor Projects	No response	International Waters Sea Resources conservation Project Women have access and shared control

Table 2. Kia results according to interviews

Recommendations

1. That the Solomon Islands government machinery responsible for advancing women, particularly the Women in Development Division, design and develop a strategy for increasing women's participation in leadership roles in matrilineal societies at the community, church and Council of Chiefs level by providing training and support for women leaders.
2. The national women's machinery to increase women's participation in political and public life, through the design and development of policy to increase women's participation in electoral processes, political processes and participation in government. A particular objective is to enhance women's participation in provincial and national politics. Women's increased participation at land meetings and conferences and in public service would ensure barriers at every level are addressed effectively.
3. Women's organisations to ensure that practical ways of passing down knowledge to younger generations are developed so that they are taught proper protocols with respect to land in matrilineal societies in Solomon Islands. This is aimed at bridging the gap between those with knowledge and those who lack knowledge about their land and genealogies.
4. Women to be represented in committees on land reform as well as the committee responsible for customary land records to ensure that protocols in matrilineal societies are acknowledged in legislative changes and new policies.
5. Women's rights in matrilineal societies to be legalised, but this should not ignore the fact that in the context of Solomon Islands traditional land tenure, women are part and parcel of the community and cannot be separated from the rest of community and the structures, mechanisms and processes within which decisions are made. It should therefore be noted that any attempt to mainstream gender should have regard for the needs and interests of women, men and children, boys and girls in the community in land tenure and management.
6. Traditional practices of conflict mediation and reconciliation should be given a higher profile in the rebuilding process in Guadalcanal. Due to the social impacts of the 2000 ethnic tension, lives are yet to be fully healed. This calls for a thorough study into what ways would best address the impact of the past conflict on gender roles in the Guadalcanal society.
7. Programs designed and developed by investors for community development should take into consideration both the traditional and contemporary roles of women and men thereby promoting gender equity.
8. To minimise conflict or potential conflict with respect to land tenure and management, multi-sectoral awareness and training should focus on:
 - resource benefit management and the rights of beneficiaries,
 - the roles of trustees and signatories,
 - a code of conduct for men and women as community leaders
 - the conduct of land and timber rights hearings including specific protocols of these processes, and,
 - general leadership training for women.This should be pursued through the current leadership programs conducted by various women's agencies and government ministries including the newly formed women's ministry.

Interviews, Meetings and Workshops

Women's Organisations

- Josephine Teakeni, Director, Vois Blong Mere Solomon (VBMS), March 8, 2007.
- Janet Tuhaika, Acting Director, Women in Development Division (WDD), March 8, 2007
- Apolonia Bola, Member, Guadalcanal Council of Women (GCW), February 12, 2007
- Ethel Suri, Program Officer, Solomon Islands Christian Association (SICA) Federation of Women (SICAFOW), April 4, 2007
- Eva Wagapu, Training Officer, WDD, February 13, 2007
- Anne Saenemua, Project Coordinator, International Women's Development Agency (IWDA), February 12, 2007
- Greenta Tavake, Executive Member, GCW, February 12, 2007
- Virginia Pilua, President, Honiara Council of Women (HCW), February 13, 2007
- Ela Kahue, General Secretary, Solomon Islands National Council of Women (SINCW), March 3, 2007
- Sarah Dyer, Desk Officer, Women in Leadership Desk, SINCW, March 3, 2007.
- Doreen Ata, President, Mother's Union Diocesan Council (MUDC), Isabel Diocese, March 12, 2007
- Rachel Leka, Council Member, MUDC, Diocese of Isabel, March 12, 2007
- Doreen Bana, Council Member, MUDC, Diocese of Isabel, March 17, 2007
- Clarissa Mimilo, Council Member, MUDC, Diocese of Isabel, March 16, 2007
- Dorris Bava, Member, Isabel Women's Association (IWA), March 8, 2007
- Olga Chapang, Staff, VBMS, February 14, 2007
- Joyce Murray, President, Makira Council of Women (MCW), April 14, 2007

Traditional Organisations

- Roselyn Gaokale, Member, Guadalcanal Council of Chiefs (GCC), February 13, 2007
- Emmy Peoa, Land Owner, Kia, Isabel Province, March 3, 2007
- Noelyn Biliki, Chairwoman, Interim Committee for Gold Ridge Women Landowners Association, February 26, 2007
- Moirra Dasipio, Chief, Kia and Member of Isabel Council of Chiefs (ICC), Isabel Province, March 16, 2007
- Government Ministries
- Harry Waitara, Director, Department of Physical Planning, Ministry of Lands and Housing (MLH), February 12, 2007
- Steven Likaveke, Independent Consultant, Social Impacts TOL, Solomon Islands Institutional Strengthening Land Administration Project (SIISLAP), MLH, February 12, 2007
- Cherry Tanito, Independent Consultant, Land Administration and Registry, SIISLAP, MLH, June 1, 2007
- Eric Garopava, Under Secretary, Ministry of Lands and Housing, June 1, 2007
- Provincial Government

Joel Arabola, Clerk to Assembly, Guadalcanal Province, February 14, 2007

Honorable Paul Siove, Ward Member, Guadalcanal Province, February 14, 2007

Honorable John Manafe, Premier, Makira Province, February 15, 2007

Honorable Rhoda Sikilabu, Minister for Community Affairs, Isabel Provincial Assembly, March 3, 2007

Honorable Lonsdale Manasseh, Minister for Natural Resources & Deputy Premier, Isabel Provincial Assembly, March 13, 2007

Honorable Michael Mendi, Minister for Education, Isabel Province, March 13, 2007

Honorable Tadius Siota, Minister for Health, Isabel Province, March 13, 2007

Willie Bugotu, Chief Administrative Officer, Isabel Province, March 12, 2007

Non Government Organisations

Betty Luvusia, Women in Sports, IWDA, February 14, 2007

Jeffrey Dennis, Conservation, Green Peace, April 4, 2007

Donald Marahare, Legal Officer, Oxfam International, April 26, 2007

Carol Pitisopa, Legal Rights Training Officer, Live & Learn, April 26, 2007

Individuals

Nancy Jolo, Isabel, April 15, 2007

Rachel, Executive Member, IGRWA, April 15, 2007

George Sanau, Ministry of Foreign Affairs, April 15, 2007

Selwyn Havoli, Chief, Tausese Village, Isabel, March 16, 2007

Edmond Sikua, Tasiboko Village, East Guadalcanal, February 14, 2007

Bethany Sikua, Arosi, Makira Province, February 14, 2007

Augustine Gapiara, Chief, Santa Ana, February 12, 2007

Beth Esther Faruara, Land Owner, Santa Ana, February 12, 2007

Doris Iki, Land Owner, Makira Province, July 16, 2007

Communities and Workshops

Guadalcanal Provincial Consultation Workshop, Honiara, February 14-15, 2007

Kamau Community Meeting, Isabel, February 24, 2007

Tausese Community Meeting, Isabel, March 13, 2007

Huali Women's Meeting, Isabel, March 15, 2007

Poru Community Meeting, Isabel, March 14, 2007

Kira Kira Consultation, Makira Province, March 28-April 3, 2007

National Consultation on Matrilineal Land Tenure, USP, Honiara, April 25, 2007

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Notes

- 1 See the Solomon Islands Constitution CAP II which contains the Bill of Rights.
- 2 SIG: Report on the 1999 Population and Housing Census, 2000:31
- 3 Tribal chiefs inherit chieftainship from chiefly lines but community chiefs are appointed by the community.
- 4 See also Rev. L. Boseto, 2000:7 for examples in Choiseul Province
- 5 SIG: National Economic Recovery, Reform and Development Plan 2003-2006, Strategic and Action Framework, 2003:57
- 6 See Pollard, 2000a: 52-53.
- 7 A number of women's organisations and non government organisations (NGO) have been working on implementing into activities the policy and platforms for women. For instance, Vois Blong Mere Solomons (VBMS) a women's media organisation in Solomon Islands has translated section J of the Pacific Platform for Action (PPA) into activities targeting areas concerning women in media. Various ministries and government department also have specific programs aiming at different areas of legislations like CEDAW. Nonetheless, the broad statements in the Solomon Islands National Women's Policy should be translated and incorporated in national legislation taking into account the need to protect the rights of women as land and resource owners but also accommodating issues in equal and fair distribution of resource benefits.
- 8 In an optimistic conclusion, the speaker adds that she believes the trend is being reversed today and that in the future, if women continue to progress, they will be at the "same level" with men.
- 9 According to the Ministry of Lands 88% of land is held under customary tenure facilitating a subsistence agriculture base, while the other 12% is registered land. (pers. comm. Waitara, 14/2/2007).
- 10 A comparison between islands practicing matrilineal and those practicing partlineal land tenure systems found that both these systems are only applied in the context of customary land that has not gone through the process of registration. While this is true there are an increasing number of tribes, clans and lines owning customary land that favor registration of their land.
- 11 The Central Province consists of Russell Islands, Savo and Ngella Islands.
- 12 The systems are not always clear-cut. For instance, Are'Are society, in South Malaita, has been described as 'bilinial' with "land rights and other wealth [inheritable] by the children from both the father's and the mother's side". The author adds that although the society is patrilocal "because it is not proper for the man to use his in-laws' land... the children can have land rights in both the father's and the mother's side". See Waroka, J., in Heath, 1979: 66. Allan, in a study carried out in 1957, states that matrilineal societies exist "in the Shortlands, throughout the Central Solomons district, San Cristobal, Ugi, Santa Ana, Santa Catalina, Ndeni, the Reef islands, the Duffs, Vanikoro and Utupua" (p.89).
- 13 For instance, in a revealing excerpt on Roviana which Allan says "can apply generally throughout the whole Protectorate", he writes " that when Solomon Islanders first began to negotiate in land with Europeans, they did so through authorities distinguished in the tribal community for their organising capacity, and for provision of feasts at the time" but "that

subsequently, as the traditional functions of such authorities disappeared in consequence of social change, the people became disillusioned about the capacity of such authorities to represent them in land affairs, especially since they appeared to have been responsible for “losing” some lands” (1957: 99).

- 14 Personal interviews
- 15 Asipara (in Heath 1979: 72) writes that: “Santa Ysabel is a matrilineal society and land rights pass from mother to daughter. Men’s right to use land terminates at death. Therefore a child cannot inherit land from his father”.
- 16 For other ways in which men access land in matrilineal areas, see below.
- 17 According to Meek, who was writing in 1950 there were examples of patrilineal practices found in Arosi I, Makira and elsewhere in Sand Fly Island. In Santa Ana, patrilineal practices are influenced much by cross marriages with people from South Malaita. In Kamau village, respondents highlighted that they have a history of relationship with people from West Kwaio in Malaita and parts of AreAre, South Malaita.
- 18 The man retains links to his own tribe, but his children do not exercise the same rights as their father in their father’s place, because they have land rights through their mother’s line.
- 19 Pers. comms. Fafale, Poro village, Isabel on March 14/2007.
- 20 Not his real name.
- 21 Allan discusses this more generally with respect to passing on of land stating that a limitation to women’s ownership of land is that “women do not themselves clear virgin forest”, which is a way in which land is attributed for ownership. See p.101.
- 22 In colonial days this was decided upon by the District Commissioner and according to CK Meek (4/9/1950) the official stance was that “strangers held no land on sufferance and on their death, it returned to the line”.
- 23 Murray Bathgate (1993) in his study on the ownership of coconut palms in Western Guadalcanal argues that this is hard to prove due to the lack of statistical data: “I am not aware of any study which demonstrates unequivocally a *change* towards patrilineal transference/inheritance”. Many observations in this study and earlier ones however attest to moves away from matrilineal tenure principles.
- 24 See Allan, 1957, *Customary Land Tenure in the British Solomon Islands Protectorate*.
- 25 Allan adds that the changes observed by Phillips had continued and that “today, the bilateral rule is well established in Vella Lavella though some resist it. In the Marovo, its extension has continued slowly”.
- 26 Pollard also adds that “the materials and equipment required for the successful performance of the skills that the missionary-educators taught their female students were seldom locally available. Consequently, many Solomon Islands women were placed in a position of dependency on the female missionaries with regards to resources, skills and knowledge, again hindering the development of self-reliance” (p.86).
- 27 The role of the church was not entirely negative as Pollard points out (p.85). The positive aspects she discusses were improved living standards for women and their families, and communities, newly acquired skills which women could use for income generation and the “formation of grass roots women’s organisations, many of which remain in existence to this day”. However, it was not until the 1950s that education for women went beyond a domestic focus. See Pollard, p.45.
- 28 Pollard quotes from Charles Forman (1984; 155) who argues that Christianity brought with it a “strongly masculine image” as it was initially driven by men with “male missionaries dominant[ing] the administration and governance”. Pollard adds that ‘with such a scenario, island women had no role models to observe or emulate” (p.42).

- 29 Pollard notes that Mrs Kareko “has traditional land-owning rights that entitle her to be involved in any decision-making process with respect to her land” (p.12).
- 30 This expression is used by Pollard (2000: 51).
- 31 This was reaffirmed by a Buala man: “Sapos olketa white man likem hide time olketa swim, then olketa women blong iumi tu like swim farawe from wea stake pipol bae lukluk.” Translated “If foreigners want privacy when having a shower/bath then our women too need to go to the river where people will not see them.” (Personal Interview, March 12, 2007).
- 32 The 2006 Community Sector Program (CSP) Snapshot which surveyed 300 villages in Guadalcanal found that 38% of villages reported income from timber and logging royalties, however there was no information on the income level (cited in SIG 2007: 4). Women living in the Matepona, Kia and Buala areas indicated that if given the support they could engage in activities that could increase incomes substantially taking their focus away from past hurts caused by the tension. One woman landowner in Tasimboko area said, “During the tension, militants came and destroyed my house in Mbarande River. They lit my house with fire after looting my personal belongings. What I cannot forget is my sewing machine. I saw the young man (*wantok nomoa*) who lifted up the machine and smashed it. That was my tool for earning money. Now I do not have a sewing machine. I only wait for royalty from GPPOL. But sometimes my brothers don’t give me anything. I still have not rebuilt my house because the Government has not paid my compensation.”
- 33 For women born out of wedlock, the shame and ridicule associated with them undermined their right of inheritance but there is now greater acceptance for illegitimate children who are born to women landowners.
- 34 See BSIP F17/4, ‘Native Social Organisation in Central Solomons,’ 1950, March 10, p1 & April pp8-9
- 35 This was the expression used by 50% both men and women respondents
- 36 The author suggested that in view of this “it would [have] seem[ed] fair and wise to have some female justices in Local Courts and the CLAC [Customary Land Appeal Court]”. See Kolo in Heath, 1979: 84.
- 37 Men use cash and education as power tools. Sometimes money is in corrupt ways for instance to bribe company owners to favor certain chiefs or other male representatives.
- 38 *Gajulehe*- concept of men as ‘dead branch’ which cannot bear fruit but is cut away once not useful to the main tree.
- 39 According to Allan, bride price is practiced throughout Solomon Islands with the exception of “Roviana, Marovo, Ysabel, the Malango/Vulolo are of Guadalcanar, Tikopia, Anuda, Sikaiana, and Lord Howe” (1957:94). Allan adds that bride price was ‘spreading’ at the time of his writing and had moved into areas of San Cristobal where it had not existed before.
- 40 Allan noted exceptions to this in the 1950s stating that at the time ‘dual residence [was] quite common’ and sometimes matrilineal depending on “availability of land, difficulties with parents-in-law or simply preference” (1957: 94).
- 41 See K F Sanga and K D Walker, 2005, pp.15-22 for detailed discussions on leadership qualities.
- 42 This is illustrated by the fact that in the last national elections although 28 women contested the general elections none of them won a seat in Parliament. There were six women that contested from these three provinces (excluding Honiara).
- 43 It must be clear at the outset that the issues discussed in this section do not necessarily reflect the views of the Solomon Islands government. Furthermore, they will not be discussed widely into areas of sensitivity so as not to be misconstrued to detriment that of the author. It should also be noted that the Solomon Islands government is seeking to raise the low profile of the current Ministry of Lands and Housing. The issues discussed were brought up during all provincial consultation in the three focal provinces.

- 44 Ruth Liloqula and Alice Aruhe'eta Pollard do not directly attribute conflict to land but shows how land and culture are intertwined: "From the viewpoint of Guadalcanal people, men, women and militants alike, land is not the main issue but is used to draw attention to their real grievance: the imposition on them of another island's traditions, customs and laws by settlers who use the national constitution to justify imposing their own ways and not respecting the customs and property of the host province. Many Guadalcanal people claim that when they opposed such cultural impositions they were ignored, harassed, threatened and at times murdered. They say that this is the real cause of their disagreement with Malaitan settlers"(2000: 6).
- 45 Common Country Assessment, Solomon Islands-Working Document for UNDAF, March 2002:54
- 46 Both Pollard and Tovosia explain in detail how women can utilise their traditional taboo parts of their bodies to weaken men's strength and power.
- 47 The Churches also played a major role in conflict resolution. The promotion of Christian principles of love, friendship, peace and brotherhood promoted pacification amongst warring factions during the conflict. The work of NGOs like the Solomon Islands Red Cross, the Guadalcanal Council of Women, Churches and Church based organisations like ADRA used, and are using, the church network to deal with reconstruction and rehabilitation work on Guadalcanal. However, church based organisations have specific criteria for assistance and policy guidelines which are constraining in many instances. For instance in Isabel issues and concerns that are political are rarely discussed openly in Church forums. On the other hand the Church network is one that is very effective in its implementation of both government and Church programs despite physical and cultural barriers.
- 48 For an account of the history of legal aspects of customary land tenure, see Foukona 2007.
- 49 For details on the Customary Land Records Act, see Sullivan 2007.
- 50 The Constitution itself also causes confusion as it tries to conciliate custom with human rights but leads to inconsistencies. This was noted by Corrin Care (2000) in her analysis on customary law and women's rights in Solomon Islands, notably in the area of land. Chapter II declares that the Constitution is supreme law of Solomon Islands and that any law that is not aligned with the principles of human rights is exempted from protection. Subsections (5), (6), (7), (8) and (9) promote the protection from discrimination but this is restricted by s. 15(15) which contains paragraphs exempting certain laws which includes s.15(5)(e) land laws. Corrin Care (2000) argues that the difficulties arise the fact that the Constitution was drafted by Colonial draftsmen who directly used the Bill of Rights from the Universal Declaration of Human Rights 1948 and the European Communities' European Convention for the protection of Human Rights and the Fundamental Freedoms made in 1953, yet tried to conciliate these with customary law. The emphasis on human rights conventions has promoted the principles of equality thus individuality as opposed to customary laws which promotes the principles of community and collective decision-making.
- 51 See Department of Prime Minister and Cabinet, Press Release of 12 June 2006, Government to work on New Land Policy, accessed at: <http://www.pmc.gov.sb/?q=node/382>
- 52 For more details, see Sullivan 2007.

Matrilineal Land Tenure in Vanuatu

“Hu i kakae long basket?”

Case Studies of Raga and Mele

Anna Naupa

Joel Simo

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Executive Summary

This study examines matrilineal land tenure and land management in Vanuatu, drawing on two case studies from Raga, North Pentecost and Mele, South Efate to illustrate the evolution of matrilineal land tenure, its relationship to women and governance, and its impact on women's decision-making, access to land and land resources.¹

In Vanuatu, it is often said that “Land is to ni-Vanuatu what a mother is to a baby” (Regenvanu 1981). The strong sense of cultural identity and attachment to the land is maintained through traditional land tenure systems that ensure everyone has access to land for their basic livelihood. This is true for both the matrilineal and predominantly patrilineal land tenure systems in existence in Vanuatu. Colonisation, missionisation and increasingly modernisation have however placed increasing pressure on traditional tenure which in many ways has adapted. But these influences continue to threaten the customary social security system which makes land available for all. This research reveals that while the existing land legislation is gender-neutral, its implementation has adopted a male bias, with women being increasingly marginalised. For this reason, the 2006 Vanuatu National Women's Forum and the National Land Summit placed women's access to land, including continued access to customary land for basic livelihood, on the national agenda.

This study specifically examines the role, past and present, of women in decision-making with respect to land tenure and access to land. The focus on matrilineal land tenure allows for close scrutiny of gender relations in a system that typically acknowledges women's role in land matters. By tracking the evolution of matrilineal land tenure in Raga, North Pentecost, and Mele village on South Efate, the study documents changes in attitude and policy with respect to land tenure, access to land and land management, and the role of women therein.

Raga's land tenure system is divided into exogamous matrilineal tribes named Tabi and Bule. Each tribe consists of matrilineal descent groups (*garigarigi*), which are tied to a particular area of land. There are group rights to the *garigarigi* land as well as rights to communal agricultural and residential land that are shared by a community. While land is passed through the mother, maternal uncles act as land 'administrators'. Women may be consulted in land matters, but the final decision rests with the males. Traditional avenues for women to gain rank within society do exist, however, permitting them access to and participation in decision-making processes. The Raga case study, however, reveals a gradual shift in attitude towards women's involvement in land matters; increasingly, it is being perceived as a male-only domain. Possible contributing factors to this change are the imposition of external religions and male-centred ideologies onto Raga society.

In Mele when the matrilineal land inheritance system known as the *naf'lak* was introduced about 400 years ago, land, as in Raga, was passed through the mother's lineage, with maternal uncles managing the land. However, Mele's proximity to the colonial, and later national, capital Port Vila and its adaptation to Christian influences and dominant culture, have led to a modern-day system of double-descent land inheritance. Today, Mele villagers can claim land rights through either parent, although typically men make all land decisions and women are not active participants in the process. Contemporary interpretation of *Kastom* (traditional values and customs) in Mele has further marginalised women from land decision-making processes, as evidenced by the ambiguous codification of women's land rights in the Efate Vaturisu Customary Land Law.

The case studies of Raga and Mele show that matriliney in Vanuatu *does not* mean equal rights to land. Instead there is a range of land rights relating to a person's gender with women's rights generally being based on their social relationships to a male, such as their father, brother or husband.

The central function of customary land tenure has been to ensure social security and cohesion

and the majority of Vanuatu continues to operate under customary law, which recognises land rights of both men and women. This is however being threatened by the trend to view land management as a male-only domain, partly through the manipulation of *Kastom* which is marginalising women from the decision-making process. This trend is aggravated by the growing pressure on limited land resources and the increasing commodification of land. Legislation alone will not remedy this, yet it is essential for social cohesion and security that *both* women and men are able to participate in land matters.

Recommendations

- 1. *The National Land Steering Committee, as the committee charged with oversight of the progression of the National Land Summit resolutions, to endorse and implement the recommendations of this report.***
- 2. *Mainstreaming gender in traditional land systems:***
 - a. Malvatumauri to implement its National Land Summit recommendation for research into gender roles relating to land*
 - b. Malvatumauri to lead a campaign for all chiefs to actively support women's participation in land matters and to promote women's traditional leadership roles (role for male advocates as well as the Vanuatu National Council of Women)*
 - c. The Vanuatu Cultural Centre's Fieldworkers' network to lead research on custom, gender and land*
- 3. *Mainstreaming gender in formalised land systems:***
 - a. All government administration processes relating to land (e.g. land registration, land leases, environmental impact assessments, infrastructure development) to ensure that consultation with women stakeholders is mandatory and recorded*
 - b. Customary Land Tribunals awareness and implementation activities to promote women's participation and link into women's traditional leadership roles*
 - c. 50% representation of women on land boards/committees*
 - d. The Department of Women's Affairs to monitor the participation of women in formal decision-making processes (e.g. institutionalising a Gender Focal Point with the Department of Lands)*
- 4. *National campaign to encourage consultation with women***
 - a. National Land Steering Committee to include in its public awareness campaign about land reform a campaign educating Vanuatu about the benefits of including women in decision-making and the risks to social security when they are marginalised from land matters*
 - b. The National Kastom Ekonomi Committee to continue to advocate for women's participation in decision-making about land and land resources in the interests of self-reliance and social security*

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1. Introduction

This study looks at evolving matrilineal land tenure and land management; its relationship to women and governance in Vanuatu, and its impact on women's decision-making and access to land and land resources. The report makes recommendations to enhance women's access to land and to decision-making with respect to land tenure and management, including suggestions for legislative improvements to fairly represent women's interests in tenure and management. Implementation of these recommendations will contribute to minimising conflict and potential conflict with respect to land tenure and management, taking gender dimensions into consideration.

After Papua New Guinea, Vanuatu is one of the most linguistically and culturally diverse nations of the Pacific, with approximately 113 languages and associated cultures spread throughout an island archipelago of no more than 215,000 people (2004 estimate). The diversity of linguistic and cultural heritage, combined with the island geography, lends itself to very unique and different practices, even between neighbouring villages. However, all groups in Vanuatu share a common bond with their attitude to land, the foundation on which all social, economic and political relations are formed.

Land management practices in Vanuatu vary throughout the country, yet one fundamental belief is shared: "land to a ni-Vanuatu is like a mother to a baby" (Regenvanu 1981). Regardless of inheritance patterns and allocation of different types of land rights, the common principle binding all land arrangements is that everyone should have access to land to survive. How this is played out in different cultural groups varies according to the local environment and the size and needs of the population. For this reason, some areas of Vanuatu practice matrilineal inheritance, others practice patrilineal inheritance and some practice both. The flexibility of *kastom* to adapt land tenure practices to evolving needs has led to changes of tenure in some places, particularly those near major population centres like Port Vila, the capital of Vanuatu. National land legislation and policy has also influenced changes in customary land tenure (Naupa 2004).

Part 1 of this report provides an overview of land tenure in Vanuatu and focuses on historical and contemporary approaches to women and land rights. Part 2 outlines the methodology for carrying out research into the two matrilineal case studies of Raga and Mele. Part 3 provides a summary of the national dialogue about women's land rights in Vanuatu through the National Women's Forum and National Land Summit in 2006. Part 4 reviews Vanuatu's land legislation in relation to women's land rights, with a particular focus on the recognition of women's customary rights. Parts 5 and 6 present the case studies of Raga and Mele respectively. Part 7 provides conclusions and recommendations to enhance women's participation in land decisions.

1.1 Land Tenure in Vanuatu

The diversity of Vanuatu's cultures lends itself to wide range of customary tenure practices: from family and clan-based landholdings to individual landholdings centred around the head of a nuclear family. Adding further complexity are the various patterns of inheritance, through maternal or paternal lineages, through adoption or payment of customary fines and tribal warfare. Rights to land are further distinguished by social and kinship relations, which, by their very nature are fluid and temporary. Defining customary tenure therefore becomes dependent on time, context and personalities. Vanuatu's land tenure systems, therefore, cannot be mapped without some difficulty.

Bonnemaison (1984) suggests that the northern islands operate under a more fluid concept of clan land, where there is no permanent distribution of land to individuals/families. However

in the central and southern islands, he asserts that family titles within a clan's territory are more permanent. This is regardless of patrilineal or matrilineal systems. The implications these views of territory have on the potential for alienation are therefore different throughout Vanuatu. For example, the main areas of alienation during the colonial period were in places with permanent distribution of clan land such as Efate and Epi². While tenure system alone was not the leading factor for alienation in these areas (good plantation land, infrastructure potential and an accommodating population also contributed to successful alienation), it would certainly have made land transactions between islanders and settlers much easier.

1.2 Women's Land Rights in Vanuatu

Women's rights to land are frequently debated in Vanuatu, partly due to the flexibility of customary tenure and partly due to modernisation. This section takes a closer look at women's land rights in both traditional and modern Vanuatu.

1.2.1 Traditional Land Rights

Throughout Vanuatu's diverse cultures, a woman's land rights depend upon her relationship with her immediate male relations. It is often argued that ni-Vanuatu women do not hold major property rights, although they may have rights to work their father's land until they marry. In some parts of Vanuatu, however, this is not always the case. When women marry, their rights can become limited depending on the relationship between the husband's and the wife's people. If inter-family relations are not amicable, the wife's family may decide to reserve a piece of land for her in times of hardship. This can happen in both patrilineal and matrilineal systems as women are highly respected for the roles they play in social stability.

In patrilineal societies the land is passed on from father to son. According to Kenneth and Silas (1986), women were not really involved in land matters prior to European contact as it was solely the responsibility of men to defend the land through fighting and to settle disputes over land. However, beyond the purely political aspects of land tenure, women's rights to land in a patrilineal tenure system are based on their relationship to their male relatives, who have the power to make decisions about land rights. So a woman's role in life, as a daughter, sister, mother, wife, aunt or grandmother, determines the type of land rights she can expect. Generally, in a patrilineal system, women's rights to land are described as being secondary to men's in that the decision-making power over land, or primary right, rests with men while women have rights to use and access land. Patrilineal land tenure systems, therefore, do not mean that women have no rights to land, just different rights to land from men.

Typically, once a woman marries in patrilineal society she gains rights to her husband's clan's land, and relinquishes rights to her own clan's land, thus ensuring that women marrying into her paternal clan will also have some rights. However, this practice can adapt to circumstance. For example, on the southern islands of Aneityum and Tanna when women are married to other tribes they can still maintain their place with their people and the land. They are given a piece of land that is referred to as 'the basket'. In times of hardship with the husband's people the woman has a place to raise and feed her family. This plot of land can be used without requiring the consent of the brother or the father but she is expected to give the first fruits of the land to her brothers.

In cases where there is no son to inherit land, a daughter may take on the land responsibilities until she hands it over to her son. How land is transferred depends on custom. In some customs, the rights to land are given without obligation while in other instances the daughter and/or son carry out customary obligations. If a son fails to perform but his sister does carry out the



Map 1. Matrilineal areas of Vanuatu

obligations, the land rights will go to her. This is notably the case in north-west Santo and in some parts of Banks group such as Gaua.

While women's land rights in a patrilineal system largely depend on her relationship with male relations, there may be circumstances that permit a woman to assume primary (decision-making) land rights. This is particularly so when a woman becomes a widow. Deacon (1934: 172-211) points out that the rights of women to the use of their husband's land are not necessarily lost upon his death. In many cases the woman will retain the right to her husband's land along with her children until the children are old enough to resume their father's responsibilities and duties. Loss of land rights only occurs in rare cases, particularly when the relationship between the wife and her husband's people has disintegrated or the husband was not on good terms with his brothers and close families.

The transferral of a childless widow's land rights may be done verbally, as is the practice for any land inheritance. In some of the Tafea islands, like Aneityum, a childless widow will make her will by passing on the land rights to a boy or a girl who is related to her. She adopts these children by performing a custom ceremony, witnessed by the community, to affirm her commitment to transfer her will to any one of them and the verbal will is passed on.

In matrilineal societies children claim their land rights through their mother. In some instances, for example North Pentecost, land rights are passed on through the mothers but the maternal uncles decide what rights a person may exercise. The sisters' children will claim their land rights through their uncles. In this system no child goes without land; even illegitimate children have land rights. As in patrilineal systems, women do not have a public decision-making role in the matrilineal system. This is further explored in section 1.3.

1.2.2 Modern Land Rights

There have been numerous changes to the lives of ni-Vanuatu women since European contact and colonisation. These changes have seen women enter jobs previously dominated by men, more women in politics and generally more women's participation in all public matters (Mera 1987: 2).

The current changes taking place in the lives of modern ni-Vanuatu women have occurred primarily with those living in the urban centres. Women in the rural areas have not experienced such extreme changes and still work the land, abiding by customary law. Yet, despite this modernisation, urban women still retain their links to their husbands' and their clan's land in the islands. They too are subject to customary practice, and, depending on their custom, must fulfil certain obligations in relation to land rights. For example, in North Pentecost there are certain customary obligations for a child to return to the mother's clan's land because these rights remain with the clans in the islands and in the care of the clan. This obligation ensures the perpetuation of a lineage's land claims.

Unlike rural women, urban women have the opportunity to obtain primary rights to property. For example, in Port Vila women can lease outright or jointly lease land with their spouses. Modernity has opened doors for women living in the main centres however cash is needed to maintain the properties. Money determines the fate of leased land rather than social obligation as is the case with customary tenure.

Wives and widows' land rights in Vanuatu are increasingly an issue today with the changes brought by modernisation. For example, an urban wife who loses a husband may face different challenges from a rural wife. She may have to deal with legal matters and financial obligations in order to maintain her right to the land. In rural Vanuatu, widows either transfer their land rights to those closest to them if they do not have children. In a rural community it is a widow's social

standing that determines her rights to her husband's land, while in the urban area she would need cash to maintain her rights to the land a widow resides on.

1.3 Matriliney in Vanuatu

Land tenure in Vanuatu is largely patrilineal, with pockets of matrilineal areas. Map 1 shows areas of Vanuatu that have been matrilineal at some point in time. The degree to which matrilineal land inheritance is practised today varies from place to place. Areas, particularly throughout Efate, which reportedly were matrilineal have become patrilineal due to missionary and colonial actions and influence. For instance, Jean-Jacques Espirat *et al* (1973: 273) report that in the case of North Efate "from 1870, the action of the first missionary of Nguna, Peter Milne, led to the total suppression of matrilineal aspects, which according to him, went against the scriptures". Rawlings (1999) also noted that in Pango in 1970 it was observed by the president of a Native Land Court that Efate's system of land tenure had changed from matrilineal to patrilineal three generations prior in all of Efate's villages.

Nevertheless, in all of Vanuatu's land tenure systems the different types of rights available to members of a group depending on their gender and their relationship to the main land decision-maker for a piece of land are generally clear. For example, men are typically described as having the primary rights to land, i.e. the decision-making rights over land, while women generally have predominantly secondary rights such as access and use, without the right to make decisions about land. The distinction of rights is key to understanding the similarities and differences between patrilineal and matrilineal systems of land tenure. While it is often assumed that women in a matrilineal system often have more land rights and control over land than women in a patrilineal system, the question is are their rights equal to men, or, as in a patrilineal system, is there marked distinction of rights?

Matrilineal systems are not generally matriarchal, particularly in Vanuatu. As the following case studies will reveal, matriliney in Vanuatu means land may pass through the women's line, but men have control over the land. Women's rights in a matrilineal system may therefore only be marginally greater than women in a patrilineal system. It is important to bear this in mind when considering recommendations to strengthen women's rights to land.

The opportunity to participate in decision-making relates directly to the kind of land rights a woman has. When a woman enjoys primary land rights (i.e. can claim direct ownership of the land regardless of her relationships with others) she is most likely to be included in major decision-making. When women have secondary/subsidiary rights (i.e. typically rights of access and usage) they may not necessarily be included in any decision-making.

Lissant Bolton (2003: 94) notes that in East Ambae, while access to land is gendered (only men have enduring, i.e. primary, rights to hold land and pass it on), there remains an element of matrilineal descent. Women are responsible for ensuring that their daughters are born to a lineage tying them to land (through a sense of place and belonging). In this way, both men and women have the ability to pass land on, albeit in different manners: men have enduring rights to the land, and women bear children to the land. Bolton's observations can be taken to mean that while this land tenure system may be viewed as patrilineal, there are matrilineal elements within it that may have been overlooked. It is worth considering this possibility for all of Vanuatu's land tenure systems (particularly patrilineal ones); i.e. that women's land rights and relationship to the land are as important as those of men, yet manifested differently.

Even though this study focuses on women's land rights under matrilineal systems, it is worth noting that in patrilineal systems women may still play key roles in the decision-making process, although they may not be visible in the *nakamal* (Naupa, Napwatt and Sparks 2006). The wealth of knowledge harboured by women renders them invaluable participants in key decision-making

processes, yet custom protocol may prevent their personal representation at meetings. Instead, a spouse or male relative is entrusted with their knowledge and thus represents the women. Naturally the opportunity for undermining women's power is ever present and is an area that needs to be addressed.

1.4 Customary tenure vs. Rights-based approach to gender and land

The debate about the nature of women's land rights in Vanuatu can be categorised into a rights-based approach versus a custom tenure approach. The rights-based approach typically incorporates Western concepts and terminology into discussion around women and land. This approach has often met with male resistance to suggested reforms that would elevate women's land rights. Where women's land rights may be known and be more significant than initially perceived (e.g. due to their apparent 'invisibility' in *nakamal*³ decisions), a rights-based approach risks undermining women's traditional land rights and altering custom norms for women's participation in land management. When approached carelessly, a rights-based approach may influence discriminatory interpretations of contemporary *kastom*.

A customary tenure approach to women's land rights acknowledges the range of women's land rights, from visible participation in decision-making processes at the family and village level, to less visible representation through male family members in the *nakamal*. A customary tenure approach is more accepting of the variety of ways women participate in decision-making processes (e.g. through invaluable knowledge to inherited rights to make decisions about clan land), although it can be argued that without conscious strengthening of women's traditional roles in governance their contemporary status on customary land is rather fragile. The latter could easily be weakened by economic pressures to participate in land sales or through provocation by a purely rights-based approach.

A happy medium needs to be struck between these two approaches that acknowledges and supports women's traditional governance roles in land tenure, at the same time enabling women to assert rights in the interests of their family and clan. Monson (2004) suggests that women need to actively participate in modern interpretations of *kastom* to ensure gender equality. Indeed, as Rodman (1999) writes, it is the "masters of tradition" who direct or manipulate the modern interpretation of *kastom*, and in so doing, control it. Kenneth and Silas (1986) emphasise the flexibility of custom compared to the modern 'imported' laws and provide an optimistic view that due to custom's flexibility women will be able to play a more prominent role in the future of the country. Almost 20 years after Kenneth and Silas' prediction, however, women's participation in decision-making processes has not improved. This suggests that relying on the flexibility of custom alone will not achieve fuller group involvement in land decisions and that a creative hybrid of the customary tenure and rights-based approach needs to be developed to appropriately address contemporary ni-Vanuatu women's land needs.

2.0 Methodology

The research parameters required that the following specific areas be covered:

- Land tenure principles and practices in matrilineal areas;
- The role, past and present, of women in decision-making with respect to land tenure and access to land, and its impact on the participation of women in wider decision-making in local communities and at the national level;

- Changes in attitudes and policies with respect to land tenure, access to land, and land management, and the role of women therein and the impact on gender relations;
- Past and current legislation with respect to land tenure and management and its impact on women's access to land and their role in decision-making at the community and national levels;
- The relationship between land tenure, access to land, and land management, and women's contemporary political representation and role in governance; and
- The role of gender in contemporary land management and the potential for conflict.

The authors selected two case studies of matrilineal land tenure systems in Vanuatu: Raga (North Pentecost) and Mele, South Efate. The relatively unchanged land tenure of the former, and the evolving status of the latter, provide a useful insight into reasons for the evolution of land tenure, and particularly how women's rights to land are affected. The integrity of customary land tenure and its treatment of gender can be either strengthened or weakened, depending on the direction of its evolution. The two case studies therefore provide a 'before and after' view of matrilineal land tenure in Vanuatu.

A desk review of land legislation and its implications on women's land rights was also undertaken. In-depth interviews with relevant practitioners, communities, custom leaders and the Government were also carried out during the study period. A consultation with representatives of national women's groups and relevant government departments was held on 30 April 2007 to gain feedback on the preliminary findings of the study. A national consultation was held on 13 August 2007 with major women's groups, custom leaders and the departments of Women and Land for further comments on preliminary findings and recommendations.

3.0 National dialogue about women's land rights

Women's rights to land have recently become a key topic for public debate, following on from the National Women's Forum held in Port Vila from 27 August – 1 September 2006, and the National Land Summit, held from 25-29 September 2006. These national discussions highlighted key land issues relating specifically to women, and recommended policy changes to strengthen women's land rights. The following sections examine the content of the national debate about women and land.

3.1 The National Women's Forum of 2006

Following on from the National Women's Forum, the Department of Women's Affairs produced the *National Plan of Action for Women 2007-2011*. Within the 12 critical areas of concern, under the framework of the Beijing Platform for Action, there are several recommendations seeking to advance the status of ni-Vanuatu women, particularly in relation to land. Specific recognition of women's land rights was not addressed by the National Women's Forum of 2006, however several recommendations relate to women's access to land. These are listed in Table 1.

Women's relationship to land is largely addressed in the context of poverty. Acknowledgement that women in Vanuatu depend significantly on the land for their and their family's subsistence needs is given by recommendation 1.1.2 which calls for the need to "maintain areas for agricultural land". Women's subsistence farming is also discussed in terms of support of the traditional economy (1.2.1). The significance of land to agriculture, food production and poverty reduction is reflected

in the Forum's call for national, sub-national and traditional authorities to ensure the availability of land for subsistence and productive purposes. Municipalities are asked to include urban gardens in their physical planning. Recommendation 1.1.5 to "Develop a National Agricultural Policy" demands a gendered consideration of poverty, particularly in relation to food production. These recommendations clearly spell out the importance of women's land rights in poverty reduction efforts.

Women's relationship to land in the context of decision-making was minimally addressed, with only the recommendation to "maintain respect and peace in the community, chiefs must appoint and include women chiefs at every level of decision-making" (7.1.9) being the most relevant. The Malvatumauri has been identified as the main authority for ensuring this, yet no further guidance is provided in terms of proposed strategies. Women's decision-making roles in land matters require the strong support of chiefs and traditional authorities. With the majority of Vanuatu's population directly answerable to traditional authorities, this is the main body within Vanuatu that can truly implement change with any success.

The Forum advocated the promotion and protection of the human rights of women (Objective 9.1) through the full use of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). One proposed strategy is to "Review and amend the Marriage Act to allow widows to inherit their husband's property on the death of their husband" (9.1.4). As women's rights to land in Vanuatu are largely determined by relationships to males, when there is an absence of a male the transferral of complete rights may or may not happen. This topic is discussed further under the review of matrimonial property law.

The final, very relevant, area where the Forum addressed women's land rights was under the theme of women and the environment. Objective 11.1 proposes to "Involve women actively in environmental decision-making at all levels" and includes the strategy to "Make a recommendation on land issues for women to the CRP and Land Summits in 2006" (11.1.6). The Minister for Justice and Social Welfare, Honourable Isabelle Donald, made a speech at the Land Summit concerning the social impacts of excluding women from decision-making about land. Hers was one of three formal presentations by women at the Summit. Other relevant suggestions were Objective 11.3, to "Strengthen or establish mechanisms at the national, regional, and international levels to assess the impact of development and environmental policies on women" and strategy 11.3.7 "Review the Land Leases Act".

The *National Plan of Action for Women 2007-2011* in relation to land outlines several ambitious and long-term objectives relating to gender equity in access to land resources and property. There are, however, no objectives that specifically address women's power in the decision-making process about land management. This omission may reflect an assumption/ common view that decision-making is either not a widespread problem or is not considered to be a female domain. However, it can be argued that all of the recommendations listed above hinge on this fundamental issue of access to land, which is a result of land management decisions. Therefore, women's participation in land decisions will become increasingly vital within customary and national structures as the access issue becomes more widespread. Indeed, while any reference to access concerns is made particularly about urban areas and not rural areas where the majority of Vanuatu's population reside, it is likely under current trends that access to land will be a rural problem in the near future given current land management practices, typically male-dominated, and the spread of the commodification of land.

This may suggest a view that access to land is fundamental to women in Vanuatu and that women's role in decision-making is a secondary concern. As this research examines both these areas, it is worth noting that the National Women's Forum of 2006 chose to highlight the former as the main area for concern. Indeed, this suggests that if access to land is the key issue for women and land, then women's role in decision-making was not one of the considered ways for

Table 1. National Women's Forum 2006 Recommendations relating to women and land

Critical Area of Concern	Strategy
Objective	
<i>Women and Poverty</i>	
1.1 Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty	1.1.2 Maintain areas for agricultural land 1.1.4 Enhance the work on customary land zoning 1.1.5 Develop a National Agricultural Policy
1.2 Revise laws and administrative practices to ensure women's equal rights and access to economic resources	1.2.1 Strengthen women in the traditional economy
<i>Women in Power and Decision-Making</i>	
7.1 Take measures to ensure women's equal access to and full participation in power structures and decision-making	7.1.9 To maintain respect and peace in the community, chiefs must appoint and include women chiefs at every level of decision-making
<i>Human Rights of Women</i>	
9.1 Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	9.1.4 Review and amend the Marriage Act to allow widows to inherit their husband's property on the death of their husband
<i>Women and the Environment</i>	
11.1 Involve women actively in environmental decision-making at all levels	11.1.6 Make a recommendation on land issues for women to the CRP and Land Summits in 2006
11.3 Strengthen or establish mechanisms at the national, regional, and international levels to assess the impact of development and environmental policies on women	11.3.7 Review the Land Leases Act

tackling the issue. Many of the proposed strategies to address the access question focused on national legislation and policy (for example, Women in power objective 7.1.9 and Women and the environment objective 11.1), suggesting an emphasis on a rights-based approach rather than customary tenure. However, as the majority of land in Vanuatu remains under customary tenure and therefore accountable to customary law, the immediate emphasis to the access concerns should realistically also be on community decision-making. Legislative and policy changes will

primarily respond to urban concerns, although they may impact rural areas – for instance the Customary Tribunal Act is legislation which affects all areas.

3.2 The National Land Summit of 2006

Of the twenty resolutions⁴ of Vanuatu's first National Land Summit, held at the Chief's Nakamal in Port Vila from 25-29 September 2006, the two main outcomes that have significant implications on a gendered understanding of land are those of customary ownership definitions and social impact assessments. Resolution 1 proposes that customary ownership be defined in group, rather than individual terms, allowing for women to be included. Relating to this resolution is the recommendation from the Malvatumauri National Council of Chiefs⁵ that "a study into gender roles surrounding decision-making about land so that customary courts/tribunals can be better informed" be conducted. This research supports this recommendation. As mentioned earlier, women need to be encouraged to actively participate in the interpretation of custom, to ensure that their voices are a part of land decisions. The directive under resolution 13 for social impact assessments to be conducted prior to lease approval also has scope for women to be more actively engaged in (and considered during) decision-making. The remainder of the resolutions address broader issues of sound administrative practices and clarification of inadequate legislation. However, for these other resolutions to function properly, they rest on the two key resolutions identified earlier.

4.0 Land legislation and the implications on women's rights and land management

Enshrined in the Constitution of the Republic of Vanuatu is the provision that "All land in Vanuatu belongs to the rightful/indigenous custom owners and their descendants" (Article 73, Chapter 12). The vagueness with which custom owner is referred to permits a male-bias in the interpretation by predominantly male decision-makers (i.e. chiefs), as has been seen in practice, particularly on Efate. This lack of specific mention of the inclusion of women's rights is reinforced throughout all of Vanuatu's subsequent land legislation, where custom owner is inadequately defined in gendered terms, let alone group terms.

Monson's (2004) thorough analysis of the nexus between customary law and formal law in relation to land tenure in Fiji and Vanuatu addresses the question of gender equality. She argues that the modern manipulation of customary law, which is itself not always inherently discriminatory, restricts women's traditional land rights of use and access, thus formal law may inadvertently reinforce this restriction through recognition of customary law. Interestingly, however, the Supreme Court of Vanuatu *has* in some cases ruled in favour of gender equality as per Article 5 of the Constitution of the Republic of Vanuatu which states that "all persons are entitled to the following fundamental rights and freedom ... without discrimination on the grounds of ...sex"⁶. Monson (2004: 51) further points out that court decisions about land, prior to customary land tribunals, were inclined to resolve conflicts between women's human rights and customary law in favour of gender equality.

Paterson (pers. comm., 6 March 2007) notes the inherent tension between Article 5 of the Constitution and Article 74 of the Constitution, which states that "the rules of custom shall form the basis of ownership and use of land in the Republic of Vanuatu." He asserts that land cases have typically been judged in exception to Article 5 due to custom almost always forming the basis for such cases. It is possible that Article 5 may be applied more often for land cases if legislation and

Table 2: Key Vanuatu land laws and related legislation

Name of Land Law	Year passed	Purpose
Land Reform Act	1980	To return alienated lands during the Condominium to the rightful custom landholder.
Alienated Lands Act	1982	To assist the aims of the Land Reform Act in providing an option for custom landholders to either create a new lease with the alienator or to gradually pay compensation for improvements to the property made by the alienator.
Lands Referee Act	c.1982	To assist the aims of the Alienated Lands Act by creating a Lands Referee office to determine the value of improvements made by the alienator.
Land Lease Act	1983 (Amended 1988)	To support both the Land Reform Act and the Alienated Lands Act by defining the procedure for lease agreements between custom landholders and those wanting to use their land. Leases are for a maximum of 75 years. Established Land Records Office.
Land Acquisition Act	1992	To define the process for the Government in compensating custom landholders for land acquired for public purposes (whether to relocate communities or to acquire urban land).
Urban Lands Act	1993	To define the Government process in declaring urban land in Vanuatu. It introduced a Land Tax and Dweller's Tax for urban leaseholders to pay.
Freehold Title Act	1994	To enable indigenous ni-Vanuatu to purchase land outright in urban areas. This Act was repealed in 1999?
Customary Land Tribunal Act	2001	To promote the use of custom land tribunals in settling land disputes. This Act established the Customary Land Tribunal Office.
Strata Title Act	2000	To enable lessees to have title to a part of a larger property. This Act has been applied horizontally for peri-urban subdivisions and is responsible for the current land grab on Efate.
Other relevant legislation		
Environment Act	2003	This Act establishes the need for proposed developments to complete environmental impact assessments prior to receiving government approval.

(Source: After Naupa and Lightner 2005)

administrative procedures were to actively promote women's rights and participation. However it is equally likely that this would spark a lengthy and ugly debate about custom land inheritance.

With the application of the Customary Land Tribunal Act in 2001 and the diminished participation of the formal courts, there is now potential for discriminatory practices to be reinforced, particularly in areas where *kastom* has been heavily manipulated.

This part of the research, therefore, will only examine land legislation that specifically refers to customary tenure to explore the opportunities that women have to access and/or manage land under custom law without the shelter of the anti-discriminatory foundation of all legislation. Most of the land laws are gender neutral, yet those that are based on custom have scope for positive or negative discrimination as custom law has generally not yet been codified and is therefore subject to various interpretations. All land legislation is listed in Table 2. Many of these laws outline the administrative responsibilities of the Government of Vanuatu. Only the Customary Land Tribunal Act (2001) specifies customary law as the foundation for its authority. This section will examine the CLT Act's impact on women's roles in land management and will also appraise the Physical Planning Act (1988) and the Land Leases Act (1988) to explore administrative processes that restrict or enhance women's participation in land decisions. The implications of the Matrimonial Causes Act (1986) on women's property rights will also be discussed.

It should be noted that legal illiteracy in Vanuatu is high and has serious implications on land rights in general for ni-Vanuatu. During fieldwork, one of the authors was surprised with the misinformation that "under Vanuatu law only men can sell/decide about land." The Government's lack of capacity to regularly inform its citizens of the land acts and amendments, let alone to widely consult on proposed land bills, means that the population remains largely ill-informed about a significant number of laws affecting their livelihood. Knowledge of key land legislation is often gleaned through media exposures of scandals and corruption, when it is often too late for community consultation on proposed legislation.

4.1 Customary Land Tribunal Act of 2001

This Act does not specify women's land rights under custom law or the rights of women to have equal opportunity in participating as adjudicators in the Tribunal (Kanawi 2004). While, again, custom owners, is poorly defined, there is however scope to include women at the decision-making level, whether through existing custom structures (e.g. in strongly matrilineal societies) or through the introduction of a provision to include women elders in the Tribunal. As the Act speaks of "qualified elder" women elders can be considered. Former Land Disputes Resolution Officer, Alick Kalmelu (2002), has indicated, however, that typically a principal custom chief for a village, area or island will appoint land tribunal adjudicators (as per CLTA Part 8 2 (b)). As women's interests are not identified separately, it is rare for male chiefs to appoint women as adjudicators, despite there being room in the Act for this. In some village tribunals, however, women adjudicators are beginning to be seen (see Table 3). The CLT Office is committed to encouraging more women adjudicators in village tribunals, particularly where the custom tenure allows room for this. However the Office currently lacks the capacity to undertake adequate public awareness (Alicta Vuti, pers. comm., February 2007). Women are involved in the tribunal process in some places through secretarial roles (three women secretaries at the time of this research for the Lelepa, Nguna/Pele and Eton tribunals) or as claimants (three at the time of this research for East Santo [Hog Harbour], Tutuba and North West Santo [Tasmalum]).

In matrilineal societies, such as North Pentecost, women are more accepted as participants in decision-making about land. It is possible that customary tribunals in this area would involve more women in land matters, yet at present the Customary Land Tribunal Office reports that there are no tribunals on Pentecost (pers. comm., 1 February 2007). The Mele Tribunal does not have

Table 3. Female participation in Customary Land Tribunals (2001-June 2007)

Province	Island	Area	Women Adjudicators/ Total Adjudicators (%)
TORBA Province	Hiu		2/17 (11.7%)
	Toga		2/18 (11%)
SANMA Province	Malo		1/19 (5%)
	Santo	Lorajev	1/6 (16.6%)
		Lorum	1/6 (16.6%)
PENAMA Province	Ambae	Vilakalaka, West Ambae	1/15 (6.6%)
		Walaha, West Ambae	1/12 (8%)
		Amata/Mataidan, West Ambae	1/12 (8%)
		Saranabuka/Saratangaulu/ Longwaru, West Ambae	1/16 (6%)
		Nabangahake	2/15 (13%)
MALAMPA Province	Malekula	Vinbal, Central Malekula	1/4 (25%)
SHEFA Province	Efate	Epau/Pangpang	1/19 (5%)
	Epi	Yohuna	1/8 (12.5%)
		Niu ples	1/14 (7%)
		Moriu	1/16 (6%)
AVERAGE WOMEN'S REPRESENTATION			21%

any women, despite its matrilineal heritage.

In Simo's review of the Customary Land Tribunal Act, it was reported that the majority of women interviewed knew nothing about how they could participate in customary land tribunal discussions (2005: 34). Therefore, while the Act may have scope to include women in Tribunals, the information provided to ni-Vanuatu by the Customary Land Tribunal Office does not emphasise this option to communities. It is worth considering that while several of Vanuatu's land laws have scope for gender equality, it is their interpretation by administrators that undermines the decision-making opportunities for women. It was not possible to determine whether the presence of women adjudicators on some islands, as indicated in Table 3, have been through encouragement from the Customary Land Tribunal Office or are community-driven situations. However, it is promising that there is an average of 21% women on the tribunals that have female adjudicators.

4.2 Land Lease Act of 1983

This Act defines the procedures for land registration, dispositions, leases, mortgages, transfers, transmissions, easements and so on. The lessors (or custom owners) referred to in the legislation are provided with various protections, such as rights to forfeiture [Sec. 46] and the rights to regular rent reviews [Sec. 39]. However, most of these protections can be modified or removed through the conditions of the lease agreement (Lunnay et al. 2007). This Act is therefore weak in protecting customary rights, and even weaker in protecting women's customary rights where they are ill-defined.

The Act includes subsidiary legislation detailing the administrative procedures under the *Land Lease General Rules* and the *Land Lease Prescribed Forms*. The latter legislation, comprising 21 forms relating to registration, leasing, mortgaging and transferral processes, was identified by the 2006 National Land Summit as needing more definition to ensure that all relevant customary stakeholders' (men and women) consent is obtained prior to a land transaction. The Land Summit also required that lease applications and forms be available in Bislama to enable wider information-sharing and clearer understanding of land rights under this legislation.

As this Act primarily addresses formal land dealings, it can be used to implement administrative procedures for requiring evidence of consultation with women (such as minutes of women's meetings about a land matter) before a lease request can be processed. The Ministry of Lands has already done this with Chief's Council meetings as a direct result of the resolutions from the Land Summit. Since the Summit, the Lands Department has now implemented a policy to ensure that a public notice for any custom land claim is posted in communities for 30 days to allow time for any alternative claims. Furthermore, custom land claims now require not only the chief's signature but also minutes of the Chief's Council meeting discussing the land claim. It would not require additional resourcing to include the requirement for consultation with women in the lease process, and would ensure that women's voices are officially documented for a particular land matter. It would, however, require a dedicated gender officer within Lands to regularly monitor this as well as for Lands Department staff working with records to ensure that this is mandatory step prior to formalising a transaction.

4.3 Physical Planning Act of 1988 (CAP 193)

This Act provides for the control of the development of land at both the municipal and provincial levels. Section 2(a) of the Act specifically states that in determining a physical planning area, a Council "shall have due and proper regard for the rules of custom." This specification therefore has scope for matrilineal systems to be recognised and for gender roles to be applied in decision-making about land development. However, in an interview with the Physical Planner of Shefa Province, it was indicated that no procedures are in place to assist this realisation and at present it is at the discretion of physical planners to pay particular attention to gendered roles and rights in the decision-making process. There is a risk of consulting only chiefs as the way of addressing the custom requirement when procedures for recognising and incorporating custom are not duly clarified. Section 2 (a) of this Act should be modified to include "due and proper regard for disadvantaged groups (women, youth and disabled) needs and the impacts on them." The suggestion of the term 'disadvantaged' aims to make policy-makers and government officials consciously involve community groups like women and youth to avoid the assumption that they have been consulted as part of community consultations (which is often not the case or tokenistic at best).

4.4 Matrimonial property rights

The property rights of widows can vary from island to island. Strict practice in matrilineal Pentecost dictates that when a husband dies, his widow returns to her original home, and all property acquired during the marriage goes to her husband's brothers. Widows may be evicted from their marriage home, regardless of their contribution to the home (Merilyn Tahi, pers. comm., February 2007). It rests on the sympathy of relations from her husband's family to agree to support her or let her remain in her marriage home. In some cases, the widow may be remarried to her dead husband's brother or cousin in order to maintain the social harmony around an area of land. A woman's land rights therefore never seem to be able to be directly of her own bearing, but rather through her relationship to a male. The implications of this on women's social security are that in this culture women do not share equal rights with men. The work of the Vanuatu Women's Centre (VWC) has shown that many widows re-marry against their will. The potential for domestic conflict is heightened by such forced liaisons. Widows' property rights are more easily claimed in an urban environment. The VWC is working with chiefs in rural areas to consider widow's rights to the home they have built with their deceased husband.

A woman's property rights in a marriage are adjudicated according to the law under which the marriage was made, whether customary or under the Vanuatu Matrimonial Causes (1986) Act Cap 192 (Farran 2001: 8). Custom unions typically see the men as the main administrators of the land, even in matrilineal societies. As customary divorce is rare, division of property is rarely an issue. However, civil and church marriages raise several questions about a woman's property rights following divorce, with division of matrimonial property depending on a variety of factors relating to the involvement of children and the future support for children. As increasingly in Vanuatu marriages are officiated over at churches, in addition to custom ceremonies, the application for a court divorce where division of matrimonial property will be decided under national law is increasingly likely, with customary fines or compensation possibly playing a lesser role. The implications on women with matrimonial land rights, particularly where land has been titled, are that there is more potential for a woman to leave a marriage with more property rights than when she entered the marriage, unlike under general customary resolutions.

Farran (2002: 5) notes that ni-Vanuatu lessees often have difficulty in securing mortgages with banks due to the communal nature of the holding. Individual title is encouraged for ease of mortgage finance, with the result often being that women are not listed on a title despite contributing to the premium and ongoing mortgage payments. Through her research of rural Efate land leases, Farran (2002: 9) notes that the majority of titles are registered in men's names, with very few in the name of women unless they are a widow or spouse.⁷ Such systems undermine women's property rights and need to be addressed in future land reform programs.

4.5 Conclusion

Despite the non-discriminatory nature of Vanuatu's land legislation, and the possibilities to make laws based on custom more gender neutral, legislation alone can not ensure that women are able to actively participate in decision-making processes. The Government needs to have a policy to implement processes whereby women can participate in land decisions, and create an office or assign a dedicated public servant that can certify that women have been consulted. This will require a major social education campaign to ensure public awareness about the benefits of including women in land decisions.

Vanuatu's land legislation should uphold the spirit of the Constitution and reinforce customary rights. This has not happened in most of the current legislation. As mentioned earlier,

the widespread manipulation of *kastom* (as evidenced through the evolution of the current land tenure system in Mele) means that where customary law is applied, there is potential for gender inequality. However, with the recent public debate about the definition of customary ownership, there is an opportunity for women to participate in shaping modern interpretations of *kastom* in a manner that enhances gender equality. The dynamism of *kastom* can therefore work in favour of women's decision-making power.

5.0 Case Study One: North Pentecost (Raga)

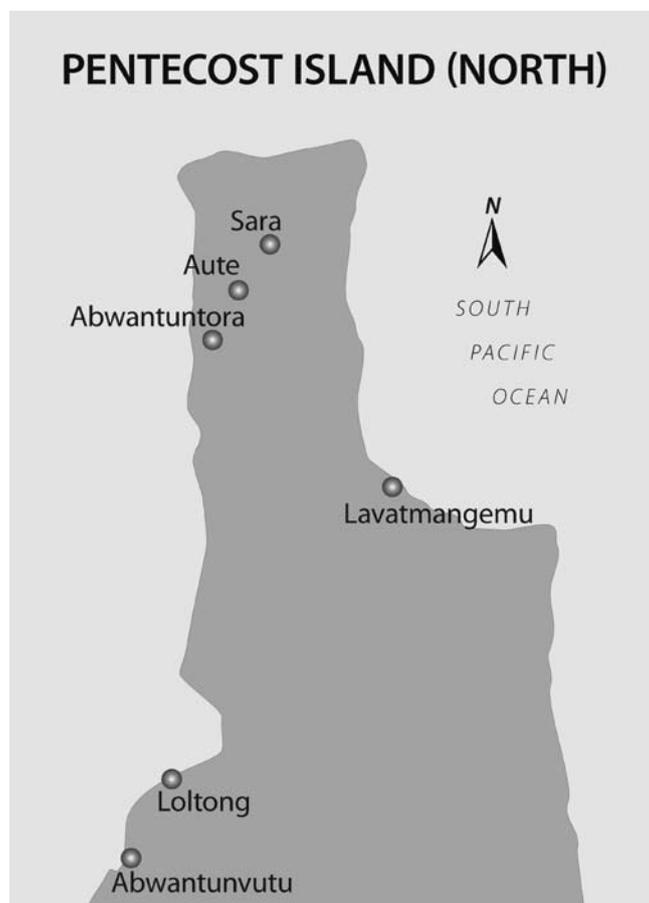
The population of Raga numbers approximately 4,000 living in an area of 113.1 km² on the north half of the island (see Map 2). It is the most densely populated area on the island. There are a number of government services, such as schools and health centres, although aside from the provincial sub-office at Loltong, which is public land, the remainder of the region remains under customary tenure. Tribal land is strictly managed according to a customary system that has been in place since time immemorial. This case study traces the origins of Raga's land management system to the present day and examines women's role therein.

5.1 Origin of the Tabi and Bule Tribes

In myth it is said that the tribes originated through two people: Bwattmahanga, who lived on the island of Raga, and Tagaro, who lived on the island of Maewo. From Bwattmahanga came the Tabi tribe, identified by the shark, or *bageo garigarigi*⁸ (totem) and from Tagaro came the Bule tribe, identified by the octopus or *gwita garigarigi*.

Each tribe consists of matrilineal descent groups which have attached themselves to a certain *garigarigi* which, in turn, ties them to a plot of land that is believed to be their place of origin. In Raga, land is divided into thousands of plots named after the group or the *garigarigi* that they belong to and each *garigarigi* has group rights and access to the use of these plots of land. In this way, the people of Raga have a very powerful and intimate attachment to their land.

Raga's land tenure system is thus divided into exogamous matrilineal tribes named Tabi and Bule and it is prohibited for any marriage to take place within the same tribe. It is said that when one marries into one's tribe, it is similar to marrying one's brother or sister. So the Tabi must always marry a Bule and vice versa.



Map 2. Raga, North Pentecost

The Bule tribe has its land and, likewise, the Tabi tribe have their own land where they work. However, both tribes can use each other's land upon agreements reached by the leader of both tribes. In addition to rights to tribal and clan land, people in Raga also have rights to common residential and gardening land, use of which is managed by the chief (Figure 1).

5.2 Land in Raga

“Land is an inalienable part of our very existence; it is our mother and what sustains peace and harmony in both tribes” (Chief Viraleo, pers. comm., Lavatmangemu 2007)

In Raga land is central to everyday activities and interactions, and is respected as one would respect one's closest kin. Land is handed down through generations through the female member of the tribe or moiety. Due to the belief that every tribe originates from a certain plot of land through their *garigarigi*, land has religious significance to the people and can never be transferred by sale. Land in Raga is for the tribe and it is land that maintains peace and harmony in their society.

Raga children have access to and the right to use of their mother's land; however, it is the maternal uncle who cares for their land when the mother marries into another village and into another tribe. It is the sole responsibility of the maternal uncle to care for the land to ensure that his sister's children will always return to it. The maternal uncle is a key decision-maker and his sister's children will always look up to him for advice and direction when the need arises.

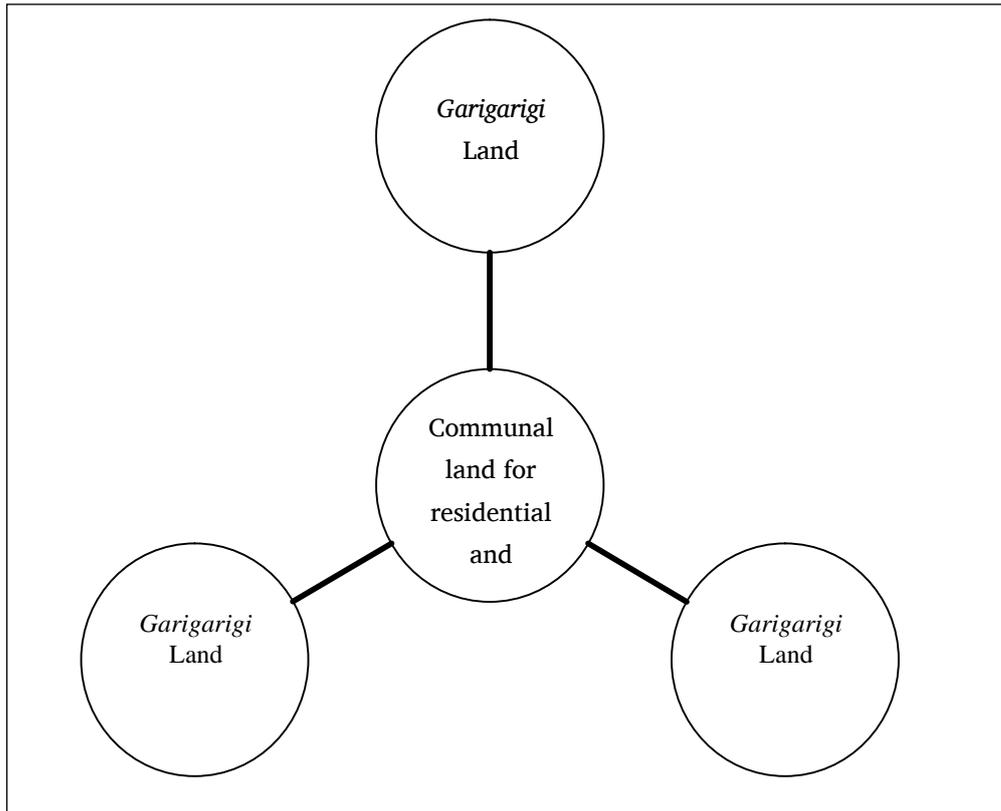
In Raga custom, the maternal uncle's own children maintain access to his land only when he is alive. As stated by an informant, “I will make sure that my sisters' children come back to the land that is under my custody for the simple reason that they are the members of my tribe, and my children will always return to their mother's land because they belong to their mother's tribe.” This has always been the practice. However, today some fathers are abusing the system by allowing their children to remain on their residential land rather than returning to their mothers' tribal land where they rightly belong.

5.2.1 Land Management

It is the responsibility of the chief of each tribe to see that everybody under his/her leadership has a place to cultivate, a place to live and a place to be buried. When a new garden needs to be cleared, the chief of the tribe has to be notified by way of respect and he will always give his consent for the family to cultivate.

Despite Raga being the most densely populated area on the island, land has been effectively managed over time, and has proven to cater for all, irrespective of sex and tribe. Raga society makes a clear distinction between communal and customary land. Communal land is allocated mainly for villages or gardens and tribal land is only for the members of the tribes to use. There are huge community gardens that are cleared annually that are sacred or 'tabu' gardens. These gardens are authorised by a chief of one of the tribes, and everybody in the community of Tabi or Bule is allocated a plot in the garden to cultivate. This system is rotated annually between the two tribes and its purpose is to ensure that everybody in the community has a garden and place to raise food. When the food is harvested, it is the responsibility of the chief of the tribe to allow the land to go fallow for a number of years before another tabu garden is cleared again in the area. The system has worked so well that, despite the population growth in the area, there is still sufficient land for everyone to work on to sustain themselves. The use of the land for gardens is normally authorised by a chief who will consult with his sister before a new place is cleared. This maintains respect and the continuity of good harvests in years ahead.

Figure 1. Types of land within the Raga land management system



Women play a significant role in land management. They in particular make sure that the land belonging to their husbands has sufficient food for the family and that there are pandanus trees for the valued red mats and baskets. Women ensure that pigs are fed for use in different ceremonies for their men, and they work hard to till the land alongside their men. Even though women do not make final decisions concerning land use and other matters, their roles are highly respected as they ensure that the family and the community needs are met. This is reflected in the work that they do in the *nakamal* and other important ceremonies.

“Land is reciprocal – when it is taken care of, the bounties it produces will benefit the community and the family. It is for this reason that we consider land as the mother and we her children” (J. L. Tamata, 2007)

5.2.2 Women and Decision Making Concerning Land

The term *ratahi* means “woman”, *ratahigi* means “chief” and it also denotes “mother of creation”, that is the mother of generations who have passed, present generations and those that are to come in the future. Land in Raga is handed down through the mother’s tribe, however, the administrative work and the care of the land remains with her brothers who take care of the land on her behalf.

Women, in principle, are always consulted in matters relating to land, but it is the chiefs of the tribe who make final decisions. There are a number of reasons given as to why women may not talk openly on matters concerning land in the *nasara*. One of the chiefs of Hurilau district explains:

“A woman is like the land: the land is the mother. It does not speak but it cares for its

people and not only that but woman is also a symbol of peace as land signifies peace between the two tribes. It is said that woman is *bwangagavu* (that which protects and provides shelter), so for a woman to speak is disrespectful in that it should be the men who should stand up front to defend the tribe. When there are tribal matters such as land disputes, or community problems, women will always make their views heard through their chiefs or elders because these are the people who will be at the forefront to do all the negotiating and debating. We consider it disrespectful when our mothers are addressed in an inappropriate manner and for this reason men or the chiefs will do the talking on behalf of the tribe.”

This view was reiterated by a female informant, Motari Lolmwele, who said that women can make decisions among themselves and in their households but when it comes to matters such as land and the stability of the tribe:

“We make decisions but these decisions have to go through proper channels before it gets to the public. Normally it is the men who will be at the forefront to carry them out and we support from the background.⁹ It is not that we are not heard: we are respected” (Motari Lolmwele, pers. comm., Aviriana 2007).

In the past, women were known to be chiefs of certain *garigarigi* if they had the qualities to take care of their tribal land. Chiefs are required to have specific skills and knowledge of tribal land boundaries, tribal genealogies and where everyone in the tribe fits in on the land, as well as the ability to bring peace into the tribe and between tribes, bringing them together.

“Currently there are about two or three old women who are well respected and are always consulted when land disputes arise or anything that is to do with land matters and the tribal genealogies. These elderly women are well respected for their knowledge; it is not always necessarily the men who are consulted on land matters in our society” (Viraleo, pers. comm., Lavatmangemu 2007)

5.3 The Role and Status of Raga Women

Women play a very important role in the day-to-day life of Raga society. This is clearly depicted in the work that is carried out in the *nakamal*, and as a result they are well respected in the community. When a girl is born into a family, it is always considered a good fortune because she will guarantee the continuity her tribe. As she grows up, the girl has different steps that she has to go through in life as a member of her tribe. As she grows up a girl can acquire different ranks to enable her to play a more active role in the *nakamal*. The different ranks that she achieves will depend mainly on her mother but increasingly on both parents,¹⁰ according to their political aspirations and ability to pay in traditional currency (i.e. mats and pigs).¹¹ In some instances, chiefs are eager to see their daughters acquire the different ranks that that are bestowed on women. Each rank that a woman acquires must be paid for with particular pigs (each rank is associated with a particular pig named according to the length of its tusk). The important leaves and other items that are used for decoration all have to be paid with red mats or pigs which are traditional currency. Women are required to pay for these rights themselves from other women, usually maternal relatives such as their grandmother or aunts or if not possible, from paternal aunts, who have themselves paid for these rights in the past.

There are six grades that a girl has to go through if she is to become a woman of high rank in the community. As a female child (*vavine*)¹² she acquires the title *mwei* (equivalent to ‘miss’ for girls). The title *mwei* will remain with her and is often used generically for women. From the day she is married, she can participate in the *haroroagamali*¹³ ceremony with the consent of the

father. The *haroroagamali* (to enter the *nakamal*) is a ceremony that is performed by women for rank acquisition that will allow them to participate in a number of important tribal affairs that are dealt with by men and women of rank in the *nakamal*.

Raga women have six important ranks that are acquired when they have killed prized pigs. This rank taking is shown in the following order:

Mwei

Mwitari

Mwisale

Mitalai

Motari

Salvan

The highest rank that a woman can obtain is the title *salvan*. When a woman acquires this title she is respected by all the society. A woman with the title of *salvan* is allowed to enter the *nakamal* area where only the tabu men have access, and where men of lower rank are prohibited access. This is the place, known as the *ute gogona*¹⁴ where the tabu chiefs isolate themselves to fast for important ceremonies. Women with high titles are allowed to enter *ute gogona* where they are free from the restrictions of high-ranking men.

Women in general draw great respect from their men in the work they do to care for their families and the people of their community. An example of this is the weaving of different mats that are highly valued on the island of Pentecost. These valued red mats are extremely important in all traditional ceremonies such as birth, death, and marriage. It is the responsibility of women to ensure that the family *tangbunia*¹⁵ has these mats available at all times as the need arises.

In addition to weaving valuable red mats, Raga women rear pigs for important ceremonies, and, above all, they take care of the family and the community. Some of these women draw great respect for their traditional knowledge of their tribes' genealogies and how the traditional system works. As pointed out by an informant, without a woman, her male counterpart is nobody in the community. It is said that behind every successful chief on the island of Pentecost is a woman who ensures that her husband achieves higher status in the hierarchy of the rank acquisition system. Communities from far and wide will support a rank-acquisition ceremony of a chief through the wife's significant role in creating alliances with other people.

In the Raga economy, pigs, red mats and *sum*¹⁶ are the most treasured articles, and it is the responsibility of women to make sure that these are available. Women are the keepers of these treasured commodities and their advice will be sought by their male counterparts whenever they are interested in pig killing or *bolololi*¹⁷ or other important ceremonies.

When a young woman leaves her family to start a new life with her husband, she is given a huge basket full of valuable red mats and a pig. This traditional wealth given to her comes with the expectation that she has to participate in the ceremonies of exchanging mats. Not only that, but she also has to make sure that her *tangbunia* remains full and, to some extent, has a surplus. In instances where there is a death or new birth in the community, these mats will play a vital role. When there is a *bololoi* (business of pig killing), it is the women who make sure that their husbands are able to participate by giving a pig that is of high value.

“A woman draws great respect when people see her husband successful in traditional transactions and other major activities in the community” (J L Tamata, pers. comm., Anmalaboa 2007).

Women's work in the community complements the work of their men and vice-versa. Both sexes respect each other's role in the community and, in doing so everyone knows where they fit in. A woman will not ask questions as to who should be doing the sharing of food in the *nakamal*; similarly, men will not question whose responsibility it is to build a family house. Hanna Maho

Bogilu from Amatbobo gives this example: “Men and women know that it is their responsibility to care for their children. For instance, the mother cares for the children at home when the father is away; however, if the mother decides to attend a red mat exchange, it is the father who stays at home to care for the children in the absence of the mother.” This has always been the practice between couples, and spouses respect each other for this. In Raga, a man takes a woman as a partner who will produce and reproduce for the continuity of the two tribes, and they will depend on each other for many things in the community. The complementarity of gender roles ensures that a family and the tribes can live peacefully together with shared values and within agreed social roles.

Politically, women are powerful although this is not shown publicly. It is through the political power of women that chiefs acquire differing distinct status in the hierarchy system. It is the political power of women that enables men to participate in the pig killing ceremonies to elevate their status. It is the wisdom of women and their hard working attitude that is shown in the status of their men in the society. These powers are not seen because they remain in the background (Vira Rere, pers. comm., Vanuatu National Museum 2007).

Traditionally some women were the repository of their tribe’s genealogy and the tribal land tenure system. This knowledge is normally passed on to other women in the *nakamal*, if they wish to acquire such skills. This person with knowledge and wisdom will be looked upon by the tribe as their leader or the chief who has the ability to lead. Some women were once chiefs of their tribes because they had proven that they had the knowledge and skills of tribal affairs. Some women today do have tribal knowledge; however, they no longer lead their tribes but they are consulted by their brothers who are chiefs of the tribe.¹⁸

Women can therefore become chiefs in Raga and play important roles in the affairs of their communities. However, they do not wield the same political power as men. There are areas where they can contribute constructively, but there are decisions such as that of land that they will not take because it is the tribal chiefs’ responsibility. Women and land go hand in hand and are respected for their role in the society that is to take care of their people. Men and women respect each other for the different social role they play at home and in the community, reaffirming Yoshioka’s (1994:103) view that “women have a standing that is relatively equal to that of men. In Raga the relationship between women and men can be said to be symmetrical and complementary”.

Pentecost Island is well known for its culture and its people. Many of the nation’s leaders have come from Raga. One can find women from Raga in a number of prominent positions both at the local and the national level and many are active and in some instances very vocal on a number of issues.

5.4 Changing Attitudes

North Pentecost is densely populated and serviced by a number of government facilities, such as schools and health centres. These public services are on customary land that was acquired by the Vanuatu Government for public purposes in 1983. These areas were given because the custodians believed that whatever assistance was provided would benefit the population, and no compensation was required. The chiefs who allowed these lands for service delivery saw this as an obligation that would assist their people and, in return, draw respect from the communities for their deeds. These agreements were conducted with the consent of the tribe.

However, the land laws introduced since 1980 have challenged the very foundation of Raga traditional land tenure (discussed in further detail in section 6). The Land Leases Act of 1983 states that all land that serves the interest of the public must be registered. The plots of land that are used to provide public services are leased by the chiefs of the tribe who give their consent. The idea of land registration has already raised questions about the word “ownership” versus “custodianship” and “communal” versus “individual”. Land in Raga has always belonged to the tribe and cannot be owned by an individual. It belongs to all those who are the members of the

garigarigi and anything to do with it has to come from all those concerned. Women play a vital role in the land issues by asserting their power, but the final decision comes from the tribal chief. When the Land Leases Act is applied, it promotes the idea of land becoming a commodity rather than something that has always been revered as sacred to the people. Because of this people are worried about the possibility of losing the land that has always sustained them, and that their leaders may lose their authority in ensuring that everybody has an equitable share of the land.

There are other contributing factors to the change in attitudes, largely related to modern education and churches. The two institutions have worked hand-in-hand in trying to convince people that traditional beliefs are not important and, in most instances, are inferior. Though the two systems have good intentions, their influence has in some cases gradually diverted people away from their belief in traditional systems.

Local customs are not included in the curriculum in the modern education system, and children leave the school system without knowledge of their custom values and practices. The respect that is taught in the *nakamal* and the teaching of the traditional knowledge that the children should get are lacking in the system. *“Our children come home from school confused because they do not know how they fit into society. Moreover, they do not know how to read and write English or French properly let alone have fluency in the two languages. That is why we call them ‘confused pikinini’”* (Chief Viraleo pers. comm., Lavatmangemu 2007). The churches have also discouraged traditional practices in favour of modern introduced systems that have in some instances led people away from raising pigs and partaking in other traditional activities important to land tenure such as the kava ceremonies.

The new influences in the lives of the people have brought about changes in attitudes and traditional norms. The latter have been attributed to (as well as led to) the lack of respect for traditional authority. As pointed out by an informant, *“those who go to school think that what they get in school is far better than what we teach in the nakamal but they will always face problems when they come back to the community because the new ways are not our ways”* (Joanne Bogilu, pers. comm., Anmalaboa 2007).

These changes are also resulting in women being affected through a growing lack of respect for them. Women’s demands for opportunities equal to that of their male counterparts are drawing a negative response from some people, and a feeling in some communities that young women wish to take on the responsibility of men.

“These new ideas are foreign in our society; women are as important as men and they always work hand-in-hand, except custom does not allow for women to speak for the tribe in the nasara. If we have to speak we know where to come in and when not to.”
(Motari Siba, pers. Comm., Aviriana 2007)

In Raga culture, women and men are expected to complement each other’s work and respect the different roles they play. *“I have a sister who has been to school and she is going around advocating for women to have equal rights as men; this has brought a lot of confusion among our people because women have always been respected for their important roles in the society”* (Fanne, pers. Comm. Atanbwalo 2007). These changes in attitudes, though minor, are gradually eroding the traditional system that fully recognised a specific role and place for women in the community. The respect that women can command from working their way through the traditional grading system and highlighting their traditional leadership roles, is being neglected in the process of modernisation.

Traditionally women in Raga have not been considered inferior or lower in status. They are accorded respect for the important role they play in the society. Women and men know their social boundaries and have equal opportunity to exercise their power within their realms. But,

“when a woman stands out to speak [in a nakamal], she can disrupt the community’s harmony because of the huge role she plays as a mother of the tribe and the home, as

a mother and a sister. If she takes these into consideration she will not assert herself or speak out because of her important role to maintain peace among the two tribes”¹⁹ (pers. comm., Chief Viramahanga, Abwatonbuliva 2007).

Unfortunately the role of women in Raga in decision-making on land and genealogy is gradually diminishing primarily due to a variety of social factors noted by a female informant:

“more and more women are not bothering about the traditional knowledge of their land and their genealogy. There is an increased burden on women due to modernization and other things such as income generating activities to support their families. In doing so they tend to depend more on men these days because men seem keen to understand different things to do with their land and tribe”.

A group of women indicated that this wisdom and knowledge of the *Garigarigi* still exist and have to be passed on by mothers to their daughters and sons. This valuable traditional knowledge has to be paid for in Raga but women are making little effort in acquiring the relevant information because they nowadays accept the male elders as chiefs because of knowledge. However, there are a few highly respected old women in the communities who still have this wisdom of the tribe and the land. One of the challenges of the latter is the increased burden on women to maintain their traditional roles, at the same time taking on additional responsibilities to support their family and community’s aspirations in modern Vanuatu. Navigating this tension has seen a gradual erosion of traditional values.

Informants confided that some women who have attended school or are involved in church activities are no longer seriously thinking of acquiring the traditional knowledge that should be passed on to them by the older women in the tribe. Yoshioka (1994: 103) pointed out that women have a deeper knowledge about the origin myth of different kin groups and a better grasp of the kin relationship and of land (sic). Yet, today women tend to think that it is the men who will take and carry on the traditional knowledge of the tribe (Hilda Lini, pers. comm., Melanesian Institute of Technology 2007). The concerns that women are gradually depending on the men when it comes to the issues of land and the tribal genealogies was also raised by a woman’s group in Aviriana:

“In matters concerning decision-making on different issues, it is the men who make decisions when it was the normally the practice that women’s views were sought before decisions were made. Some women are more concerned with taking care of the family, feeding their pigs, weaving mats and tending their gardens.”

There is thus a gradual shift from what was supposed to be shared knowledge of the land and tribe towards only men holding and exercising the knowledge.

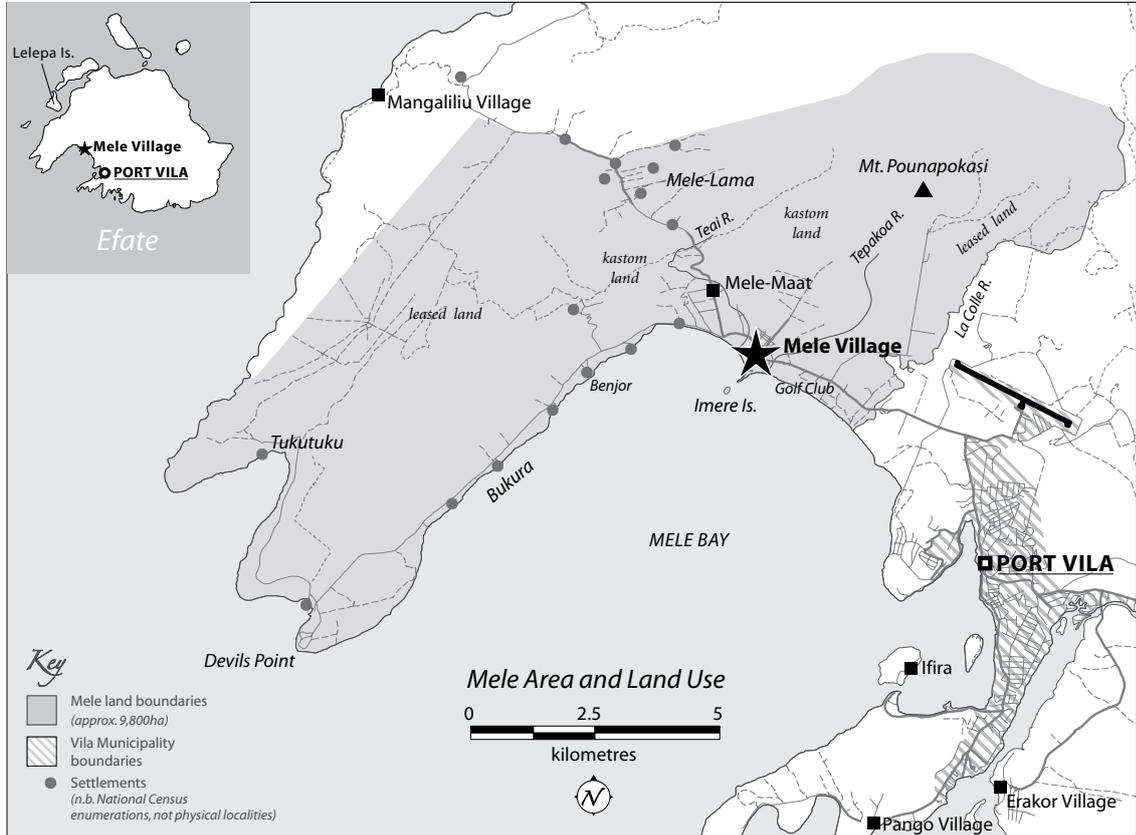
6.0 Case Study Two: South Efate

Paramount Chief Roimata of Retoka Lelepa introduced a totemic, matrilineal inheritance system to Efate, known as *naflak*, following a successful tribal war in 1460 (double-check date and source). This case study examines the inheritance practices of some of the larger villages of South Efate: Mele and Pango, as their proximity to and absorption, to some extent, by Port Vila has placed pressure on their customary tenure (see Map 3).

Prior to the introduction of the *naflak*, it is thought that southern Efate villages, due to their Polynesian heritage, may have been patrilineal (Naupa 2004). Under Chief Roimata, according to oral tradition, there was a decided effort to unify warring Efatese tribes by linking different groups to each other following an island-wide meeting (Guiart 1959). Different villages from around Efate and offshore islands were invited to meet, bringing items of value to the meeting.

Those who brought the same item, such as breadfruit, octopus or yam varieties, were declared to be members of the same totem, represented by their common food item. In doing so, members of the same totemic group (not necessarily consanguineal relations) could call on each other for assistance in times of need, such as when arable land was sought. This shared totemic identity allowed for continued land security in times of conflict. A person's *naflak* was inherited through the mother, as the female perpetuates a lineage.

Map 3. Mele village, South Efate



In South Efate today, knowledge of one's *naflak* or totemic affiliation exists yet is not typically practiced anymore for land inheritance. Rawlings (1999) has noted that R.J.S. Hutchinson, the president of a Native Court held at Pango, another peri-urban village of Port Vila, observed in 1970 that Efate's system of land tenure had changed from matrilineal to patrilineal three generations prior in all of Efate's villages. Naupa's (2004) research of Mele customary tenure offers missionary influence, population pressure and proximity to Vila as reasons for this change. The commoditisation of land in the Port Vila area, as well as other parts of Efate may also have influenced the change in custom, lending it a more individualistic characteristic.

6.1 Land Tenure in Mele

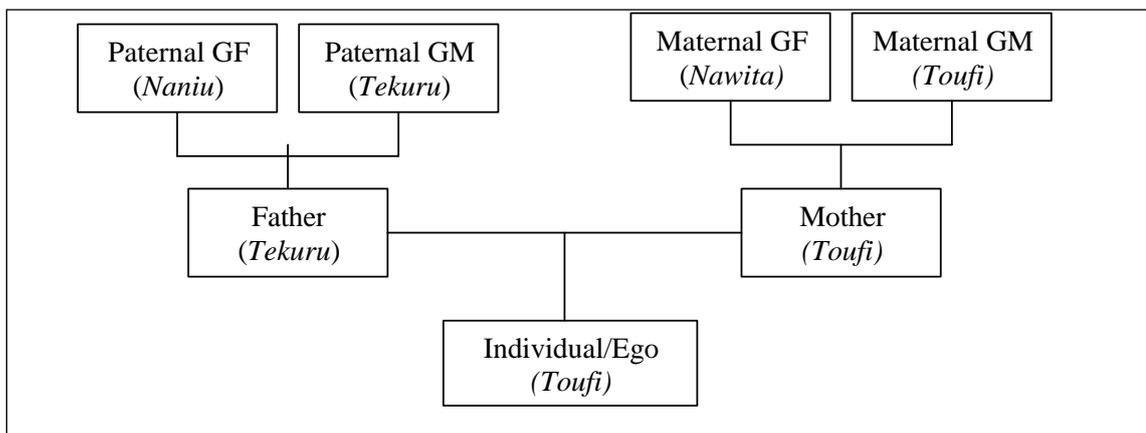
6.1.1 Customary land tenure

Customary land tenure in Mele is based on a totemic, matrilineal mode of descent (the *naflak*), where males inherit primary rights to land through their maternal uncles and not through their father.²⁰ Mele tribes, along with other tribes from Efate and its offshore islands, participated

in this totemic *naflak* system. Each of the thirteen clans of Mele had a totem, a *naflak*, which was inherited matrilineally. The totems were selected from nature, for example, *naniu* (coconut), *nawita* (octopus), *tekuru* (breadfruit), varieties of banana (*pochi* or *avochi*), and many varieties of yams (*toufi*, *malu*). Whether totems were land or marine resources reflected a tribe's area of origin, that is, whether it was a coastal or hill tribe. Ownership or perpetual primary right-holding of the land was through the *naflak* so it was important to maintain this knowledge. For example, if a person's father was of the octopus *naflak*, and his mother of the coconut, he would follow the coconut lineage. Each *naflak* had a 'chief' or head of the clan/ tribe who represented the clan at the village *Nakamal*.

While land rights in Mele have traditionally followed matrilineal inheritance, there has always been the possibility for a child to inherit land rights from both parents' clans. However, the rights inherited through the father were typically usage or access rights only. The subsequent generation of children can only claim land rights through the *naflak* of their grandmothers (labelled GM in Figure 2). Knowledge of the type of land rights to a parcel of land was always maintained, with primary rights of decision-making a reflection of ones' matrilineal lineage and secondary rights a reflection of other familial relations.

Figure 2. *Naflak* Inheritance (Naupa 2004)



It has been suggested that the possibility to inherit land via two avenues relates to the types of land rights that are inherited (Twomey 1970). So primary land rights (decision-making, right to alienation) are obtained through the matrilineal *naflak* system, and subsidiary rights (use, access) are obtained through the patrilineal system. Tertiary land rights are those granted to an outsider and were traditionally understood to be temporary. This condition allowed the planting of subsistence- only (and therefore short-lived) crops on the gifted land, so that the strangers could not claim usufruct rights to fruit trees in coming years. Strangers thus have highly restricted rights unless rights are acquired through other means such as a cash payment for a formal lease, or marriage into the clan.

6.1.2 Contemporary land tenure

All Mele villagers have access to land, whether through their mother or their father's clan. While the *naflak* system is a part of the customary land tenure system, and land rights traditionally follow matrilineal inheritance, double descent is practiced, where children can inherit land rights from either parent depending on the situation. Unlike in North Pentecost's matrilineal system, maternal uncles do not have prominence in land inheritance patterns. Rather, the father determines how his children will inherit land. Today, the matrilineal *naflak* system is considered by some as

separate from land inheritance, and serves mainly to map contemporary marriage paths between families for socio-political relations. It is also used to trace people's chiefly bloodline back to Chief Roimata (Saki, pers. comm. 7 March 2007).

During two village meetings with various women's groups and *farea* (Chief's *nakamal*) representatives, the flexibility of land inheritance in Mele was emphasised.²¹ Interestingly, however, the average age group of the women in both meetings produced slightly different versions of Mele women's land rights. The first group of women from the Presbyterian Women and Mothers Union (PWMU), with an average age of 50 years old, clearly asserted that "men are the ones with the right to have land".²² People are aware of their *naflak* however it is not deemed essential to the transfer of land rights. Women's rights to land, unlike men, are for usage only, with women being excluded from land decision-making. Several women gave examples of money from land sales not being shared with the clan members also claiming rights to the land in question. Widows asserted that they had land rights after their husbands died, however their sons then became responsible for making the decisions about that land. They asserted that women's rights to land are always defined by their relationship to the key male decision-maker for a piece of land. At the same time, however, it was acknowledged that some families have permitted daughters to inherit land due to not having many or any male heirs.

The second group of women we met with presented stronger ideas about women's rights to land, perhaps due to being generally younger (around 30 years old), and influenced by modern education. The flexibility of land inheritance was reinforced through several different examples of where daughters had been granted indisputable rights to land, whether due to having non-Efate husbands, or due to the lack of male heirs, or simply due to a father's desire to grant his daughter some land. Some examples are described in Table 4. The women in this group were more positive about opportunities to participate in land decisions, given a father's decision to give a daughter land rights. In Mele, it is evident that fathers have considerable power over land and that their inheritance decisions cannot be disputed. This very fact is promising for Mele women in having some authority and security.²³

The declining relevance of the *naflak* for land inheritance was attributed to a variety of reasons: inter-island marriage, proximity to Port Vila, and Western influences to change (religion and education). As a group of informants stated, "*Mele i stap long evri ae*".²⁵ The pressures for change in the village come from both within and from the encroaching Vila culture of mixed marriages and mixed cultures. As Vila's population begins to spill over into the peri-urban area, Mele is the next stop. One informant, Saki Bob, declared, "*Mele hemi wan vilej we hemi gat hat*". The generosity of spirit to accommodate daughters' foreign husbands (whether from other islands or overseas) and to permit informal settlements by other islanders have marked Vanuatu's largest village as charitable to all. However, with Vila's encroaching informal settlements, and the land grab for leases in the Mele area, it will not be long before Mele will need to exercise some restraint to its land generosity to ensure that its future generations have gardening and home space.

The pressure of an expanding urban population and the growing demand for peri-urban land are driving the change from matrilineal respect to a male focus. Men's traditional role as administrators of the land, while rights are passed through the women, mean that today they are best placed for engaging in the formal land tenure system which currently recognises land administrators as key decision-makers. Time-efficiency of dealing with an individual and the visible traditional land administrator mean that many Mele land deals have happened without women's prior consent or knowledge – a dangerous situation for other matrilineal societies such as North Pentecost where land is still entirely customary and where there has been little economic pressure.

Table 4. Examples of female land inheritance, Mele, 2007

Means of inheritance	Description
No male heirs, daughters inherit land from fathers	According to Mele custom, and recognised by the Vaturisu Customary Land Law (described in section 5.3), a father has the discretionary power to bequeath land to any of his heirs, regardless of their gender. It is not uncommon for fathers without male heirs to pass land on to their daughters.
Equality practised by the father, both daughters and sons inherit land from fathers	As described above, Mele fathers have the indisputable right to pass land on to any of their children (and even more distant relations or even non-villagers). Informants described cases of fathers 'feeling sorry' for their daughters and ensuring that they also have a piece of land for use. Even if their daughters have access to their husband's land, fathers can choose to provide them a piece of their own to look after (particularly if the husband does not have much land). When sons are few, fathers may also include their daughters in land inheritance. One informant described her family in which there is only one son and many daughters, all of whom are older than the son. Together the siblings make decisions about land and have equally distributed land. They also jointly decided to use one area of their land for the Assemblies of God church.
Married daughter remains in village	When a Mele woman marries a non-Mele husband and they choose to remain in the village, it is not uncommon for a father to provide them with some land for use. ²⁴

Source: Focus group discussions 7 March 2007 and Naupa (2004).

6.1.3 Other South Efate villages

The authors were unable to carry out extensive research in other South Efate villages, but were able to gain an understanding of the similarities between villages due to a shared *naflak* system and shared influences from the nearby urban centre of Port Vila. Both Ifira and Pango village areas, located partially in the urban area, have experienced strong urban influences. The strength of the traditional *naflak* system varies between villages, with Ifira reputedly having the strongest system and Pango's having eroded significantly. However, villagers, in informal discussions, asserted that women's participation in land decisions was minimal, if it occurred at all.

For the first time ever on 2 February 2007, women representatives were invited by Paramount Chief Andy Riman to attend a land council meeting in the Pango village *nakamal*²⁶. The groundbreaking invitation was due to a request from a review team under the National Land Steering Committee to include women in the consultation about the Land Summit resolutions. The invitation of women potentially marks a new era of land decision-making. The authors were present at the meeting and noted that the women did not speak out. Interestingly, in a follow-up meeting with women only, it was noted that male and female versions of the same issue varied markedly. For example, the men did not believe that gardening land would become an issue for another 10

years, while the women declared that land for gardening is already an issue today, not only due to land sales but due to the poaching of their resources by Vila residents. Competition for firewood is particularly a problem with Vila residents. Both men and women share gardening responsibilities (i.e. men clear garden land and plant yams, women are responsible for weeding and planting of other crops), however it is possible that the women have a greater appreciation of the implications of the growing population.

The Pango meeting was a clear example of the gendered experiences of land decisions and the need to include women in decision-making processes, particularly due to the different perceptions and experiences they bring to the table. The omission of women in previous decisions about land sales in Pango was highlighted at the National Land Summit in September 2006, with the subsequent impacts of the land sales seen to negatively affect women the most. The Pango women's meeting reinforced this perception. The women claimed that they had previously been excluded from any representation in *nakamal* land discussions and that even women whose husbands were responsible for land sales often had very little knowledge of what was happening. One of the direct results of their exclusion was having their access to the shoreline severely restricted. One woman claimed to have been chased off the reef in front of one sold parcel, despite land leases not extending beyond the high water mark. As women are primarily involved in collecting food from the reef, the Pango coastal land sales have severely inhibited their ability to do so. The lack of knowledge about rights to the shoreline, combined with the ignorance about land sales means that the women are disadvantaged in asserting any land rights.

6.2 Village-level land management: Mele Trustees Limited

Established in 1980, Mele Trustees Limited's mission was to oversee leases on land alienated prior to Independence and to put lease rents in a community trust until such a time that rightful landholders were identified. The Trust's original role was purely an administrative one carried out on behalf of custom landholders with a prescribed reporting structure to the Chief's *Farea*. With the increase in property development on South Efate, the Trust's role has come under pressure to provide more financial benefits to individual shareholding families, threatening its community commitments/contributions. Shareholding families are increasingly bypassing the Chief's *Farea* and the Trust in land negotiations and using the formal court system and the Department of Lands as their sources for authority and administration.

Originally, the Trust structure included a body of elders, the *Buule*, who played an advisory role on customary land matters (Naupa 2004). While there were no women on this body, women's role in land matters had scope for recognition under the customary tenure system in that their knowledge of genealogy and lineage through the *naflak* system was essential to determining customary landholdings. In 1991, under new management by university graduates, the advisory function of the *Buule* to the Trust was abolished and has never been reinstated. An important avenue for women's customary rights to be recognised and advocated thus no longer exists. This has significant implications on women's participation in decision-making processes.

The *Farea* does not have any women councillors. The Board of Mele Trustees, which is appointed by the *Farea*, has never had any female members. The 31 stakeholders of the Trust, representing Mele's 31 families, are all male. As one Mele informant pointed out, "The shareholders act as if they are the individual custom owners and don't share information or consult with the family about land issues."

The current General Manager of Mele Trustees, Litiana Chilia, is the first ever female Manager appointed by the Board (pers. comm. 8 February 2007). In the current Trust structure, there is limited opportunity for women to participate in any decision-making. Under Mrs Chilia's management, the Trust has consciously invited women to participate in land discussions (whether

through catering or some other service role) in the hopes that women will begin to engage more actively in land matters. However, this has not proved to be a successful approach as the women tend to lack confidence in participating in land discussions. Reasons given, when asked why more women don't feel confident talking about land matters, mainly focus on men not sharing information from *Farea* discussions. This control over knowledge has effectively alienated women from exercising their customary rights over land matters.

The absence of an authoritative land council at the village level removes customary land decisions from the community setting and places it in the hands of the formal judicial system. The Supreme Court is replacing the decision-making role of the *Farea* and elders, which compounded the difficulties of the Trust to manage customary lands for the benefit of the community. Additionally in early August 2007, the Trust was taken over by the Ministry of Lands upon request from the village in order to address financial concerns. The decision-making has been further removed from the community and is now in the hands of a gender-biased administration which will continue to be the case unless the recommendations from this report are implemented.

6.3 Island-level land management: the Efate Vaturisu Customary Land Law of February 2007

From February 12 to 16 2007, the Vaturisu Efate Council of Chiefs gathered for the first time in many years, putting their differences and chiefly disputes aside, to discuss Efate's land problems. High on the agenda was the proposed Customary Land Law for Efate, comprising 20 chapters relating to land management and inheritance practices. Both matrilineal and patrilineal systems were acknowledged with clear processes for land claims identified. However, no women were invited to participate in the discussions.

Endorsed at the 7th conference for the Vaturisu Efate Council of Chiefs, the Efate Vaturisu Customary Land Law captures the cultural practices relating to land management and inheritance. The male heads of families are recognised as holding the primary land rights. This recognition acknowledges fathers' decisions to give daughters land, with the statement that "*ol hed blong famli mo olgeta nao oli responsible blong givim graon igo long ol pikinini blong olgeta, mo long sam spesel kes, oli givim igo long ol gel blong olgeta be wetem apruval blong hed Jif blong hem*"²⁷ (Section 4.4). Section 4.5 further states that "*Graon hemi olsem wan inheritance blong wan aedentified Kastom Ona nating sipos hemi man o woman.*"²⁸ Women's rights to land, therefore, once determined by their father, cannot be disputed (referred to as *paumaso* in North Efate language).

The customary land law further recognises women's rights to land in cases where there are no male children (Section 8.4). A custom ceremony may be conducted when a daughter is married to allow her and her new husband to stay on the land.

Chapter 10 addresses the theme of inheritance through the bloodline (patrilineal) system. When a landholder dies without male heirs, his land returns to the clan, or a small or big chief who can then decide who it should go to (Section 10.5). That said, when there are no male heirs, daughters can inherit the land rights (Section 10.7), although it is supposed that the father would organise this prior to his death to avoid clan relations evicting his daughter after his death.

However, despite the recognition of women's rights to land, the law is contradictory in some cases. Section 11.2 states that under true custom law women do not have rights to land; however, as per section 8.4, there are avenues for women to obtain these rights. In the customary justice system, however, the woman is prohibited from participating in any decision-making or discussion of land (Section 13.7). This underlines the secondary nature of women's land rights on Efate, regardless of a father's bequest.

Widows' rights are addressed only to the extent that if a widow re-marries, her new husband has no claim to her deceased husband's land (Section 12.4).

Section 13 outlines the hierarchical nature of Efate land rights, with the annual requirement for all community members to give a *nasautonga* (gift) to the chiefs as payment for using land in their jurisdiction (Section 13.4). All community members, regardless of gender, must obtain the approval of their chiefs before they can live on their land (Section 13.5) and risk losing all their land rights if they do not abide by sections 13.4 and 13.5 (Section 13.6). Women like men do not have exclusive land rights although men do have more rights in that they have the power of decision-making. But the extensive powers vested in the chiefs, none of whom are women, mean that any decision rests largely with them.

6.4 Recommendations for change

The Mele women that the authors met with demanded that their voices be heard on land decisions. A major obstacle to women's participation in decision-making is the lack of transparency around land deals; more awareness, information-sharing and broader consultation with women's groups needs to happen. When land decisions are closed, women are prevented from accessing information about something that will have a significant impact on their livelihood. Information-hoarding is a key obstacle to women's participation in decision-making. When asked how to encourage women's voices in land decisions, the women stated that they needed to be pro-active in ensuring their representation as the males were noticeably omitting them from key meetings. As the group of PWMU women pointed out, women have a lot of recognition in the church. The *Farea* also recognises women's groups, but, significantly, not when land issues are to be discussed. Mele Trustees does not consult with women or conduct any awareness about land deals. The Trust shareholders are all male representatives of Mele's families, and the women would like to see more female representation in the group of shareholders, which would then ensure their voice at that level.

7.0 Conclusions and Recommendations

7.1 Lessons learned from the case studies

The two case studies of matrilineal tenure systems in North Pentecost and South Efate highlight different stages and forms of tenure. The traditional land tenure system in North Pentecost remains relatively robust and intact while South Efate's *naflak* system has seen many modifications over the decades due to external pressures such as Christianity, colonialism, commodification of land, urbanisation and rural-urban drift. While the fundamental principle of land management, i.e. ensuring everyone has access to land for survival, might remain true, how this is executed has been adapted to suit changing circumstances. For South Efate, and particularly Mele, this has meant that a double descent system of land inheritance is now recognised. The patriarchal emphasis of modernisation in Vanuatu has diminished women's role in land decisions. However it remains debatable whether women in South Efate ever had a significant role in land matters.

The Raga matrilineal system is not immune to external influences of religion and education, however, and, as the case study revealed, some of the traditional practices that were inclusive of women in land matters are beginning to change. According to the informants for this study, women are increasingly deferring to men on all land matters and are beginning to see themselves as having a minor role in decisions. It was observed that even women with the highest rank in the female grading system, the *salvan* title, are not significantly participating in land matters. Some

explanations offered were that traditional respect for women as mothers, with already so many responsibilities, prevented men from burdening women with heavy political matters, such as land. However, if this respect were genuinely part of traditional culture, then we could assume that women were previously not significant participants in land matters. This research shows, however, that women *were* more actively engaged in land decisions, particularly in the accumulation of land history and genealogies. So it is possible that the issue of ‘respect’ has become the gentle and culturally appropriate justification for women’s increasing marginalisation from land decisions. Fewer alarm bells ring if respect is advanced as the explanation for men increasingly taking the lead without consulting with their women. North Pentecost sits in an interesting position on the brink of major change between a strong matrilineal culture and an increasingly patriarchal system where women’s participation is viewed more in reproductive terms. The tipping point for a diminished voice of women about land will be the demands placed on land, whether for formal lease and commercial gain, or for an increasing population pressure requiring hasty land decisions to be made.

Kastom in Vanuatu is generally referred to in gendered terms with a male bias. Reference to chiefs also often has a male bias. The widespread assumption that *kastom* is a male domain undermines the value of women’s traditional activities. While this study does not survey the opinions of *kastom* there is evidence that while matrilineal societies still exist in Vanuatu, males are appropriating the authority of *kastom* at the expense of women’s powers in decision-making.

7.1.1 Matrilineal systems do not guarantee women’s participation in land matters

Significantly, the case studies revealed that a matrilineal system does not guarantee women’s participation in land matters. Women do not inherently have more of a voice in contemporary matrilineal systems. While the Mele case study clearly demonstrated women’s absence from decision-making, the North Pentecost case study presents a more ambiguous situation where women have had and still do have a role to play in land decisions, although there is a shift towards men dominating land matters. In North Pentecost, the potential remains for women to have more of an opportunity to be engaged in decision-making, yet (as the Mele case study also shows) this does not necessarily guarantee their input. Within the matrilineal system, women’s roles are increasingly viewed in a reproductive rather than productive sense (the latter acknowledges women’s economic role which can provide a basis for their inclusion in land decisions), where the ‘matrilineal’ definition means the perpetuation of the lineage rather than any political role. In this sense, matrilineal systems like patrilineal systems remain very much male-dominated and subject to the same challenges. Any recommendations and strategies to enhance women’s participation in land matters, therefore, need to consider the general obstacles to women’s decision-making contributions.

7.1.2 Non-discriminatory land legislation does not guarantee women’s participation in land matters

Gender neutral land legislation is not conducive to women’s participation in land matters and reinforces the status quo of male-dominated decision-making. While there have been some court cases that have ruled in favour of women on the basis of Article 5 of the Constitution, land cases have typically involved mainly men and are influenced by male interpretations of *kastom*. Legislation therefore needs to be more explicit about ensuring women’s participation in land decisions.

7.2 Recommendations to enhance women's participation in land matters

This research puts forward several recommendations to enhance women's access to land and to decision-making with respect to land tenure and management. The recommendations primarily adopt a custom-tenure approach to land rights as we have seen that despite national legislation providing a human rights basis for women's land rights in practice this is not realised. A custom-tenure approach addresses the practicalities of overcoming societal obstacles to women's participation in land decisions. However in the aftermath of the National Land Summit of 2006, where a National Land Law has been proposed as the solution to the lack of basic national land policy, it is essential for the new National Land Law to incorporate women's decision-making role into the fundamental practices of all land matters in Vanuatu.

The authors take the view that the potential for conflict with respect to land tenure and management has already been realised, particularly in the past few years when inter-village and intra-family clashes have taken place. Land disputes are a common occurrence on most islands in Vanuatu and the Government is working with the chiefs to address these through the Customary Land Tribunal Act. However in all cases of conflict, women are marginalised from decision-making (for example, there are very few women adjudicators on any customary land tribunals and claimants have mostly been men). Anecdotal evidence from Pango village and from the National Women's Forum of 2006 highlighted the negative impacts of marginalising women from land decisions, with the added burden of the need for income generation (due to a reduced or lost area for subsistence) leading to all kinds of other social costs. While land conflict is primarily a male domain in Vanuatu, it is its implications on women's and children's lives that necessitate a mitigating strategy to reduce its negative outcomes.

7.2.1 Recommendation 1: National Land Steering Committee, as the committee charged with oversight of the progression of the National Land Summit resolutions, to endorse and implement the recommendations of this report

First and foremost, the recommendations of this report need to be endorsed and implemented by the national body set up to progress the National Land Summit resolutions, which focused around the themes of fair dealings, equitable and stable progress and sustainable development. Women's participation in land decision-making processes is significant in each of these themes. The National Land Steering Committee must adopt and implement these recommendations throughout all of its land reform activities.

7.2.2 Recommendation 2: Mainstreaming gender in traditional land systems

i) The Malvatumauri to implement its National Land Summit recommendation for research into gender roles relating to land

One of the Malvatumauri recommendations to the National Land Summit in September 2006 was for more research to be conducted into gender roles relating to land. This study contributes to this effort and recommends that further work is done in other parts of Vanuatu, led by the Malvatumauri. This cultural research can be used to support women's participation in customary land matters.

ii) The Malvatumauri to lead a campaign for chiefs at all levels (village, area, island, national) to actively support women's participation in customary land matters and to promote women's traditional leadership roles (role for male advocates as well as the Vanuatu National Council of Women)

Women do not inherently have a voice in land matters in the matrilineal systems reviewed. Women within matrilineal systems face the same decision-making challenges as their sisters in patrilineal systems. Even in North Pentecost, where traditional land tenure remains largely intact, men are increasingly dominating land matters. It is therefore recommended that **chiefs play a more active role in supporting women's participation in land management. The Malvatumauri must lead this process.** This does not mean bringing women into the *nakamal* if it is culturally inappropriate for them to be there, rather to ensure women are properly consulted before, during and after land decisions are being made in the *nakamal*.

Chiefs need to be aware of the avenues within their customs for women to participate in a land discussion (e.g. knowledge of genealogy, land history, land productivity, who will be affected by a land decision) and to reinforce women's contributions through these avenues. This recommendation does not seek to change an area's *kastom*, rather to capitalise on opportunities in existing custom structures for women to participate. One example where chiefs are beginning to look at this is the Efate Vaturisu Customary Land Law where women's roles are recognised (albeit with possibilities for improvement).

Use of male advocates to promote women's participation in decision-making has been a model successfully applied in the work of the Vanuatu Women's Centre. It would be worthwhile using this model to foster a core group of male advocates for women's participation in land matters. This would require an organisation, such as the Malvatumauri together with the Vanuatu National Council of Women, to coordinate and nurture such a group. Government pressure to address this area may be necessary.

iii) Role for the Vanuatu Cultural Centre's Fieldworkers' network to lead research on custom, gender and land

There is a role for the Vanuatu Cultural Centre's Fieldworkers to lead research on custom, gender and land to support the Malvatumauri's efforts. It is suggested that the 2008 topic for the Women's Fieldworker Workshop be "Women and Land" as research into male roles in land management has already been conducted under the Cultural Centre.

7.2.3 Recommendation 3: Mainstreaming gender in formalised land systems

i) All government administration processes relating to land (e.g. land registration, land leases, environmental impact assessments, infrastructure development) to ensure that consultation with women stakeholders is mandatory and recorded

Despite the non-discriminatory foundations of national land legislation, formalised land dealings do not generally practice adequate consultation of women. A male-bias in land decisions appears to have been institutionalised in the Ministry of Lands' departments, such as the leases, records, surveys and customary tribunals. The Government needs to have a policy to implement processes whereby women can participate in land decisions, and an office (or dedicated public servant) that can certify that women have been consulted. Administrative reform in this sense can be done at minimal cost to government, merely ensuring that an additional step to include women's consultations is included in formal land tenure processes, with any transaction being considered incomplete without one. This will require a major social education campaign, as outlined in 7.2.4, to ensure public awareness about the need to include women in land decisions.

ii) Customary Land Tribunals awareness and implementation activities to actively promote women's participation and link into women's traditional leadership roles

Awareness about the Customary Land Tribunals Act and implementation activities needs to actively promote women's participation and link into women's traditional leadership roles. This

office, the Malvatumauri and the Vanuatu Cultural Centre need to work more closely together to apply and follow the research lessons from gender, custom and land studies.

iii) 50% representation of women on land boards/committees

The Department of Women's Affairs will need to exert pressure on both national and provincial governments to ensure 50% representation of women on land boards and committees.

iv) Role for the Department of Women's Affairs to monitor the participation of women in formal decision-making processes (e.g. institutionalising a Gender Focal Point with the Department of Lands)

The Department of Women's Affairs will need to exert pressure on the Ministry of Lands to provide a dedicated Gender Focal Point to oversee gender mainstreaming in all government processes relating to land. As a member of the National Lands Steering Committee, the Department of Women's Affairs is well placed to actively advocate equal consideration and consultation with women in all land dealings.

7.2.4 Recommendation 4: National campaign to encourage consultation with women on land decisions

i) National Land Steering Committee to include in its public awareness campaign about land reform a campaign educating Vanuatu about the benefits of including women in decision-making and the risks to social security when they are marginalised from land matters

Initiating and supporting the work of the chiefs in supporting women's participation in land decisions would be a nation-wide campaign to encourage consultation with women about land matters. The campaign could educate communities about the benefits of including women in decision-making, possibly drawing on existing worst-case scenarios of what can happen when women are omitted from the decision-making process (e.g. Pango/Efate land sales).

The National Land Steering Committee would be best placed to initiate and focus the campaign around women and land, in collaboration with organisations such as the Department of Women's Affairs, the Malvatumauri, the Vanuatu Cultural Centre and the Vanuatu National Council of Women. Use of their networks would provide the double advantage of providing an avenue to communicate the campaign, and also engaging their support in working with chiefs to promote women's participation in land matters. The national campaign would most likely require some assistance for publications and media spots, with the volunteer community networks providing the personal campaigning. This national campaign should be considered a priority and can work closely with the land reform process within the Ministry of Lands to collaborate with their public awareness exercises.

ii) Role for the National Kastom Ekonomi Committee to continue to advocate for women's participation in decision-making about land and land resources in the interests of self-reliance and social security

The *Kastom Ekonomi* initiative under the Vanuatu National Cultural Council is well-placed to advocate for women's participation in decision-making in the interests of self-reliance and social security. Its current activities could be further informed by the research carried out in recommendation 2.

7.3 Final Conclusion

In the aftermath of the National Land Summit of September 2006, Vanuatu has been enjoying a healthy debate about land matters in the country. Timely in addressing mounting tensions between customary landowners, private investors and the government, the Summit was the first of its kind to consult widely on the state of land affairs in the country. For the first time, the public was widely consulted about land issues such as customary disputes, traditional land rights, land speculation, and subdivisions. The 20 official Summit resolutions are key to providing agreed directions for future national land policy.

Gender relations around land were, for the first time, one of the key areas to be addressed in the final Summit resolutions. The time is ripe for ensuring that women's land issues remain at the forefront of the national land reform agenda. Relevant government agencies, civil society organisations and communities need to capitalise on the current momentum in reforming land practices to ensure that women participate in all decision-making about land, without exception, in the interests of future stability and land security. This objective cannot be realised without constructive partnerships between major stakeholders advocating women's participation to be at the core of all land decision-making.

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People consulted/Interviewed

Hilda Lini
 Merilyn Tahi, Coordinator, Vanuatu Women's Centre
 Jenny Ligo
 Hilda Taleo
 Ketty Napwatt
 Saki Bob
 Pango village women
 Edward Nalyal (Land Lawyer)
 Michael Mangawai
 Alicita Vuti
 Litiana Chilia, General Manager, Mele Trustees Limited
 Emil Mael, Physical Planner, Shefa Province

Round-table consultations/discussions

Date	Event	Attended by
30 April 2007	Department of Women's Affairs' Roundtable	Hilda Taleo, Director Seman Dalesa, Policy Planner Rothina Ilo, Communications Officer Kathy Rarua, Gender Planner Leias Cullwick, Women's Leader Jean Tarisese, Women's Culture Project, VKS Agathe Malsungai, Vanuatu Women's Centre
	UNDP-RRRT Workshop on Women's Rights to Adequate Land and Housing	community training officers
	National Consultation of Draft Report (USP-Emalus)	1 st Political Adviser to the Minister for Justice and Social Welfare (Leias Cullwick) Department of Lands (William Ganileo, Alicita Vuti, Julie Garoleo) Department of Women's Affairs (Hilda Taleo) Vanuatu Cultural Council (Ralph Regenvanu) Vanuatu Women's Centre (Merilyn Tahu) Mele Women representatives (Esther Kaltanak and co.) Port Vila women representatives Efate Chiefs representative (Chief Mormor Kalotiti) Mangaliliu Women's representative (Leisara Kalotiti) USP Staff (Jeanette Bolenga, Ketty Napwatt, Helen Tamtam) Pacific Islands Forum Secretariat (Joanne Lee Kunatuba) Research Coordinator PIAS-DG (Dr Elise Huffer)

RESOLUTIONS OF THE 2006 VANUATU NATIONAL LAND SUMMIT

Land Ownership

Resolution 1

- The Government to make laws that provide that all land in Vanuatu is owned by groups (tribes, clans, or families).
- Not one person (individual) is owner of any traditionally owned (kastom) land.
- Members of (kastom) traditional owning group (male and female) must be involved in the decision-making about their land.

Resolution 2

- The Government must implement and review the existing laws that determine who are kastom owners of land (eg Customary Lands Tribunal Act and Chiefs' Laws).
- The Government, Provincial Governments and Malvatumauri National Council of Chiefs must assist the people to document traditional (kastom) land policies (Customary Land Laws) in each villages, areas or islands in Vanuatu.
- That would include traditional communities' kastom boundaries, traditional (kastom) land dealings and other rules of kastom.
- To carry out this task, the Government through the Ministry of Lands must set up Land Offices in all the provinces in Vanuatu.

Resolution 3

- The Government, Malvatumauri National Council of Chiefs and the Vanuatu Cultural Centre must assist the people (Chiefs, Schools, men and women) to be aware about:
 - Traditional (kastom) economy
 - Existing Land Laws
 - Customary Laws

Fair Dealings

Resolution 4

- The Government must implement and review the laws and terms and conditions in a lease agreement, for example, the term of a lease, rent review, development conditions, and other terms.

Resolution 5

- All lease agreements must:
 1. Be in Bislama.
 2. Involve every members of the land owning group (men, women and the youth).
 3. The Department of Lands must explain clearly to the land owners the terms and conditions of leases and the rights they have under those agreements.
 4. That includes the value of the land, land rent and premium, what the term of the lease is, when to review the rent, so that it is easy to enforce them.
 5. There needs to be legal advice from the Public Solicitor's Office or another body to assist land owners who are interested in leasing any of their land.
 6. In all lease agreements, the Chiefs and land owners must approve:
 - The Certificate of negotiation
 - The Lease agreement
- Any changes to the conditions of the lease (use of land [class of lease], term of lease)

Certificate of Negotiation

Resolution 6

- In all Certificates of Negotiation, there must be approval from the village, area or island council of chiefs (always start with the village chiefs' council) before the Department of Lands or Ministry of Lands can accept the certificates.

Resolution 7

- There must be notice for every application to negotiate to the chiefs of the area where the land is located. That notice must have the following information:
 - a. Detail of application.
 - b. Development plan, and
 - c. Location of that land.

Resolution 8

- In every application to negotiate there must be:
 1. A copy of the applicant's passport (if they are a foreign investor).
 2. A copy of the Vanuatu Investment Promotion Authority (VIPA) Certificate.
 3. Details as to location of the land, boundaries, land use and area of the land.
 4. Details of development plan and any planning approval.

Power of the Minister over Disputed Land

Resolution 9

- Remove the power of the Minister to approve leases over disputed land.
- If the land is disputed, the dispute must be resolved before the Minister can approve a lease in relation to that land.

Strata Title

Resolution 10

- The law must be clear that strata title only applies to buildings but it is not for subdividing land.
- If there is strata title, land owners must have the right (be entitled) to approve the strata titles and gain benefit from them.

Agents/Middle Man or Woman

Resolution 11

- The Government must regulate the activities of real estate agents and middle men or women (eg through a Code of Practice and Ethics).

Lease Rental and Premium

Resolution 12

- The Government must pass a law for new rates of land rent for different classes of land throughout Vanuatu.
- Land rent in rural areas must be based on a percentage of the value of the land.
- The Government will work out and endorse a new method for calculating land premium which it thinks is fair.

Sustainable Development

Resolution 13

- Before a lease can be approved or a development can take place on land, there must be a social and environmental study to find out the good and the bad aspects of that development.

Resolution 14

- Before an area can be leased, there must be a proper land use or zoning for that area.

Conditions of Lease**Resolution 15**

- In every lease there must be conditions:
 1. To protect cultural sites.
 2. To protect the environment (such as rivers, wild life, beach etc), and
 3. For access road into the leased land.

Public Access**Resolution 16**

- There must be public access to the sea and for the custom owner to continue to use the area starting at the high water mark to the end of the reef.
- There must be public access to rivers and lakes in a leased area to allow custom owners to continue to enjoy that area.

Enforcement**Resolution 17**

- The Government must:
 4. Enforce every physical planning, Environmental Protection and Public Access Laws; and
 5. Support custom owners to enforce these conditions such as planning, environment and public access.

Zoning**Resolution 18**

- There is a need for the Government to strengthen the Physical Planning and Zoning laws; and
- The Government must consider giving more powers to the Land Management and Planning Committee (LMPC) through law.

Resolution 19

- There must be a National Subdivision Policy, Provincial Development Plan and Area Land Use policy.

Awareness**Resolution 20**

- The Environment Unit must help the people (Chiefs, Schools, men and women) to raise their awareness about:
 6. Sustainable development; and
 7. Environmental protection.

Notes

- 1 The Vanuatu study is one of three country studies commissioned by the Pacific Forum Secretariat and coordinated by the Pacific Studies Program (PIAS-DG, USP) to undertake research into gender and land in the region. This report also links into the UNDP-RRRT Women's Rights to Adequate Land and Housing program, contributing to the information available for addressing the role of gender in contemporary land management.
- 2 Van Trease, Howard. 1987. *Land Tenure in Vanuatu*. USP: Suva.
- 3 Traditional male meeting house.
- 4 See Annex 1.
- 5 This recommendation was put forward by the Women's Advocacy Coalition (WAC) and adopted by the Malvatumauri for its presentation. WAC, through Ketty Napwatt and Anna Naupa, also submitted this recommendation to the Summit to reinforce the need to pay more attention to gender roles in land matters and the implications of land decisions on women.
- 6 *Noel v Toto* [1995] VUSC 3 (Unreported, Supreme Court of Vanuatu, Kent J, 19 April 1995) as quoted in Monson 2004.
- 7 The Department of Lands, Survey and Records does not consider gender in the registration of a lease and therefore it is difficult to ascertain the number of leases titles held by men, women or both.
- 8 *Garigarigi* are sub moieties that link each group to a plot of land.
- 9 It is possible that this is a Church-influenced viewpoint given the traditional role, including the right to speak, accorded to high-ranking women in the *nakamal*.
- 10 Traditionally, it was the mother who decided on rank taking and she would inform her husband and her maternal uncles (the latter mainly out of respect). Increasingly fathers are getting involved in making the decision which sometimes creates problems because the mother may not have accumulated sufficient ceremonial goods meaning that the latte will have to be mobilised from beyond the family unit.
- 11 Today, cash is also used for payment.
- 12 *vavine*: female.
- 13 *haroroagamali*: the right to enter the sacred parts of the *nakamal*.
- 14 *ute gogona*: a sacred area in the *nakamal*.
- 15 *tangbunia*: family bank of red and white mats
- 16 *sum*: shell money
- 17 *bolololi*: pig business where pigs and mats are exchanged
- 18 Traditionally Raga has two chiefs: one who kills pigs to be a chief and one who leads the tribe because of tribal knowledge and wisdom.
- 19 Modern interpretations of traditional gender roles often demonstrate influences from religion
- 20 Informants stated that today, however, maternal uncles are no longer part of the equation and that land inheritance is through the paternal line only. This is discussed in the next section.
- 21 Meetings took place on 7 March 2007 in Mele Village.
- 22 This is possibly a church-influenced notion, as suggested in the Raga case study.
- 23 However, the Efate Customary Land Law (2007) does not recognise the rights of women to participate in land decisions about 'their' land regardless of the indisputable right of the father to give his daughter land. Practice and theory, once again, will be put to the test for compatibility (Mele's double descent inheritance system being the compromise for a *naflak* system and a patrilineal system).

- 24 While this practice was praised for its generosity of spirit, it was simultaneously criticised for contributing to the congestion in the village. Traditionally, women would move to their husband's home villages, however Mele's proximity to Vila means that non-South Efate husbands prefer to move to their wives' homes.
- 25 "*Mele is at the centre of attention.*"
- 26 *The Independent* Issue No. 167, Sunday 18-24 February 2007.
- 27 "Heads of families are responsible for passing land on to their children, and, in some special cases, they may give land to their daughters with the approval of their head chief."
- 28 "Land is the inheritance of the identified custom owner, regardless of whether they are male or female."