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1. INTRODUCTION

This is a study on the process of acquiring customary land on the Guadalcanal plains, the problems and difficulties experienced. This I see as an important development occurring in Solomon Islands today as lots of people from the other Islands are purchasing land on the Guadalcanal plains area and are residing with their families.

In the past, this practice has never been heard off but today as more and more developments taking place in Honiara and around the Guadalcanal plains area have prompted people to move out from their homes looking for new areas of settlement. In addition, land owners too have experienced the economic hardships facing the country and are now selling away their land for short-term cash payments without properly analysing the consequences of their deal. This practice has now reached a stage whereby the younger and more educated people are resisting this sale of land to outsiders and are calling for the assistance of their Chiefs, Area Councils and provincial authorities in helping to solve the issue before it gets out of hand.

Therefore, this essay is divided into seven chapters. The second section will analyse the land tenure system on Guadalcanal particularly looking at the Guadalcanal plains area. This will help us see the nature of the land tenure and its system of ownership. This will be followed by a discussion on the movement of people from the other Islands to the Guada-



Guadalcanal plains area looking at the reason why they moved out and what they expect to do in their new areas of residence. Chapter four will see a discussion on the process of acquiring land on the Guadalcanal plains. This I will be looking at the relationship between the land owner and the outsider and how land was acquired.

Chapter five will be a follow up discussion on the above looking mainly on the problems and difficulties involved in the acquiring of customary land. Though the land purchase is done according to the custom of the Area, there are certain groups within the same clan that tend to oppose it and such seek to challenge its validity.

Chapter six will look specifically at the methods available in resolving such land disputes. Evidently on the Guadalcanal plains, there have been numerous land conflicts occurring and such in this section we will be seeing how these conflicts can be resolved.

The final section will be looking at the recommendations that I will be suggesting in resolving some of the issues raised in the paper.

Similarly, in the course of the discussion, I will be using a case study which I'm familiar with. This is a family from Malaita Province who moved out from their village and acquired customary land on the Guadalcanal plains and are settling there. The family whom I knew well have gone through the experiences and difficulties which I will highlight in the paper.



## METHODOLOGY

Generally, the research paper was carried out using the following methods:-

### A) INTERVIEW

Most of the informations obtained to complete the paper was carried out through the numerous interviews and discussions I had <sup>with</sup> the land owners of the Guadalcanal plains area as well as with officials of the Land Administration Division of the Guadalcanal Province. There, I had obtained a lot of informations from our discussions and interviews and such helped in completing the paper.

### B) DOCUMENTARY

I have also relied a lot on documents from the USP Center Library in Honiara and these were supplied to me by the library staff. As such, the library staff is made available to me materials on land tenure in Solomon Islands and the South Pacific.

The right to occupy land is not restricted to one clan in particular. For instance, members of either of the clans could have the right to occupy land which is belonged to a different clan. As such, there is flexibility in occupational rights or rights to use land because of inter-clan marriages.

Similarly, customary land boundaries normally follow natural landmarks such as rivers, streams, tributaries and ranges but usually they were not officially marked. Therefore, they are not straight compared to boundaries established by proper surveying and mapping. In a case where the



## 2. LAND TENURE SYSTEM OF THE GUADALCANAL PLAINS

The Guadalcanal plains which lay on the northern coast of the island of Guadalcanal is the only extensive area of flat land in the Solomons. The land has proved to be of high agricultural potential. Most of the inhabitants there are the indigenous people of Guadalcanal and such relied mainly on subsistence agriculture for their daily living.

Generally, on Guadalcanal customary land is communally owned and ownership is determined by the matrilineal system except for Marau on the north east Guadalcanal which is based on the patrilineal system. Just recently however, ownership has been shifted to the patrilineal system when land was purchased with monetary transaction. In addition, title to a land is vested in the lineage system which is comprised of two major clans. A major clan ('kemei') is subdivided into smaller lines called 'mamata'. The right to occupy land is not restricted to one clan in particular. For instance, members of either of the clans could have the right to occupy land which is belonged to a different clan. As such, there is flexibility in occupational rights or rights to use land because of inter-clan marriages.

Similarly, customary land boundaries normally follow natural land marks such as rivers, streams, tributaries and ranges but usually they were not officially marked. Therefore, they are not straight compared to boundaries established by proper surveying and mapping. In areas where the



boundaries cut through land mass and there is no existing natural land mass, land boundaries could not be easily identified, people only know where the boundary lays.

Furthermore, Communal ownership under the Clan system has been endangered by the adoption of individual ownership through individual purchase of customary land. The process of conversion may not be regarded as an absolute individualisation, but some aspects of it are now happening today. It happened when some people who married women from different Island groups purchased land from their own clans for their children. This they did it for several reasons. Firstly, they wanted their children to inherit part of the fathers land. In cases where the mother was from a different Island group, her children were not eligible under custom to inherit the fathers land. In addition, the children would be able to undertake economic development free from unnecessary control from clan members. As such, the father would never trust clan members to continue to allow his children to occupy land when he dies.

Similarly, a clan member could purchase land after consultation with other clan members. The purchase usually took place on a special occasion where the buyer would prepare a custom feast and cash payments to the clan elders and Government and provincial officials. No official document was signed to signify the transaction, but records would sometimes be unofficially written and given to the



parties concern.

In addition, the father holds the title for the children and all members of the nuclear family have the ultimate right over the land. Therefore, this process imposed clear individual ownership because communal rights imposed by the clan system ceased to apply and the title to the land vested in a relatively smaller family group. To give occupational rights to another person would be impossible because the land mass is relatively small. As such, the overall process would endanger clan owned land if it continued to be undertaken. Sooner or later the clan's land would be exhausted if more land was sold to family groups. If this continues, it would create classes of land lords and landless people.

Similarly, customary land owners were quite reluctant to sell or lease land to incoming people because they feared that the land would never be given back to original land owners. Secondly, they were sceptical about leases because they had very limited knowledge of this type of dealings. However, this is contrary to what is happening today on the Guadalcanal plains as land owners are selling away their land to outsiders for cash payments.

Further, problems may arise in the change of leadership when the head of the land holding group dies. If the later children and sons rejected the previous dealings on the land, problems would occur. In a particular case, the deceased made an agreement with some outsiders to settle on the clans land. After that man's death, many quarrels occurred among clan



members and the new land owners as we will see later in this case study of a Malaitan family.

### 3. MOVEMENTS OF OTHER PEOPLE FROM THEIR ISLANDS TO THE GUADALCANAL PLAINS

Movements of people from their home islands to the Guadalcanal plains started in the late 1970's when the larger companies operating on the Guadalcanal plains area drew in people from many parts of Solomon. Some of the incoming people were employed by Brewer Solomons Agricultural Limited (BSAL), Solomon Islands Plantation Limited (SIPL) and Foxwood Timbers Limited. Before then, some migrants were employed in the plantations around the islands.

The work opportunities provided by these firms operating on the Guadalcanal plains area has somewhat pulled the villagers from their home villages to find employment with these companies. In addition, the many services in Honiara has also attracted these people to move out of their homes into the towns looking for jobs and other opportunities. Some of these people have a longer term ambition of working and eventually purchasing land and settling down with their families.

Similarly, the conditions back at home were not so attracted as those in the town area. The economic hardships faced by them and the need for finding employment in the towns prompted these people to move to the towns. In addition, the continuous land conflicts back at home prompted these families to move out and settle elsewhere.



## 4. THE PROCESS OF ACQUIRING CUSTOMARY LAND

Silas Buna has a family of 11 members. He comes from Adla village, West Kwaraia on Malaita<sup>Province</sup>. While at home, Mr. Buna was a local farmer working in his garden and coconut plantation. There in the village he heard stories from returning villages who had employment with the major companies on the Guadalcanal plains on the job opportunities, as well as some Malaitan people who had worked there and have purchased land and are settling there with their families. These people are successful farmers growing and selling their produce at the markets.

As such, these developments prompted Silas Buna to move out from his village to the Guadalcanal plains. So the reality came in 1978 when Silas came over to Honiara with his two sons. After a while, Mr. Buna and his sons moved onto Suagi village in the Guadalcanal plains area occupying a plot of land, given by a friend. There they were engaged in growing vegetables and selling them at the main market in Honiara. However, the family did not live long. A year later in 1979, the family was chased out from Suagi village by the true land owners. They claimed that the family was illegally occupying their land and demanded their immediate removal. As a result, Mr. Buna and his two sons fled the village and took temporary shelter with relatives at the Ngalembu river on the Guadalcanal plains area.

Sales would take place. The common practice on Guadalcanal in any land sales is for a customary practice to be prepared by the new land owner.



#### 4. THE PROCESS OF ACQUIRING CUSTOMARY LAND ON THE GUADALCANAL PLAINS

The process of acquiring customary land on Guadalcanal is a rather complex issue and one has to know very well its land tenure structure and the various title holders to that land. However, outsiders have failed to understand this and such resulted in difficulties and problems arising later.

Similarly, outsiders who wanted to purchase land on the Guadalcanal plains usually <sup>deal</sup> through another person who knows the land owner very well, his property and even the custom of the area. This person would play a major role in the initial negotiations and discussions and hence acts as a mediator between the interested parties to that land. When the relationship is firmly established, the land owner would then invite the other party to go and survey the area wanted for purchase. After that, the interested party makes up his mind and inform the land owner that he is interested in purchasing the land. So the two parties reached a common understanding on the land deal and ready to formalize the land sales agreement.

When the land deal is completed, the new land owner would <sup>then</sup> bring over his family to settle there and start building their houses and making their gardens. The area would have already been cleared for the family to live. Shortly, after that the formal ceremony of the transfer of land through sales would take place. The common practice on Guadalcanal in any land sales is for a custom feast to be prepared by the new land owners.



as well as cash payments. Usually for cash payments it is about \$1,000 - \$3,000 plus two 'tufuliac' (local red shell money).

During the ceremony, a custom feast would be put on and will be attended by all the chiefs of the area as well as other members of the Area Council and other local dignitaries. Their presence there would signify and confirm that the land agreement was done according to the custom of the Area and the exchange was done in an orderly manner. Apart from the custom feast being put on, the new land owner would also greatly involved in community relations to show that they are also part of the wider community of the Area. This involves contributing to bride prices and in helping community work. This type of assistance would continue to persist through out his time of stay in the Area.

Similarly, Mr. Bura after being told to leave his place at Suagi village went to stay with relatives at Ngalmbsiu on the Guadalcanal plains. There, a friend who is from Guadalcanal and also lives in the area told him of an old man who owns a huge area of land on top of the Ngalmbsiu river. The old man is Mr. Gano who is married and has two sons. Mr. Gano inherits the land because his mother owns that land and when she died the property rights of the area was transferred to him. However, Gano's wife is already dead leaving only his two sons and himself on the land.

After much discussions, the two parties finally agreed on the sale of land and the formalities that is to be



followed. Meanwhile, Bena and his two sons are now settling in their new area clearing the bush and putting up shelters for them. A year later when the land is secured, he went back to his village on Malaita and brought the rest of his family to live in their new home. There, the family built their permanent shelter as well as making their gardens, raising pigs and planting coconuts and cocoa around their village.

Then later, the important part of the land sales came. This was the custom feast put on by Bena's family. The custom feast was done according to the custom of the area in any purchase of land. At this custom feast ceremony, old man Giana and his sons were present as well as other relatives, chiefs of the area, members of the area council and provincial authorities. Their presence was also important as they witnessed the ceremony and hence confirmed the land agreement. Also this would avoid other groups or clans disputing that land sale in the future.

After the formal ceremony was over, Mr. Bena and his family now occupies the land and hence started their living. A few weeks later, Mr. Bena went to the provincial authorities and have his land registered. This registration of land is an important process whereby people who have acquired land have to register it with the appropriate authorities. In effect, land registration is a system of registration of title; such systems may vary in form from country to country, but the fact that the unit of



Registration is always the land parcel is the vital distinction which marks registration title from all other registers of legal rights.

In addition, land registration provides the security of tenure which is essential to sound and productive use of the land. It also provides an unambiguous record of parcels of land and all relevant particulars affecting ownership of each parcel. Therefore, Mr. Bena did the right thing in having his land registered with the provincial authorities. Also most of the people who have acquired land have also registered their land.

5. PROBLEMS AND DIFFICULTIES EXPERIENCED IN ACQUISITION OF CUSTOMARY LAND

Failure by most outsiders when purchasing land from the landowners on the Guadalcanal plains area to understand the land tenure system has resulted in problems and conflicts relating to the land sales. For instance, people who have purchased land from certain landowners later faced up with problems and difficulties usually with the same clan or tribe having interest on the same land. When the land owner gave land away to outsiders, there were certain groups who have disputed the sale as claiming that the land was theirs and that they were not properly consulted before the land was sold away to outsiders.

In addition, the agreements between landowners and outsiders on some occasions were not recorded, but verbal agreement was still valid under custom. However, it was evident that this



type of agreement was not always secured. For instance, when the person who made the agreement died, other members of the land holding group sometimes disputed the agreement, especially if other quarrels between the parties had arisen as we will see later in this case study.

Further, another reason why people of the area wanted to stop further land sales and to remove outsiders is because of personal jealousy. People of the area have seen these people become successful in developing the land they acquired and such will do their best to bring this people down or stop them from advancing further. In other words, they become jealous of the success of the new land owners and their activities. This is obviously true on the Guadalcanal plains area which I once lived there for six years from 1978 to 1983. What I usually saw was that people from the other islands who have purchased land and lived there became successful farmers and businessmen growing vegetables and selling them at the markets.

So one will see other members of the clan trying to bring up a case to dispute this land deal and such wanted to remove or cancel that land agreement that was previously made. This I see as commonly happening on the Guadalcanal plains area and such has to be stopped if developments in the area is to advance further. People should not take up land cases or dispute it because of personal jealousy and such wanted to bring him



low. If the dispute is a genuine one, then it should be dealt with properly in the established courts.

Similarly, one difficulty involved in acquiring customary land on the Guadalcanal plains which resulted in later problems and conflicts was that the land agreement was not properly made. As we have already seen in the study, land is communally owned and at least other members of the family unit or tribe have a say on the land whether it is going to be sold or not and at what price. Sometimes, one tend to find that aspiring new land owners only approached a member of the family usually the head of the land holding group for the sale of land without consulting and getting the views of the other members. As a result, conflicts and problems arise when these other groups having claims and interest to the same land challenged the legality and validity of the land agreement. As such, they do not want outsiders to occupy their land and make productive use out of it.

The opposition to land sales to outsiders are coming mainly from the more educated and younger people who totally, viewed land differently and such opposed what their fathers and mothers were doing that is selling land away to outsiders. This younger group viewed land as an important part of their culture and a vital asset for the future. They argued that when their parents die,



They the surviving children and the younger generations to come should carry on the title to that land. However, their views and sentiments expressed may not be held true for their parents. To them, their aim is a shorter term and one which is based on monetary transactions or cash payments for that land. In addition, with the economic hardships that they faced in their areas prompted them to sell away their land. Normally, the present sale of land on the Guadalcanal plains area is about \$1,000 to \$3,000. From the money obtained, they can buy other necessities needed by the family. Here, one can see that the older people are not educated enough to see the real importance and value of the land for their future. If they had known or made aware, these problems could have been avoided.

Further, another problem with the land sale is that when the land owner dies that is the person who actually sold land to outsiders, there will be problems and conflicts arising again. Though the land sale may be probably done according to the custom of the area, there will still be people in the same clan or tribe that would stir up problems again. As such, they will try their best to challenge the new land owners again in that sale of land.

In addition, the relationship between the new land owners and the family group is only strong when the head of the land holding group is still alive. The person who sold land to outsiders acts as a mediator between his own



ramp and the outsider. However, that relationship began to deteriorate when the person dies and such other members of the family, clan or tribe will see it as an opportunity in disputing that land agreement previously made.

This became evident when old man Gana, the man who sold land to Silas Buna, died in 1990. While he was still alive, Silas Buna and his family lived peacefully and happily with the other group, Gana's clan. He was able to settle minor disputes or quarrels when they arise.

However, after his death, problems began to arise again. Other members of Gana's clan began to dispute the sale of land made between late Gana and Silas Buna. They even claimed that old man Gana was not the <sup>only</sup> right full owner of the land and stated that they too should <sup>have</sup> been consulted since the land <sup>was</sup> also belonged to them or at least they be informed of the sale of land. They further claimed that late Gana made a mistake in selling the land.

As a result, the group threatened Mr. Buna's family by force not to do any more work on the parcel of land that is making gardens; planting Colomuts and Cocoa. They even set a boundary on the land that he should not work beyond and if possible refrain from any more work on the land. In addition, this group has also brought up the land dispute case to the local courts to deliberate on. They argued that Mr. Buna was residing illegally on their land and that he should be removed immediately. However, one thing evident here is that why did they decide



to take up the land matter when old man Gana had already died. They should have brought up that case when he was still alive. This was again a tactic <sup>use</sup> to victimize Silas Bena and his family.

#### 6. METHODS OF RESOLVING LAND DISPUTES AND CONFLICTS

In any society where there are problems and conflicts regarding land matters, there are various methods and means established whereby the conflicting parties can settle their differences on that particular land issue. For instance, there is the unofficial settlement done in the traditional ways and official settlement through the local courts. As such, interested parties to the same parcel of land could not go on disputing as there will be a time when both conflicting parties decide to settle the matter through the courts or other agencies available.

As found out in the study, the Clan members of the late Gana who claimed the same parcel of land where Mr. Bena was occupying have strongly disputed that and argued that he is illegally settling on their land. In addition, people in the Guadalcanal plains area where land disputes have been frequent preferred to use the traditional or unofficial method of settling customary land disputes. This is done due to the fact that land is customarily governed by customary law. It is the method of settlement known and understood by the people and they can use it better. For example, the language used, the composition, the officials and the training of officials of the local court are completely different from



the traditional method. However, in traditional settlement, the actual settlement is done on the land itself where the people including the parties will walk over the land.

Similarly, when the idea of local court was introduced people began to face problems with disputes settlement. It is said to be of a foreign idea and such contains foreign elements. Its procedures are not known and understood by the people. The kind of law used by local court is foreign to the piece of land over which the dispute arose.

As a result, disputes over land continued to arise after been to the courts. This is true on the Guadalcanal plains where land cases brought to the local courts have been heard over and over again because of disagreements on its decisions by the conflicting parties.

Further, the two methods of settlements have their officials who are either picked from the community by virtue of their social status or formally selected and approved. Here, the officials of the traditional methods of settlement are usually members of the community who are of outstanding proficiency in custom, who can lead, who can take up, enjoy respect from the community. Chiefs, elders and other respectable community members may be called to settle a dispute together. In the past on Guadalcanal, it would be the chief or the "big man" known as the "Taovia" in the Gari area who settles disputes, whether they were <sup>are</sup> over land or other matters. How



ver, in the local court officials are formally installed. The people through their committees recommend these persons whom they consider appropriate to the District magistrate to forward the names to the Chief Justice who formally appoints them to be members of the local courts. However, some people felt that local court members should not hear disputes over customary land. This is because they may be of the same clan and may exercise some form of favourism and such there have been evidences of this happening on the Guadalcanal plains today.

Further, the use of local court for hearing land disputes has been common on the Guadalcanal plains area. There, the indigenous people of the area would challenge outsiders residing there and would prefer to use the local court system than the traditional method. This can be seen in the Silas Buna case with another clan of the area. In this land dispute case, it was first heard in the local court and later <sup>to be</sup> heard in the Magistrate Court. This was done at the request of the Silas Buna disputing the other party because they disagreed with the outcome of the local court. The local court or official method of settling dispute has rule in favour of the other party. However, that was again disputed by Silas Buna and had appealed to the Magistrate Court to hear the case. Some weeks later the Magistrate sat and heard the case. At the moment the Magistrate Court is still hearing this land case together with other land cases on the Guadalcanal plains area.



Furthermore, I may add here that the greatest difficulty facing the effective functions of the local Courts is the lack of resources that is both financial and manpower. As a result it became too difficult to hear all the cases in the province and such its work programme became slower.

#### 7. RECOMMENDATIONS ON IMPROVING THE SITUATION

Generally, the Study has drawn out some of the important issues on land tenure that needs addressing in Solomon Islands. To date some of the problems and difficulties highlighted in the Study continued to be felt by land owners and the various groups involved. As such, there are a number of recommendations that I will now suggest in helping to improve the situation.

##### (i) GENERAL VIEW OF SALE OF LAND

This is a very important matter for all the parties involved to carefully consider. Sale of land in some ways is good as it will give the new land owners the opportunity of developing <sup>the land</sup> and hence supply the goods and services to people who need them, particularly those in the urban areas. In addition, new land owners means more production for the Society. However, there has to be a limit to all these land sales. At present on the Guadalcanal plains, the number of people selling land increases every year as more and more people are moving on to the Guadalcanal plains. Therefore, the decision to sell land to outsiders is vested with the land owners themselves and can sell it whenever they want.



Strongly recommend that this practice of land sales has to be stopped and put to a limit otherwise the whole land area will be sold to outsiders. In addition, the Area Councils and Provincial Authorities must cooperate with the land owners in drawing up certain restrictions to land sales.

Further more, if sale of land is to be effective than it has to be dealt with by the whole family unit or various persons holding titles to that land. As seen in this study, though the land may be communally owned, it's the head of the land that usually sell it to outsiders without much consultation with other members of the family clan. So if land is to be properly sold, members of the family or those holding title to it have to be consulted.

## (ii) ESTABLISHMENT OF A NATIVE LAND COMMISSION

I would strongly suggest the formation of the above, similar to that of the Native Land Trust Board of Fiji. In view of the escalating rate of land sales on Guadalcanal plains, the creation of such a body would help to minimize the problem currently faced by the land owners and people of the area. At present, there is no body effectively set up to administer the sale of land in the area. So what we found was that each land owner or clan would be acting on its own when they sell their land to outsiders.

With the establishment of this commission, all the land owners will have to come together once from



their own body or association to look after all their interests. Again, this body will be formed with the strong backing and support of the National and Provincial Governments as well as the Area Councils. So when individuals or outsiders want to purchase land, they have to deal through the Commission, <sup>who</sup> acts on behalf of the land owner and his group.

In addition, the Commission could also educate the land owners and members the advantages and disadvantages of land sales.

### (iii) LAND DISPUTE CASES SHOULD BE PROBABLY HEARD

Again, this is one of the major problems the various parties to the conflict experienced. This is very common in Solomon Islands such as on the Guadalcanal Plains where decisions of the land disputes cases have been severely criticized. The problem here is that people from the Area who opposed the land sales to outsiders preferred to use the local courts where they can easily manipulate it to their own advantage. In other words, people who heard these cases are close relatives of the people disputing that land sales that was made.

This can be seen in the Silas Buna Case. Here, the case was never been properly and fairly heard. It was not discussed <sup>between</sup> the parties involved using the traditional method. Instead, it was heard on the local court. There at the local court, members presiding over the case had close relations with the other party and such their decisions was obviously unfair and ruled against Silas Buna.



As a result, Silas Bena had appealed against that decision and such will be heard again.

So what has been highlighted here is the need for land dispute cases to be probably heard. The cases must be heard probably by the local courts. Also that parties to the disputes must have a fair hear of the case and produced their evidences. In addition, people who are neutral and do not have an interest in the case.

Therefore, the Provincial Government and Area Councils must consider improving the court systems and their operations.

#### (IV) MORE PROTECTION GIVEN TO NEW LAND OWNERS

As seen from the study above, there has been cases where by the new land owners are subject to intimidation by the other people and even causing damage to their properties. This is even so in the Silas Bena case where by he has properly <sup>acquired</sup> land and have it registered with the appropriate authorities. But still others have continued to dispute this.

Therefore, what is needed here is for the various authorities that is the Provincial Authorities, Area Councils and Chiefs of the Area to look at ways of giving more protection and security to those new land owners. This means introducing tougher laws and penalties against people who go about destroying other people's property and developments. As such, this will avoid people from doing this and let the disputes be properly heard in the courts.



#### (V) EQUAL DEVELOPMENT IN THE PROVINCES

Another recommendation that I would strongly put forward is for the National Government to distribute development equally among the various provinces. This can be seen as a long term measure in discouraging the movement of people from their home villages to other provinces, mainly to Guadalcanal. What we found out in the study was that people who moved out were looking for good opportunities such as jobs as well as looking for land to settle with their families. Also people wanted to live close to the urban areas so that they can sell their produce at the markets.

In addition, there are not so many opportunities for them at home so that they can fully engaged in. All the major activities and developments seems to be concentrated in Honiara and around the Guadalcanal plains area. As a result, people were attracted to move out to areas where opportunities are there for them.

So this process can help keep people stay in their villages and such seek employment with the firms that are operating in their province, rather than coming all the way to Honiara and the Guadalcanal plains area.

#### (VI) MORE RESOURCES BE GIVEN TO THE LOCAL COURTS

As seen in the study, one of the major difficulties facing the effective operations of the local courts and Area Councils is the lack of sufficient resources allocated to them. As a result, the courts and Area Councils failed to effectively discharged their duties. Here, the courts are faced with severe finan-



il problems in that they were unable to pay for all their services as well as touring the various parts of the Guadalcanal Province. In addition, there are also lack of qualified people to sit in these courts to hear such land cases when they are brought <sup>up</sup> for hearing. As a result, the courts and Area Councils were not functioning properly and effectively and hence to meet its objectives.

So here I strongly suggest that the National Government to consider allocating more funds and manpower to the Provincial Authorities who in turn provide these resources to its respective courts and Area Councils. The work Status of the local courts and Area Councils should be given a higher consideration in its budgets and manpower allocations.

### CONCLUSION

This paper has seen a discussion on the process of acquiring customary land on the Guadalcanal plains looking mainly at problems and difficulties involved. As found out the Guadalcanal plains area east of Honiara is an idle area for agricultural developments and such land sales is quite high. To date, lots of people from the other islands are moving into the Guadalcanal plains area and are purchasing land and residing with their families.

However, <sup>some</sup> people who purchased land there failed to understand the complexity of the land tenure system and such faced problems and difficulties later. Though the land sales may be done according to the custom of the Area, there will be certain members of the clan or group



that will resist the land sale. They argued that they should have been consulted prior to the land sale so that they could show their views.

As noted earlier, on Guadalupe land is communally owned and is based on the matrilineal system. Therefore, in any land sales, it is wiser to consult all the members of the land holding group rather than dealing through the land owner himself. As seen in the case study, the land sales that Silas Bena made with late Grana was properly made and done according to the custom of the Area. However, when Grana died, other members of his clan began to challenge that land agreement and hence ask for the courts to deliberate on. The group later threatened Silas Bena and his family to vacate their land.

Therefore, it is very important that aspiring new land owners to carefully understand the land tenure system on Guadalupe, its ownership before purchasing it. On the other hand, it is also very important for the land owners and the wider community of the Guadalupe plains to see and understand the real importance of land as an asset for the future, and not to be exchanged for monetary purposes. The rate of land sales on the Guadalupe plains is quite high and it has now reached a stage whereby it has to be restricted and if possible halted. Though land sales can be encouraged on a smaller scale, it is therefore not a wiser thing to sell all the land as there will be nothing left for the future generations.



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