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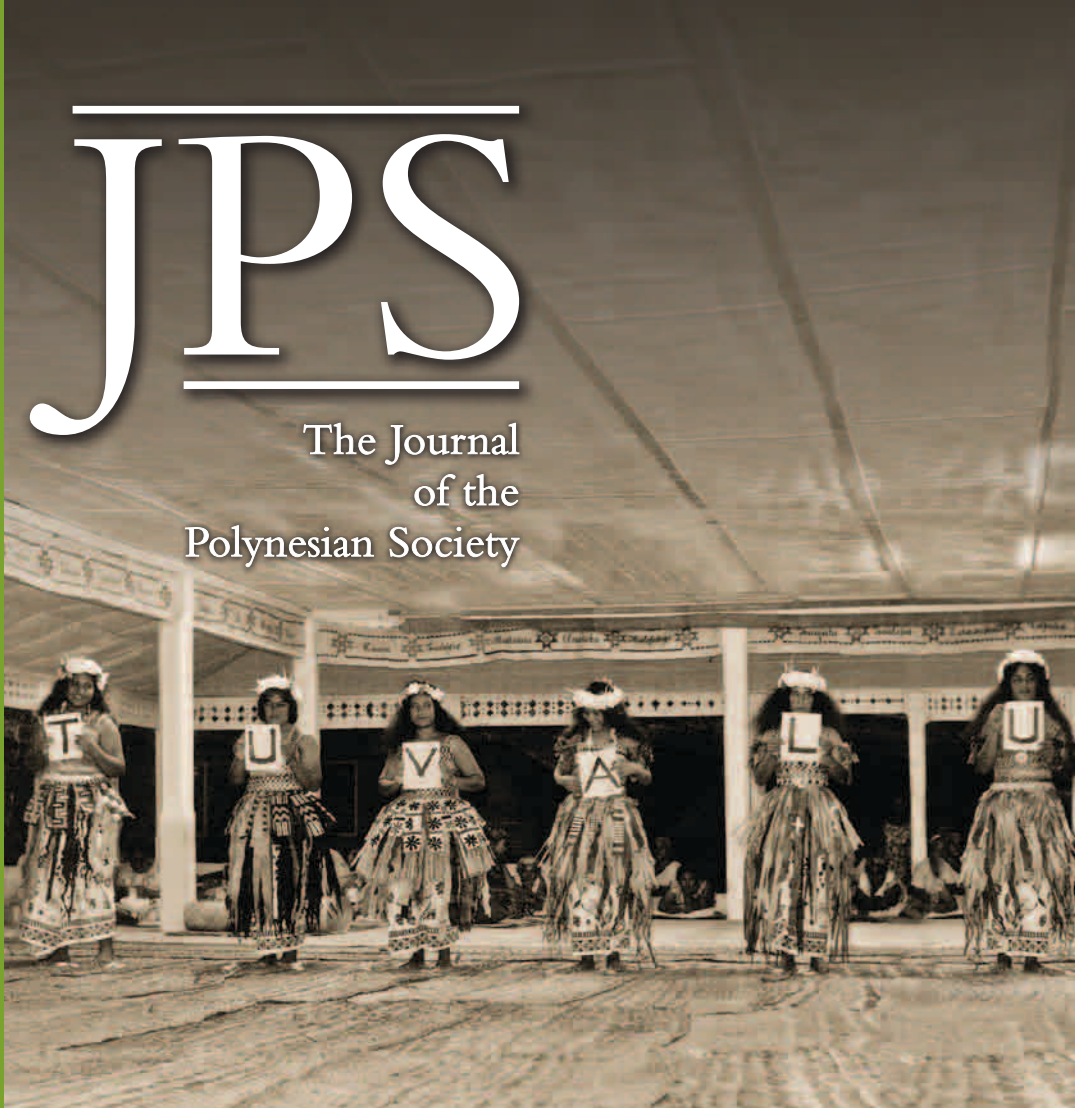

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COLONIAL GRIEVANCES, JUSTICE AND RECONCILIATION

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Special issue

COLONIAL GRIEVANCES, JUSTICE AND RECONCILIATION

Guest Editors

Toon van Meijl and Michael Goldsmith

CONTENTS

FOREWORD

The articles collected in this issue were first presented at an international workshop about colonial grievances, justice and reconciliation held in 2005 at the 6th Conference of the European Society for Oceanists in Marseille, France. Contributors to this issue were determined to publish some of the papers together to demonstrate the similarities in the legacy of colonialism in various Pacific societies and also to show the complexities of resolving problems that follow directly from colonial history.

Contributors to This Issue

Michael Goldsmith is currently Chair of the School of Social Sciences and Associate Professor of Anthropology at the University of Waikato, Hamilton, New Zealand. His main research interests are ethnic and cultural identity in New Zealand and the history, culture and politics of Tuvalu, where he carried out fieldwork for a PhD thesis on church and society.

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Toon van Meijl completed his PhD in Anthropology at the Australian National University in 1991. Currently he is Professor of Cultural Anthropology and head of the Department of Anthropology and Development Studies at Radboud University Nijmegen in the Netherlands. Since 1982 he has conducted 30 months of ethnographic fieldwork among the Tainui Māori in New Zealand. He has published on cultural traditions, identity issues and on a range of questions emerging from the debate about property rights of indigenous peoples.

INTRODUCTION: COLONIAL GRIEVANCES, JUSTICE AND RECONCILIATION

TOON VAN MEIJL
Radboud University Nijmegen

MICHAEL GOLDSMITH
University of Waikato

On the morning of Wednesday, 13 February 2008, we were standing alongside thousands of others in the grounds of the Australian parliamentary complex in Canberra (Gemes 2008). The fortuitous timing of a conference that had brought us from the Netherlands and New Zealand, respectively, had unexpectedly also given us the opportunity to attend the apology to indigenous Australians that newly elected Prime Minister Kevin Rudd had promised a few months before. John Howard, the previous Prime Minister, whose government had been replaced by Rudd's Labor administration, had stubbornly refused to utter such an apology. This controversial issue in Australian politics had first been tabled in Parliament in 1997 after a Federal Commission of Enquiry into the separation of Aboriginal and Torres Strait Islander children from their families, also known as the Stolen Generations, recommended that the Australian Parliament offer official apologies and officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal. Howard, however, had consistently rejected what he called a "black armband view of history". Rudd, by contrast, had made it one of his campaign pledges in 2007. Knowing the historic significance of the occasion, we were determined to join the throng.

At one end of the long sward on which we were standing was the old Parliament House, where the Aboriginal Embassy had been located since 1972, and at the other end, on the top of a low hill, stood the new Parliament House, where Rudd's speech would be delivered and broadcast. Earlier, we had walked onto the grounds past the scattered encampments of Aborigines who had been arriving from around the country over the previous days. Despite their highly visible presence, they were outnumbered by non-Aboriginal people of all ages and occupations, among them middle-aged couples in sensible bush hats and sturdy shoes, young professionals and civil servants in suits, and university students in black outfits covered in badges. Some waved newly purchased Aboriginal and Torres Strait Islander flags, some waved Australian flags, some waved both.

Halfway up the gentle slope to the new Parliament House stood a soundstage with a large screen display on either side. As we waited, the screens remained blank except for the still caption "National Day of Apology". In the nearby enclosure of the Australian Broadcasting Corporation, two announcers on stools faced the cameras and chatted into their microphones. Shortly before 9.00 am, the screens sprang to life and we saw parliamentarians entering the chamber of the lower house to the sound of sporadic applause. The newly appointed Speaker, Harry Jenkins, launched proceedings with a recital of the Lord's Prayer. Rudd then rose to give his speech, which began with the apology:

> Today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history.
>
> We reflect on their past mistreatment.
>
> We reflect in particular on the mistreatment of those who were Stolen Generations—this blemished chapter in our nation's history.
>
> The time has now come for the nation to turn a new page in Australia's history by righting the wrongs of the past and so moving forward with confidence to the future.
>
> We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.
>
> We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.
>
> For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.
>
> To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.
>
> And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.
>
> We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.
>
> For the future we take heart; resolving that this new page in the history of our great continent can now be written.

> We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.
>
> A future where this Parliament resolves that the injustices of the past must never, never happen again.
>
> A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity.
>
> A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed.
>
> A future based on mutual respect, mutual resolve and mutual responsibility.
>
> A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia. (Rudd 2008)

On each of the three occasions that Rudd said the word "sorry", the crowd broke into applause. It was a truly emotional event for Aboriginal attendants, many of whom were moved to tears (see Augoustinos, Hastie and Wright 2011). But not everyone present was convinced. When the Prime Minister mentioned the taking of children, an Aboriginal man yelled "Yeah? Who's *your* father?" and raised the small cardboard sign that he was clutching. One side read "Quarantine Racism Not Welfare" and the other "No Racist Intervention". These were references to a heavy-handed and intrusive policy launched by the Federal Government in Aboriginal communities in the Northern Territory during the months leading up to the election. The intervention involved a package of changes to welfare provision, law enforcement, land tenure and other measures, including alcohol restrictions, pornography filters, deployment of additional police, enforced school attendance, compulsory health checks, suspension of the permit system and the overall intensification of governance through the appointment of more government managers. Many commentators argued that this policy continued and even intensified the paternalism and discrimination of the past. After the election, however, instead of countermanding his predecessor's policy, Rudd had adopted a wait-and-see approach in order to allow the merits of the intervention to be assessed. Was this continuation of a John Howard-style approach a sign that the long-awaited apology would play a purely symbolic role, garnering political credit without changing the substance of race relations or sacrificing any of White Australia's privilege?

Indeed, the full-length speech that followed the apology could be said to fall short of the breakthrough that the moment demanded (see Harris, Grainger and Mullany 2006). Five times Rudd announced a strategy for "closing the gap" between Indigenous and non-Indigenous Australians, a strategy that was based on some questionable premises. It subjected cultural differences to a future of assimilation, while at the same time depending on a model of cultural deficit in which indigeneity was treated both as a pathology and as the vehicle of its own improvement (Kowal 2008). The contradiction in such an idea was that it both constructed the gap as a social reality and then tried to abolish its effects.

Across the Tasman Sea, the New Zealand Labour government elected in 1999 had adopted the mantra of "closing the gaps" only to retreat from it in some confusion under a triple assault from some monocultural conservatives, who resented any implications of "special treatment" for Māori, from some commentators who objected to a policy based on alleged cultural differences, and from some progressive analysts, who attributed inequalities between Māori and the non-Māori or Pākehā majority to secular processes of class stratification rather than to a purely ethnic division.

Rudd's speech ended to a standing ovation in the House (at least from his Labor colleagues) and a wave of applause from those of us outside watching. The Leader of the Opposition, Brendan Nelson, then exercised his right of reply. He briefly grabbed back the moral high ground with a few words of acknowledgement to the local Ngunawal people (a nicety that Rudd had overlooked), but soon drew the ire of the crowd with his attempts to defend the indefensible policies of the previous administration. When he broached the topic of squalor and sexual abuse in Aboriginal communities, boos erupted. Near us, an Aboriginal woman shouted, "Our grandmothers were fucking raped by the colonisers!" As the speech went on, most people in the crowd turned their backs to the screens and slow handclapped the speaker.

There is no need to emphasise that the historic apology offered to the Stolen Generations of Aboriginal and Torres Strait Islander people by the Australian Prime Minister Kevin Rudd cannot be understood in isolation from similar events happening around the world (Short 2008). These began with the Truth and Reconciliation Commission chaired by Bishop Desmond Tutu in South Africa, who was guided by the Christian concept that "there is no future without forgiveness" when he examined the country's history of apartheid. Many other countries with a violent history characterised by ethnic strife have subsequently followed this attempt to address the grievances of peoples who were formerly colonised or otherwise dominated by ethnic aliens. Paradoxically, however, these colonial grievances seem to have proliferated, or at least to have become more strongly voiced, after decolonisation was

completed in the 1980s. This applies to almost all culture areas in the world, including the Pacific.

Throughout the Pacific region, too, strong anti-colonial sentiments are expressed, but these often seem to be spurred just as much by the process of decolonisation as by the practices that colonial regimes engaged in during earlier peaks of power. In most situations, too, counter-colonial resistance is intertwined with neo-colonial connections, usually economic in nature, which continue unabated in spite of the trend towards political independence in recent decades. In nation-states with significant minorities of indigenous origin, public debates revolve around demands for the return of sovereignty from colonial settlers and their descendants. For these reasons, as Otto and Thomas (1997: 4) argued, it is difficult to talk about a straightforward "colonial aftermath" in the Pacific.

The articles in this special issue are concerned with these colonial and postcolonial grievances and the question of how to address contemporary forms of counter-hegemonic, including counter-colonial, resistance in the Pacific. We have two main aims: first, to show how colonial grievances vary across certain Pacific societies and, second, to discuss the various strategies that may be developed to seek justice and to bring about reconciliation (if these can be achieved).

Colonial grievances are expressed in a variety of different historical conditions. Indigenous minorities in settler states, notably in New Zealand, Australia and Hawai'i, are demanding the restoration of sovereignty and the return of properties that were dispossessed in the colonial past (see the article in this issue by Toon van Meijl on New Zealand). Postcolonial nation-states that have obtained independence relatively recently, particularly small island states in Polynesia, but also Papua New Guinea, for example, continue to remind their former colonisers of their responsibility to redress economic difficulties that are blamed on the history of colonisation (see the article by Goldsmith on Tuvalu). The ongoing debate about the international exploitation of natural resources in the Pacific, especially in Melanesia, although not restricted to colonialism and its immediate consequences, is deeply rooted in its history (see the article by Daniele Moretti on grievances in Morobe Province, Papua New Guinea). Colonialism has also left a whole range of other problematic legacies, for example, the ethnic tension that takes somewhat different forms in Fiji, the Solomon Islands, New Zealand, Australia and Hawai'i. And there are other equally important grievances that the contributors to this issue have not addressed, such as requests for the repatriation of cultural heritage held in trust by former colonisers, e.g., in ethnographic museums (Barkan and Bush 2002, Busse 2008, Van Meijl 2009).

Political discussions in these divergent circumstances generally revolve around the issue of who is responsible for the harm that colonialism inflicted and the related issue of who was harmed. These lead, in turn, to the further questions of how the perpetrators of harm are identified, how deserving cases of justice and reconciliation are constructed, and how the relevant discourses of responsibility respond to historical, political and cultural change. The case-studies brought together in this issue share a concern with these challenging questions. Before commenting on the contributions to this issue, however, we would first like to explore the context of the debate even further by looking at the persistence of colonial grievances in the postcolonial Pacific.

"HOLOCAUST" DISCOURSE

A statement in August 2000 by Tariana Turia, who was then the Associate Maori Affairs Minister in the Labour Government of New Zealand, dramatically highlights contemporary grievances about the colonial legacy of at least some Pacific peoples. In a speech to the New Zealand Psychological Society about what she called "Post Colonial Traumatic Stress Disorder", she was reported to have said: "What seems to not have received… attention is the *holocaust* suffered by indigenous people including Māori as a result of colonial contact and behaviour" (*New Zealand Herald*, 31 August 2000; see also Turia 2000a, 2000b).

Her reference to a holocaust actually echoed a prior report by the Waitangi Tribunal, the body established in 1975 to inquire into Māori grievances stemming from breaches of the 1840 Treaty of Waitangi. However, *The Taranaki Report* (NZWT 1996) had used the term without generating anything like the reaction Turia's speech was to provoke four years later. Presumably her public profile and the political climate, including the Labour election victory of 1999, had raised the ante. The New Zealand Labour Party has historically claimed to deliver greater political and economic advancement for Māori than its main rivals, so for one of its most prominent Māori members at the time to claim that colonialism continued to have ugly and lingering consequences was to question those achievements and perhaps even Labour's commitment to Māori causes.

In any event, the speech caused a public outcry in New Zealand. We suggest that it did so for two main reasons. First, since it implicitly compared Māori experiences during colonialism to the genocide of Jews, gypsies and others during the Nazi era, some commentators felt that the latter epoch had been devalued. Second, it suggested that Māori people had been deliberately killed by earlier generations of colonial settlers, not only during the New Zealand Wars of the 1860s and 1870s, but also by the introduction of new diseases, the undermining of Māori social-political structure and the annexation of

native land. Non-Māori colleagues in cabinet therefore forced Mrs Turia to apologise, which in turn led the chief executive of the New Zealand Maori Council to compare the pressing demand for Mrs Turia to apologise to Adolf Hitler's practices of "gagging the Jews and burning them off" (*New Zealand Herald*, 8 September 2000). Mason Durie, a psychiatrist and professor of Māori Studies and as such an influential and respected Māori spokesperson, commented that, although the term holocaust might grate on New Zealand's national pride, the Māori population did decline from 200,000 in 1840 to 42,000 in 1900, which in his opinion made it "pretty close to a holocaust" (Gifford 2000: 3). Public debate in New Zealand subsequently spiralled into a clash of interpretations over 19th-century history that could in many instances be likened to a politics of holocaust denial (Goldsmith 2002).

The New Zealand furore might at first glance seem to have only local relevance, but in fact similar kinds of analyses and debates (drawing on terms such as genocide as well as holocaust) are not unusual in Australia and the wider Pacific (see, for example, Bingham 1996, Bushnell 1993, Van Krieken 2004, Wing and King 2005). Further afield, the notion of holocaust has been applied for decades to the Armenian experience under Turkish rule and in more recent decades to Cambodia and Rwanda. Retrospectively the concept has become a powerful frame for the understanding of the devastation caused by the post-Columbian intrusion of the Old World into the New World of the Americas.

Why has the language of holocaust found new currency in interpretations of the past and the present? Andreas Huyssen (2000) suggests we can now speak of a globalisation of holocaust discourse and explains the expansion of this discourse in two different ways. First, he refers to the rise of new memory discourses in the wake of decolonisation after the 1960s (see, for example, Bal, Crewe and Spitzer 1999). Both newly independent countries and new social movements seeking to restructure the distribution of power in former empires began searching for alternative and revisionist histories (Stein 1998). In the new era the past was increasingly recodified after the end of modernism, which not infrequently coincided with the end of colonialism (De L'Estoile 2008). Second, in the early 1980s these memory discourses proliferated in Europe and the United States, where they were triggered by a popular television series about the Holocaust, as well as by media attention paid to 40th and 50th anniversaries of events in the history of the Third Reich, such as Hitler's rise to power in 1933 and the end of the Second World War in 1945 (Huyssen 2000: 22-3). At the same time, recent revisionist histories have often been accompanied by multiple statements about the end of history (Fukuyama 1992, but see Fukuyama 2011), the death of the subject (Foucault 1966) and the end of meta-narratives (Lyotard 1979).

The recurrence of genocidal politics in Rwanda, Bosnia and Kosovo in the 1990s, and in Darfur more recently, have kept the Holocaust memory alive and extended it past its original reference point. The revival of these memories enabled the concept to become a metaphor for the 20th century as a whole and to some extent even of the entire project of the Enlightenment. One of the ramifications of this so-called globalisation of holocaust discourse is that memory emerged as a key concern in international politics. Whereas the future was privileged in the present of modernism, the past suddenly cast a dark shadow over the present in the last decades of the millennium. Beliefs in the emergence of an enlightened future were replaced by a perception of the present as deeply rooted in an evil past, characterised by racial oppression and ethnic cleansing. This totalising re-interpretation of the Holocaust that resulted in renewed attention for the memory of the past, however, is paradoxically accompanied by a particularisation or localisation of the Holocaust, as testified, for example, by the comparison to Māori colonial experiences. It is precisely the representation of the Holocaust as a universal trope for the failure of modernity, and its belief in progress during the colonial era, that allows memories of dark histories to link up to specific local situations that are historically distant and politically distinct from the original event. In the transnational dimension of memory discourses the Holocaust thus no longer functions as an index of the specific historical event but becomes a metaphor for other traumatic histories and memories (Huyssen 2000: 24, see also Alexander, Eyerman, Giesen *et al.* 2004, Salzman 2005).

THE QUESTION OF CULPABILITY

Renewed attention to memories of traumatic histories of genocides or colonial violence in a broad sense has raised the question of culpability. Demands for apologies and a more fundamental redress of historical injustices have not only emerged in the Pacific, but are again part of a worldwide tendency (Barkan and Karn 2006). As mentioned before, truth commissions have been set up to investigate the practice of apartheid in South Africa and human rights abuses during the civil war in Guatemala. In Rwanda and former Yugoslavia war crimes tribunals have likewise attempted to identify culpability and to repair the social consequences of violent ethnic conflicts. Beyond these examples of countries seeking the truth after internal hostilities, the question of culpability has also been raised in other cases of historical injustices. Some of these have international dimensions, involving offences against foreign citizens (e.g., Japanese reparations to Korean "comfort women" and to Dutch colonists in Indonesia for their detention during the Second World War, but also Dutch war crimes against Indonesian citizens who had claimed independence from the Netherlands) or crimes associated with the deportation of people from one

country to another (e.g., German reparations to Jews or demands for reparations for slavery in the United States and elsewhere). Other instances involved offences against social groupings within states, such as the U.S. government's compensation of Japanese Americans for internment during the Second World War, and, of course, the recent recognition of the dramatic consequences of the dispossession and enforced assimilation of indigenous peoples in Australia, Canada and New Zealand (see Elkins and Pedersen 2005).

The Indian anthropologist Nandini Sundar (2004: 147) has lately examined the question why the redress of historical injustices has become important at this moment in time, more than half a century after the Nuremberg Trials first placed the issue of retribution on the international agenda. On the one hand, she refers to scholars attributing the rise of truth and reconciliation commissions, reparations and state apologies to the emergence of a new international morality. They argue that the acceptance of culpability has usually followed an increase in respect for minority voices and the rise of human rights discourse since the end of the Second World War. In academic reflections the current wave of retributive justice is often also related to the gradual transition from authoritarianism to democracy (Fukuyama 1992). On the other hand, however, Sundar also draws attention to the relationship between the contemporary culture of apologising for historical wrongdoings and the political legitimisation of a world order marked by growing inequality rather than by evolving standards of justice, morality and respect. After all, globalisation is clearly reinforcing economic disparities between the West and the Rest, and the number of violent conflicts has actually increased since the end of the Cold War. In this context, Sundar's reflections resonate with Huyssen's argument that redress and apologies articulate a crisis in modernity with its "trust in progress" and "some telos of history" (Huyssen 2000: 36). In recent times, the history of the 20th century is increasingly believed to have undermined the teleology of development, and the portrayal of retributive justice as part of a new international morality thus becomes part of a "self-congratulatory liberal understanding that allows real and ongoing inequalities and injustices to go unchallenged" (Sundar 2004: 148).

Indeed, implicitly the message of apologies and the (partial) settlement of historical injustices is that the bad behaviour is a thing of the past and that the present is no longer characterised by practices that warrant prosecutions or the establishment of tribunals whose task it is to investigate all kinds of human rights violations. For the time being, however, Sundar's suggestion remains the subject of debate. Whether the so-called new international morality genuinely implies the recognition of cultural *and* economic differences at global *and* local levels, or whether the discourse of apologies must be equated with the self-serving prejudice of powerful states or rulers, can only

be established through a comparative examination of the process of settling historical grievances. That precisely is the main aim of this collection of essays: to compare and contrast demands for apologies, restitution claims and reparations in a variety of Pacific societies, including the question of why and how some groups have their demands taken more seriously than others. In addition, each essay grapples with the ultimate goal of whether and how the settlement of colonial grievances can be achieved. Not infrequently, this has been addressed under the rubric of reconciliation, but that, too, has become a rather ambiguous notion over the past decade.

RECONCILIATION

Ideally, reconciliation is the logical outcome of any process that aims at settling colonial grievances or other types of historical injustices. After the question of culpability has been addressed, apologies offered and reparations agreed upon, reconciliation is normally supposed to take place. In the aftermath of violent conflicts or protracted periods of subordination, however, reconciliation is truly difficult to achieve. It has also become apparent that reconciliation evokes different connotations in different circumstances. This awareness recently generated a discussion about the meaning of the concept. In an essay in *Public Culture*, John Borneman (2002: 281) simply defined the term as "to render no longer opposed", but qualified this definition by adding that reconciliation should not be considered in terms of permanent peace or harmony. Instead, he argued that reconciliation involves foremost a structural departure from "violence", which in his view can only be accomplished through "listening", "witnessing" and "truth-telling". Since Borneman addressed reconciliation primarily in the context of violent ethnic conflicts towards the end of the 20th century, truth-telling formed a crucial component of his definition. Truth-telling involves more than just finding out who did what to whom, but is also about assessing a variety of truths in an inter-subjective, relational way, which Borneman (pp. 293-96) labelled as "listening". When carried out in public forums with skilled listeners, truth-telling might contribute to creating a community that can transcend the divisiveness and its associated revenge cycles which are common in ethnic conflicts. Truth-telling thus appears essential to restoring trust and to regaining a larger, more inclusive, moral community.

Listening to (or speaking) the truth after violent conflicts is essential for long-term reconciliation but, as has become obvious since the path-breaking work of Michel Foucault (1969, 1980), truth is simultaneously and intrinsically related to institutional structures of power. Borneman (2002: 297-300) embraces this dilemma by arguing that listening becomes effective only if complemented by a process of legal and institutional retribution. In contrast

to listening, witnessing and truth-telling, legal retribution is concerned with sustaining the distinction between past and present, between wrong and right, in practice. Retribution does this by penalising those who took advantage of offences and other unlawful activities, as well as by vindicating the victims of the past. This type of retribution can only be realised within a system of legal accountability as embodied in the rule of law, which Borneman considers as the only alternative to revenge and rebounding violence.

Borneman (2002: 301) acknowledges that his vision of reconciliation may seem ambivalent since it is grounded not only within a legal framework that is imbued with politics and power but also in some sort of utopia based on the possibility of a departure from violence and injustice. In his view, however, this ambiguity is unavoidable because the basic task of reconciliation is paradoxical to the extent that it aims at facilitating an ongoing recuperation of a loss that is not recoupable. Listening is therefore an essential dimension of Borneman's understanding of reconciliation as it calls for a form of inter-subjectivity that is open to reflexive and relational knowledge, which also implies an often uncomfortable encounter with the Other, including the "enemy".

Borneman's idealistic perspective on reconciliation with its twin emphasis on listening and retribution evoked a number of critical responses in *Public Culture*. Steven Sampson (2003), for example, raised doubts about the supposedly dialogical nature of reconciliation and even accused Borneman of naiveté for his belief in dialogue. According to Sampson, Borneman's view of reconciliation is primarily about talk, which he argues is a peculiarly Western view of reconciliation. In addition, it assumes that the situation before conflict erupted was marked by peace, friendship and understanding, but he argues that these circumstances are in most cases simply the result of nostalgic theorising (p. 181).

The second point of critique raised by Sampson concerns Borneman's faith in the possibility of recovering the truth of what happened in the past. He contends that listening is not as simple as it seems since it also involves assessing, questioning and interpreting various accounts, "none of which are wholly true" (Sampson 2003: 183). Indeed, the "truth" is invariably controversial and therefore it is crucial to address the question how we are to deal with competing truths, a point which Borneman skirts around. For these reasons, Sampson proposed to replace the word reconciliation with the concept of coexistence, understood as "the absence of violence" (p. 182). Coexistence means mainly that parties that were previously enemies become oblivious to each other, simply ignoring each other. Whereas Borneman's state of reconciliation demands a dialogue of voice and response, coexistence is a social order that requires no listening. In the same vein, Laura Nader (2003) commented on Borneman's notion of reconciliation that "love is not enough"

to confront the dark side of war if the practice of violence is to be put out of business. Peace means much more than disarmament and therefore she also argued that coexistence should be the primary aim of reconciliation.

Appropriately enough, given her role in bringing holocaust discourse to the forefront of New Zealand attention, Tariana Turia has more recently expressed her views on the subject of reconciliation. Having abandoned the New Zealand Labour Party in the aftermath of its actions on the foreshore and seabed issue (Charters and Erueti 2007), and having created a new political vehicle, the Maori Party, that gave Māori a much greater parliamentary voice after the 2005 elections, she commended Prime Minister Helen Clark for mentioning reconciliation in a speech outlining the government's programme for 2007. Yet, characteristically, she criticised her former leader for not taking a bold enough stance on reconciliation to encompass all levels of reconciliation and the "restoration of justice"—"economic, social, environmental, cultural" (Turia 2007).

RECOGNITION AND REDISTRIBUTION

From the discussion about reconciliation it emerges that the settlement of grievances about earlier events of different kinds is invariably represented in terms of two contrasting yet complementary interpretations. On the one hand, reconciliation may be understood in a broad sense as a process in which mistakes of the past are redressed and a new, more harmonious relationship is created between parties that were previously opposed. On the other hand, reconciliation may be interpreted in a more fundamental sense as a process that repairs the incompatibility of antithetical relations and interests between people. The question is, however, how these divergent interpretations of reconciliation may be combined and, by the same token, how incompatibility may be overcome.

This dilemma that is evoked by debates about reconciliation is often cast in terms of an inevitable discrepancy between the past and the present. Reconciliation usually starts from a reflection on historical injustices, but in many cases it simultaneously rehabilitates an ideology of progress into a future in which the past has been forgotten. Thus, mistakes of the past are no longer denied, but their recognition is almost immediately subordinated to the perpetuation of enlightenment values of development. These dynamics of reconciliation are particularly apparent in the context of apologies for wrongdoings in the past, such as in Australia. The acknowledgement of culpability in the past is linked to the trope of progress, to the further assimilation of Aborigines into mainstream Australian society, as in the subtext of Rudd's speech following his apology. This confirms that the continuing effects of the past in the present and the future are underestimated or, worse, rejected. A radical

break with the past is paradoxically suggested in order to legitimise continuing effects of the past in the present (and the future). In such cases, reconciliation simply becomes another name for impunity (Sundar 2004: 150).

The ambiguity of reconciliation processes is most apparent in a postcolonial context. Here the challenge is to redress colonial grievances without extending colonial dominance beyond the reconciliation. In nation-states with indigenous minorities this ambiguity revolves around the reconciliation of indigenous collective rights with the protection of the human rights of individual citizens (Van Meijl 2006). In some situations, the rights of minority groupings may be accommodated within a setting dominated by others, but this type of reconciliation does not always do away with the pressure of the majority on the minority to abandon their cultural differences and claims to political autonomy (Kymlicka and Bashir 2008).

This dilemma of justice in a postcolonial situation has been expressed in terms of a disconnection between recognition and redistribution by the leading critical theorist Nancy Fraser (1995, Fraser and Honneth 2003). Fraser has identified the struggle for recognition as the paradigmatic form of political conflict in the late 20th century. She has argued that demands for recognition have displaced the struggle for socio-economic redistribution as the remedy for injustice in the modern age. Postmodern struggles about nationality, indigenous rights, identity, religion and gender are now so urgent that the question of recognition is impossible to ignore, especially in postcolonial or neo-colonial relations, but at the same time it would be incorrect to assume that distributive justice has lost its appeal. On the contrary, economic inequalities continue to grow as neoliberal forces promote corporate globalisation and weaken governance structures that previously enabled some redistribution between colonising and colonised countries or groupings. Under the new conditions, therefore, the question of distributive justice cannot be dismissed. In consequence, a view of justice is required in which claims for recognition will be reconciled with claims for egalitarian redistribution. This requires justice to be construed in such a way that it encompasses both distribution and recognition as two mutually irreducible but equally important dimensions (Van Meijl and Goldsmith 2003; see also Fowler 2009).

Fraser's argument that only a framework that integrates the two analytically distinct perspectives of distribution and recognition will grasp the imbrications of economic inequality and cultural differences in postcolonial circumstances has drawn much attention in many forums of discussion, but her rigorous separation of economics, culture and politics has also been criticised (Swanson 2005). Notwithstanding her intention to apply the conceptual distinction between economics and culture only in an analytical manner, her perspectival dualism regarding recognition and redistribution has been rejected as a

mere reflection of a separation of the categories of culture and economics. Obviously, this is not acceptable, partly because neither economics nor culture can be understood in isolation from politics, and all three dimensions influence each other. The real challenge is to develop a conceptual framework in which the analytical distinctions between the dimensions of economics, politics and culture are transcended categorically. We hope that this issue will contribute to that aim.

EXAMINING THE SETTLEMENT OF COLONIAL GRIEVANCES IN THE PACIFIC

The substantive articles that follow this introductory essay demonstrate only three of the vast number of possible trajectories of colonialism and its aftermath in the Pacific. Our small number of cases highlights the risk of proposing general conclusions, especially in light of their stunning diversity. What do the tiny low island Polynesian microstate of Tuvalu, an isolated valley in the sprawling resource-rich Melanesian powerhouse of Papua New Guinea, and the largely urban European settler-dominated nation of New Zealand have in common that would allow us to generalise? It is not enough to say that they all demonstrate the lingering, even recurring, influence of colonial rule. What we might take from them, however, is that while the indigenous subjects of colonialism may warily accept, and even come to terms with, the system during some of its historical stages, any enduring accommodation is fraught with difficulties. The colonialists fail to live up to their responsibilities and their promises, whether those are, to put it very broadly and even simplistically, promises of protection (Tuvalu), wealth and development (PNG) or continued sovereignty (New Zealand).

In sum, the articles in this special issue explore the legacy of colonialism in contemporary Pacific societies and illustrate how complicated it is to resolve intricate and multifaceted problems that follow directly from a colonial history of neglect, dispossession and alienation. The traumatic disruption of indigenous societies resulting from contact with European colonisation usually had devastating consequences for the physical, psychological, social and cultural well-being of individuals, families and even whole societies, and these experiences are unmistakably transmitted over generations. As a corollary, colonial histories of loss and associated experiences of hurt will continue to characterise the memory, ethos and identity of peoples with a colonial history, to some extent even irrespective of apologies being offered, settlements taking place and circumstances changing, whether for better or worse. After all, the case-studies collected in this issue illustrate the paradox that any attempt to come to terms with colonial grievances inevitably takes place under circumstances that are fundamentally different from the past,

which in turn generates new problems that themselves stem from colonialism as well as other factors. Furthermore, the settlement of colonial grievances may not only create new problems, but the perception of these problems might also continue to change as time moves on. For that reason, too, it is inherently difficult, if not impossible, to establish postcolonial justice definitively, at least in the foreseeable future. Instead, reconciliation will remain a goal that former colonisers and colonised must continue to negotiate.

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THE COLONIAL AND POSTCOLONIAL ROOTS OF ETHNONATIONALISM IN TUVALU

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A sense of grievance is not the only ground in which ethnonationalism can flourish but it is certainly one of its more effective fertilisers. In assessing the role that grievances have played in the political journey of Tuvalu, this paper traces a changing set of narratives. It starts with a story of benign neglect under British rule that turns sour during the stresses of separation from the colonial matrix. It then recounts a subsequent struggle for economic independence driven by a sense of injustice and couched in terms of reparation. Most recently, it has been recast as a fight for environmental survival against the forces of international indifference. Ironically, if the colonial narrative over-emphasised harmony, the latest one portrays Tuvalu as a global icon of aggrieved modern micro-statehood.

The protagonists have changed along with the narratives: first, the colonial administration and its local representatives; then, the post-independence government involved in negotiations with a small group of other state actors, most of which had an earlier colonial connection to Tuvalu; and lastly, that same government embroiled with multinational agencies like the United Nations, international conferences, regional organisations and NGOs. Grievance, it seems, needs a receptive audience to flourish, both among those who feel aggrieved and those who acknowledge a portion of responsibility for the reasons why.

Tuvalu, the former Ellice Islands, first came under formal British administration as a constituent part of the Gilbert and Ellice Islands Protectorate in 1892, an imposition of colonial rule subsequently revamped in the form of a colony (the GEIC) in 1916 (Macdonald 1982: 114). After more than 80 years of relatively amicable co-existence, the mainly Polynesian Ellice Islands separated from the mainly Micronesian Gilbert Islands (now Kiribati) in 1975, and gained independence from Britain in 1978.

At first glance, there is little to contradict a widespread perception that the Ellice Islands did not suffer, and perhaps even benefited more than their Micronesian compatriots, from the eight decades of colonialism. There is some historical support for such a view. The Ellice Islanders were often favourably contrasted to the Gilbertese in colonial discourse (Goldsmith 1989: 72-78). As Arthur Mahaffey wrote following his administrative visit

during the era of the Protectorate, "the manner of the gentler Polynesian, his physical beauty and softer and more liquid language, are in pleasing contrast to the rough, loud-voiced, clamorous excitable Gilbert Islander" (1910: 44). Either as a consequence or as a rationalisation of imperial attitudes, men from the Ellice group also tended to receive favoured treatment from the administration's British officials. For example, they were employed in disproportionate numbers in the Colony government in Tarawa, especially in the police service, partly because of the stereotype that they were more reliable and partly because of a deliberate colonial strategy to appoint Colony officials from among the Ellice minority (Isala 1983a: 24, Macdonald 1982: 84). On Banaba (Ocean Island), the source of the phosphate revenues that funded the activities of the Colony for much of its life, the British Phosphate Company (later Commission) employed Ellice Islanders as relatively skilled boatmen, in contrast to the Gilbertese, who were mostly engaged as labourers (Macdonald 1982: 11). The favoured status these examples allude to was further enhanced after the Second World War because the Ellice group suffered less disruption to education and employment during the Pacific campaigns, whereas the Gilbert Islands were occupied by the Japanese for nearly two years.

The special bond that supposedly developed between colonisers and colonised fostered a perception that Ellice Islanders were more than happy to live under the *Pax Britannic*a. As a result, independent Tuvalu has conventionally been portrayed as a sleepy backwater populated by people of unquestioning loyalty to the Commonwealth, an attitude as complacent as that which they showed its predecessor, the British Empire. One major assumption of the British link is a taken-for-granted royalism: journalists, media commentators and documentary makers alike have depicted Tuvaluans as quaintly attached to the monarchy and supportive of the annual Queen's Birthday celebrations (e.g., Horner 2004).

Gadfly writer and critic, the late Christopher Hitchens, who should have known better, once even wove Tuvaluans into a horribly mixed-up gumbo of colonial discourse recruited to the service of anti-monarchical polemic. He was not even sure if he was referring to Trobrianders, i-Kiribati or Tuvaluans (an imprecision revealing in itself)[1] but that did not matter for his purpose, which was to mock these generic islanders' worship of Prince Philip.

> They display his photographs, they have little Prince Philip models, they even have propitiatory ceremonies to Prince Philip. The special symbol and rite of passage in this tribe is the wearing of a very large and elaborate penis-gourd and on one occasion when the Royal Yacht *Britannia* passed within hailing distance of the Islands, the Islanders asked if Prince Philip could perhaps be

> allowed to put in, that their God could come to them, don the gourd and be otherwise enshrined as the totem and juju of the tribe. It was a close run thing for the royal party on that occasion. (Hitchens 1994: 74-75)

My guess is that Hitchens' weird mishmash of an account was channelling the television pictures broadcast around the world at the time of the Royal visit to Tuvalu in late 1982, especially some famous images of Queen Elizabeth and her consort being carried ashore in large canoes on the shoulders of sturdy Tuvaluan men (Slatter 1983). As a gesture of respect it was hard to beat. The irony, though, is that while Hitchens' tone is patronisingly dismissive of the islanders' deference to royalty (because he wants to go on to show that ordinary British people are equally tradition-bound and deferential and he can best do so by comparing them to "primitives"), many Tuvaluans were and are ambivalent about their ties to the monarchy.

The views of Isakala Paeniu in the early post-independence period, though not universally shared, were characteristic of this line of thought. A former civil servant and doyen of a politically influential family on Nukulaelae, he wrote a rather critical account of the 1982 royal visit, especially "the willingness of the administration to agitate the poor to make sacrifices for the rich". "The British monarch", he went on, "is among the richest people on earth. Do we regard ourselves as responsible representatives of the people by taking from the poor to give to the already rich?" He concluded that while the Queen "should be accorded the best traditional welcome… it should be a welcome that does not disrupt national services, one that the economy can afford, and above all one that does not jeopardise long-term national objectives" (Paeniu 1983: 11; see also Nisbet 1991).

It is easy to dismiss the views of someone like Hitchens who, for all I know, never set foot in the Pacific. However, even reputable commentators have fallen into the trap of seeing the Tuvaluan experience through rosier spectacles than those focused on other instances of colonialism, like Vanuatu. The assertion by at least one Fiji-based journalist (Pareti 2005: 16) that, of all the countries in the Pacific, only Vanuatu had to fight for independence has become an article of faith needing critical scrutiny. Firstly, it ignores the ongoing control exerted by France, which was not only a reluctant decoloniser in the case of Vanuatu (administered jointly with Britain as a condominium), but which has also continued to adamantly oppose independence for its other Pacific territories and has sometimes exerted that control by military force. Paradoxically, perhaps, while Vanuatu had the added burden of enduring two parallel systems of colonial administration, the tensions between Britain and France undoubtedly created a division that the independence movement could exploit. Secondly, and equally as important, the conventional wisdom pays

insufficient attention to the fact that the road to independence was rarely as smooth in any Pacific country as it assumes.

Pareti's views were echoed by anthropologist Christine Jourdan's distinction (1995: 132) between nation-states like Vanuatu, which "have had to fight for their independence" and those like Papua New Guinea, Solomon Islands, Kiribati and Tuvalu "that have had their independence handed to them on a silver platter". In the latter group of countries, she argued, "nationalist sentiment [was] not present at the time of independence" (1995: 132).

No doubt, the better we know a society, the more we are all inclined to see it as special, so Jourdan's depiction of Vanuatu decolonisation as exceptionally heroic is understandable; but to say that no other Pacific country approached independence without struggle is patently untrue for Tuvalu and it conflates cases whose historical trajectories varied significantly.

In the rest of this article, I will attempt to show that, while colonialism itself may have been regarded as either neutral or relatively benign by most Ellice Islanders, when they became independent Tuvaluans they did develop a sense of *postcolonial* grievance; or, to be more precise, they developed a set of grievances that arose from the process of *decolonisation* (can one say "de-colonial grievances"?). To quote John Kelly and Martha Kaplan (2001: 432) in support of my argument: "… critical scholarship on the nation-state could focus very productively on the era of decolonization… as the horizon for many real, present departures and initiatives." Moreover, as seems to be the way of these things, many of the difficulties generated by decolonisation have gained weight and retrospective justification from selected features of the colonial situation and the ongoing revision of interpretations of events from the colonial past.

GRIEVANCES

As is well known, the United Kingdom began to voluntarily shed responsibility for its colonial territories in the Pacific from the 1960s onward. Apart from the administratively special case of Vanuatu, these included Fiji, the Solomon Islands, and the Gilbert and Ellice Islands Colony. But discarding the GEIC proved to be unexpectedly complicated. British officials and politicians assumed that, in the transition to independence, the two component groups of islands and people would remain united as a single postcolonial nation-state. Ellice Islanders begged to differ. They were far fewer in numbers than the Gilbertese (c. 7500 to c. 55,000) and so would inevitably have a minority of representatives in any post-independence legislature (McIntyre 2012: 140). In addition, they were predominantly Polynesian in language and culture, as distinct from their Micronesian neighbours. Each side felt that the cultural differences outweighed common histories of colonialism and Christianity, and

similarities of adaptation to atoll environments. In turn, cultural differences added symbolic weight to mutual stereotyping (often of a negative cast by both sides) and heightened ethnic tensions arising from the perceptions (and realities) of differential treatment by the colonial power, as outlined above.

In short, the Ellice Islanders felt uncomfortable at the prospect of being an unpopular ethnic minority within a postcolonial state. Their stance was clearly one of defending their own (cultural) identity (Macdonald 1975a, Paeniu 1975a). Their leaders insisted on having a UN-backed referendum to judge the mood of the populace. The outcome (an 88 percent turnout, of which 94 percent supported separation) confirmed the issue. The history of this pivotal period has been well documented by a number of scholars so I will not recapitulate it in detail, referring readers instead to the cogent analyses of Barrie Macdonald (1975a, 1975b, 1975c, 1982), Tito Isala (1979, 1983, 1987) and Keith and Anne Chambers (1975). One important point to note, however, is the need felt by the Ellice Islanders to symbolise the break from the colonial past with a new name for the entity they were in the process of creating: Tuvalu or, in full, Te Atu Tuvalu ('cluster of eight, eight standing together'). This was a name of some historical provenience (Kennedy 1931: 1, Roberts 1958) and, whether or not it was authentically ancient, it was *lexically,* and so by extension authentically, local.

The British Colonial Office, miffed by having its plans for a seamless transition frustrated, accepted the patent desire for Tuvaluan secession and independence but with reportedly bad grace. It refused to authorise the transfer of a "due proportion" of Colony funds and infrastructure to the new state, except for one of the inter-island vessels, the *Nivaga*. What constituted a due proportion was, of course, open to debate. David McIntyre's re-reading of the archives led him to state that the Ellice demands were "absurdly ambitious" (2012: 142). Whether they were serious or simply exaggerated for bargaining purposes is unclear. McIntyre also reported that Sir Leslie Monson, the commissioner sent by the British government to assess the situation, conceded Ellice Islanders had contributed to the phosphate workings on Banaba. By implication, to deny them any of the money accumulated in the Colony's Revenue Equalisation Reserve was likely to foster a sense of grievance, even if Britain promised additional development assistance in lieu (McIntyre 2012: 142-43).

I will return to these matters later. Before I do so, however, let me put this discussion on a personal footing. I first arrived in Funafuti, Tuvalu's capital, in December 1978, some two months after the official ceremonies marking Independence. Over the next few weeks, at various social gatherings in the lead-up to Christmas, I was confronted by a number of Tuvaluans who either *assumed* I was British (in which case they proceeded to question my

principles and parentage) or *asked* if I were British (probably with a view to launching into a tirade if I answered yes). Naturally, it was of great comfort to identify myself as a New Zealander, i.e., someone with an entirely blameless record in the history of colonialism. (I also wisely and conveniently omitted to mention I had been born in England.) The fact that New Zealand was as guilty as Britain of exploiting Tuvaluan labour for phosphate mining was irrelevant in local perceptions, at least from my experience.

Contrary to Jourdan's view, as quoted earlier, there was a very palpable sense of nationalism around the place. This included open pride in the new name of the country, highlighted for instance in a church youth dance group performance that I attended, in which one dance involved six young women holding cards on which the individual letters of the name TUVALU were carried and woven into the performance (see front cover). The choreography had been devised for presentation in overseas festivals and I was told it had won an award in Fiji, so was very much a part of how Tuvaluans presented themselves to the outside world.

Later, on my first trip to some of the outer islands on the *Nivaga* (as noted above, the sole ship bequeathed to Tuvalu at separation from the Gilberts), I was struck by the nonchalance with which the nation's name was rewritten as "Tu-8" on luggage and containers. Not only was the name accepted, it seemed people were even comfortable playing with it. Implicitly, there was also a sense of superiority at having asserted this point of difference from the Gilbertese who, instead of claiming the equivalent name for themselves of Tungaru (as was widely expected by many observers, e.g., Paeniu 1975b), went with the less radical option of Kiribati, a transliteration of the colonial name of Gilberts.

RELIGION AND ETHNONATIONALISM

One aspect of Tuvaluan life that enhanced the budding sense of ethnonationalism was religion or more precisely the hegemonic version of Protestant Christianity that had held sway over the archipelago since the 1860s (Goldsmith 1989). The independence constitution mandated a separation of church and state but for all practical purposes the Ekalesia Tuvalu/Tuvalu Church was the established religion.[2] Nominally at least, it commanded the loyalty of about 95 percent of the population and was unchallenged on some of the outer islands. On Funafuti, other faiths had adherents (Seventh Day Adventists, Baha'i, Jehovah's Witnesses, and even a few Roman Catholics) but even there, the most urban and diverse community that Tuvalu had to offer, they were a tiny minority. On the outer islands, they had either gained no foothold or comprised even smaller groups of worshippers than in the capital.

It is significant that the process of gaining religious independence had preceded political independence by a couple of decades. Up until 1958, the

Ellice Church had been ruled under the aegis of the London Missionary Society (LMS, later to become the Council for World Mission), which had based its regional operations in (Western) Samoa. For most of their Christian history, Ellice Islanders had been missionised by a succession of mainly Samoan pastors, and inspection visits by British missionaries tended to originate from Samoa. Along with Tokelau and the Gilbert Islands, the Ellice Islands were labelled the Northwest Outstations of the Samoan Mission and, even when that quaint term was phased out, the Ellice Islands remained part of the Samoan Church's congregational system. Scriptures and a good deal of liturgy were also couched in the Samoan language and many of the local churchmen received training at Mālua, the main LMS College in Western Samoa.

In 1958, however, the Ellice Church split from its Samoan parent body and became self-governing (Kofe 1976). Even so, people continued to use the Samoan Bible. Publication of a Tuvaluan-language New Testament was spurred on by, and coincided with, Tuvalu Independence. I purchased a copy soon after my arrival. It had been translated by my friend and mentor, the Tuvalu Church General Secretary Alovaka Maui (Goldsmith 1996), and it proudly bore the new national crest on its cover.

As I have argued elsewhere (Goldsmith 1989), religion, with its emphasis on consensus and even uniformity, was undoubtedly one of the factors fostering a sense of unity in the new nation. I have already mentioned the incorporation of such national symbols as the new name in a church youth group dance. In a trope that created oneness from constituent parts, the dancers gave that sense of embodied unity a truly performative dimension.

I do not wish to leave the impression that such religious unity arose without opposition. A myriad of social and cultural pressures made non-conformity difficult, but not impossible, especially on Funafuti. On some of the outer islands of Tuvalu, however, breaking away from the Tuvalu Church was and is decidedly problematic. Even with constitutional liberties of worship, which means in practice hard-won tolerance for a few minority religious beliefs, there have been strong controls over proselytising, which is seen as a threat to the fragile balance of village order. As recently as 2003, a legal judgment brought about by events on one of the northern islands, Nanumaga, reinforced the power of village authorities to keep out proponents of what are deemed to be new and destabilising faiths (Farran 2009: 214-15, New Zealand Law Commission [NZLC] 2006: 21, Olowu 2005).

Nevertheless, though some members of Tuvaluan society kick against the religious traces, and may even do so on the basis of perceived grievances against the dominant church's actions and privilege, such "free-thinking" does not generally translate into a sense that Christianity (and the other "world religions" that have gained a toehold from time to time) are invalid. Ivan

Brady's view (1975) that, for Tuvaluans, Christianity became internal to society while the colonial administration remained ineluctably an external force, is still a useful way to conceive of religiosity in this particular microstate.

ECONOMIC BARRIERS TO NATIONHOOD

Tuvalu, then, seemed to me in 1978 a place where a distinct and positive style of nationalist sentiment was evident. But it also faced enormous economic problems. In addition to their participation in a subsistence sector based on horticulture and fishing, some Tuvaluans cut copra for export—but because of changing world market conditions that was rapidly coming to an end as a reliable source of external revenue. Others were engaged in wage labour in the phosphate mining industries of Banaba and Nauru, and increasing numbers were being hired as seamen on merchant shipping lines after undergoing training at a marine school on Amatuku, one of the islets of Funafuti. These two forms of waged employment were the main sources of remittance income for the Tuvaluan economy at that time. Unlike residents of some of the other Pacific microstates, Tuvaluans had little or no access to metropolitan countries such as New Zealand, either through automatic right of entry (as do the Cook Islands, Niue and Tokelau) or through quota systems of migration (as does Samoa). To put it another way, Tuvaluans lacked the kind of migratory opportunities that sometimes derive from prior colonial connection. Britain, as the former colonial power, did not put out the welcome mat to citizens of its former colonial possessions in the Pacific, thus denying Tuvaluans, i-Kiribati and Solomon Islanders the demographic safety valve enjoyed by some other former colonial possessions.

As a newly independent nation, Tuvalu had a growing bureaucracy as well as public health and education systems to support. Most waged employment in the country derived from government services. A few of these services, such as the office promoting the sale of national stamps and first-day covers into the international philatelic market, brought in revenue, but it was not large and, like copra, it was soon to wane. To make ends meet, Tuvalu needed a great deal of financial assistance from abroad, as its officials and politicians freely admitted (Paeniu 1975a). Britain provided some aid but, as already mentioned, was not perceived as generous and certainly not generous enough to warrant its very tight rein over the national budget.

THE TUVALU TRUST FUND

A creative solution was eventually found to many of the problems just outlined; the Tuvalu Trust Fund (TTF) was set up in June 1987 after lengthy negotiations. The agreement underpinning it was reached only

after a favourable Australian Development Assistance Bureau-sponsored appraisal by E.K. Fisk and C.S. Mellor (1986) and an earlier United Nations Development Programme proposal (UNDP 1986), which seems to have been a trial run for the Fisk/Mellor document.

The initial amount of the principal was about 26.4 million Australian dollars, with the main contributors being the United Kingdom (A$8.5m), Australia (A$8.0m) and New Zealand (A$8.3m). Tuvalu itself provided A$1.6 million. Japan donated A$700,000 soon after and South Korea A$30,000 a little later, bringing the total up to about A$27.1 million (Hoadley 1992: 118, Ministry of External Relations and Trade [MERT] 1990: [p. 12], Tuvalu Government 1988: 23). South Korea's contribution was less derisory than might appear, being specifically designated for the purchase of vehicles (Wiseman 1992). Whether or not it constituted part of the actual principal is therefore unclear despite this donation's routine inclusion in the total.

Tuvalu's share came from some reserves it had built up from development assistance and investments (Fisk and Mellor 1986: 18). Paradoxically, despite its poverty of resources, Tuvalu's financial reserves since independence have generally been healthy. On balance, it has been a net lender to the world both through its current account surplus and accumulated savings in National Bank of Tuvalu deposits (Tuvalu Government 1988: 15 and elsewhere). By the time the TTF was established in 1987, the Bank had 6945 separate accounts (from a population then of under 9000) worth a total of A$7.2 million (Tuvalu Government 1988: 33, Table 1.17). By 1990, savings and term deposits totalled A$11.3 million (MERT 1991: 18).

The portrait of the TTF sketched so far on the basis of official and public sources may convey the impression that it developed quickly and straightforwardly. In fact, the idea of a trust fund germinated earlier and its emergence was more troubled than the official accounts imply. A more nuanced historical account may help to explain the Tuvaluan eagerness to bring about such an arrangement as well as some of the safeguards built into it by the donor countries.

Fisk and Mellors (1986: 53-56) have provided a useful but restricted interpretation of the course of events. They dated the inception of the fund from 1980, when an Australian mission to Tuvalu expressed the first real donor nation support for the proposal. Members of the mission apparently recommended alternative budget support strategies such as a trust fund.

Thus emboldened, the Tuvalu Government approached the British Government in 1982 for a "once-and-for-all" payment. At the same time it asked Australia and New Zealand for substantial one-off assistance to help solve the government's long-term budgetary shortfalls. These proposals were rejected at that time.

By 1984, however, the Tuvalu Government had refined a proposal for a Reserve Fund, to which the United Kingdom, Australia and New Zealand might contribute. Discussions began with the Australian High Commission in Suva in late 1984 and early 1985, leading to a detailed submission for a trust fund in October 1985. Australia agreed to examine the proposal in more detail. Tuvalu's chief negotiator at that time, Henry Naisali, also travelled to Wellington to meet the then Prime Minister of New Zealand, David Lange, who said he would support the concept in principle. He also offered to set aside an immediate sum of NZ$500,000 unilaterally and to throw in more if the other major players joined the scheme. Apparently, Lange's sympathies for Tuvalu's situation had been aroused by his visit there for the South Pacific Forum meeting in 1984.

The Australian government, too, was sympathetic but imposed two conditions: it wanted another chance to look at the proposal and it insisted on British involvement (Wiseman 1992). The United Kingdom then reconsidered its position. Meanwhile, American and Japanese contacts were reluctant to commit themselves but did not refuse outright. Representatives of the European Community stated that they found the concept difficult to support. The UN was willing to provide technical assistance but not money. The UN Development Programme office in Suva did later provide technical advice in the form of the scoping study referred to earlier (UNDP 1986). All of these developments culminated in the 1987 agreement.

SECESSION AND THE PHOSPHATE RESERVE FUNDS

Tuvaluan sources trace the origins of the TTF further back in time than those cited above. Tito Isala, a former Tuvaluan civil servant and witness to many of the events leading up to Independence, has claimed the concept was discussed as early as the London separation conference in March 1975 (Isala 1988: 83, pers. comm.1992). The proposal fell on deaf ears. When Tuvalu decided to proceed to secession and then independence, very great pressure was exerted by Britain to make that prospect as unappetising as possible.

> The British government... made it a condition that Tuvalu should not benefit from any assets, whether fixed, movable, or in cash, of the GEIC if on separation these were outside the Ellice Islands. The only exception was one ship which should be given to Tuvalu to see it, as it were, on its way. Tuvalu was also not to benefit from any phosphate royalties. (Isala 1988: 16-17, in-text citations omitted; for further details see Macdonald 1982: 255)

There was a contradiction in the British stance. As Isala (1988: 17) has pointed out, the British negotiators were quick to acquiesce in the notion of

a localised civil service. Not only would this arrangement be cheaper, but there was confidence in the skills displayed by the many Tuvaluans who had performed well for several decades in the GEIC Administration. Apparently, however, this confidence did not extend to control over financial operations, partly because of paternalist concerns for probity and partly because of a desire to retain the ultimate power that such control brings.

Whatever the British motivations, Tuvalu was deprived of the financial self-reliance that access to a share of the accumulated phosphate revenues might have brought. A substantial amount had built up in the GEIC's Revenue Equalisation Reserve Fund (RERF) from income generated by several decades of mining on Banaba (Fairbairn 1992: 5, Siwatibau 1991: 29). That fund had been established in 1956 with the aim of maintaining and stabilising the recurrent budget, especially after phosphate deposits were eventually exhausted. British pique at Tuvaluan secessionism, however, meant that the RERF was retained by Kiribati after separation in 1975, a decision further confirmed when that country became independent in 1979.

The RERF, not surprisingly, bears a number of structural similarities to the TTF. Though supervised by a wholly local committee, it has been managed on a day-to-day basis by overseas functionaries. Having been set up much earlier, it is correspondingly larger, being valued at A$266 million in September 1991 and over A$500 million in 2003, though it is generally somewhat smaller on a per capita basis than the TTF (Sugden 2005: 150). It has apparently been milked even more cautiously for recurrent expenditures than the TTF. The investment strategy has also been more conservative (emphasising bonds and bank deposits as opposed to equities) though there are signs that this may have changed, perhaps under the stimulus of the neighbouring trust fund's early performance.

The existence and some aspects of the RERF no doubt made it a model for the TTF, which had an early working title of "reserve fund" (Connell 1988: 77, Isala 1988: 82-83). A more important legacy of the reserve fund concept, though, was resentment at British unwillingness to allocate any of the RERF money to Tuvalu. This bitterness throws light on certain subsequent events.

At the 1975 separation conference, the Ellice Islands delegation proposed that the British should set up a fund

> … with 'the same amount which the Ellice should but will not be getting from the [GEIC] reserve fund'. The British delegation refused to support this proposal, as did Wellington and Canberra when the Chief Minister broached the subject with them immediately after separation. (Isala 1988: 83; in-text citations omitted)

Barrie Macdonald's history of the Colony largely concurs with this interpretation (1982: 266-67). There is no doubt that Britain's intransigence hardened Tuvaluan resolve to separate from Kiribati and gain independence. The UK delegates probably recognised at one level that their stance was unfair but they were stuck in a negotiating position that had backfired. The New Zealand government later openly pointed to the earlier denial of phosphate revenues as a factor in the establishment of the TTF. The Lange Government said in 1985 that it was interested in allocation of monies from the British Phosphate Commission (BPC) towards such a fund (Fisk and Mellor 1986: 55).

Tuvalu had a good case to receive a pro rata proportion of the GEIC reserves. For a start, several thousand person-years of Tuvaluan labour had gone into the phosphate works at Banaba (and at Nauru, though none of those profits were siphoned off into the RERF). While exact figures for the whole period in question have not been compiled, we do know that hundreds of contract workers were recruited to work at Banaba from the rest of the Colony between 1901 and 1979 (Munro 1990). It was, in part, their labour power which created the surplus value that made profits for the BPC.

Indeed, the authorised history of the BPC maintains that as early as 1965 the Commissioners had "accepted an obligation to provide long-term investment funds for Nauru and the Gilbert and Ellice Islands Colony" (Williams and Macdonald 1985: 494). Moreover, when mining ceased at Banaba in 1979, "the Commissioners drew on their surpluses to make development grants to the Republic of Kiribati and to Tuvalu. Tuvalu was given assistance with furnishing its legislature, and a building to house a newly-established development agency" (p. 523).

Recall another reason why Tuvaluans had cause to feel aggrieved at not receiving a share of the GEIC reserve fund. Ellice Islanders had been employed in comparatively large numbers in the pre-secession Colony administration and at lower wage rates than would have been paid to expatriate staff. In conjunction with the phosphate royalties from Banaba, this exploitation (or super-exploitation) of their labour power allowed the British government to run the GEIC as a self-supporting and even profit-making enterprise. The fact that some Tuvaluans and i-Kiribati were involved in the exploitation of the Banabans' resources and destruction of their environment, as well as in the colonial subjugation of their fellows, does not excuse Britain's later actions (Teaiwa 2005).

In my view, it is no coincidence that when the TTF was finally set up, the major donors were Britain, New Zealand and Australia, the three member countries of the BPC. That these were the very countries whose farmers reaped the rewards in terms of cheap superphosphate and pastoral profits for many decades seems to have finally carried some weight.

THE SIDNEY GROSS AFFAIR

I have already referred to many Tuvaluans' growing frustration with the British government and with the constraints it was placing on financial decision-making. No one felt this more keenly than the man entrusted with taking Tuvalu through the separation process—Toaripi Lauti, Chief Minister during the transition from 1975 to 1978 and first post-independence Prime Minister from 1978 to 1981 (Isala 1983a, 1988).

Unfortunately, his attempt at a solution led ultimately to his political downfall as the result of an episode commonly known as the "Sidney Gross Affair" (Isala 1983b: 175-76, 1988: 79, 83; Sapoaga 1983: 180-81; Teiwaki 1989: 155-56). This involved the Prime Minister taking up an offer by Gross, a Californian businessman, to invest all of Tuvalu's available funds (some A$550,000) in real estate returning 15 percent interest to the government (Connell 1980: 30). Whether or not this transaction would have led to the Gross Domestic Product becoming Gross Private Property will never be known. In the event, Britain and other major aid donors objected strongly, intervened, and the deal fell through. Fortunately, the main sum was returned, though reportedly without the promised interest (Lauti 1979, 1980; PIM 1979a, 1979b, 1980a, 1980b; Tuvalu Government 1988: 19).

For me, there are clear symbolic links between this failed investment deal, the Revenue Equalisation Reserve Fund (RERF), and what was to eventually become the Tuvalu Trust Fund (TTF). In essence, a principal sum was to be invested and Tuvalu was to reap rewards from the interest. There were important differences, of course: the Gross investment was much smaller, it was based solely on Tuvalu's contribution, and the legal framework was much less watertight. But, in many respects, the idea was similar, a fact which may have been embarrassing for the metropolitan powers to acknowledge when negotiations on the trust fund began.

Toaripi Lauti's joint venture scheme earned him strong disapproval and, while he retained his seat in Parliament, it cost him the Prime Ministership. But the episode also dramatised the degree of frustration with Britain's continued day-to-day financial control, and the unfairness of its previous negotiating position. The Sidney Gross affair may well have cleared a path for the fund to be established, if only by making it look feasible by comparison.

After the 1981 election, the new government under Dr. Tomasi Puapua brought former civil servant Henry Naisali to Cabinet as Minister of Finance and Commerce. Naisali's overseas negotiating skills have been widely acknowledged as influential in sealing the fund agreement (Attorney General's Office 1987, Wiseman 1992). Tito Isala has also offered some insightful comments about the new Cabinet's ability to shift the balance of power between ministers and civil servants in favour of the former (Isala 1988: 81-

84). Whichever political grouping deserves most of the credit, support for the negotiations was widespread among political leaders of all stripes. When agreement on the TTF was reached in 1987, the news was received jubilantly by all Members in the Tuvalu Parliament (Wiseman 1992).

By then, Henry Naisali had relinquished his seat to take up the position of South Pacific Forum Secretary General, but the Puapua government retained power until the 1989 elections. The final stages of negotiations were handled by the Hon. Kitiseni Lopati, the Minister of Finance and Commerce who replaced Naisali (Isala 1988: 82). Britain's qualms about what might happen after a political transition were not justified and all the safeguards seemed to be working (Wiseman 1992).

Several factors, then, contributed to the establishment of the TTF: the parlous state of the country's finances, New Zealand and Australian willingness to consider new solutions, increasing recognition that Tuvalu had been unfairly treated at secession, and Tuvaluan leaders' own persistence and desperation. There is ample justification for Kitiseni Lopati's assertion that the fund was "the country's single greatest achievement since Independence" (Tuvalu Government 1988: 8). Virtually all Tuvaluan politicians saw it as an act of assertion, not as an acceptance of dependency.[3]

TUVALU'S NEW ROLE AS ECOLOGICAL SYMBOL

As the issues surrounding the separation and independence of Tuvalu achieved their various resolutions, however, another set of grievances have come to dominate the country's sense of nationhood and its self-image in the world. Increasingly, Tuvalu has attained the status of an internationally recognised symbol of the devastating consequences of global warming produced by the emission of greenhouse gases in the industrial economies of the world (both developed and developing). The script of this particular disaster movie has Tuvalu, along with other low island/atoll states, overwhelmed by rising sea levels.[4] The message has been conveyed by several film and television documentaries (e.g., Horner 2004, Pollock 2005; see also the review article by Chambers and Chambers 2007), at least one syndicated American radio programme and numerous print stories (Allen 2004; Bennetts and Wheeler 2001; Braasch 2005; Connell 1999, 2003; EPSB 2000, 2001-2, 2004; Field 2005; Gregory 2003, 2005; Knox 2002; Levine 2002; Lynas 2005; Simms 2001, 2002; Warne 2004).

Incidentally, the self-referentiality of many of the print and visual sources on this topic is truly astonishing. Why did the makers of the recent documentary "Time and Tide" coin the same title for their work as the publishers of the Lonely Planet picture book, apparently without noticing their signal unoriginality? Even more starkly, the incessantly reinvented phrase "sinking

feeling" (when the problem is one of *rising* sea levels) has gone beyond cliché to hint at something ideological in the representation of Tuvalu's plight.

This new grievance discourse of environmental abuse has been in evidence since at least the early 1990s. In the rest of this section, I will sketch some of the main features of the discourse and relate them to changes in the way that Tuvalu has conducted itself in international forums in the intervening period.

One consequence is that the narrative of ecological grievance, besides swamping the other narratives discussed so far, has lent itself to retrospective reading of colonial-era grievances as having been environmental all along. The film by Horner (2004), for example, has an interview with an elderly Toaripi Lauti (his name misspelt), former Prime Minister but by the time of filming Governor-General, in which he argues that both Britain and the US (but especially the latter) should bear responsibility and pay compensation for the "borrow pits" excavated to provide coral to surface the Second World War runway on Funafuti.

The broader problem of global warming has, for most Pacific nations, focused attention on the (in)action of two countries that have dragged their feet on recommendations of the Intergovernmental Panel on Climate Change: the United States (whose earlier impact I have just alluded to) and Australia, which, under the Liberal government of Prime Minister John Howard (ousted in 2007), dismissed scientific claims for global warming as unproven and notoriously refused to take action to reduce greenhouse gas emissions, on the grounds that jobs for Australians outweighed the rights of Pacific states to a continued existence (Goldsmith 2005).

Why has Tuvalu achieved such prominence in the global warming debate? In part, because of some very effective telling of its story. Ever since Bikenibeu Paeniu went to the 1992 United Nations Conference on the Environment and Development (UNCED), also known as the Rio Earth Summit, each successive Prime Minister has assumed the mantle of spokesperson for small nations victimised by the policies and actions of the industrialised world. When Lonely Planet, the well-known publisher of travel guides, decided to publicise the Tuvaluan situation with a glossy coffee table picture book (Bennetts and Wheeler 2001), they did so with the encouragement of the then Prime Minister, Ionatana Ionatana. After his untimely death, the foreword was contributed by his successor, Faimalaga Luka.

In September 2002, Luka's successor, Saufatu Sopoaga, attended the World Development Summit in South Africa and continued the theme (Pacific Peoples Partnership 2002):

> Environmental problems were highlighted, with the Tuvalu Prime Minister describing the 'very scary experience' faced by his people on the tiny atolls of

> Tuvalu as a result of climate change and sea level rise. He, like the others who spoke, called on all parties to take immediate steps to ratify Kyoto Protocol 'as a matter of urgency'.
>
> The Tuvalu Prime Minister also expressed disappointment that the Summit could not agree on targets for implementing renewable energy "given the direct link between energy and climate change" and despite Tuvalu's continued call for a minimum target of 15% on renewable energy by 2015. He blamed those countries that had refused to ratify the Kyoto Protocol for the failure to agree on renewable energy targets. He welcomed the positive stance taken by the European Union and others on climate change and renewable energy.

Saufatu Sopoaga's successors as Prime Minister, Maatia Toafa and Apisai Ieremia have not stepped into the international limelight to the same extent. But there are no signs that the discourse itself has changed. At the Wellington "Climate Change and Governance Conference" of March 2006, Saufatu's brother Enele Sopoaga, the then head of Tuvalu's mission to the United Nations in New York, gave a polished keynote presentation in which the message remained one of sheeting responsibility home to the greenhouse gas emitters. Sopoaga has since been elected to the Parliament and may well assume leadership of the country.

* * *

Grievance discourses change over time. People may have longstanding complaints that they were too polite to express except indirectly (such as Isakala Paeniu's sniping at the 1982 royal visit) or they may simply lack the means of redress that could give the grievances workable shape. Previously amicable relations may suffer reversal when expectations of support built up over generations are set aside. Apparent loyalty and cordiality can change overnight. Hence, the discourses that emerge from, and attempt to make sense of, historical events may come to have a closed, all-or-nothing, quality.

During the American occupation of the Ellice Islands in the Second World War, it is fair to say that the British colonial regime was found wanting in comparison by many locals (Koch 1978). Despite a tradition of mutual loyalty between the Crown and its colonial subjects, this disparity provided fertile ground for the eventual resentment sparked by British insensitivities in the process of decolonisation. Yet, within ten years of Independence, Britain collaborated with Australia and New Zealand to set up a trust fund that was born, I have argued, out of a perceived need to redress the inequities created at Independence. Almost from that time forward, Tuvaluan ethnonationalism entered a new phase, in which Australia and the United States have been

marked as those most responsible for Tuvalu's current state of grievance. It is, of course, impossible to predict how the story will develop next. My guess is that it will increasingly engage with the ambivalent relationship between Tuvalu and New Zealand, which is where most expatriate Tuvaluans now live and where any future large-scale resettlement is most likely to take place. How that scenario plays out will depend on how well the political leaders of both countries frame the debates over historical responsibility—and whether they do so in unison.

NOTES

1. In fact, Tanna in Vanuatu boasts the most ardently supported cult of Prince Philip in the Pacific. It continues to serve journalistic day-trippers as an emblem of primitive irrationality (e.g., Marks 2010a, 2010b; Squires 2007).
2. When I first went to Tuvalu, the main church was still called the Tuvalu Church or Ekalesia Tuvalu. It only later adopted the name Ekalesia Kelisiano Tuvalu (EKT) or Tuvalu Christian Church, possibly as a way of advertising its mainstream nature in opposition to an increasing number of alternative denominations.
3. It seems only fair to acknowledge an alternative take on the reasons behind the Tuvalu Trust Fund's (TTF) establishment. The late Ron Crocombe attributed it to a *quid pro quo* of strategic denial: "Aid and concessions from Western governments to the Pacific increased dramatically when USSR (Russia in practice) offered aid in the 1970s. All donors rejected a Tuvalu Trust Fund until then Deputy Prime Minister Henry Naisali insisted on it in return for New Zealand's request to reject Russian aid" (2006: 10). While I certainly agree that a number of Pacific Island governments (most famously perhaps Western Samoa during the Prime Ministership of the leader then known as Tupuola Efi) bargained successfully for increases in aid from Australia and New Zealand by playing up the Russian threat, I am sceptical that this was a major factor in the case of the TTF. The influence of the USSR was already starting to wane by the late 1970s and was no longer credible by the mid-1980s.
4. This "disaster movie" reference is not totally facetious. When "The Day After Tomorrow", a Hollywood eco-thriller based on predictions of climate change, was released in 2004, the Tuvalu delegation at the United Nations sent out a press release describing the film's fictional scenario as scarily realistic for Tuvaluans (EPSB 2004).

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ABSTRACT

This essay traces the development of Tuvaluan ethnonationalism through a series of historical and contemporary narratives. These framing narratives proceed from a picture of benign neglect under British colonial rule to a widespread perception of unfair treatment by Britain during and after the transition to Independence. Most recently, cultivation by its leaders of the nation's image as an icon of the threat to island societies from global warming and sea level rise redirects the sense of grievance to different targets. In effect, then, rather than being forged by a conventional anti-colonial struggle, Tuvalu's national identity came more sharply into relief through decolonisation and its aftermath.

Keywords: Tuvalu, ethnonationalism, history, grievances, trust funds.

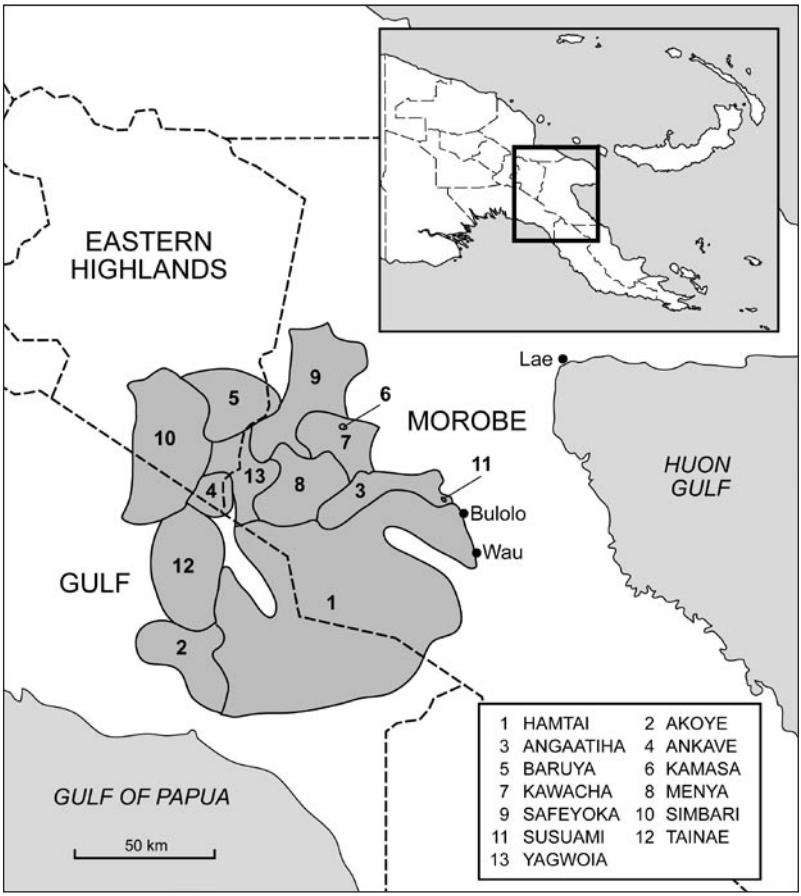
GOLD, TADPOLES AND JESUS IN THE MANGER: MYTHOPOEIA, COLONIALISM AND REDRESS IN THE MOROBE GOLDFIELDS IN PAPUA NEW GUINEA

DANIELE MORETTI

In 1936 Beatrice Blackwood became the first ethnographer to work with the Anga people of Papua New Guinea (PNG).[1] In her own words, her aim was to learn "what [she] could of the life of a modern Stone Age people..., for in this way an ethnologist can sometimes fill up some of the gaps in the archaeological record" (Blackwood 1939: 11). Of course, this attempt at anthropological time travel (Fabian 1983) was only made possible by the "pacification" of a small number of Upper Watut villages following the discovery of gold in the neighbouring Wau-Bulolo Valley and Mount Kaindi over the previous decade. For the Anga of the Bulolo District, the opening of the Morobe Goldfields in the 1920s marked the beginning of a new colonial epoch. Beyond that, the event encouraged prospectors and administration to push inland in search of similar strikes, thus promoting the spread of colonial power, not just to the core of Anga country but also to the wider Highlands region.

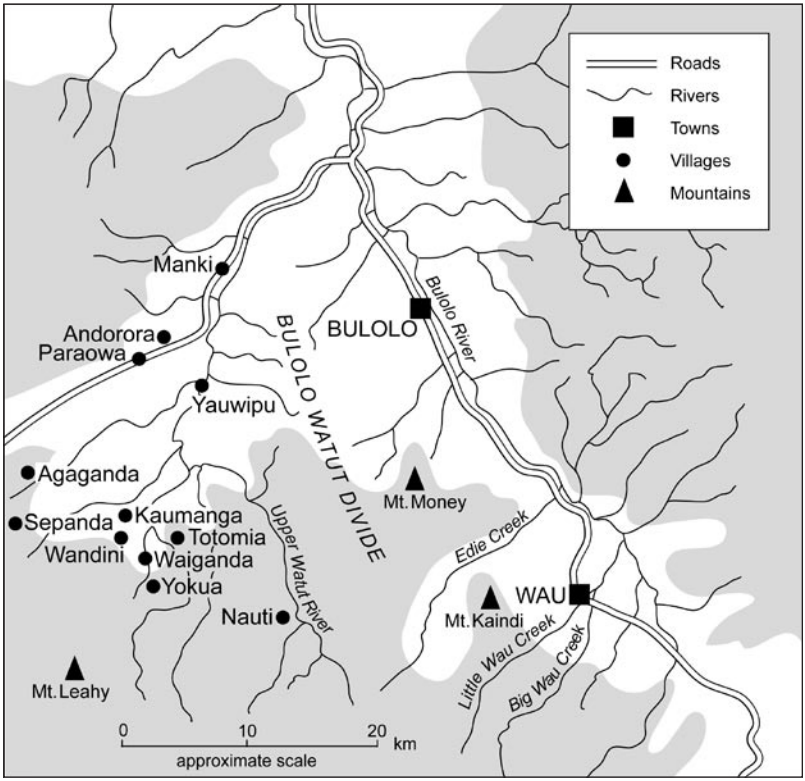
Between the 1920s and PNG national independence in 1975 the Morobe Goldfields produced great mineral riches that transformed the townships of Wau and Bulolo into booming industrial enclaves and sustained colonial expansion throughout the Mandated Territory of New Guinea (a political unit subsequently united with Papua under colonial rule). Yet little of this wealth was spent for the benefit of the Upper Watut or of the Anga more generally. What is more, just as independence approached and growing numbers of Anga became involved in the Goldfields' economy, the Bulolo District's large-scale mining industry ground to a halt and local employment opportunities and services declined significantly. This led to a spiralling process of socio-economic stagnation that gathered pace rather than reversed in the postcolonial era.

Between 2001 and 2007 I carried out three spells of ethnographic research in the Kaindi area of the Bulolo District. Located to the south of the Wau Valley, between the headwaters of the Upper Watut and Bulolo Rivers, Mount Kaindi peaks at 2,500 metres above sea level. At the time of fieldwork the area was occupied by a community of over 2000 indigenous miners, most of whom were first, second and third generation Hamtai (with a few Menya) speaking Anga migrants from the Upper Watut, the Menyamya District of Morobe and the Kaintiba Sub-District of Gulf Province.



Map of the Anga ethno-linguistic region with boundaries of its 13 language groups.

Within days of first reaching the field I learned that a long history of colonial dispossession and missed opportunity, of which I offer an overview in the first part of the article, has left local Anga communities with a deep-rooted feeling of having been excluded from the benefits that accrued from the development of their resources. Rather than being simply articulated by reference to the immediate colonial past, however, Anga demands for compensation and restitution are framed in terms of a complex web of mythical accounts that



Map of Mount Kaindi and the Wau and Bulolo area.

trace the unfolding of Anga/non-Anga relations across the totality of cosmic time, from the primordial scene of creation to the future.

The second part of this essay considers several examples of these contemporary myths that I collected from Hamtai-Anga informants from both the Upper Watut area and the aforementioned migrant communities of Mt Kaindi, which I contrast with similar material obtained by Blackwood (1978) in the 1930s. The aim will be to illustrate the complex range of local opinion about the colonial past and consider the different strategies Anga actors envision for the future redress of its injustices. In so doing, the essay adds to a long list of works showing that myth constitutes what Kirsch (2006) called a form of "indigenous historical analysis" whereby local actors seek

both to give meaning to and reshape their past, present and future exchanges with one another, other indigenous groups and peoples outside PNG. As such, myth is a crucial sphere of indigenous creativity and agency that can reveal the complex ways in which history and culture, and local and global forms and practices, continually interact with and transform each other, thus enabling anthropologists and historians to investigate the effects of past and present power inequalities in a manner that transcends reductionist models of indigenous agency as mere "reaction" or "resistance" (see Biersack 1991, Jorgensen 2001, Thomas 1997). In addition, the essay will argue that the symbolic "polysemicity" and "multivocality" (Turner 1967) of myth allows it to speak at once the language of unity and that of conflict and difference, making it an invaluable arena for grasping the full complexity of the identity politics and power struggles that shape indigenous understandings of the colonial encounter and of the trajectory of future relations between colonisers and colonised. Finally, this essay proposes that myth offers a unique means of contextualising and elucidating the wider moral dimension of the aspirations towards renewal, recognition and equality that are embodied in what may easily be misunderstood as simple, targeted requests for the restitution of specific and objectifiable quantities of misappropriated land and wealth (Burridge 1995, P. Lawrence 1989, Lindstrom 1993, Worsley 1968).

THE MOROBE GOLDFIELDS, 1922-2007

The first proven gold discovery in the Morobe Goldfields took place at Koranga in 1922 (Healy 1965: 115, 1972: 500). In 1926 a richer find was made at Mount Kaindi. This sparked a gold rush that, in decades to come, attracted unprecedented numbers of miners, entrepreneurs and adventurers from every corner of the globe, as well as thousands of indentured labourers[2] from all over New Guinea (Imbun 2006, Sinclair 1998: 103, 106). While some independent miners did strike it rich, many were never so lucky. Soon the easily workable gold began to wane and most small operators were forced to sell their claims to bigger interests and prospect out of Morobe (Healy 1972: 500). From then on, small-scale mining became secondary to the operations of larger companies like Bulolo Gold Dredging (BGD) and New Guinea Goldfields (NGG) (Healy 1972: 500, Halvaksz 2008), a transformation that heralded the beginning of large-scale industrial mining in PNG. Thanks to these larger companies the Goldfields were opened to air transportation. Within a decade, Wau and Bulolo grew into booming colonial enclaves and their extractive industry stimulated the growth of Salamaua and Lae, which is today PNG's second largest city (Sinclair 1998).

This remarkable outburst of industrial development came to a halt during the Second World War, but by then the Goldfields had yielded 69,627 kg of

gold and 43,799 kg of silver (Lowenstein 1982: 136). According to Nelson (2001: 200), "by 1940 the Territory of New Guinea was exporting over £3 million worth of gold, nearly all of it from Morobe", and the mining industry had saved New Guinea from the devastation that the Great Depression had caused to the plantation industry. Thanks to the mining royalties, import duties and other public revenues they had generated, the Morobe Goldfields spearheaded a massive increase in administration revenues (O'Faircheallaigh 1989, Sinclair 1985: 92) and, as one commentator put it, were instrumental in "keep[ing] the Territory financially afloat at no cost to the Australian tax payer" (Tudor 1977: 67).[3]

While colonisation on the cheap was undoubtedly good news for the Commonwealth government, O'Faircheallaigh (1989) showed that in prewar New Guinea mining revenues were used overwhelmingly to benefit the Territory's expatriate community rather than its indigenous peoples, and this pattern of exclusion was certainly also true of the Upper Watut and neighbouring Anga groups. According to historical records, when colonialism reached Wau and Bulolo the Upper Watut Anga were at war with each other and with the Biangai people who lived southeast of Wau.[4] The colonial administration quickly labelled thousands of hectares in the Wau Valley and Mount Kaindi area "Waste and Vacant", declared them "Crown Land" and opened them to colonial settlement and exploitation. Later on, as the Koranga and Kaindi deposits began to wane, hundreds of prospectors moved into the Upper Watut. Those local communities that tried to protect their land were repressed by patrol officers and, in some cases, forced to resettle elsewhere to provide new grounds for European exploitation.

In addition to suffering land alienation, the Upper Watut and their Anga neighbours were largely cut off from the trade, employment and other economic opportunities generated by the local mining economy. By the first decade of the 20th century the "Kukukuku" (as the Anga were then known among British-Australian colonisers) had already acquired a universal reputation as *the* most treacherous, bloodthirsty and capable fighters of Papua New Guinea (Healy 1965: 114, Nelson 2001: 194). The Upper Watut were no exception to this and attacks on expatriate miners and indentured labourers were not uncommon. For their part, the mining community tended to respond repressively to acts of indigenous assertiveness, so that interactions between the two groups remained on the whole sparse and marked by mutual suspicion and even violence (Burton 2001, Leahy 1994, Roberts 1996, Simpson 1953, Sinclair 1966, 1998). As a result, by the mid-1930s there were 240 foreign miners in Morobe and 2,500 New Guinean labourers operating in the Otibanda area of the Upper Watut, yet all the indentured labourers had come from other parts of New Guinea and only a few Anga had accepted employment with the miners. Similarly,

though by this time some Watut communities had started to grow introduced crops to sell to the expatriate enclave, this trade remained rather limited in both volume and scope (Simpson 1953, Sinclair 1998: 131).

After the Second World War, mining restarted in earnest (Healy 1967, Sinclair 1998). It was only in this second phase of development that significant numbers of Anga entered the Goldfields' economy as indentured labourers, and it was only in the 1950s and 1960s, when mining operations were already winding down and the expatriate community gradually departing, that PNG miners began to work independently of expatriates (Lowenstein 1982: 15, Nelson 2001: 200, cf. Halvaksz 2008: 25). Before then individual expatriate miners, companies and colonial administrations alike were only interested in New Guineans as labourers and remained reluctant to make gold-bearing grounds available for them to work independently. It was only through the efforts of a first nucleus of indigenous miners, a change in administration policy and the help of some sympathetic NGG supervisors and mining wardens that the situation gradually changed and Papua New Guineans began to be issued their own mining permits (Burton 2001, Sinclair 1998: 337-38).

From then on, more and more Papua New Guineans mined gold independently and by the 1970s over 2000 indigenous miners were collectively responsible for some 80 percent of the Morobe Goldfields' annual alluvial gold production and 45 percent of their total yearly output. But despite this rapid increase in indigenous participation in mining only 29 percent of the gold extracted from Morobe to 1977 was won by Papua New Guineans (Lowenstein 1982: 16, 137; Sinclair 1998: 337). As expatriates began to leave in anticipation of independence and larger companies scaled down their operations, hundreds of their Finschaafen, Sepik, Highlands, Kunimaipa and Goilala labourers were left behind. Unwilling or unable to return to their villages, many settled in the goldfields and started their own mining operations, so that a significant portion of the gold produced by nationals in the postwar Morobe Goldfields was actually won by non-Anga peoples.

Apart from an increased presence in the Morobe extractive industry, in the postwar years, rural Anga communities began to benefit from cash cropping initiatives sponsored by the Administration (Sinclair 1998: 350). But while postwar administration policy did make an unprecedented commitment to the "development" of the whole of PNG, in the Upper Watut or wider Angaland crucial services and infrastructure like schools, aid posts, roads and airstrips did not appear until the late 1960s or early 1970s, or just a few years before national independence. While the late arrival and limited nature of local infrastructure and services was also common to other parts of the country, my Anga informants held that their people had been especially marginal to these developments, not just by comparison to the expatriate enclave that

lived within view in the Morobe Goldfields, but also to other Papua New Guineans living on the coast, in the islands or along the Sepik, who were perceived to have "unfairly" received more economic opportunities and government and mission services and infrastructure from a much earlier time than themselves.

To this day, the people of the Upper Watut remain disadvantaged in terms of their access to capital, health and education compared to other people within the Bulolo District, Morobe Province and wider Papua New Guinea (Jackson 2003). Similarly, the Menyamya District of Morobe and the Kaintiba Sub-District of Gulf Province, from which most of the other Anga settlers in Wau, Bulolo and Kaindi originate, continue to suffer from inadequate or absent infrastructure and services, poor soil fertility and growing population pressure. As a result, their people live on average incomes of just 0-40 kina[5] per annum, which is quite low even by national standards (Hanson, Allen, Bourke and McCarthy 2001).

Another postwar development in administration policy involved a greater recognition of indigenous rights over alienated land. In the Wau-Bulolo area, this had enduring repercussions on local power relations. In 1962 the Biangai initiated a dispute over 6,000 hectares of "Crown Land" alienated in the 1920s, which included the Wau Township and several historical agricultural and mining leases that had long been occupied by Hamtai miners from the Upper Watut and Aseki regions. Ten years later the Supreme Court found the Biangai and not the Upper Watut to be the customary owners of the area. Rightly or wrongly, this decision made the Anga feel like they had been twice dispossessed—first, by the Australian colonisers, who alienated the "6,000 hectares" for foreign exploitation and then returned it to the "wrong" claimants through the Supreme Court and, second, by the PNG State, whose Land Courts have been responsible since independence for upholding this colonial "miscarriage of justice".

Just as they were beginning to enter and share in its benefits, Anga saw the economy and society of the Morobe Goldfields fall into a spiral of decline. In the postwar era BGD, the largest company in Bulolo, gradually closed its mining operations, bringing them to a complete halt by the mid-1960s (Healy 1972: 501). Similarly, NGG wound down operations in the Wau Valley and Mount Kaindi, and just a year after Independence it shut its Wau sawmill, putting 140 people out of work. By the end of the 1970s most expatriates had left Wau, which had started to suffer from a serious economic slowdown, rising unemployment and fast growing immigration (T. Lawrence 1994, Sinclair 1998). By the early 1990s all NGG operations had closed down. As this company was not only the major local employer, but also the provider of a range of essential medical, educational and subsistence services, its closure

proved a devastating blow to Wau and its surrounding communities (NGG Holdings Limited 1985, Sinclair 1998). At the same time, and probably at least in part because of this loss of services and employment opportunities, law and order problems began to increase (Sinclair 1998: 393-95, 442). Soon the area acquired a national and international reputation for violence that endures to this day (see also Halvaksz 2006).

When I last left the field, the future of the Wau-Bulolo District rested on a combination of old and new prospects. Artisanal gold mining, forestry and cash cropping continued to make significant contributions to the economy. In terms of newer developments, a medium-scale gold mine owned by Morobe Consolidated Goldfields (MCG) was expected to enter production in 2009 (Halvaksz 2008) and to have a significant economic impact on the District through direct employment, demand for goods and services, the payment of rent and royalties to local landowners, and the provision of new community services and infrastructure such as aid posts, roads, and contributions to schools, churches and other local bodies (Howard 1991, Jackson 2003). From its very outset though, the planning of this development had been punctuated by a series of fierce disputes between local communities over the ownership of its two main prospects. Like the dispute over the "6,000 hectares", this particular "resource war" is linked to the colonial history of the Morobe Goldfields, whose strong character of dispossession and missed opportunity, combined with desires for social and political recognition if not pre-eminence among local groups, made both Biangai and Anga communities determined to secure as much as they could from future mining development (Burton 2001, Jackson 2003).

THE POLITICS OF MYTHOPOEIA IN HAMTAI-ANGA DISCOURSE OF COLONIALISM AND REDRESS

In 1936, Blackwood heard several versions of an origin myth from her Watut informants. Despite variations, all renditions shared a common plot that cast the emergence of humanity as a process of progressive differentiation from an initial state of unity (Wagner 1978). This story begins with the death and burning of a first ancestor, whose charred skeleton is placed in a stream or a pool. Through the regenerative and procreative power of water, the ancestral bones are transformed into a multitude of human beings. Thereafter, the new humans are divided into groups by a male or female culture hero and given an ancestral language, name, territory, ornaments and customs. While certain versions of the creation myth view the primordial differentiation of humankind as an "apolitical" process, others present a different picture, where the emergence of humans is linked to evaluative differences among groups.

To understand what I mean by this, one must consider the crucial links between fire, light, power and humanness that pervade Anga discourse and

practice. To begin with, some of Blackwood's (1978: 163) material suggests that, at the time of creation, people faced total darkness because there was no sun and no moon. Only later did these celestial bodies rise to the sky. As such, fire was the only means the first people had to warm themselves, and to *see* and *know* each other and the world around them. Indeed, many versions of the origin myth I heard seven decades later suggested that it was only through the light of campfires and torches that the ancestors were able to migrate from their place of origin to the land the culture hero assigned them.

Beyond its importance in the primordial darkness of creation myths, the capacity of fire to cast light on what is dark and hidden resonates with a diffuse Anga association between power and clarity of vision, which is in turn closely related to all valuable and secret knowledge. Indeed, the most knowledgeable and ritually powerful Hamtai-Anga figures are called *hingo' wanga* [Hamtai: 'seers'] because of their ability to see what is hidden to ordinary people, and thus to communicate with the spirit world, combat witchcraft and rid the sick of disease.

In addition, Anga culture assigns pervasive creative force to fire and heat. Like the myth presented above, tales collected by Blackwood (1978), Bamford (2007) and myself relate how the first ancestors, plants or other elements of the cosmos emerged from human bodies which had been burnt down and thus made fertile by the procreative power of flames. Similarly, many Anga groups consider heat to be directly associated with the human reproductive organs and substance and to be necessary to conception (Godelier 1986: 64-67, Herdt 1981: 249-50, Mimica 1981: 119-21).

If fire and heat are associated with sex and procreation, they are also directly connected with secret knowledge and ritual. Indeed, when my informants revealed extremely powerful and secret ancestral names, histories and myths they would often sweat, sigh and take frequent pauses to blow on their chests, hands and arms to "cool themselves down". At times, they would even stop narrating for a while, claiming that the power of their words had made their bodies "as hot as fire" and was endangering their health. Similarly, many other Anga groups held that sacred rituals like male initiations made the bodies of participants hot to the point of being dangerous to non-participants and even themselves unless adequate precautions were taken (for example, Bonnemère 1996: 311-33).

Because of the power of fire to illuminate, fertilise and transform raw materials into cooked and consumable food, the capacity to create and control it is for the Anga one of the foremost symbols of humanness. To give just an example of the close association between possessing fire and being human, one of the origin myths I heard in the field explained that before the ancestors of today's human beings were created, there existed another race of people

who lived with the primordial culture hero. These people did not know how to make fire and cook, so they only ate raw meat and their stomachs were full of blood (parasites) and swollen. Unlike them, the culture hero knew the use of fire and was so disgusted by the "unclean ways" of this prehuman race that he killed every one of them with a rain of fire and, from their burnt bodies, created the first ancestors of present-day humans.

Given the above, it is easy to appreciate the importance of another version of the myth collected by Blackwood. In this rendition, after the first ancestors emerged from the tree, the culture hero discovered that only the Kukukuku could speak his own language properly. Displeased with the "bad talk" of the other people, he:

> Sent them away, [so that] they sat down on the outside. The ones who had good talk [i.e., the Anga in general and the Upper Watut in particular] sat down in the middle. Those who sat down on the outside eat possum raw. They sit in dark places and have no fire. (Blackwood 1978: 157)

According to this account of the origin myth, of all the peoples of the world the Kukukuku alone emerged from the creation pool as fully human beings capable of true speech. For this reason, they alone were blessed with the powerful knowledge of fire while all others remained, literally and figuratively, "in the dark", eating raw food like the animals of the wild.

To conclude this brief review of Upper Watut origin stories from the early colonial era, I would like to mention a last mythical trope of differentiation and separation, whose significance shall become clear later on in the paper. In some of Blackwood's (1978: 158) material, the migration of the differentiated groups from the place of creation to their respective ancestral lands is followed by an incident where a river of salty water springs forth from the earth, a pool or a mountain and carries a group of unidentified Anga ancestors to the ocean.

Within days of my first arrival in the Bulolo District I heard a modern version of the Hamtai origin myth. While following a similar structure to those collected by Blackwood, this rendition differed from earlier ones in that it told how "whites"[6] had also emerged from the same pool/tree as the Anga, and how immediately after creation they had travelled away to the coast taking all the "cargo" with them. Thus, like the modern Lake Murray-Middle Fly wandering hero tales analysed by Busse (2005), in the colonial and postcolonial era the Hamtai origin myth that had always expressed ideas about similarities, differences and relations between local groups of people also came to comment on those between Melanesians and whites. As months went by and I heard version after version of the myth, I realised that my informants employed it not only as a point of departure for their reflections on what they

regarded as the most salient occurrences of colonial times, from the arrival of whites to their departure and the "plunder" that took place in between, but also as a means of articulating visions of how past wrongs should be redressed and positive relations between themselves and the former colonial masters (re)established in the future.

To explore these myth-based discourses on colonialism and redress I will draw on an encounter that took place just before I left the field in 2005. As I was travelling back from the mines one evening I encountered an old Hamtai man from the Upper Watut. Jacop[7] had lived and worked in Kaindi for decades and I had already interviewed him on a few occasions over the previous year. That particular day Jacop stopped me for a chat and, when I mentioned that I was about to return home he asked me to visit him the next day for a final "story". The following morning Jacop proceeded to share the reasons for my summoning:[8]

> This is what has been worrying me: How did God create Heaven and Earth? Whom did He create first? You whites or us Kukukuku? We have our own history. It goes like this… in the beginning God created a woman and a man and put them on the ground and gave them many gifts. At that time there was another man too, and every time the married man and woman had children this other man would steal and eat them.
>
> He ate the couple's first child, the second, then he took away the third. But this time the other two got very angry and followed him home. When they got there, they spied inside and saw that he was eating their child, so they blocked the door of his house and set fire to it. As the house burnt, they listened to the man's screams until they heard the big pop of his head bursting and they knew he was dead. When the fire died out, they searched the ashes and rubble, gathered all his bones, put them in a nearby *e'ā pnga* [Hamtai: 'pond or bog'] and left.
>
> After some time they went back to the water and saw that the man's bones had turned into tadpoles [Hamtai: *āmamango*], then they left again. After one moon they returned. This time they found that the tadpoles had sprung human heads. They went away for another moon, and when they returned and looked in the water they saw all the tadpoles had turned into little men, and that their skins had different colours. Some of them were white, some black. There were many of them, so many that they filled the whole pond. When they saw all these people, the man and woman went away and made traditional dresses for them, because they were all naked.
>
> When the tadpoles became true men the couple gave clothes to the Kukukuku, who had already come out of the water. But some other men, the white men, were still naked in the water. When the couple saw this they asked themselves:

> "what kind of men are these who are still naked? God made them, so He must know who they are!" Then they broke the dam that held the water in the pond, and the water flew in a river that carried away all the white men and a few of the black men too. But before they were carried away, the whites stole something that belonged to us… like all this knowledge that you get at school. You didn't behave properly… you just got up and stole this thing and left.

Up to this point, Jacop's narrative mirrors many other past and current myths found throughout PNG (e.g., Bashkow 2006, Burridge 1995, Busse 2005, Jorgensen 2001, Kirsch 2006, P. Lawrence 1989, Worsley 1968). As in the origin myths collected by Blackwood, all humans were created together in one place from a single human body. Out of all the people of the world, however, the Anga were the first to emerge from the pool; something that, in a culture where primogeniture is (at least ideologically) important for accessing land and secret knowledge, is indicative of a certain degree of superiority. In contrast to whites, moreover, they were fully clothed, and thus recognisably human and "pleasing" to the culture heroes. However, in this modern rendition the cunning whites manage to trick them and misappropriate the power to obtain the cargo now associated with them, which, in accordance with the symbolism of the old myths, my informants associated with fire and light and thus, by extension, with the broader capacity to be fully knowledgeable and efficacious humans. Thus, if on the one hand Jacop's story maintained a longstanding Anga claim to "cosmologically-ordained exceptionalism and entitlement" (Wardlow 2008: 6), it also claimed that whites had effectively subverted their intended centrality in the cosmic order.

Current Anga myths also incorporate the old tale about a river that springs forth to carry some of the ancestors off to the sea. This time, however, it is the whites and not some generic ancestors who are taken away. What is more, as can be seen from the following extract from a different interview,[9] in many modern myths this departure from the land of creation is framed, not in terms of an accidental happening, as appeared to have been the case earlier, but as divine retribution for their primordial act of treachery.

> It was cold and wet inside the tree, so Akheānqa [the culture hero] and his wife made a fire to warm the people who had emerged from it. He then made ornaments and clothes and gave them to the Kukukuku. To the others, he only gave leaves to cover themselves up. They had a *singsing* [Tok Pisin: 'ceremonial dance'] then Akheānqa sent the non-Kukukuku away to their respective lands, leaving *Niyantona* [Hamtain: loosely translatable as 'the metamorphosis', this name is often used to indicate the place where humans emerged from the pool/tree] to the Kukukuku. But the white man saw Akheānqa's fire, which he kept hidden under his bark cloak. The white man stole this light, and Akheānqa became very angry and shot an arrow at the

> *āitapa* [Hamtai: 'a type of pool that forms inside large hollow tree trunks', which this version of the origin myth identified as the pool of creation]. The pool was hit and exploded, and the first river shot forth and carried all the *wiya* people [Hamtai: 'non-Kukukuku'] away, including the white men, who were still holding onto Akheānqa's light.

According to my informants, this original immoral act and the consequent banishment of a part of humanity from the land of creation resulted in a situation whereby whites possess all knowledge and modern cargo but are disconnected from the land, whereas the Kukukuku remain firmly anchored to the land but lack the knowledge and material tools needed to exploit it. To the small mining community where I lived, this parable of primordial theft echoed both the colonial "plunder" of their resources and a present reality when they have gained some of those rights to gold-bearing land that they were denied in colonial times, but still lack the capital and machinery necessary for its full exploitation.

Indeed, the connection between the original theft, colonialism and the failed development of Angaland is drawn even more strongly in other indigenous narratives. For example, I was often told that the first whites had come to PNG specifically to look for the Anga, whom they knew to be the people who guarded the land of creation, a place so full of riches that it could be described as, or indeed was, the Biblical Garden of Eden. On their return, however, the whites did not hand back what they had stolen, as they ought to have done, but instead used the ancestral fire to once again appropriate what belonged to the Anga. First they used its light to locate and secure Morobe's gold and then employed its power to kidnap those Anga ancestors who were the first discoverers and rightful owners of the land and riches of Wau and Bulolo (see also Hirsch and Moretti 2010).

In light of these stories it would be legitimate to imagine that the Anga hold whites fully responsible, not only for the injustices of the colonial encounter, but also for the difficulties and inequalities of the post-independence present. Following this particular vision of culpability, many informants argued that all Anga should unite in a common struggle to secure *both* the restitution of the land and gold that whites "stole" from them in the colonial era, *and* the power they took away from them at the time of creation.

A typical example was the *Kaindi Nani* (Hamtai: 'older sister') *Group Association*. Founded in 1996 by a middle-aged Hamtai couple, the organisation comprised nearly 200 members by the mid-2000s, most of whom were Hamtai women engaged in cash cropping, marketing and artisanal mining. The group's immediate goal was to empower their members and encourage them to contribute to household resources and the local economy by engaging in various small business activities. To this end, the association

ran the main Kaindi market, whose vendors were predominantly female, and extracted a small tax from market sellers as well as joining and membership fees, which I was told were used to maintain the market area and offer small business loans to its members. But when I interviewed Daina, the Association's founder and President, and her husband, who is the group's co-founder and Vice-Secretary, I learnt that a more covert goal also lay behind its formation. Indeed, the couple asserted that they had started the association to unite all Anga people under its umbrella, to gain recognition from the Morobe Provincial Government and the National Government, and to muster sufficient resources to sue for compensation from the Australian Commonwealth and the international mining companies that had operated in the Morobe Goldfields under colonial rule.

A second example was the *Israel Niuborn Lutheran Sios Hamtai Niugini Papua*. This movement, which at the time of fieldwork had already come to an end, was initiated and led by Adam, a Hamtai man from Aseki who had worked in plantations, trade stores and mines all over PNG and who had served for many years as the treasurer of the Kaindi Lutheran Church. After receiving a prophetic dream, Adam preached that the Bible was written to mask the truth that all the whites' knowledge and cargo had come from *Niyantona*, where God created the first people from mud and infused them with His Spirit, and that the whites had stolen these things from the Anga, for whom they were originally intended. According to Adam, the Bible was not a true account but a *tok piksa* [Tok Pisin: 'image or metaphor'] of deeper truths. An example that he often used to illustrate this point was that of baby Jesus resting in the manger. According to Adam, this tale was not an account of the birth of the Son of God but a secret reference to the Gift that God had intended for the Anga and that the whites had stolen and hidden away "like a baby in a manger".

From what I gathered from a number of interviews, Adam preached that the theft had greatly angered God and that this was the cause of all the conflicts, poverty, inequalities and corruption that blight the contemporary world. Only if whites returned what they stole would this pandemic of moral, material and political decay come to a close. As they refused to do so, however, the world would soon experience seven years of famine, after which the now divided three gods—i.e., God who is Spirit [Hamtai: *mtnge*], Jesus who is blood [Hamtai: *hinge'ā*] and the Holy Spirit who is water [Hamtai: *e'ā*]—would reunite in the Bulolo District. Thereafter, Adam would be reborn as the King of the Kukukuku, and Wau and Bulolo would rise again as "the New Jerusalem". What new order was to follow this deliverance remained unclear. Adam repeatedly told me that the New Jerusalem of the Kukukuku would bring justice and development to all the people of the world, including

whites. Yet many of his followers and ex-followers hinted at this future as one in which the white men would lose all their power and would become the servants of a united Anga nation.

Straightforward as all these expressions of Anga "proto-nationalism" (Worsley 1968) and "anti-white sentiment" may appear to be, one must avoid simplistic readings of either their underlying causes or trajectory. At least as far as PNG is concerned it is essential to note that what may at first appear as indigenous "anti-colonial" discourses or movements constitute, perhaps now more than ever, single threads within much wider webs of practices and discourses of discontent, redress and renewal. To make clear what I mean by this let us return to my encounter with Jacop. Having revealed how humanity was created and how the whites had stolen the gift of knowledge from his ancestors, the miner continued his story thus:

> So later my ancestors went looking for this knowledge all the way to Lae and you too wanted to come back to return this thing you took from us, so you came to Morobe and we met in Lae. Your ancestors, the first to return to PNG, to Wau-Bulolo, they came just to find us. They weren't looking for gold; they were looking for us! You see, you whites and we Kukukuku come from this same pool. Our story says that you whites and us, not all the other PNG people, but you and us, are brothers. We came out together, as brothers, you were given your languages and we ours, then that man and that woman… no, not the man, the woman! She broke the dam and you were carried away. You left us and travelled far away, and the man and woman cried because before the water was full of people and they were happy, and then all these people were taken away. And we, we were sorry too when we saw you go and we sat down and cried for our lost brothers. We cried and we asked ourselves, "Where did our brothers go?" We cried in the dark, because at the time there was no light… both the sun and the moon were not out yet. Only the man and the woman could see in that dark: it was a power that God had given them.
>
> But your ancestors had told you that you had brothers in a faraway land, so the day came when you came looking for us and we came looking for you, and then we met in Lae. Then someone… I don't know who, I don't know the history of these first white men… of where they came from and how they got here. Were they from Germany or Australia? I am not sure, but they took their ship and came to Lae, then they used a plane to fly above the land to search for us. When they saw us they made a map and returned to Lae. They had the map now, so they left their ship and walked up to see us. When you left the coast you heard sounds in the bush… this sound is something from before, it was like the sound people made [at initiations] when they swung those things [bullroarers], but this one wasn't made by men: it just came from the bush. Before it was all over these mountains, people could hear it in the night from many directions! It was only when national independence came that this sound finally died out.

> You heard this sound, and it came from the hills. You followed it up, along the Markham River. When your ancestors had told you about your brothers you asked them: "but we don't know where they are! How can we ever meet them again?" But your ancestors just said: "that's your bush, just go there and you shall find them". So you trusted the sound and you followed it all the way to Bulolo. You met my ancestors there then came to Wau. Some of my ancestors were already there. The white men came and started mining gold, but my ancestors got up and took their bows and killed two white men, and the other white men followed the river back down to Lae. Later another white man came up here, and they killed him too. Then more whites came. They didn't come to get gold; they came to meet us, to see us in Wau and Bulolo. They already knew about us, but they were not scared. They knew there was gold there, and they wanted to get it all. They had guns, but when we attacked they could not see us and shot their guns about blindly, all over the mountains. We fought against them and almost killed them all, because our powers were strong. We shot one of them and this man used his rifle like a shield. The arrow hit his rifle and got stuck in its butt, and now that gun's in Melbourne for everyone to see. My ancestors and your ancestors had come to meet each other as brothers. You came looking for us, and we had always known you would return to us one day. But you thought that we would have white skins like you, because we were your brothers, and when you saw that we were black you didn't recognise us. So you fought against us and we fought against you, and you never gave back to us what you had taken in the beginning.

In the second part of his narrative Jacop states that whites had not come to Morobe to prospect for gold but to meet his ancestors and revisit the land of creation. He also hints that, in the end, they succumbed to the lure of gold to fight against their true siblings, who were the legitimate owners of Morobe's wealth. Unlike other informants though, he also suggests that whites had returned to New Guinea with the best intentions; i.e., to reunite with the Anga as brothers and return the knowledge and cargo they had taken away at creation. If this did not actually eventuate, it was not solely due to the greed of the white men, but primarily because of a tragic misunderstanding.

Angaland was also "the white men's bush", to which they had a right, and its guardian spirits guided them towards their long lost siblings. In turn, the Anga had been deeply saddened by the white men's departure from *Niyantona* and, knowing that they would eventually return, had slowly moved towards the coast in order to meet them. Nevertheless, when the two peoples finally met the whites failed to recognise their siblings because of their different skin colour, and this precipitated a war between the two parties. Unlike previous accounts, this narrative implies that, while whites *had* acted wrongly, they had not done so in utter bad faith. In turn, this partly converts the former

colonisers from inherently immoral beings with whom positive relationships are not only undesirable, but perhaps also impossible, to agents with whom coexistence, co-operation and even brotherly unity could, and indeed should, be established if the right conditions are ever met.

Similarly less negative evaluations of past white-Anga relations were also present in many other tales I heard in the field. For instance, while still maintaining that whites have a moral responsibility to share their knowledge and resources with their Anga brothers, some informants asserted that these things were never stolen but had been given in trust to the white men by the culture hero(es) so that they could build the ships and planes they needed to reach the distant lands they had been assigned to inhabit and to one day return to *Niyantona*.

In addition, Jacop's last statements raise another key issue. When he affirmed that the Anga and whites are true brothers, he was quick to add that this special relationship does not also exist between the Anga and other Papua New Guineans, or between these and whites. The motive for this exclusion—and indeed one of the reasons why many of my informants shared their origin myth with me in the first place—was clearly stated by Jacop, who went on to say:

> That is our story. I wanted to tell it to make you understand that this land belongs to us. It does not belong to other people… not to the Biangai, the Markham, the Salamaua, the Biaru or anyone else! This land… Wau and Bulolo and all the way down to Lae belongs to the Kukukuku! Lae is the place where my ancestors and your ancestors met, that is the boundary of our land, from there all the way to Kerema [in Gulf Province] on the other side.

As related in the first part of this paper, the Bulolo District and the Morobe Provincial Land Courts assigned customary ownership of Wau and Kaindi, where many of my informants had lived and worked for several decades, to the Biangai. On many occasions I heard angry recriminations for how the latter had benefited from schooling or aid posts much earlier than the people of the Upper Watut and the Anga interior, and how they had "stolen" all mining and logging compensation from them both before and after Independence. Similarly, I frequently encountered resentment for how the colonisers had taken thousands of indentured labourers from other parts of PNG and "dumped them" on "their" land, and also because the PNG government had systematically failed to send these "squatters" back to their villages. In fact, so strong was this anti-settler sentiment that these "outsiders", many of whom are actually second or third generation settlers, were systematically blamed for the law and order breakdown and most socio-economic problems in the Bulolo District (Jackson 2003, Sinclair 1998).

In this light, Jacop's last statement works to assert the distinctiveness of the Anga *vis-à-vis* fellow Papua New Guineans and to validate their exclusive claims of ownership over those lands and resources misappropriated in the past. Further, it suggests that local demands for compensation from the former colonial masters are not just the result of the enduring social impacts of the colonial era, but also of the inability of the post-independence state to stem the flow of immigration, maintain law and order, and compensate the Anga for what they regard as their stolen properties.

With this in mind, it is possible to grasp why apparently straightforward "anti-colonial" local demands for compensation and restitution can, and indeed often do, turn in mid air into what may appear to be puzzling and contradictory calls that the white men return to administer PNG. Indeed, Jacop's own narrative followed that trajectory, and he later continued thus:

> Now let me tell you this as well, all of you white men already have your own governments, but nobody trusts us Kukukuku. When you return to your school, I want you to tell everybody that I want to change our law. I don't like the new law; I prefer the law of the time of the white man. When the Australians came here and brought their own law it was a good time. So I want them to take their law and our own law and mix them together, and I want the Queen to give us our own government because when we got independence all the other people of PNG took over the government and forgot about us. The Sepik and the islanders took over the government and made everything worse. But we Kukukuku are the biggest language [ethnic group] in PNG, our land is the largest in the country, so we must have our own government. I don't like this Papua New Guinea Government, we must get our own government and survey our boundaries and send all the other people [who have settled in our land] back to their own places: the Papuans to Papua, the Highlanders to the Highlands, the Sepiks to the Sepik, they must all go away! We will get all the land from Kerema to Lae. We will look after the other language groups who live there, but the land will be ours.
>
> If the white man comes and gives us this government, we will become true brothers again, then they can come back to Wau and Bulolo and work with us. We want the white men to come back, because when we send our children to school and they get into government they forget about their parents back in the bush! They only think about money and they don't bring us development, and we still live in bad houses like these and we eat around with the dogs and pigs! Look at this place, we still eat with the dogs and pigs and we already have independence! We have independence but they don't know how to develop our country, so you must come back and develop it for us. You must give us our own government, because if we had our own government it would be a good one, with no corruption, our politicians would not steal our money….

> You must come back and give us our government, then we will be true brothers. The Bible says: "if you plant corn in barren ground nothing will come of it, but if you plant in good land there will be food for all men", and it also talks about the Garden of Eden! Now, where do you think this Garden of Eden is, in the white man's land? No! God himself says: "if you believe in Me, you will eat of this food; if you believe in me, you will live in the Garden of Eden." Ok, now the Government gives all its money to other provinces, all the other provinces control the Government, but the Government has no food. If you come back and give us our own government, if you come and mine with us and the white men from before give us back the gold they took away and you open schools and develop us, this place will become the Garden of Eden… this place IS the Garden of Eden!

> You must do these things for us, and we will be brothers again. We like you, but you wasted time and you didn't help us! Why did you waste so much time? You know us; you know we are brothers, why didn't you help us? We've already had thirty years of independence, and yet we have nothing! We are still living like this. God has put these words in the Bible, about corn and the Garden of Eden, to show us the way; now it's time for you white men and us Kukukuku to follow them up!

In the final part of his speech, Jacop accuses the PNG state of having favoured other people over his. As he condemns post-independence "law" and praises that which existed under colonial rule, so too did other miners I interviewed criticise current political, social and economic realities by contrasting them with an idealised colonial situation. In many cases, this discontent with the postcolonial situation took the form of direct criticisms of Michael Somare—the first Prime Minister of Papua New Guinea who was once again holding that office at the time of my fieldwork—for having "chased the whites out" of the country to appropriate all state resources for himself and his (Sepik) people (see Mimica 1981).

Like many peoples in PNG and beyond (Bashkow 2006, Bissell 2005, Brosius 2006, Ferguson 2002, Halvaksz 2008, Kirsch 2006, Knauft 2002, Robbins 1998, Wardlow 2005, 2008), Anga feel that the post-independence state failed to represent and "develop" them properly and thus aspire to form their own government, either as a province within a federal PNG or as a wholly independent country. Returning to our two previous examples, one of the most crucial tenets of the *Israel Niuborn Luteran Sios Hamtai Nugini Papua* was that the national government was stealing Anga resources and refusing to give them a fair share of development and an independent government for fear that they would become too strong and take over the country. Similarly, the Nani Association was seeking not only to claim monetary compensation

from the former colonial power and the old mining companies, but also to campaign to form an independent pan-Anga province that would administer these resources to the exclusive benefit of all Anga.

It is precisely in the context of this perceived post-independence decline, disillusionment and secessionist desires that, as is again increasingly reported in Melanesia and beyond (see Bashkow 2006, Brosius 2006, Ferguson 2002, Robbins 1998, 2004), new strategies of redress of colonial harm come to be articulated. Here, the former colonial masters, who are seen as wielding enough power to bring about the formation of an independent Anga polity and sufficient knowledge and capital to ensure its viability, reappear as potential allies. Hence Jacop's desire that the Queen should give independence to the Kukukuku and that the whites should return to mine their land. Nevertheless, all informants insisted with Jacop that the Australians should return, not as masters, but as respectful and nurturing guardians and that they should not impose "their law", as they had done in colonial times, but should reconcile it with the traditional ways of the Anga to foster local development and make the Anga their equals, thus re-establishing the original unity between Anga and whites postulated in myth. Then, and only then, will they be forgiven for the evils they are seen to have committed both in the mythical time of creation and in the colonial past.

Apart from their role of allies and protectors against other PNG ethno-linguistic groups and the State, Jacop hints to a further reason why the return of the whites is necessary for the development of his people. Thus if on the one hand he suggests that a government of the Anga and for the Anga would eliminate corruption and guarantee fast and equitable development, on the other he does not fail to criticise what could be described as the "internal elites", asserting that the few Anga who have the opportunity to acquire schooling, knowledge and political power always employ it for their personal gain, leaving the rest of their people to suffer in "sub-human" conditions of poverty and squalor or, as he puts it, to "eat around with the dogs and pigs".

Similar forms of self-criticism were put forward whenever my informants discussed why their people "had failed to achieve development" as fast as other ethno-linguistic groups of PNG. Very often these explanations pointed to the greed and corruption of particular sections of the Anga community. For instance, Daina and her husband told me that they had decided to form a women's association to achieve Anga unity and self-government because all other associations (such as the miners or landowners associations) in the Bulolo District and wider Angaland were dominated by men, and men did not care about their women, their children and each other, but only about getting money to spend for themselves. Similarly, those Upper Watut landowners who were due to receive compensation from MCG were frequently berated for their unwillingness to share these windfalls with their fellow Anga.

Such targeted accusations were nevertheless just one part of a more general critique of Anga society, culture and morality. For example, this is what a Hamtai miner called Aisaia said in a spontaneous discussion with a group of his friends and relatives:[10]

> Look at the people from the Highlands, or the Manus, or the people of the coast. When one of them has a problem they all come together to help before it gets out of hand. But with us it is not like that, it's every man by himself! It's like building a house! This is a *tok piksa* [Tok Pisin: 'symbol, metaphor'] I'm using now, to explain how it is. When a man wants to build a new house: if he's from these other places, all his people will come to help him. But when a Kukukuku starts to build a house, no one, and I really mean NO-ONE, will offer him help. He'll walk to the bush to cut timber, he'll gather leaves for the roof and the walls, he'll buy the nails with his own money, he'll work hard to build the house, and as he is panting and sweating, plenty of people will gather around to watch him but no one will help. Then, when he's almost dead and the house is finished, all his friends and relatives will come in the night to sit by his fire and eat his grub! Ok, with development it's just the same. Look at these *Nā'othi'ya* [a Hamtai ancestral line]. They are telling lies and getting all the money from the company [MCG]. They alone are eating, and they're giving nothing to the other clans. But in other places it's not like that. In the Highlands, when they find oil or gold or whatever they will all benefit from it, they will all eat the money.

As is again the case among many peoples in Melanesia and beyond, we can see that the inequalities of the colonial era, coupled with the enduring if not increasing marginality and decline of the postcolonial age, fostered a discursive dynamic whereby, in certain contexts, Anga criticise their own culture and morality by contrasting it to an idealised portrayal of other PNG peoples. And it is in light of this sense of at least partial self-blame for the ills of modernity that the former colonial masters come to play yet another role in Anga discourses of colonialism: that of impartial outsiders and "moral redeemers" who may help ensure that all sections of Anga society act in unison for their "common good" (Bashkow 2006, Bissell 2005, Busse 2005, Jacka 2007, Robbins 1998, 2004).

* * *

As I noted in the first part of this paper, there is a widespread sentiment among the Anga communities of the Bulolo District that Australia (or other "white governments") and pre-independence developers should compensate them for the land and resources they exploited in colonial times. As others noted, this feeling of exclusion is also informing local struggles to secure substantial infrastructure, services and economic benefits from present-day

resource developers (Burton 2001, Jackson 2003). While rooted in a series of historical events, this desire for restitution cannot be understood solely in terms of a straightforward Western sense of history—that is by reference to "objective" historical episodes that occurred in a particular epoch known as "the colonial era". Rather, its causes and expressions are fully grasped only in relation to a wider mythopoetic rendering of Anga/non-Anga relationships which encapsulates not only the colonial encounter but also that *taim bipo* [Tok Pisin: 'time before'] stretching all the way back to the creation of humanity and the cosmos, and which reflects present preoccupations and aspirations as much as it does the unfolding of past occurrences.

In this sense, this account of Hamtai-Anga creation myths constitutes first and foremost what Jorgensen (2001) defined as an attempt to "historicise culture and culturalise history" or, as Biersack (1991) put it, to track the complex process of structuration between global and local and between history and culture. Through a historically informed comparison of my material with that collected by Blackwood in the 1930s, I aimed to show how certain themes, symbols and cultural logics of the old mythical narratives have been creatively transformed in present-day renditions to reflect, give meaning to and seek ways to obviate the history of the Morobe Goldfields and the broader Anga colonial experience. Thus I reported how the list of peoples that emerged from the primordial pool has extended to include whites. I explained that the old story of ancestors carried to the coast by a bursting river now describes the whites' departure from the land of creation. I argued that the symbolic force of fire, now said to have been stolen by whites shortly after creation, at once explains this initial separation, motivates the whites' return in colonial times and explicates how they were able to expropriate the Anga of their land and wealth. As such, I suggested that this established trope is now employed both to make sense of past and enduring differences in wealth, power and knowledge between the Anga and the colonisers, and to reassert the humanity and equality—if not the superiority—of the Anga people. In turn this shows that, just as history must be kept in mind when analysing present day Anga culture, discourse and aspirations, so it must be remembered that, in the Morobe Goldfields as in many other parts of the Pacific, myth constitutes what Kirsch (2006) called a form of "indigenous historical analysis" by which local actors seek both to give meaning to and transform their past, present and future exchange relationships with one another, other indigenous groups and whites.

If viewed through the lens of contemporary myth, Anga demands for the restitution of gold and compensation from former colonisers and resource developers are far from simple calls for monetary reparation for quantifiable items of misappropriated wealth. Rather, the gold that whites are charged with having stolen and are demanded to return is, like the ancestral fire they took at

creation, a condensed symbol of something wider, including the desire to obtain political independence and self-determination and gain social and economic equality with the former colonial masters and "whites" more generally (Burridge 1995, P. Lawrence 1989, Lindstrom 1993, Worsley 1968).

Far from merely reflecting and "making sense" of the past, myth articulates alternative visions of how things could and should have occurred in the past, could and should unfold in the present, and ought to be made in the future. Of course, as suggested by Biersack (1991), this mythopoetic process of reconstructing history and imagining futures is an inherently political exercise where the symbolic polyvalence of myth plays a very important role. Thus, in past and current Anga creation myths, people come at once potentially divided and united. From the beginning of time to the present, the history of humanity is one of progressive differentiation from an original state of unity. This process of fractal multiplication (Wagner 1978: 110), which is depicted alternatively as a value-neutral and casual accident, the consequence of innate and morally salient differences between the created, and/or as retribution for conscious immoral acts committed by one group at the expense of others depending on the political objectives of each particular narrator at the time of each particular performance, remains in essence a series of fluid, contingent and reversible images.

As a result, the Hamtai origin myth is now deployed to condemn past and present inequalities between Anga and whites, blame these on the immoral nature and sinful actions of whites and their ancestors, foster an image of unity between Anga communities, and imagine a tomorrow where these power relations will be reversed. At the same time, however, that same myth is also used to invoke a future in which the former colonial masters will reunite with their Anga brothers, return to them the knowledge, power, dignity and humanity they took away from them, and stand as their moral equals, allies and protectors against the greed of other PNG people and of their own internal elites.

As is the case for myth more generally, therefore, Anga narratives about the colonial encounter and its roots in the events of creation embody at once the language of potential identity, unity and communal action, and that of competition, argument and political division (Leach 1954), thus revealing the full complexity of indigenous understandings of the past, opinions of the present and orientations to the future.

In recent decades historians and anthropologists have critiqued past models where "the colonised" were represented as a homogeneous front united in a struggle of "resistance" against a similarly monolithic "coloniser". This paradigm shift arose in part from the growth of postmodernist thinking in the two disciplines. Yet it also reflected changed historical circumstances in

which the demise of colonialism highlighted political differences between and within indigenous communities which, while always present, were perhaps previously more obfuscated by the veil of metropolitan oppression and power. In any event, the shift led to the recognition that the old oppositional models denied the socio-political agency and cultural creativity of the colonised, whose actions were cast as simply reactive to the agency of the centre, and thus dangerously simplified reality by "sanitising" the internal politics of the oppressed (Biersack 1991, Thomas 1997).

In this sense, my material suggests that taking myth seriously as a form of "indigenous historical analysis" (Kirsch 2006) can reveal the interplay of culture and history in the articulation of local visions of moral renewal and social and political strategies for change and for redress (Jorgensen 2001, Kirsch 2006). In turn, this can help us move beyond a unidirectional, top-down view of local action as mere reaction to a history imposed from the centre. Further, it alerts us to the complexity of indigenous attitudes towards the former colonial masters, which include not only a desire for revenge or the truncation of all relations with whites (though this undoubtedly exists at certain times and in specific contexts) but also the hope that equal and positive relations with them may one day be achieved. At the same time, the material presented here highlights the fact that local communities are as disaffected with their national elites and institutions, and as suspicious of other ethno-linguistic groups within the independent nation state, as they are of the former colonial administration and whites more generally. Further, it suggests that they are fully capable of self criticism when interpreting the past and articulating visions for the future. Yet such self criticism is part of a highly complex web of relational discourses and in no way signifies that the Anga cast themselves exclusively in the role of passive subjects subordinate to more powerful external agents who, although portrayed at times as somewhat idealised allies, are nevertheless also objects of critique and reproach in other contexts (Bashkow 2006; see also Knauft 2002; Robbins 2002, 2004).

In turn, this confirms that, while history and anthropology should continue their role of advocacy of the opinions and rights of those at the wrong end of unequal power relations, this moral agenda is best served by moving beyond the rigidly homogenising and dichotomising oppositional models of past historiography and anthropological theory in favour of what Thomas (1997: 227) called a representational and analytical shift "from contrast to relation(s)". In this way, our attempts to understand contemporary Pacific discourses about colonialism, restitution and redress will highlight the many real injustices of yesteryears, the discontents of today's colonial, postcolonial and neocolonial regimes, and the hopes people harbour for

the future, but without denying the creativity, critical agency and human capacity for both unity and divisiveness that mark their origin, pace and complex trajectories.

NOTES

1. The term Anga indicates a linguistic family of 13 related languages whose speakers live across the Gulf, Eastern Highlands and Morobe provinces of PNG. In the colonial literature these people were known as "Kukukuku" in Papua and "Rock-Papua" or "Rockmenschen" ('Skirt Papuan' or 'Skirted men') in German New Guinea (Detzner 1935, Wagner and Reiner 1986).
2. The label indentured labourers refers to Papua New Guineans hired under administration law with contracts of two to three years, which could be renewed after a break of a few months (Healy 1967, Howard 1991, Kuluah 1983, Nelson 1976).
3. To give a clearer sense of this contribution, it is sufficient to note that in the ten years before the Second World War Bulolo Gold Dredging alone provided 18.14 percent of all government revenues of the Mandated Territory of New Guinea, while royalties from gold-mining accounted for a total of 25.7 percent of them (Healy 1972: 500).
4. In contrast with this, my Hamtai informants denied that Biangai even existed as a local group before the colonial encounter, claiming instead that they were a recent amalgamation of Biaru and Kaiva groups from outside the Wau-Bulolo District. This was undoubtedly said in order to counter Biangai claims as longstanding local landowners in the Morobe Goldfields.
5. The kina (PGK) is the national currency of Papua New Guinea. Its average value in 2005 was 0.33008 USD (see http://www.bankpng.gov.pg and http://www.oanda.com/convert/fxhistory, both retrieved from the World Wide Web on 24 February 2006).
6. As is common in PNG, my informants routinely used the Tok Pisin terms *ol waitman* and *ol waitman na meri* ('white men' and 'white men and women/white people'), or the Hamtai words *hamāto* and *hamāti* (literally 'red man' and 'red woman') (Godelier 1986: 206, note 2) to refer to their former colonisers and to people from Europe, America, Australia, New Zealand and Asia (Bashkow 2006: 6). As such, the terms "whites" and "white men" as used in the remainder of this paper reflect local usage and are best understood as labels for the former colonisers of PNG and, more broadly, for people associated with countries (in the West and beyond) which my informants regarded as comparatively wealthier.
7. A pseudonym, like all informant names herein
8. Jacop's story was related in Tok Pisin intermixed with Hamtai.
9. The following narrative was related entirely in Hamtai.
10. The following dialogue occurred entirely in Tok Pisin.

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ABSTRACT

This paper compares versions of the same origin myth collected from the Anga people of the Morobe Goldfields in Papua New Guinea in the 1930s and 2000s. It aims to show that myth is a form of "indigenous historical analysis" that reveals how local communities creatively make sense of, and seek to shape, past and future relations with each other and the wider global order. It further seeks to highlight the complex ways Anga communities articulate the causes and legacies of colonisation, and how these are also informed by current local disputes and by dissatisfaction with perceived marginality and decline in the post-independence order.

Keywords: Anga, colonialism, decline, mining, myth

CHANGING PROPERTY REGIMES IN MĀORI SOCIETY: A CRITICAL ASSESSMENT OF THE SETTLEMENT PROCESS IN NEW ZEALAND

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Since the early 1990s, New Zealand has been engaged in a political process that aims to settle the grievances of the country's indigenous Māori population about the colonial history of dispossession and alienation. The settlement process in New Zealand marks a positive turning point in the relationship between Māori and Pākehā (the descendants of European settlers), but has also shown that Māori grievances cannot be resolved unambiguously. In the course of the settlement process new, unforeseen problems have come to the fore, which have made it apparent that justice and reconciliation can not be seen as easy policy targets, but instead as part of an ongoing process of negotiations.

The settlement process in New Zealand is extraordinarily complex, but for analytical purposes it may be argued that it is hampered for two fundamental reasons. First, the government has decided to negotiate settlements only with tribal organisations, whereas more than 80 percent of the Māori population is currently living in urban environments where the meaning of tribal connections has changed considerably. The central position of tribes in the settlement process is therefore contested by pan-tribal groupings in cities, who also want to benefit from the resources that the government is transferring back to Māori ownership in compensation for Māori dispossession in the 19th century. Second, the socio-political organisation of Māori society has changed radically since the 19th century, which raises the question of representation for descendants of the Māori who were originally dispossessed. In many regions, local sub-tribes (*hapū*) are challenging the centralised structures of governance implemented by tribes (*iwi*) or even super-tribes (*waka*) that have signed compensation settlements with the government on the assumption that they represent the entire confederation of lower ranking units in the tribal hierarchy. The underlying question in these disputes is who used to own what and when? This raises a more fundamental question about the nature of property rights in the 19th century. Who used to own the land and other resources: extended families (*whānau*), sub-tribes, tribes or super-tribes? Subsequently, the issue of who are the rightful heirs of the original owners may be addressed.

In this article I seek to address these questions from the perspective of legal anthropology in order to disentangle the problem of ownership in post-settlement Māori society. My argument is that contemporary Māori property rights are inherently ambiguous because both property regimes and property relations in Māori society have changed fundamentally since the beginning of colonisation in the 19th century. This ambiguity will necessarily have to be reflected in any political settlement of their colonial grievances. I begin with a more detailed overview of the problems that have come to light in the course of the settlement process.

THE PROBLEM OF THE SETTLEMENT PROCESS

New Zealand is usually portrayed as a country that has managed to balance interethnic relations between Māori and Pākehā comparatively well. Behind this widely repeated cover story, however, lie ethnic problems that may be denied, excused or sometimes ruefully acknowledged. One of these problems may be summarised as follows: Māori demands for self-government are intensifying as they claim that in the global era their right to express themselves culturally is increasingly in danger (Sharp 1997a: 423-4). Māori concerns are intertwined with their over-representation in the lower socio-economic brackets, which, in turn, is argued to be the result of the colonial history of dispossession and the denial of reparative justice. This paper is concerned only with the justice component of the so-called "Maori problem" (Sharp 1997a: 423) of New Zealand.

In the 1990s, the New Zealand government gradually began to compensate for past wrongs by providing reparations to Māori and also by allowing them more autonomy in managing their own affairs. The process of redressing Māori grievances follows a gradual recognition of the Treaty of Waitangi, a pact that was originally signed between the British Crown and Māori chiefs in 1840 (Orange 1987). By signing the Treaty, Māori chiefs ceded 'governance' (*kawanatanga*), whatever that meant in those days, in exchange for the retention of their lands, forests, fisheries and other resources. In the course of history the legal status of the Treaty, however, was not recognised and thus the covenant simply legitimated the colonisation of New Zealand and the dispossession of Māori. Since the late 1960s, however, the tide has gradually been turning. Since the second half of the 1980s, it may even be suggested that the Treaty is increasingly accepted as a document that can no longer be neglected (Belgrave, Kawharu and Williams 2005, Kawharu 1989a, McHugh 1991). In the early 1990s, an irreversible reconciliation process was initiated, aimed at repairing the historical error of denying the Treaty (Ward 1999). Thus, paradoxically, New Zealand began playing an exemplary role in settling colonial grievances and attempting to provide justice to the country's indigenous population.

After some ten years or more, however, it is becoming increasingly apparent that redressing Māori grievances is far from easy. Some people would even argue that the settlement process is creating chaos in what used to be a relatively peaceful country in the South Seas. Not surprisingly, the most critical comments regarding the settlement process are made by non-Māori, who vigorously dispute the right of the indigenous population to what they consider as common resources. This critique arises from ignorance of the history of dispossession, which has only partly been corrected over the past two or three decades. Revelations of the country's colonial history, however, seem only to have redirected non-Māori criticism of the settlement process. Currently the vast majority of the New Zealand population would probably endorse the need to repair past wrongs, but many are also inclined to think that the government is transferring too many resources to obscure Māori tribes too fast. As the number of claims expanded up until the 2008 deadline for the submission of claims, conservative politicians still advocated that what they label as "the Treaty industry" must be stopped and that all historic Treaty claims be resolved within the next five years or so. Needless to say, this is by no means realistic.

Interestingly, however, not just conservative politicians or citizens express their doubts about how the government is managing the settlement process. Critical intellectuals, too, have some misgivings about the contemporary direction of the public opinion in inter-ethnic New Zealand. The social anthropologist Erich Kolig (2004), for example, has questioned the sense of liberal guilt about the colonial past. He suggested that it has generated an atmosphere of political correctness keeping many non-Māori New Zealanders in fear of critically assessing the ever expanding demands of Māori groupings as they become more influential after an impressive series of legal victories in recent history (see also Bell 2004). At the same time, the noted historian Bill Oliver (2001) wrote an astute analysis of the revisionary history of New Zealand presented in the reports of the Waitangi Tribunal, which had been set up to examine Māori claims and to make recommendations to the government for redress. Oliver argued compellingly that the investigations of the Waitangi Tribunal are guided too much by present discontentment about the marginal position of the Māori population and that this colours their instrumental interpretation of the historical evidence. In turn, this leads to the creation of a retrospective utopia in order to propose a plausible strategy to resolve the deprivation of the Māori (see also Belgrave 2005, Byrnes 2004).

The process of settling Māori grievances, however, is not only controversial among non-Māori, but also within Māori society itself. The most contentious issue concerns the distribution of returned resources among Māori (Barcham 2007). The question to whom resources should be returned in Māori society

surfaced most clearly in the debate about the distribution of Māori fisheries after the government in 1992 made available a significant amount of money to buy fishing quota for Māori people. Subsequently, it took some 14 years of litigation to decide whether the quota should be distributed exclusively among tribes or whether pan-tribal organisations, mainly in cities, were also eligible for a share (Webster 2002). Eventually, a compromise was reached and urban organisations did receive some acknowledgement, but in the end all participants in the debate lost some advantage in the process (Van Meijl 2006).

Another interesting case related to the discussion about the central role of tribes (*iwi*) is the claim of the Waipareira Trust in Auckland that it also constitutes (an) *iwi* (Sharp 2003). In view of the fact that more than 80 percent of the Māori population is currently living in cities, it cannot be surprising that organisations have emerged to represent urban Māori communities. Since the late 1980s, these model themselves increasingly after the so-called "traditional" tribal organisations in Māori society. The motivation behind this "modern tradition" is directly derived from the government policy of decentralisation and devolution of administrative functions to community organisations. As part of this process the Department of Maori Affairs was also abandoned and its budget and resources were transferred to Māori tribes. In this context, urban organisations also wanted to become eligible for these resources in order to provide services to the Māori population in cities. Hence they argued that they were "urban tribes" (Waitangi Tribunal 1998).

The controversy between "traditional" tribes and so-called urban tribes (or, more correctly, pan-tribes) about the government's policy of settlement revolves partly around the question of what exactly the aim of the settlement policy should be: historical justice by returning resources that were unjustly dispossessed in the 19th century, or social justice by redistributing resources among those who suffered most from colonisation (Lashley 2000, Sharp 2004: 198-200). In New Zealand this debate parallels the interpretation of the Treaty, which guarantees Māori proprietary interests in Article Two, but also pledges to Māori the benefits and privileges of citizenship in Article Three (see below). Depending on their interests, different sections of the Māori population focus either on Article Two, mainly tribes, or on Article Three, mainly pan-tribes.

Although in practice the disagreement between tribes and pan-tribes about the settlement process is much more complicated, it is beyond the scope of this article to elaborate on the implications of this dispute. Instead, the focus of attention here will be on the differences of opinion within tribes about the internal distribution of returned resources and additional compensation funds. The two largest settlements signed in the 1990s may illustrate these differences. In 1995, the Waikato-Tainui tribes received the first major settlement from the government, which has been controversial from the outset.

Many groupings disputed the right of the tribal leadership to represent them and demanded autonomy, but the government insisted on negotiating only with the tribal leadership and settling the claim over the entire tribal territory all at once. This division between the sub-tribal groupings, who specifically rejected tribal leaders' authority to represent them, and those tribal leaders lingered for many years after the settlement had been signed, and, indeed, many people continue to dispute the centralised structure of control within the tribe, headed by a monarchy (Muru-Lanning 2011, Van Meijl 2003a). The other major settlement with the South Island Ngāi Tahu tribe is often contrasted with the Waikato-Tainui, since Ngāi Tahu has overall been more successful in managing the resources it received from the government in compensation for its historical grievances. The apparent business success of Ngāi Tahu, however, eclipses a similar debate within the tribe about the construction of a central system of representation and governance that leaves local, sub-tribal groupings little space for autonomous manoeuvring (Waymouth 2003). Since Ngāi Tahu does not have its own kingship, the discussion surrounding the settlement within the tribe may not be as focused as the debate within Tainui, but the similarities between the two tribes are more striking in this respect than is usually acknowledged.

The controversies surrounding the settlements of Tainui and Ngāi Tahu are exemplary for many smaller and larger disputes that have surfaced within Māori tribal organisations in recent years (e.g., Hofmann 2009, Kahotea 2005). These raise the question of why the government has opted for a policy in which it negotiates settlements exclusively with tribes, not with sub-tribes. This question is even more interesting since this policy was introduced during the same year as the government abandoned the delivery of government services through tribal organisations in 1992 (Sharp 1997a: 442). The motivation behind the end of the devolution policy was that most Māori did not regard tribes as either traditional or as representative of the bulk of the Māori population living in cities. Why, then, does the government negotiate about the settlement of historical grievances only with tribes? Is it possible for the government, for example, to include sub-tribes or even extended families in the settlement process?

Since the central position of tribes in the settlement process is disputed, it is necessary to examine the evolution of tribal organisation in the colonial history of New Zealand in light of the question regarding the nature of property rights. A legal anthropological analysis of tribal relations in the past and present may clarify tribal disputes about ownership of land and other resources. Before moving on to set out an analytical framework for the analysis of changing property regimes and property relations in Māori society, however, I begin with a brief sketch of the historical background.

THE TREATY OF WAITANGI

The so-called "Maori problem" (Sharp 1997a: 423) in New Zealand is invariably discussed in terms of the Treaty of Waitangi. Even though the Treaty was signed in 1840, it is increasingly cited with reference to all aspects of the relationship between Māori and the "Crown" since it received some recognition from the mid-1970s. Against the background of history this cannot be surprising.

Following the intensification of contact between Māori and European colonists, a governor was assigned to secure sovereignty for Britain, preferably by means of a treaty with the Māori people. On 6 February 1840, exactly one week after his arrival, Governor Hobson signed a treaty with a number of Māori chiefs in Waitangi (Orange 1987). The debate about the Treaty of Waitangi is complicated since there are significant differences between the English version and the Māori translation that was signed by most Māori chiefs. There can be no doubt that both signing parties had different understandings of key aspects.

The Treaty is made up of three articles. In Article One, the English version states that the chiefs ceded "all the rights and powers of Sovereignty" over their respective territories. The Māori version does not use the nearest equivalent to sovereignty, i.e., *mana*, but rather *kawanatanga*, a transliteration of 'governorship' improvised by the missionaries, which to Māori might not have meant more than the coming of the first governor. In Article Two, the English version guaranteed Māori "the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties". The Māori version of this clause was less specific yet all-embracing as it confirmed to Māori, according to Mutu's translation (in Matiu and Mutu 2003: 223, see also Kawharu 1989b: 319-20), "the unqualified exercise of their paramount authority over their lands, villages and all their treasures". In Article Three of the English version, the Queen of England promised to "protect all the ordinary people of New Zealand" [i.e., the Māori] and to give them "all the same entitlements [according to British law] as her people of England" (Matiu and Mutu 2003: 223; see also Kawharu 1989b: 319-20). This article appears less contentious, but was politically compromised by the ultimate goal of British colonisation: the amalgamation of the Māori people.

The signing of the Treaty of Waitangi marks the formal notification of the first steps towards comprehensive European control of the Māori and New Zealand society. It opened up the avenue for the arrival of growing numbers of European settlers, which made Māori people more reluctant to share their country with others. Ultimately, the tension between Māori and Europeans degenerated into a war in 1860. Following a series of battles, three and one

quarter million acres of land were confiscated in 1864 (Kawharu 1977: 14-15). Outside the confiscated areas, New Zealand was brought under colonial control through the individualisation of customary land titles by allotting individual shares to a maximum number of ten owners of each block of land. As a corollary, many Māori people lost recognition of their interests and were dispossessed of their tribal lands.

The New Zealand Wars (1859-1864) and their aftermath were obviously in violation of the Treaty of Waitangi that guaranteed Māori proprietary rights. In order to settle their grievances over breaches of the Treaty, Māori people frequently appealed to the law in the 1870s. Their experiences in court, however, demonstrated that the Treaty offered them no protection. A leading case in 1877 involved Wi Parata, the Western Maori Representative in Parliament, who in the Supreme Court requested that land issued to Bishop Selwyn of Wellington be returned to his tribe Ngāti Toa. In his judgement Chief Judge James Prendergast described the Treaty of Waitangi "as a simple nullity", because it had been signed "between a civilised nation and a group of savages".[1] In his view, the Treaty had no judicial or constitutional status because Māori were not a nation capable of signing a treaty. Thus, this ruling dismissed Māori rights on the basis of the Treaty and set a precedent for all legal cases with which Māori attempted to secure redress through the courts until 1987. For 110 years the Treaty of Waitangi was consistently ignored by the British Crown and its legal representative, the New Zealand government, in spite of an unceasing Māori quest for acknowledgement of the Treaty (Orange 1987: 226-54).

In the 1960s the political climate in New Zealand changed steadily under the impact of the black civil rights movement in the United States. The Māori intensified their struggle for the recognition of the Treaty of Waitangi. In 1975 the government responded with the Treaty of Waitangi Act which established the Waitangi Tribunal.[2] Section 6 of the Act allowed any Māori to submit a claim to the Tribunal on grounds of being "prejudicially affected" by any policy or practice of the Crown that was "inconsistent with the principles of the Treaty". The most important limitation of the act, however, was that "anything done or omitted before the commencement of (the) Act" was excluded from the Tribunal's jurisdiction. Māori could not therefore submit claims about their large-scale dispossession in the 19th century. In 1985, however, the newly elected Labour government led by David Lange provided for the extension of the Tribunal's jurisdiction back from 1975 to 6 February 1840 when the Treaty was signed. Needless to say, this clause opened up an important avenue for Māori people to seek redress for past grievances. However, the Tribunal can only make recommendations to the Crown, which remains the only authority to make compensation for or redress grievances.

Towards the end of the 1980s some 600 claims had been submitted to the Waitangi Tribunal (Belgrave, Kawharu and Williams 2005) most of which had been sparked by the government policy of corporatisation, which involved a masssive transfer of lands and resources held in Crown ownership to semi-private State Owned Enterprises. In response to a request from Māori tribes, however, the Court of Appeal ruled on 29 June 1987, that the transfer of assets to State Owned Enterprises would be unlawful without establishing any system to consider whether the transfer of particular assets would be inconsistent with the principles of the Treaty of Waitangi. It was the first time in New Zealand history that the legality of the Treaty was recognised.

WHAT IS A MĀORI TRIBE?

The recognition of the Treaty made it legally and politically inevitable to redress violations of the Treaty that had occurred in the past. During the second half of the 1980s, it became obvious that Māori tribal organisations were going to play a prominent role in the implementation of the settlement process. This followed the policy of the Labour government to address Māori concerns and to allow Māori people to put forward their own solutions. It organised a number of conferences in the mid-1980s, at which Māori tribal organisations from all over New Zealand argued for tribal control of resources and delivery of resources through tribal authorities (Fitzgerald 2004). For a number of reasons the government appeared willing to involve Māori tribes in the delivery practice of social services through its policy of devolution. It argued that after 150 years of bypassing Māori networks, the time had finally come to recognise Māori tribal organisations and to respond to indigenous requests for self-management based on the bonds of kinship as embedded in "traditional" Māori society (Butterworth and Young 1990: 119-20).

Although the devolution policy did provide opportunities for Māori tribal organisations, it created a new, unprecedented problem for pan-tribal groupings in predominantly urban areas. They did not want the local, host tribes in cities and towns to become responsible for the social problems of urban centres largely populated by members of other tribes. For that reason, they began exploring the possibility of setting up their own "tribal authorities" in order to qualify for the implementation of government programmes and the delivery of social services.

In order to implement the policy of devolution the government introduced the Runanga Iwi Act in 1989. This Act was to enable the empowering of tribal authorities to administer government programmes formerly operated by the Department of Maori Affairs. It induced a discussion, however, about which tribal or chiefly authorities should be empowered to manage and administer community development programmes. Underlying this debate, however,

were the more fundamental questions: what constitutes a tribal authority and what is a Māori tribe?

In anticipation of government legislation to enable tribal authorities to deliver social services, many Māori groups and organisations legalised their status by, for example, registering under the Charitable Trusts Act. Thus, they hoped to increase their chances of becoming recognised as tribal authorities under the forthcoming Runanga Iwi Act. The government indicated they would select only 12 or 15 tribal authorities but, over the next year or so, nearly 200 Māori organisations applied for the status of tribal authority. Among these organisations there was a marked distinction between urban and rural groups.

In rural areas many local communities refused to surrender their autonomy to some tribal authority at a higher level of their traditional hierarchical structure and applied for legal recognition of their autonomy. By the same token, many tribes were reluctant to recognise super-tribal authorities as the principal statutory authority to which they would be answerable about the implementation of devolution programmes. This tendency towards tribal division was paralleled in urban environments where a large number of autonomous Māori organisations emerged. Paradoxically, however, the main reason why pan-tribal organisations set up their own "tribal authorities" in New Zealand cities and some towns proceeded from their strong criticism of the tribal basis of the devolution policy. On the one hand, many people living in urban environments no longer wished to be represented by tribal organisations and therefore claimed their own share of the devolution programme (Waitangi Tribunal 1998). Tribal organisations and authorities, on the other hand, were hoping that the implementation of devolution would entice their lost relatives to return to where they were thought to belong.

As a result of the devolution policy, then, Māori society became deeply divided both between lower and higher ranking tribal organisations, and between predominantly rural based tribal organisations and predominantly urban based pan-tribal organisations (Van Meijl 1997). As rural and urban, tribal and non-tribal sections of the Māori population have gradually separated over the past 50 or more years, the political debate between tribal and pan-tribal organisations, which in the legal context both identify as "tribal authorities", complicates the anthropological and historical debate on the definition of tribe (Poata-Smith 2004).

The concept of tribe was gradually introduced in 19th-century discourse as an ethnographic gloss of the Māori concept of *iwi*, which literally means 'people' or 'bones'. As a translation of *iwi*, however, the concept of 'tribe' suggests a coherence that may well exceed the affinal ties within *iwi* (Metge 1986: 37). In view of the principles of ambilineal descent and ambilateral

affiliation, the composition of tribes was rather loose and their articulation as a kinship grouping stemmed largely from the organisation of lavish feasts (Firth 1959: 139). As corporate groups, *iwi* may even be the result of postcontact developments, while the central unit within the socio-political organisation of Māori society was most likely the *hapū*, which is usually translated by the equally misleading gloss 'sub-tribe' (Van Meijl 1995).

In Māori discourse, moreover, neither the distinction between *iwi* and *hapū*, between tribe and sub-tribe, nor the distinctions between all other lower and higher levels of the hierarchical structure of socio-political organisation, is clear-cut (Ballara 1998: 25-35). The concepts of tribe and sub-tribe are evidently structural, if not ideological, representations of highly dynamic kinship practices. Any understanding of Māori socio-political organisation should, therefore, give adequate weight to the fluid nature of the relationship between groupings. Māori kinship practices did not allow social relationships to be set in concrete. Tribal groupings mixed and divided, minor segments waxed while major segments waned, people migrated and formed fresh relationships, all causing Māori kinship groupings to be inherently flexible (Webster 1975: 124, see also Webster 1998: 124-52).

Following this logic it could be argued that over the past few decades new "tribes" have emerged among Māori communities in the urban areas of New Zealand. They are now demanding a fair share of the assets that the government is gradually transferring to Māori management and also to Māori ownership, following the settlement of historic violations of the Treaty of Waitangi. By the same token, it could be argued that "traditional" tribal organisations, which have been undermined and marginalised as a result of the massive migration of Māori to urban areas since the 1930s, should not be made more powerful than some of them became following the devolution of government resources. For similar reasons, it could be argued that it is not obvious that tribes represent all Māori people during the negotiations about redressing historic Māori claims regarding the violation of the Treaty of Waitangi.

Since these arguments could not be resolved unambiguously, the National government, which succeeded the Labour government in 1990, quickly decided to turn its back on devolution of services to tribes on grounds that tribes were neither necessarily traditional, nor represented automatically the large urban population. They repealed the Runanga Iwi Act in 1991, but, paradoxically, decided at the same time to extend the tribal basis of the devolution policy to a new policy for the settlement of Treaty of Waitangi claims. They entered into direct negotiations with tribes about the settlement of Māori grievances, a policy which was undoubtedly influenced by the impressive series of Māori victories in the courts during the second half of the 1980s. By the late 1980s, therefore, it had become increasingly evident

that governments could be held hostage by Māori demands as interpreted by the Waitangi Tribunal and the courts. Since no government could contemplate this, particularly in times of economic crisis, the settlement of Māori grievances would have to be "political" rather than "legal".

In the mid-1990s when the settlement of land claims began, the National government also sanctioned in law its policy to negotiate directly and only with tribes. It amended the Treaty of Waitangi Act so that the Waitangi Tribunal could decline to hear claims not lodged and mandated by tribes (Department of Justice 1995, see also Sharp 1997b: 291-318). The aim of this move was simply to prevent individuals and smaller tribal groupings from making claims over collective assets without the authority of tribes. As mentioned above, this policy has meanwhile proved rather controversial. First, in urban environments where pan-tribal groupings are continuing to seek recognition in order to become eligible for the substantial amount of resources and compensation funds transferred back to Māori ownership. And second, within tribal confederations where lower ranking groupings, usually *hapū* or sub-tribes, are refusing to accept tribal control and management of resources that have been received by *iwi* from the government in compensation for their specifically local unjust dispossession in the 19th century.

This controversy about Māori settlements within tribal organisations clearly raises the question of ownership. This seems the crucial issue of debate since different groupings hold different conceptions of property, which, in turn, is related to their different property relations. Surprisingly, however, few people have analysed the problems that have emerged in the settlement process from the perspective of legal anthropology on property relations. Pocock (2000) has argued that the injustices in Māori history have been caused mainly by the introduction of the capacity to alienate property with which the Māori were not familiar before the arrival of Pākehā. The introduction of a process of commodification in which all goods became mobile, in which *Homo* became *mercator*, and in which the nature of property was transformed from possession to alienability, Pocock (2000: 30) contended, opened the future for Māori at the price of uncertainty. Māori found themselves living in a new world characterised by shifting patterns of possession, while the Treaty that was supposed to guarantee their authority became an instrument by which they lost it.

Elizabeth Rata (2000, 2003) is another New Zealand scholar who has analysed Māori contention about the settlement process in terms of misunderstandings about property relations. She also argued that property and ownership did not exist as concepts in the past, but the aim of her line of reasoning was to demonstrate that the recent recognition of tribes as the only owners of traditional resources is a prerequisite of the expansion of global capitalism in New Zealand. Her assumption that concepts of property

and ownership are relatively new in Māori society, however, needs to be examined in the form of a detailed analysis of property relations in the past. This seems necessary also to assess the implications of historical property relations for the settlement process in the present. Before addressing these questions it is essential to determine first what property is and how it may be analysed adequately.

AN ANALYTICAL FRAMEWORK FOR THE ANALYSIS OF PROPERTY RELATIONS

In a recent volume on property and the transformation of property in the global economy, Caroline Humphrey and Katherine Verdery (2004: 1) remarked that property is "a protean idea that changes with the times". This viewpoint constitutes an interesting point of departure for any analysis of property, since it calls for a review of variations in the construction of property and property relations over the years. In its most basic form property is widely understood as a relation between people and things. Although the type of relation between people and things varies across cultures and has changed over time, since the Enlightenment the specification of property relations as private property rights has achieved dominance throughout the world (Hann 1998: 1). Over the past two centuries, property has in western legal thinking also been understood as intrinsically linked with the ideologies of economic development and liberal democracy. This may explain why currently rights and entitlements are emphasised in property discourses and why subjects of property relations are regarded as inherently rights-bearing (Humphrey and Verdery 2004: 5). The emphasis on rights in Western perspectives on property also clarifies that the focus of analysis should not be on the "things" over which people may claim more or less exclusive rights of ownership, but instead on the rights that people hold over things (Hann 1998: 4). In other words, property relations do not exist between persons and things, but between people in respect of things. Since people normally own rights to things instead of things as such, property relations should consequently be considered as social relations between people.

Stemming from these assumptions about the social nature of property relations it requires no further explanation that in view of the complexity of social organisation as documented in the ethnographic records of anthropology, property relations are multi-stranded. By the same token, property is not one specific type of right or relation such as ownership, but it is a blanket term that encompasses a wide variety of different arrangements, in different societies, and across different historical periods. For that reason, too, property rights have been thought of as a "bundle of rights" that stretch

across several dimensions of human societies, including at least economic, political and legal dimensions. Although the conception of property as a bundle of rights has long been considered a useful metaphor for the analysis of property relations, the debate about property is often hampered by the ideological and reified dichotomy between individual property in the West and collective property in non-Western societies. In order to alleviate this bias, a more analytical understanding of property relations is required for the disentanglement of the various strands of property in any type of society. For this purpose, Franz and Keebet von Benda-Beckmann (1999) have developed a fruitful framework that is able to capture the complexities and manifold variations of property in different societies and in different periods of history, as well as the different functions that property may have. For that reason, too, it will be useful to elaborate their approach of property in more detail.

The main characteristic of the Von Benda-Beckmanns' approach to property is the distinction of property relations, in all their cross-cultural variations, at what they call four different "layers" of social organisation: cultural ideals and ideologies, more concrete normative and institutional regulation, social property relations, and social practices (Von Benda-Beckmann and Von Benda-Beckmann 1999: 22). The distinction between these layers is, of course, analytical since these dimensions of social organisation are not always easily distinguishable empirically as they are interwoven in and interconnected through the same social phenomena or social practices.

Property rights, the Von Benda-Beckmanns maintained are, first, an important element in ideologies or cultural understandings. They attributed certain functions to property by advocating what property is or should be, for which purposes it should be used and why. In most societies there is not simply one ideology but different and often competing ones. Secondly, legal concepts may themselves contain a component of ideology, but they "tend to be more specific in their definition of the property status of resources and the legal consequences in terms of rights and obligations" (Von Benda-Beckmann and Von Benda-Beckmann 1999: 30). As a consequence, in many situations differences emerge between cultural ideals and legal norms. The construction of a private house, for example, will have to meet all kinds of legal requirements in most countries. The third layer consists of "actual social relationships", as distinct from normative regulations, since in many societies substantial discrepancies also exist between actual property relations and legal regulations. Finally, it is necessary to consider the layer of "property practices", both in relation to specific items of property and in relation to actions and processes in which all the rules and practices surrounding property are contested, reproduced and, on occasion, transformed.

In sum, then, property may mean quite different things at each of these layers and it is important to study their interrelations without assuming that these form a unified compound. What property is at one layer cannot be reduced to what property is at another layer, just as the actual relations between two married people and their daily interactions may be very different from legal rules about marriage. While elements of property relations at the different layers become interconnected in social practices, they have a sufficiently independent character to warrant an examination of their mutual characteristics and interrelationships. The layers form different enabling and constraining factors in people's dealings with property. Each layer within a property regime may change at different speeds and for different reasons.

In addition to the distinction between the layers of social organisation, the Von Benda-Beckmanns (1999: 25) argued that "in all societies some distinction is made between rights to regulate, supervise, represent in outside relations, and allocate property on the one hand, and rights to use and exploit economically property objects on the other". This distinction corresponds to some extent to that drawn by modern lawyers between public and private. Many property rights have both public and private aspects, but the bias of Western academic analysis has induced an exclusive focus on private law to the detriment of the political character of property relations. In the colonial context, including New Zealand, this could mean that chiefs or others were considered private owners of all the land of a social group or community. The Von Benda-Beckmanns (1999: 28) argued that the "reduction of property to property in the private law sense encouraged false comparisons in which the private law notion of 'ownership' and its bundle-characteristics were measured against the totality of socio-political authority and use and exploitation rights in… [non-Western] societies".

The Von Benda-Beckmanns have described their legal anthropological perspective on property as a functional approach, but this term may be misleading since, contrary to its old usage in anthropology, it highlights the political character of property relations. In contrast to the synchronicism of the functionalist school in anthropology, it also emphasises the movement of societies through time. This is particularly apparent in their emphasis on the important distinction between categorical and concretised property relations, the third "layer" of social organisation, which often pass through different historical trajectories. In a more recent paper by the Von Benda-Beckmanns and Wiber (2006), the distinction between categorical and concretised property relations has been developed in more detail, further exemplifying the suitability of their approach for the analysis of the political and historical character of property.

They argue that, given the social, economic and political significance of valuables, property relations are legally formalised to a high degree in most societies. In this layer, property relations are constructed through general categories of property holders, property objects, rights, duties attached to different forms of property categories, and rules for the appropriation and transfer of property rights. These provide an organisational and legitimating formula for property relations, and also a repertoire to clarify problematic property issues, notably disputes. At this level of legal institutionalisation they refer to property relations as "categorical" (Von Benda-Beckmann *et al.* 2006: 22).

Property relations, however, are usually also expressed in a more general way, in cultural ideals, ideologies and philosophies. The dominant ones may largely correspond with the legal frameworks, but in many cases property ideals and ideologies are quite different from legal frameworks. Categorical typifications of property relations are particularly different from the social relationships or networks between actual people and organisations with respect to actual valuables, which the Von Benda-Beckmanns summarise with the label "concretized" property relations (1996: 26). Social relations are property relations when interpreted, expressing and giving meaning to general abstract categories of property, property holders, property objects etc. In these processes of interpretation and claiming, these categories are inscribed into social relationships. While there may be disagreement over the "correct" interpretation of property rights and obligations in one legal system, plural legal situations, such as colonial and postcolonial New Zealand, provide particularly rich opportunities to construct different property relations by reference to diverse normative legitimisations for claims and counterclaims as well as procedural avenues to decision-making agencies to pursue them.

Attention to concretised property relations in social analysis is important in order to obtain insight into aspects of property that cannot be derived from categorical concepts. An analysis of concretised property relations reveals which property holders have what, and how many, rights to which concrete property objects. Departing from one property object, e.g., land, an analysis will show what and whose rights pertain to it, while it may also clarify how property objects are distributed over the members of a society, differentiated among class, clans or other tribal groupings, gender or age.

While categorical and concretised property relations cannot be dissociated from each other because concretised property relationships are in various ways shaped by categorical criteria, the Von Benda-Beckmanns and Wiber (2006: 33) asserted that it is important to distinguish them as different social phenomena. Accordingly, they criticise dominant property theory that fails to

distinguish between categorical and concretised property relations. Although categorical and concretised property relations constitute different constraining and enabling elements for social interaction, in much property theory categories of property rights are routinely assumed to inform people's behaviour and to affect resource allocation or sustainability of natural resources directly, while actual property relations remain largely unnoticed.

Another major problem proceeding from the failure to distinguish between categorical and concretised property relations is the inability to deal with changing property relations. After all, categorical and concretised property relations may also change at different rates while the factors underlying their continuity or discontinuity may also be different. For that reason, too, the patterns of change do not exemplify a clear line of causation. The Von Benda-Beckmanns and Wiber (2006: 37-38) distinguished between three different patterns of change. Sometimes a property regime remains unchanged over long periods, while being flexible enough to facilitate different economic and social functions. By the same token, in some situations categorical property systems may change dramatically, while concretised property relations only change marginally or not at all. Finally, under yet other conditions, revised property laws may also bring about significant changes in concretised property relations and economic reorganisations. Recognising the various layers at which property phenomena occur may help to explain all of these variations in historical trajectories of categorical property relations and concretised property relations.

This analytical refinement of the famous metaphor of property as a bundle of rights provides an attractive framework for the analysis of changing property relations in Māori society over the years. All layers of social organisation are to be analysed in their mutual dependence, and none should be privileged over any other. Such an approach is a serious advance over institutional approaches that either put too much emphasis on the categorical legal institutional framework, the so-called rules of the game, or treat institutions as compounds in which norms, rules and behaviour are considered to serve a common purpose and are therefore mixed together. Below I will therefore operationalise the framework set out above in the history of Māori relations to property in both precolonial and postcolonial circumstances.

THE CODIFICATION OF MĀORI PROPERY CATEGORIES

Property relations, as mentioned above, are basically composed of three main elements: the construction of valuables as property, ideas about social units that hold property rights and obligations, and, finally, the different kinds of relations in terms of rights and obligations. In social circumstances that are characterised by rapid changes it will simultaneously be necessary

to highlight the temporal dimension of property relations. This paper is principally concerned with land as a valuable to which people, or groups of people, hold proprietary rights. In view of the dynamic and multidimensional concept of property set out above, it should be obvious that the analysis of property relations in Māori society will inevitably be situated in a historical perspective on changes in colonial and postcolonial New Zealand.

In the past, Māori rights to land were so closely intertwined with matters of ancestry and kinship relations that any discussion of Māori property relations should begin with a brief outline of Māori kinship organisation. Since at least the 1840s, Māori kinship groups have been described in terms of a tidy taxonomy of canoes or super-tribes (*waka*), tribes (*iwi*), sub-tribes (*hapū*) and extended families (*whānau*). It has long been assumed that *waka*, *iwi*, *hapū* and *whānau* were organised in segmentary hierarchies of *waka* made up of a number of *iwi*, *iwi* made up of a number of *hapū*, and *hapū* made up of a certain number of *whānau*. Analogous with this neat model of social organisation it was assumed that the political organisation of Māori society was also organised in a similar hierarchical structure of command: *arikinui*, sitting at the apex, commanded the *ariki* of the tribes, who in turn commanded the *rangatira* of their various sub-tribes, who were finally believed to be managing the *kaumātua* or elders of the extended families. This model also tended to assume that sub-tribes lived together in bounded communities occupying discrete stretches of territory with boundaries contiguous with those of other sub-tribes of the same tribe, so that the sum total of the sub-tribal territories constituted the tribal territory.

This model of Māori socio-political organisation was first drawn up by settlers who had the status of "experts" in the early 19th century, after which it was expanded by the work of officials of the early colonial government (Ballara 1998: 70). It was attractive to government officials since they were looking for a comprehensible and comprehensive hierarchical body politic with which they could enter into negotiations about land purchases. They needed a simplified system of tribal classification as a practical aid in acquiring Māori land in order to solve the pragmatic problem of access to land for the increasing number of settlers arriving in New Zealand.

In the 1860s the rigid model of Māori socio-political organisation was reinforced by the Maori Land Court that was set up to individualise Māori land titles in order to facilitate access to land for European settlers (Ballara 1998: 90). Judges often demonstrated their belief in a strict system of large tribes or nations subdivided into sub-tribes, of which the effective unit was the large tribe, while the sub-tribes were thought to be only the sections to which individuals belonged. Witnesses in court were invariably asked to identify the larger tribe to which the descent groups they were discussing

belonged. Judges also looked to claimants to set up an ancestor with rights to a particular block of land, whose descendants had occupied it and maintained their control over it to the exclusion of others.[3] Those ancestors were usually declared to be the eponymous ancestors of single tribes, and judges often believed that the territories of these descent groups were unbroken and could be held by only one "tribe" at a time. Thus, tribes also came to be regarded categorically as the main property holders in Māori society.

Towards the end of the 19th century this model of Māori kinship, leadership and property categories was further authorised by the first generation of serious scholars of Māori society and history. Elsdon Best and Percy Smith incorporated the existing picture of the traditional socio-political structure in their so-called "grand design" of the Māori people (Ballara 1983: 93). The essentialist classification of Māori tribal organisations, chieftainship and property relations was later also adopted by the New Zealand anthropologist Raymond Firth (1959 [1929]) in his doctoral dissertation, after which it became canonised in the anthropology of Māori society until rather recently (Van Meijl 1995).

This model of Māori socio-political organisation, in which *iwi* are central, is also reflected in its translation as 'tribe', from which all other translations have been derived, and continues to inform contemporary government policy. The Runanga Iwi Act of 1989 was the first statute to codify the *iwi* model. Although the Act was repealed by the National government after it replaced the Labour government, the spectral presence of *iwi* remains in the policy for the settlement of Māori claims. Since the early 1990s, both the National and Labour governments have signalled a clear preference for dealing with claimants at an *iwi* level. In view of the problems with the implementation of the settlement process, and the continuing protests of sub-tribes (*hapū*) against the exclusive recognition of *iwi* as negotiating and representative partners of the government, it is important to examine the adequacy of the above model of Māori socio-political organisation in light of historical evidence. Since the pioneering publication by Angela Ballara (1998) on the dynamics of Māori tribal organisations from the arrival of James Cook in 1769 until the end of the Second World War, it has now become possible to compare and contrast categorical property relations as described in legal rules and regulations with concretised property relations in Māori social practices in 19th century New Zealand.

CONCRETISING PROPERTY RELATIONS IN MĀORI SOCIETY

In the book referred to above, the New Zealand historian Angela Ballara (1998) has demonstrated unequivocally that sub-tribes instead of tribes were the central unit of Māori society. The translation of the Māori concept of *hapū* as sub-tribe is misleading as it suggests it is derived from a larger,

encompassing whole, while Ballara showed clearly and unambiguously that *hapū* were corporate groups of people who thought of themselves as a unit because of their kinship connections through descent. They combined in concrete ways to perform various functions for their self-management, to conduct relations with the outside world, for their defence and in many of their most important economic affairs. Indeed, *hapū* were independent politically and they acknowledged no higher authority than that of their own chiefs. *Iwi*, on the other hand, were not corporate groups, but merely categorical groups, made up of a wide variety of groupings of people who thought of themselves as sharing a common identity based on descent from a remote ancestor. In response to colonial circumstances *iwi* represented themselves as alternative, more inclusive corporate groups, and only in the recent past have they become the most recognised Māori descent groups.

The relationship between *hapū* and *iwi*, between corporate 'sub-tribes' and categorical 'tribes', is also reflected in the rights and obligations regarding the land and natural resources. In this light, it is obvious from the outset that Māori property rights do not concur neatly with European conceptions of property rights. In European societies, title to land provides title holders with virtually all rights in the land, meaning exclusive, undisturbed possession for an indeterminate duration, and the right to encumber it or sell it in perpetuity. In Māori society no one individual or kinship group owned land in the sense that they held virtually all rights in land to the exclusion of other levels of kinship or adjacent groups. Rather, different levels of the *hapū* exercised different kinds of rights in the same area of land. The right to traverse a stretch of land could extend to the *hapū* as a whole, but the rights to cultivate particular garden plots within the same area could be exercised by smaller entities, such as individuals, chiefs, smaller groups of kin, extended families or even nuclear families.

These rights were transferred by a number of customary means. Major transfers could occur through war or threat of war, but the rights to specific resources, such as the right to fishing-stands, trees attractive to birds or smaller garden plots, were commonly transferred from, by and to individuals, through gifting and inheritance. Specific rights were transferred in this way to other *hapū* members and also to members of adjacent groups without necessarily conferring with the *hapū* as a whole or its ruling chief or chiefs. As a result, Ballara (1998: 195) argued that "the rights of individuals of different *hapū* came to intersect on the ground" and "use-rights became a crazy patchwork". Who had a right to what was perfectly understood, or at least negotiable in terms that people understood, at the time by the members of any community, but use-rights were difficult to define under *hapū* names in later times. Use-rights were ordered and prioritised according to well recognised principles,

but with a marked emphasis on context so that the solution chosen best suited the demands of the moment.

The mere use of natural resources or even occupation of land, however, did not confer a right to dispose of the land permanently. It has been argued frequently that in Māori society, as in most societies, a distinction was made between, on the one hand, rights to use land and exploit natural resources economically, and, on the other hand, rights to alienate, control and allocate property, which in Māori was expressed through the concept of *mana* that invariably belonged to a communal group of people and could be inherited across generations (Healy 2009). In view of this distinction, then, land in Māori society could and was strictly speaking often occupied without having comprehensive rights. Ballara (1998: 198) even contended that "squatting" was a common phenomenon and was tolerated unless squatters attempted to assert alienation rights. Particularly in areas subject to heavy migration and warfare it was common for an area of land occupied by a *hapū* to be subject to a number of competing claims of overall rights made by groups that had occupied the land in the past. For a variety of reasons these groups no longer occupied the land, but had in their eyes retained the *mana* in the land, and therefore they could advance a claim at all times.

The competing claims of alienation rights coupled with the intricate system of overlapping and intersecting rights held by the members of different kinship groupings, makes it difficult to say who "owned" the land, or, for that matter, bodies of water. A major *hapū* occupying a particular territory undisturbed by war and migration for several generations could hold something akin to ownership in the common law sense, but it was much more common for several different sub-tribes to hold interests in the same area of land. Ownership was furthermore compounded by the factor of time that altered all relationships and degrees of right. Māori descent groups in the 18th and early 19th century were in a constant state of transformation, waxing and waning according to the vicissitudes of customary life. If a group asserting authority over a locality waned over time through political misfortune a new group could replace it. For these reasons, therefore, it makes much more sense to speak of different groups and individual members of descent groups owning a range of different rights in the land, rather than owning land itself (Ballara 1998: 200).

Concretised property relations were thus much more complicated in 19th century Māori society than European codifications of Māori property categories acknowledged. This caused enormous problems when conflicts about property transactions between Māori and Europeans came to light during the second half of the 19th century. In addition, the discrepancy between concretised property relations in 19th-century Māori society and

European conceptions of Māori property categories also offers a lead for an explanation of contemporary controversies surrounding claims between different levels of the tribal hierarchy (super-tribes, tribes, sub-tribes and large extended families) regarding the settlement of long-standing grievances resulting from the dispossession of Māori land in the past.

RESOLVING COMPETING CLAIMS

Before the arrival of Europeans, competing claims of land rights were resolved through a variety of customary practices including the use of military force and public pacts. There were, however, no clear-cut rules, and all rights and relationships changed over time. The dominant political force could eventually wane and merge with another more powerful group, or break up through internal conflict and re-allocate the land amongst newly formed groups. In the 1860s, however, this fluid arrangement was frozen in time by the Maori Land Court which prioritised competing claims of right to land by various groups, placing great emphasis on the acquisition of land through conquest, followed up by continuous occupation. The Court also assumed that groups that had migrated to new lands abandoned their ancestral homelands. The Maori Land Court formulated these principles more or less without taking into account the abundant available evidence of more accommodating customary rules (Boast, Erueti, McPhail and Smith 1999: 44).

Interestingly, as mentioned above, the operations of the Maori Land Court along with the increasing number of land sales in the 19th century were of great importance in provoking the delineation of tribes and their gaining prominence over corporate *hapū*. Initially the Land Court did recognise *hapū* as the landowning unit in Māori society. It even drew into the official records of the tribal organisation of Māori society the names of thousands of small *hapū*. Subsequently, however, *hapū* were regarded as 'sub-tribes' and therefore they were without consultation assigned to a limited number of particular tribes in order to make the overview of Māori tribes more comprehensible. Since many "sub-tribes" had multiple tribal connections, which were also intertwined with kinship principles of cognatic descent and multiple affiliations, the ultimate effect of the operations of the Maori Land Court was to consign many *hapū* names to oblivion (Ballara 1998: 275).

This process coincided with the growing emergence of tribal groupings or *iwi* as corporate groups in the course of the 19th century. Following the musket wars among Māori tribes in the early 19th century, and the battles between Māori tribes and the New Zealand government about the access to land in the 1840s through the mid-1860s, tribes gradually took on a more coherent form. Nevertheless, Ballara (1998: 282) firmly concluded that *hapū* continued to be the primary units of Māori society until at least the mid-20th

century, when for 90 percent of the Māori population the *hapū* was still the unit of everyday reality. At the same time, half of the Māori population did not know their tribe. The concept of tribe remained a formal category that people might or might not know, and might or might not make use of.

In spite of these undeniable facts about tribal identification until the mid-20th century, the formation of tribes has continued at the expense of "sub-tribes" since the Second World War. As mentioned above, the process of strengthening of *iwi* relations began in the 19th century. One of the reasons not yet mentioned, but that proved increasingly important in the 20th century, is that during the second half of the 19th century tribal *runanga* or councils were set up. They began as meetings to discuss common interests among tribal groupings against the background of the advancement of European settlement in New Zealand, but also to control the irresponsibility shown by some chiefs in the sale of land (Ballara 1998: 287). These tribal *runanga* would later become the first institutions of the modern tribes. Although in the 19th century *runanga* may not have been fully effective as tribal councils, the tribal institutions that so emerged contributed to Māori acceptance of the concept of tribe as the wider primary political unit.

In the first half of the 20th century tribal *runanga* were revived again by the government to examine the injustices of the massive confiscations of land after the wars in the 1860s and other injustices related to the dispossession of Māori of their land in the 19th century. The Crown forced tribes to form corporate bodies in order to be accepted as partners in negotiations about the settlement of land claims. Thus, the formation of tribal organisations received another incentive from government policy. This process would in due course accelerate the constitution of tribes, in spite of the fact that tribal boundaries were still rather fuzzy, which continued to be related to intersecting use rights, and in spite of "sub-tribal" reluctance to accept tribal hegemony (Ballara 1998: 315).

The pressure of the government and the Crown to define certain groups as tribes while excluding others from that status has continued until today. The devolution of powers from the Department of Maori Affairs to new tribal authorities in the late-1980s and the direct negotiations between the Crown and several Māori tribes about the settlement of claims to the Waitangi Tribunal, have produced evidence of similar pressures. In the 1990s, a clear tendency has emerged to redefine *iwi* as corporate descent groups and as the central unit in Māori society. In some tribes, chiefs gladly accepted this drive from the government, maybe even fostered it, in order to have the separate and independent character of their tribal empire officially recognised (Van Meijl 1997). In other cases, Māori chiefs had no option but to accept the government mode of tribal regulation when preparing or negotiating a

certain land claim. For any claim to be acceptable and successful, all chiefs had to reconceptualise the social bonds in Māori society in the particular form specified in the legal discourse resulting from the settlement process in contemporary New Zealand. This is the direct result of a new and bounded concept of property which is extended into a situation that was traditionally characterised by intersecting use rights and the absence of a clear, unitary concept of ownership.

* * *

In conclusion it might be argued that disputes in contemporary Māori society about the process of settling colonial grievances are caused mainly by a clash between different property regimes, one characterised by intersecting rights and historically without a clear concept of comprehensive ownership, and the other characterised by a bounded conception of ownership, including the right of alienation, introduced into Māori society by European government officials. The discrepancy between these two different property regimes is compounded by two factors. One is the lack of categorisation of property rights and relations in the multidimensional web of linkages between individuals and kinship groupings in the first regime, which is predominantly embedded and concretised in social and political practices. In contrast the second regime is codified in legal forms and categories that correspond neatly with European notions of property. This distinction is further complicated by the fact that the pragmatic conception of use rights to land and natural resources is primarily upheld by lower ranking tribal groupings such as *hapū* and *whānau*, whereas the more bounded notion of ownership is mainly endorsed by higher ranking tribal units such as *iwi* and *waka*. This parallel is not a coincidence since as corporate groups *iwi* and *waka* have been shaped largely under the impact of European settlement and colonial and postcolonial policies in New Zealand.

Indeed, tribes have only emerged as powerful organisations in Māori society relatively recently and there can be no doubt that government policies played a decisive role in their institutionalisation (see Van Meijl 2003b). These policies were implemented partly to stipulate the conditions for the return of lands and natural resources that were unjustly dispossessed from Māori in the 19th century. These conditions, however, reconfirmed European views of Māori socio-political organisation that evolved in the course of the 19th century, and which were analogous to a bounded conception of property relations and notions of ownership. Ironically, they are rooted in an essentialist interpretation of socio-political organisation in Māori society of the 19th century, in which the characteristic flexibility of Māori society was

subordinated in a segmentary model of structural hierarchy. This relatively unambiguous framework for the interpretation of socio-political relationships within Māori society can never do justice to the inherent ambiguity of concretised Māori property relations. After all, it neglects the interests of lower ranking units in the tribal hierarchy, which constituted the core of Māori society in the 19th century and were central in the allocation of use rights to land and other natural resources until the mid-20th century. In the contemporary settlement process, however, their interests are submerged under the authority of tribes, which they acknowledge as their superiors only to the extent that their management of natural resources is not at stake. In sum, it may be contended that although New Zealand may be making great strides in establishing historical justice, it seems imperative to take into account the historical changes in Māori forms of socio-political organisation over time by acknowledging intersecting rights of lower ranking groupings within the hierarchy of Māori kinship organisation lest the settlement process leads to new forms of social injustice within Māori society.

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NOTES

1. Wi Parata v. The Bishop of Wellington [1877] 3 NZ Jur (NS) 72.
2. For an introduction to the Waitangi Tribunal, see Sorrenson (1989) and Temm (1990).
3. Les Hiatt (1996: 13-35) has shown that in Australia a similar discussion was held about the relationship between social organisation and property rights in Aboriginal society.

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ABSTRACT

This article examines controversies around the representation of Māori in the process that aimed at settling colonial grievances about the dispossession of their land in the 19th century. The analysis of contemporary questions is situated in a historical perspective on the nature of property rights in the past: who used to own the land then and what does it mean now? A legal anthropological perspective is used to disentangle historical and contemporary concerns in order to refine the quest for the right balance between historical justice and social justice.

Keywords: New Zealand Māori, legal anthropology, change, property rights, settlement process

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