

# AN IDENTITY CLAIMED? THE CASE OF TAMAVUA-I-WAI

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In 2008 a community living in Namara settlement, Tacirua<sup>2</sup>, Fiji Islands, received a notice to vacate land on which, according to a spokesperson of the community, they had lived for close to 106 years.<sup>3</sup> This particular community was made up of the descendants of Melanesians brought into Fiji from the Solomon Islands through the indenture system. This conference paper is part of a much larger research for a PhD dissertation focusing in some aspects on the identity of a people, how they are seeking to protect or promote their identity and the protection of that identity through the law. This paper focuses on a very small settlement much like Namara in Tacirua. It is about the people of Tamavua-i-wai who are made up of a collection of the descendants of the original workers from Solomon Islands and Vanuatu brought into Fiji via the blackbirding trade.

The indenture system in Fiji is one that many have associated with the arrival of the migrant workers from India. Very few are familiar with the earlier arrival of the Solomon Islanders and Ni-Vanuatu workers in the mid-19<sup>th</sup> and into the 20<sup>th</sup> centuries, brought to Fiji to work in the cotton plantations. The cotton boom revolutionized Fiji in three ways: cotton plantations dominated Fiji's agriculture from the mid-1860s to early 1870s; cotton plantations went hand-in-hand with large-scale land alienations; and Fiji was suddenly 'invaded' by people from Australia and New Zealand seeking fortunes in cotton production.<sup>4</sup>

The invasion of Fiji by planters and their acquisition of land did not seem at first to threaten Fijians. Problems ultimately emerged because indigenous Fijians worked on the plantations in ways that suited their own rhythm of life, rather than the needs of the planters. A fundamental impediment to Fijians becoming a reliable labour force lay in different concepts of what work entailed. The operational requirements of plantations involve 'time oriented' work similar to production line manufacture in an industrial factory, whereas village production involves 'task oriented' work that revolves around familiar routines of traditional village life. Fijians had competing obligations to their communities. As Derrik explains, the natives generally were unwilling to work on plantations. Some resented the intrusion of white settlers, and most had no incentive to work other than the desire to acquire muskets for use in local wars. In any case, though they delighted in a sudden burst of hard labour, they had no taste for sustained effort.<sup>5</sup>

This lack of commitment from the indigenous people resulted in labour being sourced from the other Pacific island countries, including Solomon Islands and Vanuatu. The first known shipload of imported laborers arrived in Fiji in 1864, all from Vanuatu, bringing a total of 180 laborers.<sup>6</sup> Winston Halapua describes this as the first stage of the Melanesian displacement and marginalization due to the disjuncture between the Melanesian traditional way of life and

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<sup>2</sup> Situated along Princess Road on the main island of Viti Levu.

<sup>3</sup> 'Solomon Community in Fiji Wants to Return Home' *Solomon Times Online* (Honiara, Solomon Islands) 24 February 2009 <http://www.solomontimes.com/news/solomon-community-in-fiji-wants-to-return-home/3634> (Accessed 4 February 2013).

<sup>4</sup> J. Young, 'Adventurous Spirits: Australian migrant society in pre-session Fiji' in W. Halapua, *Living on the Fringe: Melanesians in Fiji* (2001) 22.

<sup>5</sup> W. Halapua, *Living on the Fringe: Melanesians in Fiji* (2001) 27.

<sup>6</sup> *Ibid.*

their circumstances in Fiji.<sup>7</sup> The Melanesian labour importation lasted until 1911, and by this time had brought close to 30,000 laborers, the majority of whom were from the Solomon Islands.<sup>8</sup>

While most Melanesians returned to their home islands, a growing number stayed. Many had married Fijians which made it difficult to return to their home village while others either were reluctant to return to the restricted village life of the past or had little choice except to stay; they had no assurances of being returned to the precise place where they had been picked up (being returned to the wrong place could mean death).<sup>9</sup>

Those who did not return found themselves gravitating toward different places in Fiji, forming communities but not distinguishing themselves as Solomon Islanders or Ni-Vanuatu. Examples of such settlements on Viti Levu are Wailoku, Tamavua-i-wai, Matata (Lami), Newtown, Muanikoso and Namara settlement in Tamavua. Other settlements in outer islands include those on Ovalau and Vanua Levu. Many settlements exist as an agreement between the *i-Taukei* landowners and the migrant Melanesians.

This paper focuses on the settlement of Tamavua-i-wai, a community that, in 2007, received a High Court order allowing them to remain on land that their forefathers had originally settled on in the 1930s after presenting a traditional request to the chief of the *i-Taukei* land-owning group. In the *Australian Conference Association Limited v Sela*<sup>10</sup> case, the plaintiffs, Australasian Conference Association Limited, stated that on 13th of April 1949 they purchased the land at Princes Road, Tamavua, which included part of the land upon which the Solomon Islands people were permitted to settle in the 1930s.<sup>11</sup> The overlapping area is the land in question in this case. In 2007, the residents were mostly children, grandchildren and their spouses of the original settlers. Although the case discusses at great length the law governing the sale and purchase of land and land ownership, this is not part of the discussion for this presentation, which will focus only on the final judgment and the aftermath of that ruling.

Coventry J. considered the customary right of the chief of the landowning unit in dealing with the land in question and allowing the Melanesians to remain, subject of course to the observance of certain customary obligations. The Melanesian settlers had so far strictly observed these customary obligations. Coventry J. in the final judgment ruled that the Melanesian settlers were to remain but cited three conditions that needed to be met: continuity of the occupation, occupation only by the direct descendants of the original grantees and the continued performance of the custom obligations.<sup>12</sup> If any of the conditions is not observed, the right to remain on the land will be lost. Further, if a direct descendant has never lived on the land or has already moved to live elsewhere, then he or she is not protected. Similarly, if a direct descendant now living on the land moves off the land in future then he or she cannot return with the protection of the estoppel.

To digress from the case a little, land is for the Pacific Islander a source of identity, and ‘for the Fijian community, their land is an extension of themselves. It is part of the Fijian soul,

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7 Ibid.

8 W. Halapua, *Living on the Fringe: Melanesians in Fiji* (2001) 27; A. Kuva, *The Solomons Community in Fiji* (1970).

9 Hilary Summy, ‘Fiji’s Forgotten People: The Legatees of Blackbirding’ (2009) 28 *Social Alternatives* 39–44.

10 *Australian Conference Association Limited v Sela* [2007] FJHC 62 (Unreported, Coventry J, 31 January 2007) <http://www.paclii.org.vu>.

11 Ibid.

12 Ibid.

and the concept of the ‘vanua’—the land and the people—lies at the heart of Fijian identity. Land represents life and sustenance, race and culture, and Fijians cling fiercely to their ownership of it’.<sup>13</sup> Levy M. Laka conducted a study in 1983 where he stated, ‘The insecurity of the land faced by the Wailoku community comes because our forefathers came from the Solomon Islands and that do(es) not entitle us to any land rights even though our mothers are Fijians. We have no rights, no say, [and] no share in whatever land that belongs to our mothers.’<sup>14</sup> ‘There is extensive inter-marriage with indigenous Fijians, the small Melanesian community—descendants of Solomon Islanders and New Hebrideans—but they retain a distinct identity and because many cannot claim land rights, they are organizing to claim improved livelihoods’.<sup>15</sup> Land has always been at the heart of the struggles of the Melanesian community to belong. This reason was paramount to the community hailing the judgment in *Australian Conference Association Limited v Sela* as a victory for them and their right to remain on the land.

Unfortunately, Dr. Shaista Shameem, who as part of the Fiji Human Rights Commission played a huge role in this case, sees differently.<sup>16</sup> She saw the case as somewhat of a toothless tiger, as many things that needed to be done post-judgment were never completed due to complications. One complication was the 2009 abrogation of the Fiji Constitution and the death of a key member of the Melanesian community, Mr. Lui Wendt. Another example is the creation of a genealogy or family tree that was to be done to give effect to the conditions set by Coventry J. This was either never begun or never completed. Therefore, the security of this community, as well as others across Fiji, remains a concern.

The Melanesian community has all but in name claimed a Fijian identity. Jo Teana once stated that ‘they as a community have incorporated all the practices of iTaukei villages...there were regular village meetings...days set aside for cleaning the village and its surrounding areas...and some among them were adept at traditional iTaukei presentations’.<sup>17</sup> It is a notorious fact that the traditions and language of the Melanesian communities across Fiji cannot be distinguished from the indigenous Fijians.

Identity construction is very central to one’s existence and the question of what shapes and influences the process of this construction is something that has been discussed by many scholars; only now the same questions will be asked of Fiji’s Melanesian community. ‘*Human needs scholars argue that the need for identity is deeply ingrained in human nature and that it provides the means of self-recognition and self-esteem. Group identity is equally important and, although it may limit individual identity, it also serves as a means of promoting that identity*’.<sup>18</sup> ‘*Identities are in some degree oppositional, asserting the virtue and power of ‘tradition’ by way of invidious contrast to foreign cultural influences. In varying degree all illustrate the activity of objectifying culture, of emphasizing selected attributes of culture as a way of affirming group distinctiveness*’.<sup>19</sup>

The need to forge a distinct identity has not been lost on the community. The Fiji Melanesian Community Development Association (FMCDA) was established in 1988 for this purpose exactly. This group represented a move away from the guardian role of the Anglican Church

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13 Ratu Moses Volavola, ‘The Native Land Trust Board of Fiji’ in Ron Crocombe (ed) *Customary Land Tenure and Sustainable Development* (1995) 47.

14 L.M. Laka, *Solomon Islands Descendants in Fiji: A case study of Wailoku* (1983).

15 Fiji Islands Overview, World Directory of Minorities and Indigenous Peoples <http://www.minorityrights.org/?lid=4371> (Accessed 4 February 2013).

16 Conversation between author and Dr. Shaista Shameem (Auckland, New Zealand, August 2012).

17 The Fiji Times, 2012 ‘*Melanesians of Wailoku*’ at <http://www.fijitimes.com/story.aspx?id=220865> (accessed: 4/02/2013).

18 Summy, above n 9, [42].

19 Robert Norton, ‘Culture and Identity in the South Pacific: A Comparative Analysis’ (1993) 28 *Man* 741–59 <http://www.jstor.org/stable/2803995>.

in Fiji and was formed to promote and foster the best interests of their community.<sup>20</sup> The FMCDA was formed at a time when Fiji was going through a major political upheaval, the nation's first coup d'état. After the 1987 coup, the Indian community in Fiji suffered continuous racial violence at the hands of the indigenous community. The indigenous Fijians had formed the misconceived view that they were becoming weak in their own country and this was due to the increase in power of the Fiji-Indian community. The fear surrounding the latter group was unfortunately not felt by them alone. An important feature of Fiji's ethnic makeup is the presence of several ethnic groups like the Melanesian community.

For the Melanesian community the 1987 coup brought to the fore issues of race and identity.<sup>21</sup>

Amplifying Melanesian concerns was their transfer from the Fijian rolls to the General rolls under the new constitution. They had previously voted in elections as Fijians under Fiji's unique racially-based political system. Now their Fijian status was removed and they were forced to join the ranks of other minorities (Europeans, part-Europeans, other Pacific Islanders, Chinese and Eurasians) (Fraenkel 1987, 26; Kuva, nd, 30). These events formed the background of the FMCDA's formation and acted as a catalyst for urgent action.<sup>22</sup>

Identity was a key factor in the FMCDA's formation and existence. Identity for them is about establishing a connection as an ethnic minority within their group and within the community. 'An important means of establishing identity is telling stories that connect with family roots, customs and ancestral homelands, as well as reviving original cultures through music and theatre. Encouragement is given by the FMCDA in all these enterprises'.<sup>23</sup>

The marginalization of the Melanesian people is part of Fiji's colonial legacy and certainly not one of its proudest moments in history. It is, as Hilary Summy puts it, 'a shameful one'. 'They have been victims of structural violence from the beginning, imposed by the planters, the Colonial administration, the Anglican church and an independent Fiji with its racially based political and social system (itself a legacy of colonial racial thinking)'.<sup>24</sup> The Melanesian communities lack an identity of their own. 'The diversity of clan and regional origins, and the replacement of original languages and customs in favour of Fijians ones, has made it virtually impossible for Melanesians to build a powerful alternative identity such as the disparate groups from India managed to forge for themselves'.<sup>25</sup>

As this paper is part of bigger research being conducted for a doctoral dissertation, as I end my presentation, I unfortunately might leave some of you with more questions than answers. It is hoped that my research will answer the question of identity construction for the Melanesian descendants in Fiji.

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20 Summy, above n 9, [42].

21 Ibid.

22 Ibid.

23 Ibid.

24 Ibid.

25 Roderick Ewins, 'Review of *Living on the Fringe: Melanesians in Fiji*' (2002) 74 *Pacific Affairs* 501-2 <http://www.justpacific.com/fiji/bookreviews/fringe.pdf> (Accessed 4 February 2013).