

AAN TARAWA ASSOCIATION

By Baitika Atania

Aan Tarawa Association is a combined body of all the Tarawa people; those who own land rights, on the island through inheritance; that is the real native people of the island. The organization was first started in 1969 and every member of the Association has to pay \$10.00 for his registration, the money is kept as the backbone of the organization.

The main idea behind it was for the Tarawans to combine their individual thoughts and skills to negotiate any proposals from Government that they think unfair regarding their land rights. The native people thought they have been frequently mistreated so they formed the organization to act as a powerful agent on their behalf. The native land owners suffered alot from government actions in taking lands for the benefit of the Gilbert Islands as a whole, and also to meet the requirements of the in-coming people who pour into the island.

The establishment of the Bonriks International Airport involved the land rights of many indigenous people. The Government bought these lands from the owners. They were forced to give up their land rights. The people preferred their lands to be leased, but because they were ignorant about land laws they failed to reject the proposals, and they were given money as compensation for their land rights. The payment was too small in comparison with the value of their long term asset which they lost for ever. This occurred before the establishment of the Association, and the people still dispute the case and ask for it to be revised. The Tarawa people were not satisfied with this because land right holders on other islands in the Colony which have airfields which have been established subsequently have not lost their ultimate right, but instead government merely leased their lands. When the representative of Tarawa Association brought this point about lands at Bonriki Airport, to the House of Assembly, they failed, because the Chief Minister mentioned that if they returned these purchased lands, then that all properties that had been sold out could also be claimed back by the owners and this would cause more confusion to the public as well as government.

The Association did not give up, but still negotiates with Central government to find a way whereby which the native people would be satisfied. One reason why the people wanted to revise their sale of lands to Government was that, they see nowadays that the payment for leased lands has been greatly increased. They also said that some people did not want to sign the agreement when it was made but the government officers forced them by holding their hands with a pen to write their signatures. This was very sad and unkind treatment to the Tarawa people in the past.

The central government is centered on Tarawa and because of this most people who lived in towns were all employed and receive relatively high income from their work. Most of these people came from islands outside Tarawa, and they have money. On the other hand those who live in Tarawa villages are native land right holders who live on their lands and earn money from cutting copra and fishing. Their income is very low in comparison with cost of things in the stores and also because the land is over populated. Our people have begun to adopt European foods and are leaving their babai pits uncultivated. This is one of the dangerous steps and has a great effect on land tenure on Tarawa. Because the strangers, who are mostly workers, have no land rights on Tarawa and they are in great need of land rights. On the other hand the land right holders, who are mostly Tarawa people, have many lands and low income from fish or copra so they are in great need of money to buy expensive things they could not afford. As a result, transfer of land rights to outsiders has become a common practise.

Nowadays the Tarawan population rises rapidly and they begin to see that they are running short of lands per person. At the same time, some people from outside Tarawa now own more land rights by means of land purchases. Because of this point the Aan Tarawa Association has now prohibited their people for selling their lands to outsiders and they only allow land sale between Tarawan people. That is, if you want to sell your permanent asset, you have to sell it to your relative or anyone in the Aan Tarawa Association who is ready to pay cash.

The Association also has money and it also allows land holders who wanted to sell lands to sell it to the Association and you would be given the amount you want. Your land right will then be kept as a land of the Association and if you think you want it back you have to clear your debit by paying instalments until your debit is cleared. The Association would then return your land. There are so many reasons behind this rule as they do not want to loose their status to land and partly because they do not want other people from other islands to have the same right on their islands and thirdly giving out land rights to outsiders actually means that they would have more people staying with them and this would lead to land scarcity in the near future. They also see the point that those who obtain land rights on Tarawa decreased their wealth over land and provided spaces back at home for their people. The Association is now trying to negotiate with government ways to improve the standard of living for the Tarawan people, especially on Betio, Bairiki, and Bikenibeu. These three places were formally villages and now government turned them to towns. The people suffered a lot because they have no rights on their lands as government have leased them all.

In the first place government offered the people of these three villages a place in the Solomon Islands, but because their grandfathers did not agree their grand children nowadays suffered a lot, because their babai pits have been levelled up for town plannings, their lands have been fully occupied by houses and government offices. Now they lived in a serious situation because they have been shifted to make their houses along the beach. This was done to the people of Bairiki.

The Association is now trying to find ways these people could be helped. Their only income from their lands were, compensation for destroyed food trees, and land rents paid to them yearly. Now the Aan Tarawa Association is negotiating with government to increase the land rent payments and the compensation for destroyed coconut trees, breadfruits and other food trees. They have been successful in their proposals, and now the land holders are quite happy with the conditions of their leases and compensation payments. It was also said by the Committee that the payments should go along with the value of the currency and the cost of foodstuffs

in the stores. This is what they intended to voice in the next meeting of the House of Assembly.

It is a common problem that when the country is too crowded with people there are things which government has to do due to political pressure and ignoring the individual rights. Now the government took the lands where the water lens has and built big pumps to supply water to the people in towns. What government did to the land holders within the water lens areas was that, they were forced to move out from the area and to build their homes along the beach on the lagoon side. This was very annoying to the land holders. The water was pumped from their land with compensation and the lands are not leased.

The Aan Tarawa Association brought up the disputes after many struggles by the individuals and after negotiations the land holders are now allowed to be given money for the lease disturbance allowance, and the compensation for water taken out from the ground.

The people now begin to see the importance of the Aan Tarawa Association and this encouraged the whole island to unify. It is also realised that government is now aware of this body in regarding land matters. The islanders believe that without their Association they would still be mistreated.

The future aims of the Association are to try to upgrade the standard of living for those land holders whose lands have all been leased by government. This is intended to help this people to get jobs in both government and the Development Authority which is a big government commercial firm. And secondly to ask government if such islanders could be given prior opportunities for employment. This was because they are now running short of land and they have very limited chance of getting food from natural sources. They realise that what has been agreed to now as a fair arrangement will not be fair in the next five or ten years.

equal rights. The subjects themselves were still consulted in matters pertaining to the shared lands⁴ used and transfer by their family in Tuvalu. Two of them actually mention the intention of going to Tuvalu to transfer their paramount rights to their brothers and sisters now remaining in Tuvalu and to be excluded from future decisionmaking regarding the lands.

LANDRIGHTS IN TARAWA.

In Tarawa, all lands held by Tuvaluans were held on freehold basis which means that they absolute rights to use them in the best suitable way. All of the lands were used for residential and they have on them permanent houses built of concrete and wood which suggest the migrant's intention to live permanently in Tarawa and make it home. There are few cases of leaseholds and these were used not for residential purposes but for business premises especially store mainly in the urban centres. One subject stated that in the middle of Banaraeaba village in South Tarawa he had a right to one plot of land as a caretaker and has the right from the real owners in North Tarawa to collect nuts and live on the land if he so wished. In return for this right the migrant in question is obliged to extend to the real owners hospitality when they visit South Tarawa.

ORIGINS OF LANDRIGHTS IN TARAWA.

As stated in the preceding paragraphs, there 3 main types of rights held by Tuvaluans in Tarawa. Firstly, there is a freehold land which every respondents have. This right is acquired by purchase of the land in monetary and material (especially motor boats, motor cycle etc.)⁴ value. In all known
4. Average value in 1969 was Australian 300. One piece in the same year was brought with an outboard motor valued approx. \$300.

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GOVERNMENT OF THE GILBERT ISLANDS
MINISTRY OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT



Telegrams: HEADLANDS, TARAWA

LANDS AND SURVEYS DIVISION,
P.O. Box 405, BETIO,
Tarawa, Gilbert Islands,
Central Pacific

My: F: 19/12/2

Your:

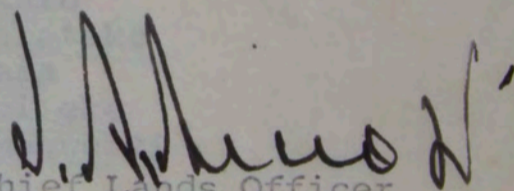
17th March, 1978

Howard Van Trease,
U.S.P. Centre,
C/- Ministry of Education Training & Culture,
Bikenibeu

Dear Howard,

I enclose in duplicate, lists of landowners of a block of lands in Bairiki and Bikenibeu. These may be of some assistance to your students' research as the lands are wholly leased to Government.

Yours sincerely,


Chief Lands Officer

JAA/RIKK
Encs

BIKENIBEU - LANDOWNERS FROM TUC MANEABA
TO AGRICULTURE OFFICE

<u>Land Name & No</u>	<u>Registered Landowner</u>
<u>BAREMAIO</u>	
672 a e	N. Raua Tominiko Kairaku
<u>KOROA</u>	
673 a e i	Betero Teakare (deceased) Tenanoa Tekitanga Tebeia Matang
<u>TAKORONGA</u>	
674 a e	Mautake Kabaekaeka Taoieta Rereibo
<u>RAWANIWA</u>	
675 a	Bwebwentekai Tutu
<u>TEANIKOMRI</u>	
676 a e i o u m n b	N. Makorenga Ubati $\frac{1}{2}$ Tinou Ubati Tebanana Kabaroua N. Tatau Mataro N. Teriki Taratake Terieta Tawaia Tekitanga Bait eke Akiaeti Tabwebweiti
<u>TAKERIA</u>	
677 a/1 a/2 e i/1 i/2 o	Teroron Tarangauea Kirion Auenga N. Teretia Teruru Bore Titou Bore N. Tioniman Tearibaba

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TAKORONGA

674 a Mautake Kabaekaeka
e Taoleta Rereibo

RAWANIWA

675 a Bwebwentekai Tutu

TEANIKOMRI

676 a N. Makorenga Ubatu
e 1/2 Tinou Ubatu
i Tebanana Kabaroua
o N. Tatau Mataro
u N. Teriki Taratake
m Terieta Tawaia
n Tekitanga Bait eke
b Akiaeti Tabwebweiti

TAKERIA

677 a/1 Teroron Tarangauea
a/2 Kirion Auenga
e N. Teretia
i/1 Teruru Bore
i/2 Titou Bore
o N. Tioniman Tearibaba

BAIRIKI - LANDOWNERS FROM CHIEF MINISTER'S HOUSE
TO PRIMARY SCHOOL

<u>Land Name & No</u>	<u>Registered Landowner</u>
<u>TEINANIKA</u>	
800 a	Eritabeta Kake
e	Kabiriera Kauongo
i/1	N. Nana Tibau
i/2	N. Abaua Tibau
o	N. Tekea Taburororo
u	N. Takai Tenoa
m/1	Katababa Tibwere
m/2	Rereitake Teraku
m/3	N. Banebane Taubakoa
<u>RURUBAO</u>	
801 a	Marikita Timi
<u>BAKAUANIKA</u>	
802 a	N. Tokantekai Taie
e	N. Anna Arawaia mt
i	Baikitea Kakiaman
o	N. Iotebina Kaburoro
u	Bwebwentekai Teawaki
m	N. Tebou Akaua mt mm (d)
n	N. Bangaki Ieuoua
<u>TEKAINGA</u>	
803 a	Tenene Tawaia

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TO PRIMARY SCHOOL

<u>Land Name & No</u>	<u>Registered Landowner</u>
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e	Kabiriera Kauongo
i/1	N. Nana Tibau
i/2	N. Abaua Tibau
o	N. Tekea Taburatororo
u	N. Takai Tenoa
m/1	Katababa Tibwere
m/2	Rereitake Teraku
m/3	N. Banebane Taubakoa
<u>RURUBAO</u>	
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e	N. Anna Arawaia mt
i	Baikitea Kakiaman
o	N. Iotebina Kaburoro
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<u>TEKAINGA</u>	
803 a	Tenene Tawaia

Again he says that absentee landowners send gifts back and the caretakers send gifts out. Even if he can't get it for the 15, it would be very valuable if he could get a listing of exactly what had gone out and what had come in even if just for 1977 between landowner and caretaker so that one gets an idea of the scale and extent as well as the kinds of goods. And of course if possible the value.

There is some uncertainty in that he says in parts that a caretaker can do anything that he wants with land, and in other parts that he does very little because he is frightened to - which suggests that he can't do anything that he wants. This perhaps needs clarifying.

It is mentioned that fire is a real danger. Has it occurred on the lands of any of the 15 people which are being looked after?

It is mentioned that if anyone wants to cut a tree or use land for building a house etc. he must ask the caretaker who will refer it to the landowner. Has this actually occurred in these 15 cases - if so how many of them and was it to build a house or to dig a pitch or hot.

How many of the 15 absentees have cancelled and changed their caretakers because of unsatisfactory caretaking?

The amount of tax being paid on the land is very important. Information on that should be available from the land court. He says that if people don't pay for three years they are regarded as not trustworthy. Has this occurred in any of the 15. And if so how many?

The last paragraph about ways to overcome the problems could be expanded in more detail.

If Mauna'a is able to go back and do this work - or he may have enough information with him from the field work he did when he was there - then I would be happy to remark his essay if he were to revise it and send it in again. It could be an excellent piece of work.

Warami
for R.G. Crocombe

I. Pers	Name	Home	Chil	Age	Numb	Abse					III. Unc		
							1	2	3	4		1	2

ABSENTEE LANDOWNERSHIP IN KOINAWA VILLAGE

ABAIANG ISLAND

by Maunaa Itaia

Absentee landownership is common throughout the world, but in a small place like the Gilberts the problem is acute and becoming more so. Koinawa village on Abaiang island was selected as a case study. Koinawa was the seat of Abaiang kings, and is now one of the major villages on the island.

Absentee landownership is increasing in Koinawa village as in Abaiang and the whole of the Gilberts. A consequence is the increase of lands left uncared for and unproductive. It creates a serious problem on the village, the island and the nation socially, economically, religiously and politically. Land is so mysterious to man and his life which influences almost every aspect of man's life. It can bind people strongly together in a good relationship but can also split even very close friends and members of a family like brothers and sisters. Disputes, fights and court cases are all part of absentee landownership.

A traveller from Koinawa village is confronted with two contrasting difficulties. On the one hand is a desire to travel, and on the other is a strong wish to remain with his valuables and lands. Obviously his options are either to stay or to ask someone to look after his lands .

Some leave their lands for business matters, others for pleasure to see life and new things which are different. Some people travel due to population pressure in their villages and islands.

I. Pers	Name	Home	Chil	Age	Numb	II. Abse					III. Unc		
							1	2	3	4		1	2

Also many go to Tarawa South or Christmas Island or Ocean Island or Nauru Island search for jobs in order to get some money, some which they send back to help their families that stay behind, as well as to be able to buy pushbikes, motorbikes, motorboats, handcarts, spades, fishing nets, planks, radios and so on. Others go to foreign lands, mainly Solomons or Fiji in search of new settlements. Some landholders who went to such far away places sometimes did not get time to make traditional and legal allocations of their land rights to their rightful successors, but a consequence of that failure is multiple heirs of those landrights who often clash and fight over them. Another type of absentee landowners goes to nearby islands - perhaps due to a dispute, or being married to someone with more land there, or a job or otherwise - and asks some one to take care of their lands in their absence. Some leave children behind with families whom they ask to be their land caretakers.

Man is mobile but land is immovable, and so is a Gilbertese house. To some Gilbertese, the idea of leaving one's land behind is unwise and they refuse to part with their lands, as land to Gilbertese is precious. But inspite of that many Koinawa villagers leave the island, and according to my informants, the number is increasing. The number of Koinawa absentee landowners at present is fifteen, out of the forty-five households. Ten of the absentee landowners of Koinawa village have gone to Tarawa South, one is working in Nauru for the Nauru Phosphate Commissioners, one is on Nuatae islet, one on Marakei island, and two are in the Solomons.

I. Pers	Name	Home	Chil	Age	Numb	II. Abse						III. Unc		
							1	2	3	4			1	2

Since a landowner cannot carry his land with him, he is forced by several factors like common sense, tradition, human greed, and his own environment, to make arrangements with some person to look after his land. Experience always shows that valuable things must be well cared for and secured, and land is as important in the Gilberts, economically, socially, politically, and psychologically, that there are many arguments and fights over landrights, today as in the past. Land serves as a unifying factor that binds members of a family, island, country, and nation firmly together. Land is irreplaceable, and must be kept tightly in a landowner's and family's grip. Thus before a landowner leaves his land, he has to make sure that he asks a reliable person to act as his landcaretaker in his absence. If he fails to perform that, problems of various kinds will crop up. Failure to do so, or failure by the caretaker often results in being left with symbolic and non-active land rights. Some-one might come in and use it, as everyone desperately needs land. They could remove his landmarks in order to extend and widen their own plots, motivated by human greed as always happens in the Gilberts and in Koinawa too. Problems arise when a landowner fails to make the necessary arrangements. Confusion often follows where a landowner leaves nobody to care for his land, as his relatives and those who think they are entitled to certain rights to using the land, collecting coconuts, cutting trees, harvesting b'ab'ai pit, cutting pandanus fruits and so forth, would gossip about each other and cause disput against one another as who should and should not have what right. Conflicts and arguments are a common result. So, many have learnt from similar cases and in order to avoid such nasty situations most Koinawa absentee landowners ask some person to care for their lands while they are away.

I. Pers	Name	Home	Chil	Age	Numb	II. Abse					III. Unc		
							1	2	3	4		1	2

Koinawa landowners make arrangements with persons whom they believe can look after their lands well and keep them securely. A land caretaker is not necessarily a member of one's family, as a landowner may ask a friend who has no family connection with him, but no Koinawa absentee landowners have dared to try that. They prefer the traditional way of asking relatives, even though the local government has no objection to asking any person, whether related or no, so long as this is properly done by making a legal agreement and signing their names. However, members of the family would probably resist this method and try to force an absentee landholder to do it in a traditional manner.

A certain case on Onotoa island illustrates the point that most families do not allow strangers to be authorised as land caretakers. When a certain women landowner of Onotoa left for Abaiang she authorised a friend to take care of her land. Members of her extended family strongly disapproved, and ordered that friend to stop caring and using those plots. They took the matter to the local lands court and won the case in the end. That family looks at land as family property, in which every member has a right, and if the legal owner was not using it, then it must be used first by other members of that family. It must support members of a family, and remain always within a family circle, except in special circumstances. This case indicate the strong traditional disapproval of going outside the family.

My informants tell me that in Abaiang in previous years, no unrelated person could be trusted to look after another's land, and it was strictly forbidden.

I.	<u>Pers</u>	<u>Name</u>	<u>Home</u>	<u>Chil</u>	<u>Age</u>	<u>Numb</u>	<u>Abse</u>						III.	<u>Unc</u>		
								1	2	3	4			1	2	

Yet today, the practice is becoming tolerated and a number of landowners on Abaiang and other islands use this method. Some informants say it is best to leave your land with a person who is reliable and faithful in his dealings with you, whether a kinsman or not some feel that outsiders are better land caretakers than one's own kinsmen, though it is not always true. To make one's situation secure the whole matter has to be taken to the lands court, but none of the Koinawa absentee landowners did that, according to the Island Executive Officer. Failure to do this often results in problems, disputes, and ill-feelings.

Hard pressure from the Koinawa society and other forces threaten most absentee landowners from leaving their lands in the hands of friends rather than relatives. Traditionally it is becoming more acute in the minds of landowners that land is family property which must be highly treasured and kept securely within the family. That strong feeling compels them not to pass the land to any person they like. So, all landowners on Koinawa confine themselves to the traditional practice as closely as possible. For social security and peace they avoid creating disputes and troubles that may flare up if land rights are given to persons outside the family circle.

Most absentee landowners of Koinawa village leave their plots of lands with close kinsmen such as cousins and the like, brothers and sisters, sons and daughters. They believe it is much safer to trust one's own kinsmen. They are more contented with the traditional method as there is very little dispute or trouble over land rights. The choice of a land caretaker is determined by many factors.

I. Person	Name	Home	Child	Age	Number	II. Absentee					III. Unclassified		
							1	2	3	4		1	2

A certain Arebonto of Koinawa village left his land with the Roman Catholic mission on Koinawa. In my interview with Fr. Benetito, I discovered that Arebonto has been in the Solomons for a long period and it is not known whether he intends to come back or to settle in the Solomons. The mission is trying to return the lands to the family of the absentee landowner. It seems to me that Arebonto sees the mission as the most reliable land caretaker to secure his land rights in his long absence.

A special tie and personal relationship exists between landowner and caretaker. This is reinforced by constant contact either by letter or other means of communication, and also mutual consultation and mutual support in times of crisis. Sometimes an absentee landholder working on Ocean island, Tarawa south, or on Nauru sends cash or goods to his caretaker. In return, a caretaker sends bags of coconuts, salted fish, bottles of scented oil, and kamaimai (coconut syrup) and other small items. Ten Taun has worked on Nauru for about ten years now, and he and his land caretaker Te Kataua of Koinawa village, always exchange such things, confirming the existing relationship, strengthening each other in performing their roles, and of course securing the land rights of the absentee owner. Such mutual contact lasts as long as the two sides maintain a good relationship and play their parts faithfully. Relationship tend to deteriorate when failures and mistakes become unbearable. Such incidents are always marked by a change of land caretaker.

I. Person	Name	Home	Chil	Age	Numb	II. Absentee					III. Unclassified		
							1	2	3	4		1	2

Land caretakers have the right to take what they want from plots of land they keep, mainly coconuts. Coconut is very important for our daily consumption and for making copra to sell for cash. All the land caretakers of Koinawa village told me that they are free to use any product of lands they look after and they can do what they want with it, they can share it with others or use it themselves. Multiple land caretakers on a certain piece of land is possible, I only found three cases in Koinawa village. The situation arises because landowners failed to arrange with anyone to take care of their pieces of land in their absence. As a consequence there is competition between relatives who assume the role of land caretakers in collecting coconuts, harvesting b'ab'ai, and any other products they can lay their hands on. Yet land caretakers of Koinawa cannot escape from their conscience that it is improper traditionally and morally to take anything on land you are looking after, without observing some restrictions and obligations. Common sense forbids that. He is obligated to see that land under his care is not spoiled. He has to prevent damage to trees, b'ab'ai pits, fish ponds etc. and keep them in order. This includes using anything from the land that will go bad such as pandanus fruits, coconuts, 'bero', and others. One of the common land-spoilers is fire which does a lot of damage to trees. A land caretaker is obliged to keep a good watch over land under his care. Nothing should happen to land under his care without his consent. If anybody wishes to cut a tree or use that land for building a house or digging a b'ab'ai pit, he has to ask the land caretaker who in turn will refer and finalise the matter with a landowner.

I.	<u>Pers</u>	<u>Name</u>	<u>Home</u>	<u>Chil</u>	<u>Age</u>	<u>Numb</u>	<u>Abse</u>								III.	<u>Unc</u>		
								1	2	3	4					1	2	

When someone is asked to look after a piece of land he understands what is involved. He is not paid in cash, yet he is happy to perform that duty. He is paid in copra or coconuts and other fruits and things that he can find on the land he looks after, as long as a landowner is away and as long as good relationships exists between them.

Several cases on Abaiang and other islands have occurred when land caretakers were ordered not to look after lands entrusted to them and their temporary land rights were confiscated when landowners were no longer happy with their services. Most land caretakers on Koinawa village do not do much on the lands they kept. They just collect coconuts and take fruits from those lands. Occasionally they clear the lands, BUT they do not plant them, and they also pay land taxes. There are several reasons why they do not plant lands left under their care : first they do not want to till land which is not theirs, second they are afraid the real landowners might suspect them of claiming any coconut plams and other trees they planted and eventually claim the land if they did so. So the only safe way is not to do any planting on such lands.

The question of tax paying is vital and is one of the main factors by which a land caretaker is confirmed on his role. The land caretaker is usually the one responsible for paying of the tax. Most land caretakers of Koinawa village, when I interviewed them, said it was part of the agreement that they would pay the tax. They get more from the land left in their care, so that the tax is very little to them. But not all the lands are good, some have old and few coconut trees on, which should have little or lower tax. It is becoming firm in the minds of the people that a land caretaker

I.	<u>Person</u>	<u>Name</u>	<u>Home</u>	<u>Child</u>	<u>Age</u>	<u>Number</u>	<u>Absent</u>					III.	<u>Unclassified</u>		
								1	2	3	4		1	2	

is not worthy to be entrusted if he fails to pay the land tax more than three times. My informants told me of several cases on Abaiang when land caretakers were ordered by landowners abroad to stop from looking after the plots entrusted to them and new land caretakers were asked to take over.

Most of the lands of owners who are not at present in Koinawa village are left with members of their families, but many such lands are not well cared for. Little work is done on them, and others have not even a single pandanus or coconut tree planted on them. Most of the lands on Koinawa village, and I am certain that this is the case with every village on Abaiang, are left undeveloped. Abaiang people do not bother themselves with their lands much besides collecting nuts and pandanus fruits and harvesting b'ab'ai. They get sufficient foodstuffs from their lands as Abaiang gets good rain in most years. That life which they experienced from their fathers has great influence on them today, thus they leave their lands idle. So it would be strange if land caretakers tilled the lands left in their care.

But it is not only that people are not working on their lands daily that make most lands including absentees' lands lay idle and untilled. Reasons discouraging land caretakers from developing the lands include the unwillingness to develop someone else's land, and the strong suspicion of the absentee landowners of the best use of their lands by their land caretakers. That prevents lands from being developed. Even though landowners are away for very long periods and cannot use their lands, they still hold fast to them. This is very human and there is greed in every

I. Person	Name	Home	Child	Age	Numb	Abse					III. Unce		
							1	2	3	4		1	2

If the present rate of absentee landholdership is not discouraged, the extent of wasted lands will increase and eventually cause drastic problems. Possible ways are overcoming this particular problem include the government strictly observing the time limit of absence from his land, next to give or sell unused lands to those who can develop them well and to impose heavy taxes on lands left behind and lastly invent effective ways to decentralise Tarawa south.

I. Personal data on people available in village including after land:

Name
Home
Children
Age of eldest child
Number of brothers

II. Absence of landowners

Relationship	Age	Years absent	Reason
1			
2			
3			
4			

III. Unclear land (knowledge of)

What kind of land	How is it used?
1	
2	

U.S.P. LAND TENURE COURSE (SE123)
SAMPLE STUDY OF ABSENTEE LAND OWNERSHIP

I. Personal data on people remaining in village looking after land:

Name _____ Sex M F Age 0-20 21-30 31-40 41-50 51+

Home island _____ Married yes no Wife's/husband's home island _____

Children: number of males _____ number of females _____ number resident on Abaiang _____

Age of eldest child: 0-5 6-10 11-20 21-30 31-40 41+

Number of brothers _____ Number of sisters _____ Place in family relative to siblings _____

II. Absentee landowners

	Relationship	Age	Years absent	Resides where?	Type of land	Earnings? How distributed?	Compensation for looking after land
1							
2							
3							
4							

III. Uncared for land (knowledge of)

	Whose land?	What kind of land?	How is it used?	By whom?	Who gets proceeds?
1					
2					

U.S.P. LAND TENURE COURSE (SE123)
ADOPTION AND LAND RIGHTS ON ABALANG

I. Personal data

Name Sex M F Age 10-30 31-40 41-50 51-60 60+
Home Island Married yes no Length of time resident on Abalang _____
Children: no. of males _____ no. of females _____ Age of eldest child 0-5 6-10 11-20 21-30 31-
 Number of real brothers _____ number of real sisters _____ place in real family relative to siblings _____

II. Adoption

Relation to adopted parents:

Reason for being adopted:

Length of time lived with adopted parents: 0-5yrs 5-10yrs 11-20yrs 21-30yrs 30+yrs

How many brothers in adopted family? _____ older _____ younger _____

How many sisters in adopted family? _____ older _____ younger _____

III. Land Rights

Land received from adopted family:

	From whom	Type of land	Use today?	Used by whom?	Shared with whom?	Who will inherit?
1						
2						

Land from real parents

	From whom	Type of land	Use today?	Used by whom?	Shared with whom?	Who will inherit?
1			1			
2						

Maniac

Acting Chief Lands Officer,
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Secretary to Local Government,
Bairiki

F: 1/13/9

Secretary to the Chief
Minister, Bairiki

31st May, 1978

CADASTRAL SURVEYS IN THE GILBERT ISLANDS

The need for some method of preventing or resolving the endless succession of land disputes is being increasingly felt throughout the Gilberts. Before proposing solutions, however, it is important to realise why disputes arise, to make sure our suggestions help solve the problems, and are not merely imposing pre-concieved ideas onto a situation where they don't fit. Land ownership in the Gilberts is very important socially, hence even the smallest piece of land is of significance. Previously, when travel was limited, most landowners were resident, and although they may not have known the exact boundaries of all their pieces of land, particularly where those pieces were unproductive, they would know its location, and could rely on adjacent landowners having similar knowledge: in unproductive areas exact boundaries didn't matter: in productive areas, boundaries were defined more by trees worked rather than lines on the ground, so that although stones might mark boundaries at various points, in between these points the boundary went from tree to tree rather than in a straight line. As travelling increased, absentee landlords became more common, and the increase in other forms of employment meant that there was less need for men to work their land, and gain detailed knowledge of its size and boundaries. When the landowner died, his land would be split among his issue, who would have even less knowledge of the land, and so on, until cases would arise, as they do now, of men and women - especially married women who have moved with their husbands - living on one island, but owning land on another, but having little or no idea of its size or position. Generally the land is worked by a caretaker or other members of the family, but they seldom have much interest in its actual dimensions and often the land is simply neglected and neighbours take advantage of this to gather the crops and gradually assume a proprietorial interest in it. When eventually one of the original landowner's descendants decides to return to his land, disputes are inevitable. Another source of disputes is land fragmentation: when a piece of land is split up from generation to generation among children, normally each successive generation will receive a smaller share; where the land is actively worked normal economic rules will prevent parcels becoming too small but where the successors are absentees, should one decide to return to his land, he is shocked and incredulous to find how small it is and cannot believe that he has not been cheated by his neighbours. All these factors, and probably others as yet unrealised, are relevant to any proposed solution.

There have been several attempts in the past, to solve land disputes, in the form of the various Lands Commissions. These recorded, probably quite correctly, all land parcels and landowners, together with encumbrances in the form of pits, or land held as family units etc. Legislation was passed to give legal backing to their decisions, and in theory these cannot now be upset. However all these attempts suffered from the same defect, namely that no attempt was made to define the parcels on the ground: they were described simply by a land name and number, with little or no definition of the land itself. In some cases, stones or concrete markers were emplaced, some of which still survive, but most of which have been eroded, or moved, or broken. The other failure of these systems arose because they were not kept up to date. Not enough importance or incentive was attached to the post of registrar, and in many cases men of inadequate calibre were appointed. Lands have been subdivided among children without being recorded, others have been transferred without record and so on. Even where the registrar is competent and conscientious, he may not always be informed when a landowner dies, so that the dead mans name remains on the register for generations, until eventually one of his children or grandchildren wants to do something with the land and the problem arises of tracing other inheritors. Thus the original records became more and more out of date, and are now, in many cases, of little or no value.

By examining the defects and failures of past systems, we can draw up improved schemes which, we hope, will avoid these defects. Thus it seems that a new scheme, to be effective, must (i) be definitive, i.e. it must attempt to close the door on the past, so that no disputes can arise subsequently over decisions made by it. (ii) It must be complete, that is it must discover and record all interests in the land. This follows from (i) since undiscovered interested parties will sooner or later emerge and claim hardship, and upset the scheme. (iii) It must adequately define the land so that it can be reidentified exactly at any later date (iv) It must be kept up to date.

These requirements impose considerable demands on the people involved in the scheme, and on the financial resources of the country. The need for the scheme to be definitive may be readily seen, but can only be achieved by legislation to give legal backing to the decisions of the settlement body. Unless this is done, their time and effort would well be wasted if courts subsequently reverse their decisions. Hence the members of the settlement body must be men of calibre, so that their decisions are just decisions, based on all available information. Even so, being human, they may make mistakes, but the value of the records should not be upset by such mistakes, or people will have no confidence in them; if the possibility that the records are wrong, is allowed, there will always be the need for court cases to decide whether they are wrong or not. The possibility of perfect records is probably unobtainable but people must have confidence in them, at the same time knowing that genuine grievances can be remedied. This can best be achieved by some form of insurance scheme, which is discussed more fully later.

Adequate definition of the parcels of land is another expensive and time consuming, but vital part of the settlement. It can be achieved by physical demarcation, such as planting hedges, or trees, or emplacing boundary stones, or by mathematical demarcation which is the function of the survey section, or by a combination of physical and mathematical methods. Physical demarcation alone is seldom satisfactory, though it does give the most easily seen and understood answer. Hedging each plot would not be practicable in the Gilberts. Marking trees would be one possibility, but would not be the complete answer, since marks can be defaced and trees die or are cut down. Boundary stones can be moved, and often are, unless they are made so massive as to be uneconomical. Survey methods rely on a combination of measurements, made to a network of survey control points, from which the dimensions and position of the property can be calculated. Using the network of control points, and the known dimensions, the boundary can be reestablished at a later date if required. This is a good method, but it does have its disadvantages. There is often nothing on the ground to indicate the boundary, and landowners must seek the services of a surveyor each time, to show them where it is. Also it cannot take account of every small kink in boundaries, from tree to tree, without becoming prohibitively expensive: it can establish points at intervals along the boundary, and join them on the plan by straight lines, but if landowners are going to insist, in court, that such a tree is their property, when it lies outside the straight line on the plan, then the survey will be valueless. Due consideration should be given to this point, and the people must be educated to accept that, with a survey defined boundary, a straight line is straight; if the boundary is irregular on the ground, they may lose some trees on one side of the line but they will probably gain others. Accepting this idea will require education and may require legislation. A survey of every bend and kink in a land boundary would be unjustifiably expensive and time consuming.

Finally the records must be kept up to date, and in duplicate. Whatever precautions are taken, a single set of records is vulnerable, and if destroyed usually irreplaceable. The trouble caused by the loss of the Tabiteuea land registers well illustrates this point. Records of this importance must be kept in duplicate, one copy on the Island concerned, and one copy at a central station, usually government headquarters. Keeping them up to date requires proper liaison between the lands courts and the registrars, and with survey division. The machinery for this does not yet exist, and it is a regrettable fact that already amendments have been made to the cadastral survey of South Tarawa, as a result of Lands Court decisions, of which we have not been informed and consequently have no record. The public, the courts, and survey section itself cannot have the necessary confidence in our records unless we are informed promptly of all decisions affecting land boundaries and ownership.

Because the possibility of genuine mistakes and occasional deliberate fraud cannot be entirely ruled out in any land settlement scheme, some means must be found to ensure that genuine grievances caused by such mistakes can be rectified. As mentioned earlier, this immediately introduces conflict with the principle that the records provide a complete and true picture of the status of the land at any

moment, so that it is unnecessary to look beyond the records. The settlement should find out what the correct situation is, record it, and thereafter maintain the records up to date, so that disputes can be settled solely by reference to records, without recourse to the courts.

It is important to maintain this principle, since if the records themselves are not the true picture, it will always be necessary to have lands court meetings on any disputed point, to find out what the true situation is, and this would destroy the whole purpose of the settlement.

The conflict between the statements that the records present a complete and accurate picture, and the possibility that they contain mistakes cannot be resolved with complete satisfaction, but a partial solution can be provided by creating an insurance fund so that if an interested party can prove that he has a genuine grievance, compensation can be paid to him. Such cases would, it is hoped, be rare, but cannot be ignored, and a successful scheme must allow for them.

The cost of meeting these requirements is inevitably going to be very great. It is not possible, in this paper, to consider the full administrative and legislative costs involved, but the survey costs alone will be enough. The survey party should consist of one surveyor and up to 2 assistants. The Surveyor would do the control surveys and supervise the assistants. Each party would require 1 Precision Theodolite at about \$7000, ancillary equipment at about \$3500, electronic distance measuring equipment at about \$7000, 1 smaller theodolite, at about \$3000, i.e. about \$20000 dollars of essential equipment. In addition, there would be back up equipment required such as drawing office material - stable drawing paper, scales, drawing pens, etc. All these items are expensive and continually increasing in price: in 1977, gridded drawing plastic cost \$4.50 per sheet, and up to 80 sheets would be required for an atoll the size of Tarawa. Another major item of equipment needed by the drawing office to cope with drawing all the plans, a co-ordinatograph, costing about \$5000 has been applied for on technical aid, but not yet approved; if not available on technical aid, it would have to be purchased from other funds before the scheme got under way. Also suitable registers would have to be provided, of the Kalamazoo loose leaf type, at the rate of 1 or 2 per atoll, depending on size, with duplicates in headquarters. Finally suitable office space and storage cabinets would be needed on each Atoll for the plans and records, secure against both fire and intruders, and more storage for the headquarters copies. The cost of registers and storage cabinets is not known, but suitable registers would probably be about \$50 each, and plan storage cabinets up to \$500.

Administrative expenses would include transport and travel for survey parties, lands court members, appeals court members, together with subsistence or attendance allowances as applicable: funds for demarcating boundaries, cement etc. and occasional extra labour for clearing boundaries.

Thus the capital expenses would work out at about \$20000 per survey party, plus up to \$7000 for back up drawing office equipment; up to \$1000 per Atoll for drawing material plan cabinets, registers etc. Recurrent expenditure would be about \$2000 per annum for survey party allowances, \$6,500 for attendance allowances for a lands court of 10 members, plus extra for attendance allowances for appeals court members; plus inter island travel and travel on the islands. For travel on the islands, it might be reasonable to allocate special transport of the land rover/land cruiser type, since survey parties already have great difficulty obtaining transport on outer islands, and the costs of hiring Island council transport add greatly to the costs of survey. Independant transport would greatly facilitate the work, but if provided, adequate allowance must be made for initial purchase of a vehicle, and subsequent running and maintenance.

No scheme will ever be successful, unless it is adequately thought out, wholeheartedly persued, and also genuinely wanted by the people. Experience in many countries has shown that piecemeal schemes never succeed, and inadequate records are practically useless. A systematic approach is necessary, involving adequate publicity to make people feel the need for the work, a sustained effort by the legal side to get disputes settled, with any necessary legislation to simplify and expedite settlement, followed by a coordinated survey, and backed up by proper liason between courts and survey and incessent effort to keep legal and survey records up to date. Such a scheme would be very expensive, and might be difficult to justify in the present economic situation, but should ultimately prove its worth by cutting down future disputes and litigation. A outline for such a scheme is given as an appendix to this report.

Also attached to this paper are a copy of the report by the surveyor who carried out the South Tarawa cadastral survey, together with a copy of an earlier paper submitted to the secretary to the Ministry of Local Government and Rural Development dealing with Cadastral Survey in General, and in more detail with the survey requirements for such a scheme.

D. J. Moss

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- 8). ...
- 9). Establishment of necessary survey ...
- 10). Initial meetings with landlords of one area to locate undisputed boundaries; lands court should be ... survey of undisputed boundaries
- 11). Further research into records etc, to resolve as many as possible of the disputes; survey of those resolved
- 12). Lands court settle ... and continue as above. Attendance of appeals court to settle appeals; survey of boundaries settled on appeal

Appendix

- Draft outline of necessary stages for cadastral survey
(not necessarily in chronological order)
- 1). Consideration of appropriate legislation
 - 2). Adequate advance publicity
 - 3). Allocation of funds to meet the following expenses
 - a) attendance allowances of lands court members
 - b) travel expenses of lands court members
 - c) purchase of new equipment including that required for keeping proper records
 - d) travel and expenses of survey parties
 - e) travel and expenses of higher court members
 - f) an insurance fund to compensate victims of genuine mistakes on wilful fraud
 - 4). Training of lands court and other staff
 - 5). Choice of an island: the scheme should start on one of the smaller islands so that experience can be gained and procedures improved before the longer, more complicated islands are tackled.
 - 6). Research to bring existing records up to date
 - 7). Location of landlords and appointment, where necessary, of suitable deputies
 - 8). Maneaba meetings and explanations
 - 9). Establishment of necessary survey framework
 - 10). Initial meetings with landlords of one area to locate undisputed boundaries; lands court should be in attendance; survey of undisputed boundaries
 - 11). Further research into records etc, to resolve as many as possible of the disputes; survey of those resolved
 - 12). Lands court moves to second area and continues as above. Attendance of appeals court to settle appeals; survey of boundaries settled on appeal

13). Appeals court moves to second area. Attendance of higher courts; survey of boundaries settled by higher courts

14). Establishment of machinery to ensure records are kept up to date

15). Further revision of legislation in the light of experience gained

Following the above procedure, a satisfactory survey of an island the size of Onotoa would probably take about three years. However, the scheme could be greatly delayed by any of the following

- a) inadequate funds
- b) continual transfer of experienced staff to other duties
- c) failure by any of the various parties to do their duty, e.g. failure by lands court on appeal court members to appear
- d) lack of interest by affected parties.

It might be advisable to start the scheme by surveying only the boundaries of leased lands, of which there are only at the very most 1000 on an Atoll, usually less. This itself would provide a very useful framework for later extension, and would give a good idea of the difficulties, costs, time needed etc, and allow possible solutions to be evolved.

Once the boundaries have been legally agreed or settled, the actual survey should present few problems. All the Atolls in the Gilbert Group have a framework of control laid down by the Directorate of Overseas Surveys for their topographic mapping programme. This control is of more than adequate accuracy for cadastral surveys, but not always of adequate density. D.O.S. programmes will provide only topographic maps, the largest scale being 1:12,500, and in some cases only 1:25,000 (South Tarawa is an exception), while the smallest scale practicable for a cadastral survey is 1:2500, and 1:1250 or 1:1000 would be preferable. The surveyor would therefore have to make his own maps as he went along.

- 2 -

TECHNICAL AID CADASTRAL SURVEY OF THE GILBERT ISLANDS

In making proposals for this scheme, it is necessary first to consider the difficulties involved. These are of two kinds, i) problems of survey, and ii) problems of ownership. Survey problems are fairly straightforward, and can all be solved by employing competent men with proper equipment; they are dealt with more fully later in these notes. Problems of ownership are by far the more difficult, and could well prove insuperable in a programme which is not open ended. If the land boundaries to be surveyed were established and marked, the exercise would be painless and rapid. However 99% are at present unmarked, and the exercise is likely to be extremely difficult and slow. The problem is first of all to get all the registered landowners or their properly appointed representatives to attend at the site at the same time. If they then agree on the boundaries their presence and agreement will need to be recorded by the surveyor in his field notes, if necessary with witnesses, and the field notes must then be kept as evidence of agreement in case of later disputes. If the owners are not resident on the island, issuing of summonses and allowing them time to make the journey or send a representative is a slow process, especially on islands without an airstrip. If the registered landowner is dead, agreement must be sought from all the next of kin, and would need to appoint a 'decision maker'.

If a boundary is disputed, the parties or the surveyor will have to apply to the Lands Court for a settlement. The Lands Courts will then have to adjudicate in the presence of all parties involved, and mark the boundary. The parties then have three weeks in which to appeal, (and must be so warned). If there is an appeal, further time would be lost while it was heard. Failure to follow the correct procedure might invalidate the survey, as appeals out of time have often to be allowed if landowners have not been summonsed and are not present either to reach agreement or for court settlements. It is probable that there would be a very large number of disputes and appeals, and as there are for example something like 30,000 registered properties in Tabiteuea alone, the scheme would take a very long time.

It might be advisable to start the scheme by surveying only the boundaries of named lands, of which there are only at the very most 1000 on an Atoll, usually less. This itself would provide a very useful framework for later extension, and would give a good idea of the difficulties, costs, time needed etc, and allow possible solutions to be evolved.

Once the boundaries have been legally agreed or settled, the actual survey should present few problems. All the Atolls in the Gilbert Group have a framework of control laid down by the Directorate of Overseas Surveys for their topographic mapping programme: this control is of more than adequate accuracy for cadastral surveys, but not always of adequate density. D.O.S. programme will provide only topographic maps, the largest scale being 1:12,500, and in some cases only 1:25,000 (South Tarawa is an exception), while the smallest scale practicable for a cadastral survey is 1:2500, and 1:1250 or 1:1000 would be preferable. The surveyor would therefore have to make his own maps as he went along.

Considering the amount of work involved, it would be better to have two or more Survey Assistants working under a Surveyor; the Surveyor would deal with the landowners, do control extensions, and supervise the Survey Assistants, who would do the cadastral surveys: however, the surveyor would need the constant attendance of a competent interpreter when dealing with the landowners.

The Survey Department naturally possesses survey equipment, but does not have enough to be able to spare much for such a long and large programme. Also it would have to take on and train extra semi-skilled survey labour. Adequate provisions must be made in the Departmental budget for the very large extra expenses it would be required to meet, to pay for such things as housing on outer islands, travelling expenses for the surveyor and his parties, subsistence allowances, transport on the islands, hire of local labour for clearing lines etc.: extra funds would be needed to pay the attendance allowances etc of the Lands Court officers, who would be in almost continuous attendance. The costs of transporting the landowners themselves should be considered, since it would be unfair to expect them to pay their own expenses for such a scheme.

Following is a list of the minimum extra survey equipment which would be needed for such a scheme.

- 1) Wild DI 10 complete, including theodolite, tripod, reflectors etc.
- 2) 2 extra tripods with extra reflectors and tribrachs.
- 3) 2 sets Wild traversing equipment, (tribrachs and targets in box)
- 4) 2 theodolites and tripods (Wild T 16) for Survey Assistants.
- 5) 2 metric levelling staves for tacheometry.
- 6) Four 100m steel tapes (and plentiful supply of replacements)
- 7) 1 Standardised steel tape to check field tapes.
- 8) 1 programmable pocket calculator (HP 65 type) for the Surveyor and 2 non-programmable calculators (HP 45 type) for the Survey Assistants.
- 9) 2 aneroid barometers, for use with DI 10, and for the occasional astronomic azimuth if required.
- 10) 2 thermometers, and supply of replacements.
- 11) Adequate supply (minimum 100) ranging rods, to mark agreed points on boundaries.
- 12) Adequate supply of beaconing material and equipment for numbering beacons
- 13) Adequate supply (minimum 100 sheets) stable drawing plastic.

- 14) Adequate supply (minimum 100 each) drawing pen nibs, .02, .03, .04, .05 etc.
- 15) Adequate supply (minimum 10 sets) stencils, all sizes.
- 16) Adequate supply (minimum 10 each) scales required.
- 17) Adequate supply (minimum 1 per Atoll) loose-leaf registers for recording coordinates.

As all this equipment would probably be purchased in Australia, there is little point in quoting costs, and also costs are rising continually, so that today's prices bear little relationship to tomorrow's. However, it is probable that \$30,000 would cover all the above equipment, but not any of the other costs mentioned earlier.

BKK

D. J. Moss A.R.I.C.S
for Acting Chief Lands Officer

Note: this paper was written in June 1976 as an indication of the problems and costs of equipping 2 cadastral survey parties. Since then some equipment has been purchased, but prices of other equipment have risen; the estimated cost of equipping one survey party now would be \$20,000, plus extra for drawing office equipment, registers etc.

D. J. MOSS