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European contact and systems of governance on Tongareva

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Tongareva is the northernmost and largest atoll in the Cook Islands and is often referred to as Penrhyn after the first European sighting of the atoll in 1788 when the crew of the ship *Lady Penrhyn* 'saw a low flat island, bearing east to north east, seven or eight miles distant'.¹ The first sustained period of European contact with Tongareva occurred in January 1853 when an American brig, the *Chatham*, was wrecked off the south-west coast. E.H. Lamont spent a year on the island as a result of this wrecking, and later wrote an account of his time in *Wild Life Among the Pacific Islanders*.² Although much coloured by the lens of the Victorian period in which it was written, this book is considered by many to be a definitive account of Polynesian life on Tongareva prior to European contact.³ The first London Missionary Society (LMS) missionaries arrived on Tongareva in 1854, shortly after the rescue of Lamont. Following the early successes of using Pacific Islanders as missionaries, in March 1854 the LMS sent three 'native teachers' to the atoll because 'the fear of being devoured is gone and

1 Watt, Lt., 1789. 'Lieutenant Watt's narrative of the return of the *Lady Penrhyn* transport', *The Voyage of the Governor Phillip to Botany Bay*, edited by Anon., 222–24, London: Stockdale, cited in P.B. Roscoe 1987. 'Of canoes and castaways: reassessing the population of Tongareva (Penrhyn Island) at contact'. *Pacific Studies* 11(1): 43–61, p. 244.

2 Lamont, E.H., 1867. *Wild Life Among the Pacific Islanders*. London: Hurst and Blackett.

3 Buck, P.H., 1932. *Ethnology of Tongareva*. Bulletin no. 92. Honolulu: Bernice P. Bishop Museum.

our young men are anxious to be the first bearers of the Gospel torch among them'.⁴ In 1862, Tongareva was visited by Peruvian slave traders and, according to Maude's meticulous account of this period, suffered a 66.7 per cent population decrease as a result.⁵ When the LMS missionary Wyatt Gill visited Tongareva in 1863 he found only 40 inhabitants living in Omoka and 48 spread between the other villages.⁶ After the sudden population decline engendered by the slave trade, the patrilineal *ariki* (chief, king) structure was likely to have been highly fragmented.⁷ Gill, for example, reports that the remaining Tongarevans were unable to decide which remaining *ariki* should have prominence, suggesting that 'there is no chief whatsoever ... so that the [Christian] teacher is virtually king'.⁸ The remaining Tongarevan population was eventually centralised into the two villages of Omoka and Te Tautua, which remain the contemporary settlements on Tongareva today.

By the late 1800s, Tongareva was involved in trading pearl shell, for which its lagoon was renowned, and the export of copra, with Omoka functioning as the main port. In 1889, after Tongareva was included in Britain's annexation of the Cook Islands,⁹ a body called the Hau was instituted: 'an informally constituted council of elders which was recognised as the local government'.¹⁰ The Hau was designated responsibility for allowing access to the lagoon for the collection of the pearl oysters and also the management of the different *motu* (islets) for copra harvest. Although membership of the Hau would have likely reflected pre-existing kinship structures, Campbell notes that the Hau often had difficulties enforcing its decisions as 'their positions had, in effect, been created by the British administration'.¹¹ Campbell suggests that, at least initially, this colonial 'taint' would have affected the ability of the Hau to enforce judgements.

4 Buzacott, 1866. *Mission life in the islands of the Pacific*, cited in A.R.T. Campbell, 1985. *Social Relations in Ancient Tongareva*. Pacific Anthropological Records no. 36. Honolulu: Bernice P. Bishop Museum, p. 10.

5 Maude, H.E., 1981. *Slavers in Paradise: The Peruvian Slave Trade in Polynesia, 1862–1864*. Canberra: Australian National University Press.

6 Maude, 1981, p. 10.

7 Campbell, 1985.

8 Gill, 1887, cited in Campbell, 1985, p. 80.

9 See Gilson, R., 1980. *The Cook Islands 1820–1963*. Wellington: Victoria University Press.

10 Campbell, 1985, p. 13.

11 Campbell, 1985, p. 14.

The Hau on Tongareva was replaced by the island council in 1901, which comprised of six elected members: three members taken from the settlements at Omoka and Te Tautua respectively, two *ariki*, and the colonial resident agent, who functioned as president.¹² The island councils were empowered by the colonial administration to take on the role of mediator and manager of the trade relations by making local ordinances or by-laws. Only four such by-laws were established, between 1901 and 1965, in order to deal with issues of wandering pigs and the use of obscene language.¹³ The island council could also use its ordinance powers to impose *rahui* over the gathering of copra and pearl shell.

The ability of island councils to establish by-laws for the island continued unchanged by the *Cook Islands Act 1915*. In the *Cook Islands Amendment Act 1957*, however, by-laws made by island councils were subject to approval by the high commissioner; thus, Section 51.3 of the Act reads: 'no by-law made by an Island Council shall become law until it has been assented to by the High Commissioner'.¹⁴ In the *Cook Islands Outer Islands Act 1987*, there remains a clear hierarchy of decision-making powers, although any by-law made by island councils must first be approved by a national executive council in Rarotonga before eventually attaining the approval of the relevant member of parliament for the island and, finally, ratification by parliament. The present functions of island councils, then, are slightly ambiguous in that they enjoy relative autonomy in the outer island context, yet still require centralised government approval for the establishment of any by-laws.

As a consequence Tongareva, as an outer island, has a system of governance that is at once 'local' but also clearly associated with legislative priorities of the central government based in Rarotonga. Indeed, while those distant from Tongareva may construct the island council as an effective structure reflecting 'local' interest and needs, this belies the varying social, political and cultural differences that the island council must negotiate in producing local decisions and

12 Campbell, 1985.

13 Crocombe, R.G., 1964. *Land Tenure in the Cook Islands*, Oxford University Press.

14 See www.paclii.org/cgi-bin/sinodisp/ck/legis/ck-nz_act/ciaa1957212/index.html?stem=&synonyms=&query=Cook%20Islands%20amendment%20act%201957.

courses of action.¹⁵ The colonial origins of the Tongarevan Island Council and its current relationship to both local and national structures of authority are important for understanding the varying levels of authority and respect garnered by the island council in its contemporary manifestation. This is particularly so with regard to its ability to institute *rahui*.

The use of *rahui* on Tongareva

Rahui or the Rarotonga equivalent, *ra'ui*, is a technique used by those in power to control or deny access to land, crops or areas of the sea.¹⁶ *Rahui* were generally declared in response to declining resources, or to protect scarce resources from over-harvest.¹⁷ *Rahui* works by 'bounding' or 'closing' physical areas, for example, *motu* in the case of copra, or areas of the lagoon in the case of pearl shell. These areas are protected by the invocation of *tapu* so that those who disobey or break *rahui* are subject to either physical or spiritual sanctions.¹⁸ Tiraa discusses how on the southern Cook Island of Atiu, in pre-European contact times, punishments for breaking *rahui* could be as severe as execution, banishment or having one's house and other property destroyed.¹⁹ Throughout the Cook Islands, breaking *rahui* was generally expected to be dealt with by community pressure or, in post-contact times, by sanctions imposed by the relevant island council.²⁰

The fact that the practice of *rahui* remains in use on Tongareva is not insignificant, particularly as its use was legislated against in the Cook Islands through the 1908 *Te Mana Ra'ui Act*, which declared that 'the ancient right of *ra'ui* no longer existed in respect of any land which has been investigated by the Native Land Court'.²¹ Moreover, that *rahui* continues to be used in a marine context is interesting given that the

15 See Robbins, P., 1998. 'Authority and environment: institutional landscapes in Rajasthan, India'. *Annals of the Association of American Geographers* 88(3): 410–35.

16 Crocombe, 1964.

17 Ama, A., 2003. 'Maeva – rites of passage: the highlights of family life'. In R. Crocombe & M.T. Crocombe (eds), *Akono'anga Maori: Cook Islands Culture*. Suva: University of the South Pacific, pp. 119–26.

18 Gilson, 1980.

19 Tiraa, A., 2006. 'Ra'ui in the Cook Islands – today's context in Rarotonga'. *SPC Traditional Marine Resource Management and Knowledge Information Bulletin* 19: 11–15.

20 Gilson, 1980.

21 Crocombe, 1964, p. 325.

1915 Act stipulated that '[n]ative customary title shall not extend ... to any land below the high-water mark'.²² Indeed, it appears that the isolated nature of the outer islands, such as Tongareva, combined with decentralised governance through island councils, has meant that these islands enjoy relative independence in their decision-making processes, one aspect of which is the persistence of *rahui*.

The survival of *rahui* also suggests something of its flexibility as a technique in responding to the changing situations and circumstances of the island as well as the ability of the islanders to make the most out of the cracks of recognition that continued to exist in the superimposed colonial systems. In pre-European contact times, *rahui* was a largely decentralised tool used by individual families on a day-to-day basis to protect coconut crops.²³ Lamont also notes, however, that there were instances where large-scale bans (what he terms *masanga* — synonym for *rahui*) were imposed by *ariki* and *taura* (priests) with the agreement of the *huaanga* (a ramage comprising a group of patrilineal extended families) in order to prevent starvation. As Lamont's account states:

To '*masanga*' or put a ban on certain trees ... is a matter of every-day occurrence with the economic landowner, that the supply of nuts may not fail, but to have the ban put on every tree throughout the island, and to be reduced to a very moderate allowance of food, was soon the case of great suffering ... After a great deal of talking on the part of the natives [sic] with their usual excitement, the restrictions of the *masanga* were finally agreed to among themselves, and all the men placed around their necks a piece of platted sinnet as a badge of their acceptance of it.²⁴

This *masanga* was devised in order to allow the coconuts on food lands to recover from over-harvesting. Yet, such was the dependency of the people on coconut, a decision not to exploit the resource located on their *motu* meant pressure to raid the coconut plantations on *motu* belonging to other *huaanga* around the island. In this case, then, a decision to protect and regenerate local coconut supplies through a ban on use resulted in conflict with surrounding groups. Such a drastic step thus required the consent of the whole *huaanga*

22 Crocombe, 1964, part 12, sec. 419.

23 Lamont, 1867.

24 Lamont, 1867, pp. 273–74.

as the consequences were far-reaching.²⁵ So important was longer term preservation of resources that *huaanga* contemplating *rahui* were willing to risk conflict with neighbouring *huaanga* and drastic reduction of food supplies.

Post-contact, with a growing reliance on imported goods, the emphasis was placed on protecting the resources (pearl shell and copra) that fell at the centre of the newly established trade relations upon which island income depended.²⁶ According to people interviewed during my fieldwork, *rahui* was also used to declare certain parts of the lagoon closed in order to allow pearl shell to replenish, with the last instance of this type of *rahui* occurring in the mid-1990s.²⁷

The way in which the Tongarevan people adapted practices such as *rahui* to the economic and social changes brought about by European contact is noteworthy. On the one hand, despite the seemingly negative hegemonic influence of the LMS missionaries and the colonial presence on Tongareva, the people were not simply passive in their reception of these forces and responded actively instead, modifying them to suit their purposes. These observations relate to a specific pragmatism noted by other scholars in relation to the alacrity with which Christianity, as one particular consequence of European contact, was adopted throughout the Pacific Islands. For example, writing with respect to the rapid conversion to the LMS-inspired Christian faith that spread rapidly throughout the Cook Islands, Buck notes that ‘material benefit was associated with the new religion and, if such benefits could be obtained more readily by adopting that religion, why not adopt it?’²⁸ Cowling goes on to cite the LMS missionary John Williams, who made clear the relationship between missionisation and the subsequent expansion of commercial interests: ‘Thus, wherever the missionary goes, new channels are cut for the streams of commerce’.²⁹ This, however, is not to imply that the Tongarevan people had total agency, as the 1915 *Cook Islands Act*

25 Buck, 1932.

26 Buck, 1932.

27 Papa R., pers. comm. with the author, 24 May 2006.

28 Buck, 1939. Cited in W. Cowling, 2006. ‘Once you saw them, now you don’t – the disappearance of Cook Island traditional craft production’. *Proceedings from the 2nd International Small Island Cultures Conference*. Sydney: Macquarie University Press, p. 30.

29 Williams, 1837. Cited in Cowling, 2006, p. 30.

best demonstrates. Nevertheless, the continued use of *rahui* suggests flexibility in terms of what such a designation could be applied to, although the basic premise of the technique remained unchanged.

In this respect, Hviding notes that customary mechanisms such as *rahui* can be characterised on the basis of their flexibility and their ability to be applied to changing situations and circumstances.³⁰ Although Hviding's comments pertain to a Melanesian context, he suggests with regard to the use of customary marine tenure (CMT) systems, that the success of CMT structures to adapt to change lies precisely in their unwritten and non-codified nature. This characteristic, he asserts, enables such systems to retain the capacity to rapidly adapt to any sudden changes that might occur, be it in terms of changes to usage patterns or ecological conditions. CMT systems are, therefore, able to perform 'functions in the modern context for which they were not designed'.³¹ With respect to imposing closures on resources, Hviding further states that closures may not necessarily reflect absolute states of abundance or scarcity of a resource, but rather can be influenced by the 'perception of market prices, available transport and other factors that affect the demand for and number of potential harvests of the resource in question'.³²

It appears, then, that there are many similarities between Hviding's perception of CMT systems and the flexibility in the way that *rahui* as a technique was used and adapted in the changing Tongarevan context. Moreover, although the structures by which *rahui* could be imposed changed from dispersed kin groups to a centralised island council, the island council system continues to depend on input from the Tongarevan people. Indeed, the inclusive structure of the island council, and the way *rahui* requires the agreement of the people it is attempting to manage in order to work, function to ensure it is a management tool that cannot simply be coopted by whoever is in power.

30 Hviding, E., 1998. 'Contextual flexibility: present status and future of customary marine tenure in Solomon Islands'. *Ocean and Coastal Management* 40: 253–69.

31 Polunin, 1984. Cited in Hviding, 1998, p. 255.

32 Hviding, 1998, p. 263. See also Chambers, C.N.L., 2008a. 'Bounding the Lagoon: Spatialising Practices and the Politics of *Rahui*, Tongareva, Cook Islands'. PhD thesis, University of Edinburgh.

Authorising *rahui*

In an interview with Papa M, I was given an eloquent description of the use of *rahui* when Tongareva was still involved in the copra trade. The use of *rahui* to close down *motu* around Tongareva was functioning up until the early 1980s and was used in order to allow the coconuts to replenish before the next harvest. Papa M's comments are significant, for they show how people were literally 'called in' to observe the *rahui* placed on particular *motu*:

I recall I was a young boy, the *rahui* was still enforced over here. I still remember the time when the papa would come, an old man, with a *paatee* [slit drum], making a noise, calling out 'the *rahui*, the *rahui*', and the name of the *motu* that would be closed. He tried to make everyone aware that there would be a *rahui*. Then there would be a public notice put up by the island council. Everybody knew there would be a *rahui*. And if the *rahui* is enforced, no one was allowed to go over to that island. As a kid here, I know, I still remember, the time when we go [to the island], everybody would say a prayer. A prayer for the *rahui* to close, and then, for the *rahui* to open.³³

As this quote from Papa M illustrates, the ability to 'call' the *rahui* was contingent on the whole community first being aware of the planned closure and second, abiding by the spiritually enforced sanctions, physically enacted by the people going to the site of the *rahui* and participating in prayer. Implied in his account is a community-wide recognition of the *mana* (respect, authority) of the elders who would call in the *rahui* and, in turn, respect for the *tapu* nature of the closed *motu*. As Papa M testifies, the *rahui* would start by producing a closure not just on the coconuts, but on physical access to the *motu* in question. This bounding of both resource and surrounding area as *tapu* was achieved by the imposition of a normative rule that, while relying on community recognition and adherence, also depended on the tacit recognition of the authority of the island council as the appropriate body to make such declarations and as having the right to punish those who disobeyed. Once the period of *rahui* was over, a prayer was again used to unbound the *motu* and open up the resource, once again allowing people to enter the area of land and harvest coconuts for copra. In terms of how the *rahui* works, then, the island council

33 Interview with the author, 24 May 2006.

played a key role in terms of adjudicating the need for *rahui*, where this *rahui* was to be located, and how long it would last. This role, at least according to Papa M's account, was endorsed by Tongarevan society more generally.

Comments made by other interviewees suggest a considerable shift between how Papa M recalled *rahui* to have worked in the past and the implications of placing a *rahui* on *pasua* at the time of my fieldwork. Instead of the ritualised 'calling in' of the *rahui* of old, and the clear and unproblematic obedience to the bounded *motu* and resource in question, other people suggested that placing *rahui* on *pasua* now would be problematic and difficult to enforce. In a group interview, for example, Papa T and his friend Papa J debated this point:

Papa J: Well for the *pasua*, and how they are thinking of closing it now? I remember the last time, about 10 or 15 years ago, we started closing the shell, the mother pearl shell. They [the island council] closed the lagoon for two years. You know what happened? They never put someone in charge or whatever. People to look after the *rahui*. And by the time it came to open the lagoon, there was no shell! What was the point of closing it! What was the point? If they want to close it again now for the *pasua*, they need to get everyone, or select a team, make them police the boundary of the *rahui* ...

Charlie: And monitor it?

Papa J: And monitor it, yeah.

Papa T: But the main thing with the *pasua*, they cannot close the *pasua* without the people's say.

Papa J: That's what I said before!

Papa T: Yes, they cannot do it.

Charlie: Because people won't listen?

Papa T: It is the people who will say close the lagoon or keep it open. It's the people who say. Not the council.³⁴

Papa T's comments hint at a considerable shift in the authority vested in the island council. He emphasises the need to have 'the people' involved in deciding whether or not to 'close the lagoon or keep it

34 Group interview with the author, 16 May 2006.

open'. Moreover, if a closure was instated by the council alone, without the people's say, Papa J suggests that it would fail if it didn't also have people involved to monitor and enforce compliance. Indeed, concurrent with Papa J and Papa T's comments, it was not uncommon for people to suggest that a *rahui* on *pasua* would fail if it wasn't supported by the island populace as a whole. In the following interview, for example, Mama T questions how the island council would be able to enforce the proposed closure on the lagoon:

Charlie: Do you think people will respect *rahui* now?

Mama T: If it's a by-law. Only if it's going to be a by-law. If it's going to be a verbal meeting in the island council chamber over here, no. If it's just a notice up on the notice board there, that the council is saying there is no more *pasua* for selling, people won't listen. People will just ignore that notice. But they will respect it if it's a by-law. Because a by-law will give the police the right to check people's boats and follow it up. Only if it's a by-law. If it's just a verbal thing, people won't give a damn. They won't listen.³⁵

Mama T's comments, echoing again the frustrations expressed by Papa J and Papa T, suggest that it would only be through legal means, by the island council generating a by-law for the police to enforce, that people would adhere to a *rahui* on *pasua*. Neither the power of the designation of *tapu*, nor a 'verbal meeting', nor even a 'notice' appear enough to guarantee compliance with the restricted access planned for the lagoon. Mama T's comments suggest that *rahui* needs to be combined with alternatively authorised structures, that of the by-law, to be effective. While the Tongarevan Island Council has, since its inception, had the legislative power to make by-laws, it appears that *rahui* has never previously required formalisation in the form of a by-law in order for it to be effective on Tongareva. Making the *rahui* a by-law would, as Mama T suggests, make the enforcement of the *rahui* a matter for the police, and in turn anyone who broke the *rahui* would be punishable by law. The implication of Papa J, Papa T and Mama T's comments is that the council lacks the ability to monitor and enforce *rahui* in relation to *pasua*. This suggests a significant change in the ability of the island council to effectively govern the marine environment in the current Tongarevan context.

35 Group interview, 16 May 2006.

The relationship between authority and *rahui* in contemporary contexts is not unique to Tongareva. Writing with regard to the recently re-established *ra'ui* on Rarotonga, Tiraa echoes the concerns of Mama T that the Koutu Nui, a formalised group of *mataiapo* (lesser chief), which sit underneath the House of *Ariki*, have lost the ability to punish people who fail to observe the five *ra'ui* areas established around the island.³⁶ There is ongoing debate on Rarotonga as to whether the various *ra'ui* could be given legal recognition under the *Environment Act 2003*, which would make the *ra'ui* a matter for the Ministry of Marine Resources and give the police powers to punish those who break it. Many support this proposal so as to limit the number of infringements and thus to increase the effectiveness of the *ra'ui* in protecting the marine environment. While some members of the Koutu Nui are supportive of this plan, other members see the lack of respect for *ra'ui* as a lack of respect for the *mana* of the traditional leaders. They feel that giving *ra'ui* a legal basis would further erode this respect as it would foster an approach to conservation learnt by fear rather than by traditional conventions of *mana* and *tapu*.³⁷

Conclusion

The debates concerning the *rahui* on *pasua* at the time of my fieldwork speak to the complex relationships that surround practices of *rahui* and the structures of authority upon which they depend. In the Tongarevan context, contrasts in views concerning how *rahui* worked in the past with people's concerns as to how it might fail in the present, suggest that there is an important relationship between changing levels of respect accorded the contemporary Tongareva Island Council and the debates for and against a *rahui* on *pasua*. Indeed, residents such as Mama T appear to be pushing for a 'hybrid' *rahui*, one that still works on traditional principals, but has the added strength of legal protection in order to garner the necessary compliance.

Changes associated with missionisation and colonisation then, although changing the socio-spatial structures of authority in relation to land and resources, did not simply 'obliterate' pre-European contact

36 Tiraa, 2006.

37 Tiraa, 2006, p. 13.

knowledges and practices. Indeed, there were specific legal provisions for recognising these relationships and interests. Particularly in the outer island context of Tongareva, the island council was able to function in a relatively independent, though not locally uncontested, manner. *Rahui*, as a key 'tool' of the island council, survives as an example of 'traditional' knowledge and management practice in relation to land, water and resources. *Rahui*, however, is also a 'modern' product in that it is a form of governing resources that sits within a radically socio-spatially restructured Tongareva. In this regard, tradition, contra to the way in which it is commonly deployed as the binary opposite to the modern, is not meant to imply a state of fixity, of that which is unchanging or 'rooted'. Rather, as this article has briefly explored, tradition as invoked by the people of Tongareva in the context of *rahui* is inherently dynamic, mutable and ongoing in its negotiation today.³⁸

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