

SE 103 LAND TENURE LONG ESSAY.

SETTLING LAND DISPUTE IN BAURO DISTRICT  
OF MAKIRA IN THE MAKIRA PROVINCE.

SOLOMON ISLANDS.

Land dispute in Bauro district have developed from the pre contact period to the first contact of aliens who are mostly missionaries and traders and continued to the time of Agricultural and economical technology was introduced. During those stages, land disputes were made for different reasons.

First land dispute during the pre contact period was for the purpose of fear and protection. People, usually tribal groups lived apart from each other. They were isolated that very little was known about each other. One tribe would own several villages and each village would have about a hundred people. Villages were built in circle usually around a hill. On the top of the hill would be the main village. That village was built for chief and their families.

By having the chiefs on the village at the hill top meant that the people protected them from enemies. Because in custom once the chiefs are killed then the tribe loses the land and the winning tribe would take over the land. Once the chiefs were all attacked and were killed the people of that tribe become surrendered and would be treated as slaves and would be living according to the command from the other tribe. If however, anyone disobeyed the command of the ruling tribe, he or she would be killed. The people of the killed chief would lose all their rights in the land and the ruling tribe would take over all land rights.

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(2)

Each tribal group would also own vast areas of land for food collection and hunting for wild animals for food. Within the area are edible trees such as wild nut trees, cut-nuts, mangoes, apples and bread-fruit trees. These trees were important to the tribe and would be harvested when any of the trees had its season. As the tribe depended largely on these trees for their source of food, rivers and streams were also important for the people for fish and shells. The people they visited them regularly. Rivers and streams within the tribal land were also important to the people for the fish and the shells that live there. The tribal groups concentrated on these things to be able to survive. This was because at that time, very little crop was grown manually because stone axes and knives were not reliable as compared to the same but modern tools used nowadays. Because of unreliable tools, few trees and yam gardens were made by the tribesmen. Some people depended on additional food from wild yams and other edible shrubs.

Among the interests on the land, a tribe would also own tabu places. These places were for them to worship their heathen gods. These places were kept sacred and only the old people were allowed to perform offering ceremonies.

All these interests were very important to a tribe and therefore the need for protection over them was of high priority. Because of that no other tribe would dare be allowed to trespass come into another tribe's land area. If it did, it would be attacked for trespassing.

(3)

sometimes, two tribes would fight each other over food collecting grounds or rivers or hunting fields. When that happened, a tribe that defeated the other tribe would take over the defeated tribes' land. The survivors from the defeated tribe would be either sold away to another tribe or kept as second class people within the winning tribe. This means that a second class person would have less authority in the tribe he lived among.

To-day in Bauvo District of Makira, some of the descendants of the people who were defeated in this manner and were either sold away to another tribe or remained ~~in~~ <sup>with the</sup> winning tribe as second class are still alive. Such groups of people have to-day produced some very good claims over their forefathers' land rights when such land was acquired or disputed by other people. So far, some have successfully taken back their land through acceptable claims in line with beliefs of previous separations through warfare. The local court there adopted this as one of the decision factors in dealing with land disputed ~~but~~ <sup>and</sup> claimed in this manner.

Now it ~~comes~~ <sup>came</sup> to the time of transition. The alien traders, missionaries and government administrators came to the Solomon Islands including Bauvo Area on Makira. Traders exchanged imported goods with food or carving with the people. The Christian missionaries converted people from heathenism attitudes to follow the teaching of Jesus Christ. The government administrators introduced legal systems with enforcement of ~~foreign~~ foreign law and order. These people by bringing together many different ways of life, have changed the <sup>people's</sup> old way of life. There was love and peace of mind among different tribes,

(14)  
as and individuals. The Bauvo people moved away from nearly all the villages on the hills and valleys and settled along the coastal areas. To-day only about ten villages are still there up in the hills of Bauvo land. This does not mean that the people who live in these villages are still heathen. They live the same way as those who settle in coastal villages except that they still hold on to some of the traditional ceremonies such as the "Huruva" an important custom feast and many few others.

Followed immediately, the people introduced to the use of <sup>foreign</sup> money <sup>by the aliens.</sup> By this time, traders purchase vast areas of land and establish coconut plantations. When the traders, churches and <sup>the</sup> government acquired purchase of land during that time was not a problem.

The population was at that time thin and therefore the demand for land was ~~scarce~~ <sup>low</sup>. In Bauvo District as well as the rest of Makira island, there was only two coconut plantations established by a retired Australian Administrator who was posted as a District Commissioner at Ihu Ihu, the island's Headquarter.

The establishment of the two plantations had opened up employment opportunity for money seekers at that time. Despite of this, the plantation owner would not employ everyone who wanted employment. Because of <sup>this</sup> ~~that~~ some were taken away to other islands by traders for the same kind of employment. Some were even taken away to Queensland in Australia and Fiji, as black-birders to work in sugar-cane ~~plant~~ plantations.

This has indicated another further step in the lives of the people of Bauvo District. This I think is the beginning of economy in terms of foreign trade.

(5)

When the employment process continued for some time the government had established itself to a standard which enabled it to introduce new methods of farming. Coconut planting was the first project to be introduced. Some of the men who were employed by traders returned home after having had savings. With the money they had ~~earned~~ <sup>saved</sup>, they were helped by the government's Agriculture Department (as it was called during those early days) to make coconut plantations. In Bauru Area, they were the first people to have coconut plantations. They even employ other men from their own villages to help develop their land for coconut planting. Such employment was only on casual basis. The Agriculture Department also introduced other cash crops such as p. Kumara and vegetables. Use of modern tools and artificial fertilizers were demonstrated. Many people accepted the new technological technique. This had changed the old subsistence living of many tribes and individuals.

By this time the development of trade with the outsiders <sup>had</sup> ~~was~~ improved and therefore many people were interested in imported goods. This had induced most people to want to develop the land. The need for more land was now started. Bauru people started to move into flat areas along the coast. Some started off by growing cash crops on flat fertile land along the big rivers. This then was the beginning of a new era. The traditional land tenure was no longer for ~~merely~~ the tribes to protect for the purposes of subsistence farming and hunting. The land was now needed for something of a great value. From this point of time inter-tribal <sup>or</sup> family groups and individuals started to argue over certain interests.

(6)

a same piece of land which was formerly used undisputed under the old traditional tenure. Such claims would cover things like bearing trees like bread fruits, rati-nuts, and Cambu areas within a piece of land which someone wanted to develop. Sometimes an old garden area could be claimed by the former ~~gardener~~ gardener if someone different went into it to develop it. This ~~is~~ <sup>was</sup> because a person who made a garden on a virgin land for the first time has the right to retain the land for future use when he want to farm it again. Anyone else who wanted to use the same piece of land would only do so by the original gardener giving his consent. This is still practiced in Bairo area to-day.

Although claim and dispute started during this period in time, chiefs and elders <sup>still</sup> acted as justices by giving decision to settle such claims and dispute over land. Courts, especially local court ~~with~~ which primarily deal with land matters was at that time thought of as a 'White-man' way of dealing with land matters. This practice ~~is~~ whereby chiefs and elders settle land claims and disputes carried through up until early 1960's. From 1960s upward people from other Provinces come to the area and outright purchased some of the best land along ~~that~~ <sup>the</sup> coastal area. These people are mostly from Reef Islands in the Temotu Province and from Kwaraae area of Malaita Province. When these people bought the land they were the first people to initiate large scale coconut and cattle breeding project. By doing this, it has motivated the indigenous landowners. Some have adopted the examples set by the people who bought the land and went straight

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developing their land with coconut, cocoa and cattle farms. Some who might thought that having to do a lot of hard work doing such projects, ~~was~~ did nothing but continued outright sale of most of their flat coastal land. As a result of the two land developments going on side by side, the land dispute in Bauvo area has now started. Several people disputed landownership on land when the land was needed by the government for public service or by private businesses or individual for agricultural and economical developments. Each claimant or group of claimants have different reasons for landownership. Some claim clan or tribe belief on ~~former~~ <sup>past</sup> occupancy as a right of ownership. Some claim beliefs on past tribal descendants through tribal separation during old time warfar. Some claim certain properties like trees such as mangoes, apples, bread-fruits as rights of ownership. Some claim hunting <sup>and</sup> fishing grounds as means of ownership. Some claim taken places. There and many more claims form the sources of dispute as it is in Bauvo area to-day. Because the dispute over land ownership during this period vary from person to person, the need for local court has began. The chiefly decision observed respectfully in the past has no longer favoured by many people. The main reason for this was because the need for land has changed from customary ~~to~~ tenure to registered title. Outsiders who come in to purchase land also influence some land owners that most people thought that selling of land was an easy way of earning money. This has made it difficult for many land owners and the buyers to hold back their agreements on land matters.

As more and more people become involved in developing their land through new and better agriculture

(8)

of tools and methods, more people have become involved in heavy disputes over several claims on land. This has made the use of local courts more important than it was before. The use of fines was imposed on the looser and court fees on the disputant.

Although one would argue that the local court decisions were fair and just, there are certain disadvantages. First the local court could award a decision to a wrong person and not the rightful landowner. This could happen to one case in every five land dispute case. This could happen in two ways. A talkative person could win a land case by dominating the other party through talking and presenting more evidences which are false sometimes. Secondly, some if not <sup>all</sup> court members could show personal favouritism to a particular person or group and therefore awarded him favourable land decision. This practice had shown very little sign in the past, but Bauro local court has now experiencing favouritism attitudes among some of its court members who wanted to award land claims to wrong party or parties. This has caused long delays in awarding decision and sometimes resulted in re-hearing of such cases. Such is a waste of time, effort and finance. No doubt too, this <sup>has</sup> ~~could~~ bring about distrust among court members themselves and sometimes from members of the public. This even made things more complicated for them to make fair decisions.

One would now see the difference between the kind of dispute and claims in the past and those of the present day in Bauro Area of Makuru Island. In the past the claim was over tribal properties and within the level of a tribe. And the ~~the~~ only means of solving intruder was through inter-tribal warfare. Then came the time when the tribal warfare



(9)

over. The chiefs took over the decision on land matters. The chiefs merely giving directives to people who move from village to village and sometimes had to come across dispute over some area of land which was believed to be owned by the people of another tribe. Finally comes to the time when the two ways of settling land dispute in custom no longer required the need and use of land ~~is~~ now different from what it was needed for in the past. The land owners have now aware of themselves of the importance of land and therefore become reluctant to sell or transfer any of their land to those who wanted more land.

Despite of this, about eight hundred hectares in the north-west of Bauro District has been outright purchased by people from Malaita and Temotu Provinces. This has just been registered under a 'Settlement Scheme' and each plot of land was registered to each buyer under perpetual estate. The eight hundred hectares were sold by a group of people who claim themselves to be the sole owners. But to-day some people have given out claims against them and so far it seemed quite complicated because all these plots were initially outright purchased and then later registered perpetual estate. This problem is quite beyond the control of the local court and I think this situation could only be solved by a political solution.

To ~~conclude~~ conclude, I would like to <sup>say</sup> that the Bauro land situation is not in a bad state compared to some land disputes in other Provinces.

The only major solution to solve settle land dispute is to review the old system of land ownership. As it was <sup>said</sup> earlier that land was owned by groups or tribes and everyone use the land together to-day, families and individuals have claim land ownership which I think the land tenure has changed due to the social and economic demands of the people. Despite of that, I still see room for using customary knowledge of the past to put some of the dispute right. This can only be done if the government, the local courts, the chiefs and the people of Bauro District co-operate and see these differences.

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