

**PLANTATION REDISTRIBUTION AMONG THE TOLAI; A  
QUALIFIED SUCCESS IN LAND TENURE REFORM**

By

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**I. INTRODUCTION**

IN December 1972, within its first year of office, the Somare government adopted the Eight Aims as its overall social and economic development philosophy. With them as the policy touchstone - particularly in their calls for decentralisation of economic activity with emphasis on agricultural development, more equal distribution of economic benefits, and reliance on typical Papua New Guinean forms of organisation - the Commission of Inquiry into Land Matters (CILM) reported in October 1973.<sup>1</sup> Self-government came in December 1973, but a political chronicler recorded at the time that already there was a 'strong current of disaffection' with the Somare government, which he attributed to doubts over its commitment to social change,<sup>2</sup> and its apparent lack of action in implementing the Eight Aims.<sup>2</sup> Many observers felt that the fate of the CILM report would demonstrate the extent of the government's commitment to reform, and its capacity to implement reforms.

In August 1974 the final report of the Constitutional Planning Committee (CPC) was tabled in the House of Assembly. When the government immediately responded to this intensely nationalist document with its own 'Proposals on Constitutional Principles and Explanatory Notes', it was accused of compromising the national interest. But although the CPC occupied the high idealistic ground, its failure adequately to confront institutional barriers to change left its nationalist aspirations vulnerable. In the same month that this conflict over decolonisation strategy climaxed, the government moved to demolish one of the classic institutions of colonialism. In August 1974 the House of Assembly passed a scheme of legislation comprising four enactments, which, together with its guiding policy, is known as the Plantation Redistribution Scheme. The Scheme had its origins in the report of the CILM, although its scope went beyond their recommendations in some important respects. It contemplated a radical reform of the plantation sector.

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1. **Report of Commission of Inquiry into Land Matters** (Department of Lands, Surveys and Environment, Port Moresby, 1973).
2. D.W. Hegarty, 'Papua New Guinea', in 'Australian Political Chronicle' (1974) **Australian Journal of Politics and History**, XX(1).

I propose here only to describe the origins and nature of the Scheme in sufficient detail to introduce the subject upon which I wish to concentrate. While there is evidence that the policy and mechanics of the Scheme are still largely misunderstood, even in senior official circles, this is not the occasion for a detailed exposition of the legislation.<sup>3</sup> Rather the intention is to examine the operation of the Scheme within the territory of a single ethnic group, to see how their experience<sup>4</sup> might be instructive on the general issues of land tenure reform.

## II. THE TOLAI AND THEIR TERRITORY

The people selected for study, the Tolai, and their territory on the north-eastern tip and islands of the Gazelle Peninsula of the East New Britain Province, have been prominent in the process of western capitalist penetration of Papua New Guinea over the last century. Thought to number some 20,000 persons at first European settlement in 1875,<sup>5</sup> the total Tolai rural population is now 67,000.<sup>6</sup> Adding the Tolai living in the three towns in the area, Rabaul, Kokopo and Kerevat, and those working elsewhere in Papua New Guinea, would probably bring the current total number of Tolai to 86,000.<sup>7</sup>

The whole of Tolai society is divided into two exogamous moieties. Moiety affiliation ensues from birth into the **vunatarai** or clan, being all persons who trace their matrilineal descent from a single known common ancestress or, more usually, from a number of known ancestresses whose common descent is assumed but cannot necessarily be demonstrated. The **vunatarai** is the central unit of Tolai

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3. For a discussion of the policy and mechanics of the Scheme see: J.S. Fingleton, 'Policy Making on Lands' in J.A. Ballard (ed.) **Policy-Making in a New State: Papua New Guinea 1972-77** (University of Queensland Press, St. Lucia, 1981) 218-22; Jim Fingleton, 'Comments on Report by the Committee of Review into the Plantation Redistribution Scheme August-September 1979' in M.A.H.B. Walter (ed) **What Do We Do About Plantations?** Monograph No.15 (Institute of Applied Social and Economic Research, Boroko, 1981) 44-51; P. Eaton, 'Melanesian Land Reform: The Plantation Acquisition Scheme' (1980) 8 *Mel. L.J.* 134-42, and P. Eaton, 'The Plantation Redistribution Scheme in Papua New Guinea', Paper presented at Waigani Seminar, October 1981.

4. The term 'land tenure reform' has the general meaning of a legislative reform of land tenure, as well as a particular connotation (commonly in a post-colonial context) of a redistribution of unitary estates. As this study is concerned both with plantation redistribution and with proposals to legislate for a replacement form of tenure, the term has been used with a joint connotation, although remarks in the Conclusion on proposals for reform of land tenure are not intended to be confined to the case of plantation redistribution.

5. R.F. Salisbury, 'The origins of the Tolai people' (1972) **Journal of the Papua and New Guinea Society** 6(2): 79-84 at 83.

6. My source is Bradley's figure of 61,000 for Tolai rural population excluding the population of the Duke of York islands (Christine S. Bradley, **Tolai Women and Development** Ph.D. thesis (unpublished) (University College, London, 1982) 28). To this figure I have added 6,000 as the rural population of the Duke of York islands, calculated from the 1980 National Census figures.

7. Again (see fn.6), I have used Bradley's figure of 80,000 for the total Tolai excluding the Duke of York islands' population and added 6,000 to include the latter.

society, and for the great majority of Tolai their most important access to land is gained through **vunatarai** membership. Members acknowledge a common leader (**lualua**), and identify themselves by reference to their **madapai**, the place of their original settlement in a locality, where ancestors are buried, and where the **vunatarai** members meet for ceremonial activities. **Vunatarai** land typically consists of a number of dispersed plots in the vicinity of the **madapai**, either taken up generations before during original settlement of the locality and passed on matrilineally to succeeding generations, or acquired by individual members of the **vunatarai** by a variety of methods from other **vunatarai**, and maturing over time into **vunatarai** ownership as a result of matrilineal inheritance.

Upon marriage the wife usually moves to her husband's land, although as most marriages are contracted locally (until recently at least), a wife is usually able to continue exercising her rights to her own **vunatarai** land after marriage. Children, as they approach adulthood, expect and are expected to take up their rights to their (mother's) **vunatarai** land, for food-gardening and cash-cropping purposes. Under modern conditions of growing population pressure on land, however, parents are increasingly resorting to other measures to satisfy their children's land needs. A few fortunate individuals have succeeded in leasing small-holder blocks on land settlement schemes (see below), often far distant from their home villages, but for the great majority of Tolai the increasing demand for land can only be met locally, by manipulating customary methods of gaining access to the land of another **vunatarai**, thereby, of course, depleting the supply of land available to that **vunatarai's** membership.

The territory of the Tolai is difficult to define precisely. From their ancient New Ireland origins, Tolai occupation of the Gazelle Peninsula was continuing to expand over the traditional lands of the Baining, Butam and Taulil peoples at the time of first European contact - a process continuing to the present day. Tolai territory is thought to have encompassed some 1,100 square kilometres of the Gazelle Peninsula when European land alienations began in the 1870s. A vigorous trading community, the Tolai took early advantage of the expanding market for local produce which accompanied the spread of European trading stations and, later, plantations through their territory.

The rich volcanic soils and favourable climate attracted extensive coconut plantation development in the area during the German administration. The high point of land alienations occurred in the early years of this century, and by World War I much of the land most suitable for commercial agriculture had passed out of Tolai ownership. Land alienation was not evenly spread through the Tolai territory, however, and scarcely affected some of the most heavily-populated areas. In addition, reserves were carved out in some localities of most serious alienation, for the benefit of the local communities. The situation which remained at the end of the colonial

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8. I have used McCarthy's figure of 424 square miles (J.K. McCarthy, 'East New Britain District' in P. Ryan (gen.ed.) *Encyclopaedia of Papua and New Guinea* (Melbourne University Press, Carlton, 1972) 296) and converted to square kilometres.

period is shown in Table 1, from which it can be seen that almost half the land in the Tolai territory had been alienated. Apart from the pressure experienced in localities of heaviest alienation, removal of this land from the total Tolai supply restricted the ability to reach internal adjustment to land needs by use of customary methods of gaining access to land. As will be seen in the next section, about half of the leasehold area is held by Tolai smallholders, but even when this amount is included, land availability for the total Tolai population is only in the order of three-quarters of a hectare per person, on the 1982 population figures.

Table 1: Land tenure in the Tolai area, 1970

Category	Area (ha.)	% of whole
<b>Alienated land</b>		
Freehold	21,023	18.9
Leasehold	8,686	7.8
Administration*	21,938	19.7
	<u>51,647</u>	<u>46.4</u>
<b>Tolai land</b>		
Customary	56,592	50.9
Reserve	3,033	2.7
	<u>59,625</u>	<u>53.6</u>

**Note:** \* Of Administration land, about 16,000 ha. (some 70%) is the Kerevat Forest Reserve.

**Source:** K.J. Granger, Unnamed, unpublished B.A. paper (University of Papua New Guinea, 1970) 160 modified.

### III. GROWTH OF TOLAI LAND PRESSURE, AND THE OFFICIAL RESPONSE

During the colonial period the Tolai frequently contested these land alienations, when their full legal consequences became apparent, and they remained a constant source of resentment and agitation. The exclusion of the Tolai from alienated land was exacerbated by social and economic changes in their condition. With improving welfare their population increased steadily until the 1950s, when it grew dramatically at a rate exceeding 8% per annum.<sup>9</sup> On data collected from two Tolai communities in 1960, A.L. and T.S. Epstein remarked that 'the Tolai population would appear to be growing at what can

9. K.J. Granger, Unnamed B.A. paper (unpublished) (University of Papua New Guinea 1970) 64.

only be described as an explosive pace',<sup>10</sup> and that the proportion of children in the population was 'extremely high'. Since that time the rate of population increase has declined, but at 3.83% per annum in 1969, it was still the highest in the country.<sup>11</sup>

The practical importance of such increasing population pressure on limited land resources is obvious. But while retaining their subsistence gardening, the Tolai have also for long been at the forefront of Papua New Guinean integration into the cash economy. Garden land has been increasingly converted to permanent tree crops, in particular cocoa, while such is the pressure on land that today there are even instances of cash crops being bulldozed to provide the necessary space for housing. Twenty years ago non-official observers predicted the growth of 'acute social unrest' arising from 'the problem of growing wants and dwindling resources'.<sup>12</sup>

Clearly there was an apprehension in official circles of mounting stress within the Tolai community, but the belated response of the Administration was sorely inadequate. It consisted of the attempted resettlement of individuals from land-short localities onto small leasehold blocks of virgin land on the periphery of the Tolai territory.<sup>13</sup> The first such resettlement scheme was at Vudal, where in 1952 the Rabaul Native Local Government Council was allocated an Administration lease over 1000 acres (400 hectares), half of which was subdivided into 96 blocks, each of 4.9 acres (2 hectares). The Council subleased the blocks to villagers under improvement conditions which required the planting up of 80% of the block with cocoa within the first eighteen months. Typical of the lack of planning and technical input was the fact that as clearing progressed the water table rose,<sup>14</sup> so that a great many of the blocks became too swampy for cocoa.<sup>14</sup> Indeed, there are strong indications that this initial scheme was not even primarily designed for the purpose of relieving population pressure, but was aimed instead 'at improving standards of living and methods of farming among the indigenous people'.<sup>15</sup> Lacking any clear sense of direction, and any systematic assessment of, and commitment to provide the back-up services necessary for commercial viability, in 1960 the scheme was publicly

10. A.L. and T.S. Epstein, 'A Note on Population in Two Tolai Settlements' (1962) *The Journal of the Polynesian Society* 71: 70-82, at 77.

11. T.S. Epstein, 'The Mataungan Affair: The first radical mass political movement' (1970) *New Guinea* 4(4): 8-14, at 9.

12. A.L. and T.S. Epstein, *op.cit.*, 81.

13. On the early land resettlement schemes generally, see P.G. Irwin, *Land Use in the Blanche Bay Area of New Britain* M.A. thesis, 1965, 313-37; S. Singh, *A Benefit Cost Analysis of Resettlement in the Gazelle Peninsula*, New Guinea Research Bulletin No.19 (New Guinea Research Unit, Boroko, 1967); A.M. Healy, 'Land Problems and Land Policies in Kenya and Papua New Guinea: A Comparative Historical Perspective to 1963' in M.W. Ward (ed.) *Land Tenure and Economic Development: Problems and Policies in Papua New Guinea and Kenya*, New Guinea Research Bulletin No.40 (New Guinea Research Unit, Boroko, 1971) 63-124; A.M. Healy, 'Correspondence: Early Land Settlement Schemes in Post-War Papua New Guinea' 1972 *Man in New Guinea* 4(2): 9-14, and D.M. Fenbury, 'Correspondence: Early Land Settlement Schemes in Post-War Papua New Guinea' 1972 *Man in New Guinea*, 4(2): 2-9.

14. Fenbury, *op.cit.*, 5.

15. Singh, *op.cit.*, 6.

acknowledged by the Administration to have been a failure.<sup>16</sup>

The Vudal scheme was followed by the Vunamami Council scheme at Warangoi, where 33 blocks were allocated in 1960. The blocks, of an average area of 10 acres (4 hectares), were subleased to two persons from each of the seventeen villages included in the council area.<sup>17</sup> Again the impression is gained that the scheme was officially treated as experimental,<sup>18</sup> rather than as a serious attempt to alleviate land shortage - not that it could have achieved much in that regard.<sup>19</sup> Other smallholder schemes opened up in the 1960s were Warangoi 15-acre (33 blocks), Illugi (50 blocks), Kerevat (15 blocks), Tavilo (17 blocks) and Sunum (17 blocks), and in 1970 leases in the final Japlik, Vunapaladig and Mandres schemes (245 blocks) and the Buri scheme (22 blocks) were allocated. In just under twenty years, therefore, the Administration made a total of 479 blocks available,<sup>20</sup> embracing a combined area of 4,572 hectares (about 9.5 ha. average per block). During the same period, around 1960, it allocated 19 agricultural leases over an area of 3,142 hectares in the Warangoi to Chinese and Australian settlers - an average of 165.4 hectares per block. This reflected the Administration's contemporary strategy of parallel expatriate and Papua New Guinean development. Given the critical Tolai land shortage then appearing, such a strategy in the area seems to have been singularly inappropriate.

Throughout this period of mounting land pressure the large area of expatriate-owned plantations in the Tolai territory remained intact. The Administration was plainly averse to interfering with these important economic assets, which in 1973-74 produced 28% of the country's cocoa and 14% of its copra. In 1970 the Administration armed itself with the power to recover undeveloped freehold land, but the process was so fettered with protective provisions that it yielded no results. The Administration also negotiated in the early 1970s for the purchase of a few plantations which were under considerable local pressure, but asking prices so far exceeded official valuations that no progress in this direction was achieved. It was clearly not prepared to arm itself with the power to acquire expatriate plantations by compulsory process.

The Tolai themselves were not inactive in attempting to find solutions to their predicament. An important precedent was made in 1965, when a group of 30 persons from the Raluana area, led by younger educated men working elsewhere in the country, purchased nearby Kuradui plantation for £15,000.<sup>21</sup> The land was subdivided into

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16. Healy, *op.cit.* (1972), 11-13.

17. Singh, *op.cit.*, 13. One block of the original 34 was reserved for the block-holders' residential purposes.

18. A.L. and T.S. Epstein, *op.cit.*, 82.

19. Salisbury indicates that these early schemes only benefitted the 'extremely limited wealthy few' (*op.cit.*, 1970 at 266).

20. For the purpose of this total the original 97 Vudal blocks were reduced to 47, the effective figure after loss of blocks through a rising water table. To complete the picture it should be mentioned that, for those Tolai prepared to abandon their home area, blocks were available in the large resettlement schemes 300 kms. by sea to the south-west, in the West New Britain Province.

21. An even earlier initiative was the failed attempt of Vunamami village to purchase Ravallien Plantation in 1961, described by Salisbury *op.cit.*, (1970) at 262-67.

individual blocks, so each member could have a house site near his home village. Resources of this order were not available to most, however, and 'self-help' more frequently took the form of illegal occupation of plantation land. It was in attempting to rid a plantation of such occupation that the District Commissioner was murdered in 1971.

#### IV. THE RESPONSE OF THE NEW SOMARE GOVERNMENT

This, then, was the time-bomb left in 1972 for the Somare government to defuse. The CILM viewed the problem so seriously that in June 1973, after its conduct of public hearings in the Tolai area, it produced an Interim Report recommending:

- (i) Government acquisition, without compensation, of all undeveloped alienated land in rural areas;
- (ii) redistribution of that land with first preference to people living in its vicinity; and
- (iii) in areas of land shortage, as a last resort, power in the Government to acquire developed land by compulsory process for redistribution to the land-short people.

The CILM was concerned with promoting good land use and improving black-white relations by the amelioration of land shortage, but its proposals did not necessitate a redistribution of plantation assets. Except in land-short areas European plantations were seen as remaining a permanent feature, making their contribution to the nation under a leasehold regime through export earnings, lease and taxation revenue, employment opportunities, and so forth. The policy of the Plantation Redistribution Scheme, however, went much further, aiming at the eventual take-over of virtually the whole plantation sector by Papua New Guineans.<sup>22</sup>

I have set out the elements of the Government's policy and its rationale elsewhere;<sup>23</sup> for present purposes it is sufficient to note the following features. The Scheme drew a distinction between 'land-short areas', where the objective was outright acquisition by the State for redistribution to the former land-owning communities, and 'other areas', where preference was to be given to representative bodies of the former land owners in gradually-increasing equity acquisition. Valuation was to be assessed solely by reference to a plantation's remaining income-earning capacity, and not by reference to any continuing market value. New owners would be required to pay the commercial value of the asset to them, taking into consideration the realities of the new use to which they could reasonably be expected in their circumstances to put the plantation. Finally, acquisition of ownership or equity would be substantially assisted by soft-term Government loan finance. Funds for mounting the Scheme were to come partly from internal revenue and partly from Australian aid, both grant and medium-term loan, which was the subject of a special

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22. Outside the scope of the Scheme were tea plantations, cattle properties and the new oil palm nucleus estates.

23. Fingleton *op.cit.*, (1981) 'Policy-Making ...'.

request to the Australian Government.

The legislative package supporting the policy, which was passed by the House of Assembly in August 1974, comprised four enactments. The **Lands Acquisition Act 1974** empowered the Government to acquire plantation land, either by agreement or by compulsory process, and contained provisions for assessing compensation in the event of compulsory acquisition. The **Land Redistribution Act 1974** provided for appointment, in relation to a plantation acquired or to be acquired under the Scheme, of a Distribution Authority made up of representatives of the groups claiming traditional ownership of the land in question. That body was empowered to mediate and, if necessary, arbitrate a settlement of the claims, and submit a redistribution proposal to the Minister for Lands for his final determination. In doing so, it was required to apportion the liability for repayment of the purchase price. The Minister was required to take the steps necessary to vest the plantation in accordance with the proposed redistribution, unless specified exceptional circumstances existed. The **Land Groups Act 1974** supplied a simplified procedure for the incorporation of customary land-owning groups, so that title could be vested in them and they could enter into legal agreements. The **Land Trespass Act 1974** provided machinery for protecting properties intended for redistribution, if it appeared likely that unauthorised occupation might occur which would threaten the functions of the Distribution Authority.

The main vehicle for assuming overall control of plantation transfers was the Minister for Land's discretion under s.75 of the **Land Act 1962** to withhold approval from a dealing in land, without which the dealing was void. In January 1974 the Minister announced Cabinet's decision that, as a general policy, approval of plantation sales to expatriate parties would be refused. There was no longer an 'open market' in plantation land. The above outline of the four Acts shows that they were concerned with outright Government acquisitions for redistribution purposes - that is, for the operation of the Scheme in 'land-short areas'. In 'other areas' it was expected that the Government's announced policy, together with its other localisation initiatives and controls (particularly the new requirements for registration of foreign companies), would promote the acquisition of equity by locally representative groups without the need for heavy Government intervention.

It is important to note how the major elements of the Scheme interlocked. Once it was decided to acquire a plantation under the Scheme, it was essential that the acquisition and redistribution processes be co-ordinated. The documents associated with the Scheme's formulation show that Government acquisition of a plantation was not to be finalised until the redistribution process was almost completed. Logic and practicality demanded this, for how else could the plantation assets be transferred from the former to the proposed new ownership without damaging delays? The groups taking over different parts of a plantation were to have already been identified and be in the process of incorporation, so that the Government could finalise acquisition and promptly enter into agreements for repayment and vesting of each part in the group concerned. Failure to observe this simple but essential sequence has been the main cause of present problems with the Scheme's operation.



## V. OPERATION OF THE PLANTATION REDISTRIBUTION SCHEME AMONG THE TOLAI

### 1. The End, and the Beginning

In March 1980 the new Chan-led government announced that the Scheme would be suspended, although since that date another three plantations in the Tolai territory, then committed to acquisition, have been acquired. A total of 24 plantations embracing nearly 5000 hectares and costing K1,390,150 had been acquired in the area. Of these, nine had been fully paid off by October 1982, the date when the present study was completed.<sup>24</sup> It is these nine that are the particular concern of this article, for, in theory at least, they have now been 'redistributed', and should therefore indicate the mode of redistribution preferred by the Tolai. This, in turn, may give useful insights to the general direction of change in land tenure, as the Tolai adapt to the stresses of social and economic change.

The first plantation acquired by the Government under the Scheme was Malapau, in November 1974. Originally acquired for one of Queen Emma's<sup>25</sup> first two plantations some ninety years before, and the subject of failed negotiations for purchase between representatives of the populous nearby villages and the owning company during the late 1960s, this starting-point was particularly appropriate. The areas of the nine paid-off plantations, and details of their purchase and repayment, are shown in Table 2.

**Table 2: Tolai plantations fully repaid - purchase/repayment details**

Plantation	Area (ha.)	Date of purchase	Purchase <sup>1</sup> price (K)	Deposit (K) (Percentage of purchase price)	Repayment period (yrs.)
Malapau	459.0	12.11.74	75,000	56,000 (75%)	5.4 <sup>2</sup>
Nganalaka	157.9	11. 2.75	38,800 <sup>3</sup>	13,000 (34%)	2.3
Kabakon	88.9	10. 9.75	21,500	4,156 (19%)	2.9
Kabakaul & Tovanabotbot	67.4	11. 9.75	31,000	4,000 (13%)	2.9
Gire Gire	227.3	27.11.75	100,000	37,926 (38%)	1.5
Kalulu	37.6	13. 2.76	5,000	5,000 (100%)	nil
Wangaramut	498.9	20. 4.76	10,000 <sup>4</sup>	5,000 (50%)	1.4
Vunabal	282.2	17.11.76	62,800 <sup>5</sup>	11,000 (18%)	4.0-6.0 <sup>6</sup>
Tatavana	30.8	10. 8.79	18,000	12,000 (67%)	2.5
Total:	<u>1850.0</u>		<u>362,100</u>	<u>148,082</u> (41%)	

**Notes:**

1. Purchases were in fact in Australian dollars until April 1975, when the kina (K) was introduced at parity with the Australian dollar.
2. Finalisation of repayment could have been done after 1.5 years, but the last payment was withheld, pending Government subdivision.
3. Nganalaka received a further advance of K 5,000 for plant purchase.
4. The Government in fact paid K 30,700 but wrote off K 20,700 in respect of part of the plantation subject to squatting.
5. Vunabal received a further advance of K 6,978 for plant
6. It was not possible to establish the final repayment date, although it fell between 4 and 6 years.

**Source:** Department of Lands, Surveys and Environment, Rabaul.

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## 2. Acquisition and Repayment

In each case Government acquisition was commenced by service of a notice to treat on the plantation owner under the **Lands Acquisition Act 1974**. After negotiation it proved possible in all cases to acquire the plantation by agreement, although there is no doubt that the Government's ultimate power of compulsory acquisition - the weapon the Australian administration declined to employ - was crucial to progress. In a number of cases the owner's initial asking price was between three and four times the figure eventually accepted. Also noteworthy from Table 2 is the high proportion of the purchase price tendered as a deposit by the groups proposing to take over the properties (more than one-third in six of the nine cases), demonstrating a high degree of organisation and commitment at village level in advance of acquisition. The Government's general attitude was to require a deposit of at least 10%, with the balance to be repaid by the respective groups after sections of the property were vested in them, thereby giving access to the income from the plantations' assets.

The attempt was made to apply a repayment schedule of regular instalments, based on the profit-making capacity of the plantation in each case. The schedules were revised as production levels and crop prices varied, and in some cases the debt was increased for the purchase of necessary plant and equipment. In all cases but one (Vunabal) repayment was made (or could have been made, in the case of

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24. The present study is the partial result of field work conducted among the Tolai between July and October 1982, but it also draws on my experience since 1970 with land problems in the area, not least while I was in charge of policy and research in the Lands Department, from 1974 to 1978. During my 1982 fieldwork I was able to examine the relevant Lands Department files in Rabaul, and I held village meetings and interviews in respect of three plantations - Nganalaka, Malapau and Wangaramut.
  25. Emma Forsyth, who built up a plantation empire in the Tolai area and elsewhere in the late nineteenth century.

Malapau) in less than three years. Understandably, the three cases where the deposit was below 20% of the purchase price took longest to pay off.

### 3. Village Mobilisation

In analysing the redistribution process it is necessary to start by looking at the activity in the villages surrounding a plantation some considerable time in advance of Government moves towards acquisition. The **modus operandi** employed by the Raluana village members for the purchase of Kuradui Plantation in 1965, referred to above, was adopted by the four villages involved in the acquisition of Malapau, and was consciously used as a precedent in later acquisitions. The first step was for a village committee to be formed, to recruit the membership of those village residents interested in participating in the plantation redistribution, and gather contributions towards a deposit. Usually a 'mark' was set, being the sum of money which each person had to reach with his or her contributions. At this early stage the amount required for a deposit was unknown, and the 'marks' set were generally low, for example, K100 per member in the case of the Tagi Tagi 2 villagers involved in Nganalaka plantation, and K200 for the villagers involved in Wangaramut.

Eligibility for membership was based on village residence rather than kinship, although in the nature of Tolai social organisation, because (as typically happened) the people mobilising for the acquisition of a plantation were drawn from all the villages adjacent to it, there was considerable overlap of **vunatarai** membership between the villages. Nevertheless, it is significant that the village was chosen as the basic unit both for organising for the plantation takeover and for recruiting participation in the proposed redistribution, rather than a wider community (e.g., a body comprising all the villages adjacent to the plantation) or narrower kin-based entities (e.g., only those **vunatarai** with traditional claims to the plantation land). A number of explanations for this choice are possible.

In the first place there is the strongly-held Tolai view that **vunatarai** are not appropriate bodies for involvement in business activities. The significance of the **vunatarai** in all questions of access to customary land has obvious economic implications, but whether through the failure of **vunatarai**-based enterprises in the past, or because of some deeper-seated perception of their inherent unfitness, the **vunatarai** as a solidary unit is seen today as principally concerned with 'traditional' rather than 'modern' affairs. This is not to suggest that **vunatarai** were irrelevant in the plantation redistribution exercise, for on the one hand the residual claims of **vunatarai** to plantation land were acknowledged and, as will be seen, a method employed to settle those claims in accordance with customary precepts, and on the other hand there is reason to believe that **vunatarai** (or **vunatarai**-segment) ownership may re-emerge in the proposed new tenure regime, after the plantations have been redistributed.

Secondly, choice of the village may have been associated with the increasing prominence of the village as a political unit under colonial administration, and a corresponding growth of village identity. Salisbury has convincingly demonstrated the link between political

consolidation among the Tolai, and successful economic change.<sup>26</sup> While political developments since the mid-1960s have produced successive changes in the higher units of political organisation, villages (into which most hamlets had physically coalesced with population increase) have remained the focal point of Tolai social and political organisation. Their size, group unity, and resources of leadership, training and experience make them viable units for successful economic enterprise<sup>27</sup> - a strength the Tolai themselves appreciate. The young leader who had been the main force behind the acquisition of Nganalaka plantation said that Tagi Tagi 2 village acted as a group in order to match the power of the plantation owner, and so as to make an impressive approach to the Government.

A further consideration seems to have been that the Tolai treated the Scheme principally as an opportunity to relieve their critical population pressure - a phenomenon experienced more at village than at clan level. There is general evidence of this, but in particular at two village meetings,<sup>28</sup> I was told that the land would be redistributed on a family basis,<sup>28</sup> rather than on a *vunatarai* basis, so that provision could be made for the needs of present children in the village, while in another a prominent senior leader said that he had foregone his entitlement to be involved in the redistribution, so that male villagers whose clan land rights were in other areas could gain land near the village.

Once a village committee was formed, usually under the influence and leadership of one or more of its younger educated members but with the support of village elders, mobilising for the plantation acquisition began in earnest. No doubt drawing on a long experience of local government and modern business organisation,<sup>29</sup> office-bearers were appointed and membership records kept. The committee's chairman lobbied politicians and government officials, and the secretary/treasurer recorded the names of members and their contributions towards the deposit. After one village got under way, committees were usually started along the same lines in other villages which claimed that they had an interest in the same plantation. Usually these other claims were acknowledged, but in some cases they were initially resisted by the original village, and a compromise was only reached after considerable argument and delay.

It seems that membership was at first open to all village residents who were willing to make contributions to the deposit, but that after a time the membership books were closed, and those villagers not prepared to join in the commitment at the early stages were refused admittance. As a result of the formation of village committees and their activities in recruitment of membership, it is apparent that identification of the villages with an interest in a particular plantation, and even the individuals intended to participate in its ultimate redistribution, had already reached an advanced stage by the time Government moves towards acquisition began. It was, however, the failure at this early stage to absorb these village-level identi-

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26. Salisbury *op.cit.*, (1970) at 338-40.

27. Salisbury *op.cit.*, (1970) at 341-49.

28. I use the term 'family' throughout to mean the immediate family of a mother, father and their children.

29. Salisbury *op.cit.*, (1970) at 263-65.

fication activities into the statutory process for redistribution that has led to the greatest difficulties with the Scheme's operation.

#### 4. Breakdown of Procedures

The official establishment for implementing the Scheme was the Alienated Lands Redistribution Branch in Lands Department headquarters in Port Moresby, and Alienated Lands Sections in those provinces where plantations were concentrated. Officers within this establishment were responsible for carrying out the administrative steps necessary to enable the statutory requirements of acquisition and redistribution under the Scheme to be satisfied. In particular, field officers at provincial level had the function of arranging for the appointment by the Minister for Lands of Distribution Authorities, where the Government had commenced moves to acquire a plantation by service of a notice to treat on the owner. Of the nine plantations the subject of the present study, despite the fact that in all cases nominees for appointment were promptly submitted, by October 1982 there was only one instance<sup>30</sup> where a Distribution Authority had been appointed under the Act. Given that purchase prices of all these plantations had been fully repaid - most of them over five years before - this situation is scarcely credible.

In discussing the intended method of the Scheme's implementation the crucial importance of co-ordinating the acquisition and redistribution phases was mentioned, and it was noted that, in general, Government acquisition of a plantation was not to be finalised until the redistribution process was almost completed. In a Lands Department background paper for an intended review of the Scheme's operation,<sup>31</sup> prepared in May 1978, I drew attention to the fact that, by first acquiring plantations and then trying to work out redistribution, the Government's methods to that date had been a complete reversal of what was originally intended. I continued:<sup>32</sup>

'In view of the urgency with which the Scheme was commenced, acquisition of some plantations before redistribution procedures had been completed was, perhaps, unavoidable. But it must be acknowledged that this exception has now become the general rule, and this is a serious departure from the original policy guidelines. To date there has not been a single instance where the redistribution process has been carried through to its conclusion. Consequently there is enormous confusion over who has paid what, what remains to be paid by whom, and in what groups the plantation is ultimately to be vested'.

#### 5. Complicated Law, or Lawyers' Complications?

How did this breakdown at the crucial redistribution phase occur? In its report in September 1979 the Committee of Review into the

30. The solitary case was Kabakon plantation, in the Duke of York Islands group, apparently the only one anywhere in Papua New Guinea at October 1982.

31. As a result of a protracted wrangle over the leadership of Lands Department during 1978, this planned review never eventuated.

32. J.S. Fingleton, *Background Paper for Review of Plantation Redistribution Scheme* (unpublished) (Department of Lands and Environment, 1978).

Plantation Redistribution Scheme stated:<sup>33</sup>

'The redistribution scheme is administered under a series of laws which establish extremely complex procedural requirements. These requirements are so complicated that they cannot be administered...'

The committee was made up of Government officials based in Port Moresby and representatives of the plantation industry. Its report is a singularly ill-advised document, showing no understanding of the social and political factors inherent in any sensible consideration of the future of the plantation industry.<sup>34</sup> It is not difficult to discover the source of the opinion that the redistribution procedures are impossible to administer. In a revealing article written in 1980, the then State Solicitor claimed that the four Acts underpinning the Scheme were an example of 'overlegislation', and he gave examples intended to show that the laws were unworkable.<sup>35</sup> What in fact the article shows is the extraordinary legalism and lack of creative co-operation which typified the performance of the officers in Justice Department who were responsible for checking legal aspects of the Scheme's operation.<sup>36</sup>

The country had set itself on a course of reform, and at the same time a policy of rapid localisation had put considerable strains on administrative efficiency. It was at precisely this time that Justice Department lawyers with responsibilities in implementing matters of new land policy began to display a concern for the letter of the law which had, in my experience, hitherto been absent. It proved almost impossible to satisfy them that the administrative steps preceding the making<sup>37</sup> of a subordinate instrument had been carried out. For example, because for obvious practical reasons it is important that the membership of a Distribution Authority be generally acceptable to the village people concerned in a proposed plantation redistribution, the **Land Redistribution Act 1974** requires that before appointing a Distribution Authority the Minister shall

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33. **Report by the Committee of Review into the Plantation Redistribution Scheme** (Department of Finance, Port Moresby, 1979) reprinted in Walter (ed.) *op.cit.*, 33-43, at p. 6 of the Report.

34. Jim Fingleton, 'Comments on Report by the Committee of Review into the Plantation Redistribution Scheme August-September 1979' in Walter (ed.) *op.cit.*, 44-51. The Committee of Review was set up by the then Minister for Finance, Mr Barry Holloway. He sought my comments on their report, and the text of my letter to him is included in Monograph 15 of the Institute of Applied Social and Economic Research (Walter (ed.) 1981). Apparently through editorial oversight, the fact that these comments were written in a private letter, solicited by the Finance Minister, is not mentioned, which has allowed some ill-informed criticism; see Leo Au, 'In Defence of the Report by the Committee of Review into the Plantation Redistribution Scheme' in Walter (ed.) *op.cit.*, 67-73.

35. Bob Woods, 'Legal Aspects of the Plantation Redistribution Scheme' in Walter (ed.) *op.cit.*, 56-59.

36. Fingleton *op.cit.* (1981) 'Policy-Making...' 233-34.

37. The example which follows was apparent from the Lands Department files in Rabaul. I observed many other examples (some more forceful) of Justice Department obstructionism, while I was Assistant Secretary (Policy and Research) in Lands Department from 1976 to 1978, but as I was unable to gain access to the files in headquarters these examples could not be documented.

consult, in such manner as he thinks appropriate, the people concerned, any Local Government or Village Court within whose area the land is situated, and any other persons or groups whom he thinks it appropriate to consult (s.9(5)). One would have thought this was straightforward enough, but it proved fertile ground for Justice Department objection. Before the Minister's instrument of appointment of nominees was accepted, it proved necessary to satisfy the officers of Justice Department on the basis of explicit evidence placed before them that the Minister had formally delegated his power of consultation to the field officer, that the field officer had reported to the Minister on who the people concerned were, that the Minister had stipulated what manner of consultation he thought appropriate, and that in accordance with that stipulated manner the field officer had conducted 'full and meaningful' consultations with, and had recorded the comments of, all the people concerned, the Local Government and the Village Court for the area. In an ideal world all these requirements might have been satisfied, but in the present-day realities of Papua New Guinea such absolute certainty of compliance with the strict letter of the law was simply not practicable. Nor, as a matter of legal validity, was it necessary. The true reason why procedures broke down was not because they were too complicated, but because Justice Department's requirements so far exceeded what was legally necessary to comply with those procedures.

This fundamental breakdown at such an early stage in the Scheme's implementation was fatal to any orderly redistribution under the Scheme. Plantations were acquired before any reliable identification of the groups intended to share in the redistribution. In consequence, the ability to enter into clear and enforceable agreements for repayment and vesting of parts of the plantation was almost non-existent. Furthermore, such premature Government acquisition was tactically disastrous, for it relieved the pressure on groups to compromise their competing claims. In the enormous delays which followed this impasse, inter-village conflicts developed, doubt arose over membership of the village groups intending to share in the redistribution, plantation profits which should have been used for repayment were misapplied, and, in this general confusion, the plantation assets in many cases deteriorated.

## 6. The Villagers do it themselves

Has the Scheme, then, been an unqualified disaster among the Tolai? Despite the gloomy indications in the account so far, this is far from being the case. Failure to absorb the existing village-level identification activities into the statutory process for redistribution has denied them what regularising influence the Government might have brought to bear, and deprived them of official recognition. Nevertheless, investigations show that arrangements within and between the villages have been reached pretty much as the statutory process was intended to operate, although not so promptly, nor attended by the same safeguards against injustice. The following is a brief pen-picture of the position on each of the nine plantations fully repaid in the Tolai area, at October 1982. **Malapau:** Formally subdivided by the Government into four village 'sections', for settlement by individuals from the neighbouring Ranguna, Balanataman, Karavi and Vunamami villages. Each 'section' had been informally

subdivided by Lands Department officials into blocks, which were allocated to individual village members by the respective village committees. Balanataman and Vunamami 'sections' were fully occupied, Karavi members were in the process of occupying their 'section', but there was disagreement over entitlement of individuals to occupy within the Ranguna 'section'. **Nganalaka:** Intended for subdivision equally between Tagi Tagi 2 village on the one hand and Malakuna and Ulaulatava villages on the other. The location of the dividing boundary was the sticking-point, as part only of the property was under effective plantings. All three villages intended to subdivide their parts into individual blocks. **Kabakon:** The single instance where a Distribution Authority had been legally appointed. The plantation is a small island in the Duke of Yorks group, and was being run as a plantation by the Karawara Business Group, whose members come from the neighbouring Kerewara Island. No title vested, despite a request for the issue of a lease in July 1981. **Kabakaul** and **Tovanabotbot:** These two neighbouring parcels were intended for subdivision between the members of the Wurtarai Business Group, who came from nearby Takubar, Livuan and Tau villages. Leases over the two portions were issued to the Business Group in 1981. **Gire Gire:** Originally operated after take-over as a plantation unit, the whole property was apparently intended for subdivision into blocks for allocation to village members from nearby Bitarebarebe, Gunanba, Ngunguna and Tingenavudu villages. A private surveyor had been approached. **Kalulu:** Acquired as part of Varzin plantation, this parcel was excised after negotiations between Tagi Tagi 2 and Bitakapuk villages, for the benefit of the former village. The excision had been formally surveyed. Tagi Tagi 2 village intended to amalgamate it with their half of Nganalaka (see above), and then subdivide the whole area into individual blocks. **Wangaramut:** Three-quarters of this large property was the subject of long-standing illegal occupation at the time of acquisition. That part remained held by villagers from Rakumkubur and Nabata, to whom individual blocks had apparently been allocated by the leaders of the six **vunatarai** which claimed former customary ownership of the land. The other part had been informally divided between the nearby Putanagororoi and Vunai-roto villages, and further sub-divided into blocks for the respective village members, who were going into occupation. A deposit had been paid for an official survey into individual blocks. **Vunabal:** Originally operated after take-over as a plantation unit, the land was apparently being sub-divided between the Ralubang and Rakunai villages. Future intentions were not known. **Tatavana:** In the process of an informal sub-division by a Lands Department official into 30 blocks, for allocation to individual members of Vunaulul, Vunamurmur and Nguvalian villages.

Among the general points which emerge are that in all cases (with the exception of Wangaramut, on the part already occupied) redistribution was conducted initially on a village basis, in all cases (except Kabakon, an island, with the villagers living on an adjacent island) the land had been, or was intended to be, allocated in blocks to individual village members, and in only one case (Kabakaul and Tovanabotbot) had title actually been vested. For further insights into the mode of redistribution chosen by the Tolai, three plantations were selected for more detailed attention during the present study. Nganalaka was investigated most intensively, and rudimentary data only were collected for Malapau and Wangaramut, in order to test



the representativeness of the Nganalaka experience.

**(a) Nganalaka Plantation**

Initially claimed in its entirety by Tagi Tagi 2 village, the redistribution of Nganalaka has had a contentious history. Unlike the other eight plantations in the study, Nganalaka was especially problematical because it was located in the border area between two village networks. Both traditionally and administratively Tagi Tagi 2 was part of the Bitakapuk-Wairiki chain of villages, while the other participating villages, Malakuna and Ulaulatava, were at the south-western extremity of the village chain commencing at Vunamami. Nganalaka had been part of Queen Emma's large plantation holdings in the area, but had escaped the excision of reserves (commenced by Governor Hahl during the German period and completed by Judge Phillips between the wars), in the course of which both the Malakuna and the Ulaulatava communities had recovered land. The plantation had not been opened up until the early 1960s, until when it had been used for gardening by people from the neighbouring villages, principally from Tagi Tagi 2. There had been mainly peaceful opposition to the plantation's establishment until 1971, when a large body of Tagi Tagi 2 villagers moved into temporary occupation of the plantation. This action, and no doubt the disastrous consequences of the Administration's use of force in attempting to deal with a similar occupation at Kabaira,<sup>38</sup> prompted the setting-up of a commission of inquiry into Nganalaka in 1972. Apart from enabling the Tagi Tagi 2 people to air their grievances this proved a fruitless exercise, so redistribution of Nganalaka was given a high priority after the Scheme's introduction.

After much argument, a compromise was reached whereby the plantation was to be divided equally between Tagi Tagi 2 village, and the Malakuna and Ulaulatava villages. During the present study separate meetings were held with the participating members from each of the three villages, and village committee records examined. Details of the proposed redistribution in each village will now be analysed.

**(i) Tagi Tagi 2 village.** There were 64 original members of the group formed to share in the redistribution, of whom 57 were male and 7 female. The members are all resident in the village, and every family in the village was invited to join. I was told that a man's name 'covers his wife and their children', and that the explanation of the seven female members was that either a woman's husband was dead, or the woman was single at the time, or in one case that the woman's husband was a 'worthless individual'. About a dozen families had refrained from joining, and were later excluded. Of the original members, 61 were still alive at October 1982.

There were 66 spouses of the original members, of whom 7 were deceased, and 2 were non-resident in the village. There were two instances where both a husband and wife were members, so, effectively, the spouses add another 55 persons who will benefit from the redistribution. There was a total of 337 children of members, of whom on the basis of age I estimated that 204 would be resident on

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38. The incident in which the District Commissioner was murdered; see above in the text.

their parents' blocks. The total, then, of living members, spouses and children who are intended to settle on the Tagi Tagi 2 part of Nganalaka (to which the adjoining Kalulu is first to be amalgamated, see above) is 320 persons.

Turning to considerations of kinship, the 64 original members came from 25 **vunatarai**, and as spouses of shareholders a further 7 **vunatarai** are involved, making 32 in all. While there is considerable overlap of **vunatarai** membership between villages, Tolai will talk of **vunatarai** as being from a particular village, in the sense that its place of origin (**madapai**) is within the locality of that village. The village of origin of the Tagi Tagi 2 members intended to benefit from the redistribution is shown in the following table.

**Table 3: Nganalaka Plantation - village of origin of Tagi Tagi 2 members' and spouses' vunatarai**

Village	Vunatarai	Members	Spouses
Tagi Tagi 2*	6	27	16
Bitakapuk*	5	6	6
Tagi Tagi 1*	6	10	11
Wairiki 3*	1	-	1
Wairiki 2*	3	3	3
Wairiki 1*	4	9	10
Malakuna	1	-	1
Elsewhere in Tolai area	6	9	18
Total:	32	64	66

**Note:** \* Villages so marked are in the Bitakapuk-Wairiki village chain (see text). The villages are listed in general order of their proximity to Nganalaka.

It can be seen that all except 9 of the members came from **vunatarai** based in the Bitakapuk-Wairiki chain of villages. Those 9 members are likely to be the adult children of mothers who married into the village in a preceding generation, as the 18 spouses from elsewhere have done today. In confirmation of the point that entitlement to share in the redistribution was based on village residence rather than clan membership, only 24 of the original 64 members are from the two **vunatarai** recognised as having traditional claims to the Nganalaka land

(ii) **Malakuna village.** There were 19 original members of the group intended to share in the redistribution, of whom 14 were male and 5 female. They represent only a small proportion of the village residents, and apparently an effort was made to restrict membership to those persons whose own **vunatarai** land and/or whose children's **vunatarai** land was elsewhere. Of the original members, 18 were still alive.

There were 18 spouses of the original members, of whom 1 was deceased and 1 non-resident, so that another 16 persons who will benefit are added. There were 97 children of members, of whom an estimated 63 were still resident on their parents' blocks. The total number of persons intended to settle on the Malakuna part is therefore 97. The 19 original members came from 9 **vunatarai**, and a further 9 **vunatarai** are involved through members' spouses - 18 altogether. Table 4 shows that all the members come from **vunatarai** based in the Vunamami chain of villages.

**Table 4: Nganalaka Plantation - village of origin of Malakuna members' and spouses' vunatarai**

Village	Vunatarai	Members	Spouses
Malakuna*	5	9	3
Tingenavudu*	2	8	1
Vunabalbal*	1	1	1
Ulagunan*	1	1	-
Elsewhere in Tolai area	9	-	10
Non-Tolai	-	-	3
Total:	18	19	18

**Note:** \* Villages so marked are in the Vunamami village chain (see text). The villages are listed in general order of their proximity to Nganalaka.

(iii) **Ulaulatava village.** The criteria given for membership of the group intended to share in the redistribution was either membership of the **vunatarai** which claimed traditional ownership of part of Nganalaka, or paternity from that **vunatarai**. There were 12 original members, all male, and all still alive. There were 12 spouses of the original members, of whom 1 had died, leaving 11 additional persons who will benefit. Of a total of 60 children, 31 were estimated to be still resident on their parents' blocks. The total number of persons intended to settle on the Ulaulatava part is therefore 54. Table 5 shows a similar pattern of **vunatarai** village-of-origin to Malakuna's,

the noteworthy feature being that although all the members are resident in Ulaulatava, not one comes from a **vunatarai** based there.

**Table 5: Nganalaka Plantation - village of origin of Ulaulatava members' and spouses' vunatarai**

Village	Vunatarai	Members	Spouses
Malakuna*	3	4	3
Tingenavudu*	3	5	5
Ulagunan*	1	2	2
Livuan	1	1	1
Tagi Tagi 2	1	-	1
Total:	9	12	12

**Note:** \* Villages so marked are in the Vunamami village chain (see text). The villages (with the exception of Tagi Tagi 2) are listed in general order of their proximity to Nganalaka.

Aggregating the figures for persons intended to benefit from the redistribution of Nganalaka (together with Kalulu, in the case of the Tagi Tagi 2 people), there are 91 living members, 82 additional persons in the form of spouses, and an estimated 298 children - a grand total of 471 individuals. The combined area of Nganalaka and Kalulu is 195.5 hectares.

#### (b) Malapau Plantation

It will be remembered that this plantation was subdivided into four village 'sections', each to be allocated in blocks to the individual village members. Weight of numbers permitted collection of only the following basic data:

- (i) **Ranguna village:** 89 blocks, to be held by 63 males and 26 females.
- (ii) **Balanataman village:** 121 blocks, to be held by 79 males, 23 females, and 18 persons whose sex is not apparent; 1 block to be held for community purposes.
- (iii) **Karavi village:** 110 blocks, to be held by 75 males, 28 females, and 5 persons whose sex is not apparent; 2 blocks to be held for community purposes.
- (iv) **Vunamami village:** 135 blocks, to be held by 85 males and 50 females.

The total number of persons is 452, to which their spouses and

resident children must be added in reckoning the total number of individuals benefitting from the redistribution. The area of the plantation is 459.0 hectares.

### (c) Wangaramut Plantation

Three-quarters of this plantation was already occupied at acquisition by the people of Rakumkubur and Nabata villages. The following basic information was collected on redistribution of the remaining one-quarter:

- (i) **Putanagororoi village:** 36 blocks, to be held by 16 males and 20 females.
- (ii) **Vunairoto village:** 45 blocks, to be held by 33 males and 12 females.

The total number of participating persons is 81, to which, again, spouses and resident children must be added. The area involved is 129.9 hectares.

## VI. CONCLUSION

In this article it has been possible to tell only a small part of the story concerning the mixed fortunes of the Plantation Redistribution Scheme. It is, however, a side of the story - from a village perspective - which so far has received minimal attention. The Scheme has been strongly criticised, but invariably from the viewpoint of plantation industry representatives, who are hardly impartial, or observers from Port Moresby, who seem to expect a level of administrative performance which has rarely, if ever, been achieved in Papua New Guinea. What both groups consistently fail to come to terms with are the social and political realities which rendered the colonial plantation system untenable after independence, particularly in areas where land alienations were a major factor in a situation of chronic land shortage. Symptomatic of their negativism is the fact that the critics refuse to acknowledge the spectacular progress made under the Scheme in areas where land shortage was not a major factor, and the approach was to promote the acquisition of equity in plantations by locally representative groups. In the Highlands provinces, during the boom in coffee prices in the late 1970s a high proportion of the most valuable plantation assets in the nation were transferred to local ownership. Of these plantations Eaton wrote in 1981, 'Production has increased since they were taken over, and the profits made have allowed considerable reinvestment in plant and machinery'.<sup>39</sup>

The Scheme has been widely blamed for falls in production of export crops. Up to a point this is valid, and some initial loss of productivity was anticipated in the formulation of the Scheme. Yet while new plantings of coconuts and cocoa by small-holders had steadily increased, there was clear evidence that plantation copra and cocoa were approaching a decline in production before the Scheme began, largely through failure to replant ageing trees and maintain existing plantings during the period of uncertainty leading up to

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39. Eaton *op.cit.* (1981) 9.

independence.<sup>40</sup> Whether this uncertainty could have been alleviated by a proper application of the valuation formula contained in the **Lands Acquisition Act 1974**, which guaranteed compensation for immature plantings as well as penalising bad management practices, must remain theoretical, for the responsible officers in Lands Department consistently failed to implement that formula.

This was only one aspect of the administrative boycott brought down on the Scheme's operations. Contrary to the comments of one senior Government official,<sup>41</sup> the originators of the Scheme put considerable planning into administrative arrangements and manpower requirements. These plans were upset when an undertaking to transfer officers experienced in land affairs from the Division of District Administration to Lands Department was broken. The problem of administrative capacity was then compounded by a number of singularly inappropriate appointments to the senior levels of Lands Department, where responsibility for administration of the Scheme rested. A feckless Justice Department preyed upon Lands Department's weaknesses, making progress through the Scheme's procedures almost impossible. The result was increasing departure from the sequence of statutory steps which would have led to vesting of titles upon repayment of the purchase price.

Although they were denied official sanctioning of their achievements, the foregoing account shows that the Tolai managed to follow through the redistribution process with considerable success. Naturally they feel aggrieved that, so long after repayment to the Government, titles have not yet been issued. Despite this lack of legal security, however, major investment in housing, cash-cropping and light industry is evident on many blocks. For the many hundreds of Tolai now in occupation of former plantation land the Scheme has brought great satisfaction, though their relief is qualified by the fact that it is yet to be completed by the vesting of titles.

There are other favourable indications. The details of completed and proposed redistributions indicate that the benefits of the Scheme are being spread widely, with no special access being given to the wealthy and powerful. There are many female as well as male participants, but the basic unit invariably involved is the immediate family, reflecting the overwhelming current concern of the Tolai to find land for their children. True, the blocks are small, in many cases only a few hectares for house, food garden and some minor cash cropping. But this represents optimum land distribution under extreme population pressure, the consideration which clearly prevailed in the redistribution.<sup>42</sup> On an average land availability of three-quarters of a hectare per person (see above), such additional land

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40. See, for coconut plantings, M.A. Wheeler, M.A. Sackett, M.A. and D.R.J. Densley, 'Coconuts' in Bob Densley (ed.) **Agriculture in the Economy: A Series of Review Papers** (Department of Primary Industry, Port Moresby, n.d. 3 vols.) 11, Table 6, and for cocoa plantings, D.R.J. Densley and M.A. Wheeler in Densley (ed.) **op.cit.**, 7, 11, Table 7. Densley and Wheeler (*ibid.*, 5) suggested a variety of reasons for the slump in cocoa production after 1974/75, only one of which was uncertainty caused by the Plantation Redistribution Scheme.

41. Woods **op.cit.**, 57-59.

42. In the attempted purchase of Ravalien in 1961 (see fn.21) assistance to as many villagers as possible was the prevailing consideration also (Salisbury **op.cit.**

can represent a considerable increase.

As a land shortage solution, achievements in ten years under the Plantation Redistribution Scheme far exceed those managed in the preceding twenty years under land resettlement schemes. As was noted earlier, 479 small-holder blocks were made available in the province up to 1970 (there have been no schemes since), whereas on Malapau Plantation alone 453 blocks have been allocated. To be fair, land resettlement schemes have not been primarily motivated by the concern to relieve land shortage,<sup>43</sup> but there is a clear demand that some of them at least should be.<sup>43</sup> Furthermore, there will clearly be a continuing demand for resettlement so long as the Tolai population increases at its present high rate. The Scheme has provided vital land shortage relief to the communities which have recovered plantations, but it is only a temporary remedy for the general problems of Tolai land pressure.

Perhaps the most important conclusions can be drawn from an analysis of the mode of redistribution adopted by the Tolai under the Scheme, for this may shed light on the form of tenure they prefer under modern conditions. It was seen that in every case initial mobilisation was on a village basis, that with the single exception of Kabakon plantation<sup>44</sup> there followed a period of inter-village negotiation leading to an agreed compromise of village claims, and that the ultimate goal was family block-holding within each village section. Again with the exception of Kabakon, which was being maintained as a plantation unit, in all cases the village had only intervened on a temporary basis, until the land was parcelled out between the village members.

The other crucial finding was that, almost without exception,<sup>45</sup> there was no attempt to allocate the land along kinship lines. Many persons gaining blocks will be members of **vunatarai** claiming traditional ownership of the plantation land, but this has not been the criterion for eligibility. Village residence, and in some cases lack of local land rights, have been the qualifications. This does not mean, however, that traditional ownership went unrecognised, for it was agreed in a number of cases that the new occupants would each make token payments of **tabu**<sup>46</sup> to the **vunatarai** which formerly owned the plantation land, the explanation given being that 'the **vunata-**

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42 ctd. (1970) 266). Densley and Wheeler calculate that smallholder producers of cocoa in Papua New Guinea cultivate an average of 1.8 hectares (*op.cit.*, 18).

43. Meetings and interviews on the three land settlement schemes - Tavilo, Vunamami Council and Warangoi 15-acre - were held during the fieldwork of which this study of the Plantation Redistribution Scheme was part.

44. Kabakon was a singular exception, for it fully occupied a small island, and the only persons concerned in its redistribution were from a single village on an adjacent island.

45. The only possible case of an allocation along kinship lines was with respect to that part of Wangaramut Plantation which had long been occupied illegally. Although allocation was being effected by the leaders of the six **vunatarai** claiming customary ownership, it was not clear whether blocks were being confined to the **vunatarai** membership.

46. **Tabu**, usually rendered 'shell-money', is a traditional Tolai instrument of exchange, still very much a central part of Tolai life. It has multiple functions, but while the English term stresses its monetary usage, its ritual

rais' names will be extinguished from this land, and it will just belong to the individuals occupying the blocks'. A neat reconciliation of customary claims with present-day needs is thus achieved.

Important planning considerations flow from the clear preference for family blockholding. The main immediate one is that attempts to maintain and build up plantations as a single unit are misdirected, where the villages concerned plainly intend to redistribute them in individual blocks. Of the 15 plantations in the Tolai area acquired but not yet paid off (and thus not the main concern of this study), 11 are being managed by the State-owned National Plantation Management Agency (NPMA). Possibly some of these, like Kabakon, which was managed by NPMA during the repayment period, will be retained as plantation estates after repayment in full, but there are clearly others, like Toma plantation, where a long period of NPMA management, with management fees and other costs of plantation rehabilitation, has only postponed the day when the plantation can be paid off and subdivided into individual blocks, as the village people want and desperately need to do.

A second planning consideration is the urgent need for Government to introduce a lower level of authorised survey, to suit the block identification requirements of redistribution subdivisions. At present, the survey costs are prohibitive, exceeding in many cases the purchase price of the plantation.

If the land is to be parcelled into individual blocks and **vunatarai** claims extinguished, should it be concluded that no community-based controls over the land are intended, and that the tenure will be fully individualised? This question is highly relevant to consideration of titles registration policy, another major concern of the CILM.<sup>47</sup> From village meetings and interviews it was clear that, because individuals gained the rights in their blocks in their capacity as village residents, they must hold them subject to certain responsibilities to the village community. The most apparent of these was that the blocks should be held and passed on for the benefit of the blockholder's children - the future generation of village residents. An individual, therefore, has no general power of transfer over his or her block, although in special circumstances (e.g., if there are no resident children) a limited power of transfer (e.g., to another village resident) might be entertained.

Although from the above account it is apparent that the initial allocation of blocks was on an individual basis, it has been stressed on a number of occasions that the blocks are regarded as 'family' land. The Tolai distinguish land which has been newly acquired by an individual (by first clearing, in areas where there is still a supply of unsettled land, but more frequently nowadays by purchase) as 'family land' (**pia na bartamana**), as opposed to clan land (**pia na vunatarai**). The acquiring individual, if a male, may allocate the land to his children, or he may allow the land to pass on his death to his **vunatarai**, by matrilineal inheritance.<sup>48</sup> If the acquiring

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46 ctd. significance (e.g., in birth, marriage and death ceremonies) outweighs its functions as a currency.

47. Report of Commission of Inquiry op.cit., 17-44.

48. The situation is seldom as straightforward as this gloss suggests, and can depend



individual is a female, then, of course, the children can assert a joint claim, both as children and as **vunatarai** members. The position on the redistributed plantation land would appear to be similar - in the hands of the participating individuals the<sup>49</sup> blocks are 'family land', but their ultimate status is not fixed. Even if a man's children do remain on the block after his death, comparative experience elsewhere among the Tolai tends to indicate that in the next generation only his daughters' children will gain entitlement to the block. The land, in other words, becomes the property of a new matriline segment.

Neither of the two main forms of tenure available under the inherited colonial system - freehold and leasehold - is suitable for incorporating the combination of individual and communal interests reflected in the manner of plantation redistribution adopted by the Tolai. So long as Government instrumentalities (in particular credit agencies, such as the Development Bank) continue to insist upon registered titles as a prerequisite for State services, there is a demand for formal recognition of the new tenure regime. At the same time, for many Tolai the main objective - recovery of the plantation land - has been achieved, and any new form of tenure must avoid the kind of bureaucratic intervention with which formal titles have always been identified by Melanesians. A new tenure system must be flexible enough not only to accommodate the particular balance between individual and communal interests found in each Melanesian ethnic group (of which the Tolai is only one of many), but also to allow for that balance to shift over time, as needs and ideas change. Just as the Tolai proved capable of dealing with the difficult issues of plantation redistribution largely unassisted, so also should they be entrusted with the responsibility of mediating between individual and communal interests in the evolution of their own land tenure.

The CILM recognised the unsuitability of existing tenures in 1973, and recommended a new system allowing for the recognition of group and individual interests. After a decade of delays,<sup>50</sup> it is high time that these recommendations were brought forward for political decision, and a tenure system introduced which meets the needs and aspirations of the modern Papua New Guinea.

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48 ctd. on such factors as the history of development of the land, and the acquiring individual's and his children's relations with his **vunatarai**. Inheritance of such acquired land can be highly contentious, in the present circumstances of severe land pressure.

49. I am grateful to Professor Richard Salisbury for pointing out to me this possible similarity with customary precepts, in commenting on a draft of this article.

50. Jim Fingleton, 'Early Action on PNG Land Law Reform Needed' in 'Opinion', **The Times**, 3 November 1982, Port Moresby.