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COURSE : SE 103 ASSIGNMENT NO: LONG ESSAY

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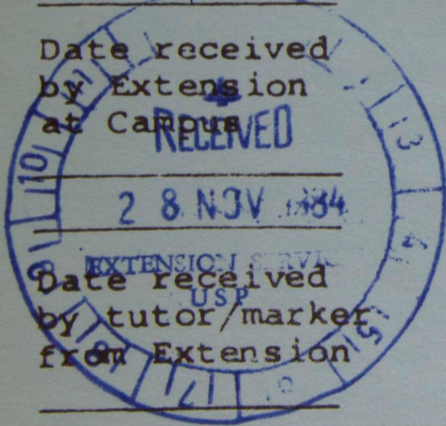
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17
30

TOPIC: ALLOCATION OF LAND IN UNOFFICIAL WAYS
(CUSTOM WAYS)

Introduction

The purpose of writing this essay based to allocation of land in unofficial ways or custom ways is to share experiences and consider the solutions to our common practices and problems on all aspects of allocating land to peoples.

To my Island where I come from, particularly in my village, allocation of land is one of the great ~~importance~~ importance in our everyday living. Since we regarded land as of paramount importance to us, politically, socially, and economically. Although great achievement were made to the allocation of ^{the} land, failures were also the great problem due to the economical pressure within the country.

Allocation of the land to ^{the} peoples were only done by high rank people in the society and these of course were the chiefs or elders in the families. Even people like myself, not a single thing is allowed to do ~~nor~~ nor touch especially towards this allocation of land.

It has been practised longtime ago and it ^{has} become part of our custom or culture in the village in that part of the Island. and we strongly stick to it as this is a great help now and for the future ^{of} our land especially shortages of land has so far controlled by them.

The people who can inherit the rights to allocate land, power to command in dealing with land matters in our custom ways after the chiefs or elders have died were the every first born child excluding females in the families either on the chiefs family or other families. And those who

can become the chief again can only be born in the chief's family and of course this is an automatic inheritance although we have custom feasting, dancing and formal addressing just to ~~mark~~ ^{mark} the ~~stand~~ ^{stand} of our new chief known to the people.

It is the chiefs and elders role in the village to see that the members in the village to have all the rights to use the land and what is growing in the land fairly and evenly according to ^{the} wishes of all the people. Even the chiefs and elders themselves must also have and follow the same rights on the land as the people as a whole.

Traditionally the area of land on which members in the village live and carry out subsistence activities is the tribal land. With such land, ~~they~~ ^{we} have substantial rights of use to all defined areas of land. Such a defined area is marked by ancestral burial sites, domestic plants, fruit trees and gardens. At the same time we use other areas for cultivation purposes, but only with the consent of our chiefs and elders of the village.

Although it sounds like living in a traditional style of living, it doesn't necessarily ^{mean} in that sense. But looking back in history, prior to the introduction of European influence, we lived closely together within our respective kinship group. Now we have adapted the European style of living. In this I mean tools we use were of modern technology, foods, clothes we wear and everything is of modern. But we do believe and respect our chiefs and elders of their great importance to our society in controlling our land by allocating fairly and evenly to us, ^{so far} and we are looking forward for the future to continue.

LAND ALLOCATION

Allocation of land to people is one of the great achievement made by the chiefs and elders in the village. Because we regarded land as of our paramount importance where we rely very much for our foods for our every day living and also for our future living therefore allocation of land to ^{the} people is done only by the chiefs and elders.

It is the chiefs and elders duties to see that the members in the village have ~~the~~ rights to use land fairly and evenly according to our wishes. Before we can make our gardens or build our houses or even cut down trees. We must first of all forward our proposals to them ~~and~~ ^{they} and discussed it together. When they ~~have~~ have considered the proposal then an area for that purpose will then be allocated to you. In other words they consented the land to you.

IF on the ^{other} hand your proposal is not of great important to you, they will not ~~consider~~ consider or consented it ~~as~~ as well. This practices is so in order to avoid an unnecessary wastage of land that may happen and also to control the the rights of each to land evenly and fairly. Without their approvals we could not make or build anything on the land therefore we must keep up with the chiefs and elders in order to fulfil our requirements. Here we can see that they have the power to command ~~and~~ and to control the village as a whole although it is just in a village level.

(4)

You might think that allocation of land to the peoples is to every individuals including females or children but that is not so. In principle, land is only allocated to the males that are at the age of ~~the~~ twenty-three and upwards ^{to garden}, and not to the females and those males that are under twenty three of age. The females may have some rights under certain conditions, but are very limited. ~~Hand can be allocated to the females if they are at the age of twenty with no brothers in the family or in other words every girls only.~~ If that is the case then the chiefs and elders will arrange for every males in the village to clear the virgin bush for them ^{to garden}. This is of course the community work in the village. If one of the girls is married then her husband is responsible for the whole family in terms of working ⁱⁿ the garden or so. If on the other hand there is a brother then his sister can ~~work~~ ^{work} in the garden planting, weeding etc and still his brother ~~is~~ ^{is} ~~still~~ ^{be} the owner of the ~~land~~ garden although ~~passing~~ passing of land rights to generation to generation is ~~matrilineal~~ matrilineal practices.

To principles of food gardening or cash crop gardening, it is the chiefs and elders to decide where you will do the gardening upon your requests. Let's say a man wants to ~~make~~ make a coconut plantation. If this is the case, the man will first seek approval from the chiefs and elders. ~~IF~~ IF they agreed to your proposal then land will be allocated to you for that purpose. This is because, ^{if} whole of ^{the} land ^{is} ~~is~~ planted to coconuts then there will be no enough land

(5)

available
for other purposes e.g. for food gardening as the land will be ruined by the coconuts. These for great care to this sort were taken by the chiefs and elders when allocating the land.

These allocation of land were only to the members of the same clan in the village. If a man from a different clan i.e. outside from the village ~~get~~ married to ^{a woman in} our clan, he can be a member of our village but not to our clan. Rights to garden, or gardening allocation to this new family will be to the wife since she's a member of our ~~the~~ clan. He may adapt ~~some~~ some of our practices but not to the full. If ~~an~~ a woman from outside is married to a man from our village then same thing is applied to her.

At the moment the security of these allocated lands ~~the~~ title depends on the use of land by the individual family. The chiefs and elders acting for the people can confirm and the true rights to the allocated land among the members of the village or tribe. Once these lands have been allocated to you, it became your property. And they can be transferred to your children directly thereafter. Although they are not registered land, ~~but~~ they can be identified by planting nali nuts, sago ~~the~~ palms, betel nuts, mangoes tree etc.

To these practices of land allocation to people I would rather suggest ^{that} it is of great importance to us the members of the village as a whole because all ^{our} needs or land itself are controlled now and for our future generations as land has started to dispute over it and even good fertile soils have been used for large scales of food production or used as Agricultural purposes e.g. cattle projects, cocoa projects and coconuts plantations.

(6)

KINDS OF VALUES IN CUSTOM:

Land has ^{some} kinds of values in custom ways as compared to present values. In the custom ways its values are of great important to the people where some parts of the land are regarded as taboo places, while some parts are for the burial sites for the dead peoples and from its values it can settle disputes between peoples, as compensation as well.

If two groups are involved themselves in fighting then the value of the land can settle the dispute from them as compensation. This is because that piece of land can be given ~~to~~ from the other group to the other as compensation. This is not really affect the people in my village but it can be so if my people in ^{the} clan involves ~~in~~ the fighting to other clans, ^{then} ~~the~~ land can be given to them in order to settle the dispute.

If on the other two peoples with ⁱⁿ the same clan do fight each other then this is a different case where the chiefs and elders can settle it to them. And in this it does not involved land as to pay compensation therefore land is values less in this. But it could ^{be} used sometimes if it is necessary by restricting the allocation of land to either of them.

Sometimes land can be transferred to other clans. Because of its value, the transferee must prepare some foods or even shell money to give to the owner (transferor). This usually to be ^a big gathering all the times when ever it happens to be, where all the members of ^{the} clans came together for the ceremony and this really shows how

great
its value is like. Once this ceremony has taken place, the transferee become the owner of that given land.

There will be no fighting after this as it has been feasted. If on the other hand somebody or the transferor ^{himself} disputed the land ^{again,} then, it can be taken to local courts to hear the case. It is always the case that the disputed person lost in the court. This is simply because that piece of land had been ^{official} given to the other person in custom feasting whereby all the people both from the two clans have witnessed the ~~the~~ ceremony.

Because of its value, people tend to fight each other in order to gain piece of land today although they are not the owners of that land. Now a days this dispute can both ~~be~~ settled in local courts and elders.

Sometimes value of land can be adapted as a way to acquire land rights through marriages. Some people allow or tried to let their daughters or sons to ~~marriage~~ marry those people ^{who} have lands in order to have some land allocated to them for their future development.

SYSTEM AND PROBLEMS:

We regarded the system as the best because there we can all have abit land to development for our everyday needs. Also it helps to control our availability of land for our younger children as well as minimising disputes that may arise in the vilage.

Although we see our system is the best we can have, we still faced problems too. Sometimes people argued about what land rights they should have on the land, or who should have rights to that land

(8)

etc. As I have said, this misunderstanding or I would say disputes are usually settled by the chiefs and elders of the village by having a talk with them.

Sometimes this disputed people do not agree with the chiefs and elders decision therefore they only way since it is in a custom the chiefs and elders can do, is to restrict the allocation to them thereafter. And this really happened and people feel that the chiefs and elders have had the power to control them.

There were sometimes a ~~dispute~~ dispute between people from the village and outside the village too. Where the chiefs and elders are sometimes find it hard to solve it amongst them. But again there is no other alternative to solve it therefore they have to solve it. Sometimes if ~~the~~ dispute is not settle by this chiefs and elders then they can appeal to local court to hear the case and this is not always the case anyway.

PEOPLE TO AVOCATE AND THEIR RANKS :

As far as this allocation of land in unofficial ways or custom ways is concerned, people who have all the rights to allocate land to the people were the chiefs and the elders in the family excluding females. No any other people other than this category peoples were allowed to allocate land to people therefore we can see that they were highly respected by the people as a whole.

They can only be replaced if they were very old or has died. Again this replacement can only permitted to those first born son in the family and they must at least at the ^{age} of twenty-one or above.

(9)

Those who are under the age of twenty-one are not recommended for the replacement except in other special circumstances. If the older people who hold this rank to allocate land are still strong enough to carry out the work and those first born son ^{has reached} in a family is ~~at~~ the age of twenty-one then he become a member of this people to allocate land thereafter.

In the village level itself, these people were highly respected as I have said, by the village people as well as those from outside. Let say, a group from province or central Government wishes to hold meeting for land rights or logging rights. The first people to hold the talks with were these chiefs and elders or these recommended people in the village, and they are the one who represents the community. What the outcome of the meetings whether acceptable or not is final.

INTENTION FOR THE FUTURE GENERATION

Since there is a growing population in the village community, these chiefs and elders must ~~be~~ plan ahead in relation to allocation^{of} land to the people. They must take a careful precaution ^{in allocating land,} and they must as well ~~be~~ careful who to hold what rights to land.

This really the place where they find it difficult to deal with because as population is getting bigger the more land they use and less land become. Therefore in order to short out this problem they have ^{to} be very careful to what is to be planted to the land or use of the land. And in that they have to have the approval ~~of~~ the chiefs and elders before they can ~~be~~ make gardens ^{and} to

What types of crops ^{is} to plant in the given land. It is always the case ^{that} the commercial trees e.g coconut ~~have~~ must be planted to the area allocated for such crop. This is because once the coconut has been planted you can't be able to plant potatoe ^{again} because the soil has been ruined or occupied by the tree roots.

This restriction does not only apply to land but it is also apply to what is grown on the land e.g trees. cutting of trees were also have to be consented by ^{the} chiefs and elders before the people can cut down trees. This is of cause ^{is} the controlling for the future generation.

WHAT COULD BE IMPROVED AND HOW TO GO ABOUT IT.

To my personal observation, I rather suggested that this system should be improved although the whole set up of the system is generally good as has been so far satisfied the need and future protection of the people in village to the system of allocation of land in unofficial ways as the custom ways has been ~~done~~ controlled.

I feel that the system should be improved by allowing the womens to take part in this allocation too. I do not see why these people has been neglected the womens as they too has good ideas to contribute in the discussion. I also suggested that they should not restrict in cutting down trees. This is because the trees ^{always} ~~are~~ to be a growing thing therefore it ~~would~~ would not be a problem. whereas the land, once it has been developed, ~~it~~ there won't be a new land available as it is not growing thing for the future, so I agreed with them to have ^{this} system to control ~~the~~ ⁱⁿ allocating land to people by the chiefs and the elders.

THE INFLUENCE OF PRE-ECONOMIC

The village peoples were subsistence farmers. They grow things for themselves. They do not really matter or having more land for the development as today. They went to their gardens as to collect foods for themselves, they went out hunting for themselves, fishing etc and they lived as in normal life without worrying about anything.

Since then the whole island itself was influenced by the substantial economy of the country. Now people tend to grow things to sell. They started to demand more land in order to fit in these development. Some people even fight over one piece of land and problem tend to be arise.

In the case of my Society because our allocation to land were previously done by our chiefs and elders when these changes came, we really have no problem as other villages in the Island has faced but instead we fit ^{us} in well to this development therefore we were well ahead [^] as compared to other village.

But for ~~these~~ the other villages, when this change came, they find it difficult to fit ^{themselves} in, therefore the people tend to fight each other and those ~~are~~ who are powered ~~enough~~ enough have more land than those weaker one. Today these people ^{has} no land available and they tend to demand land from my village. Unfortunately these people were not allowed by my chiefs and elders and ^{the} village as a whole ~~because~~ we feel reluctant to give them land because we think about our future generation that if we allowed these people to have land now there won't ^{be} enough land available for our future people.

(12)

The land interests, rights and needs of this people were then protected by the chiefs and elders of the village. Because their land interests, rights and needs were protected, they feel the enjoyment of their living merely going to their own gardens freely, hunting, fishing etc or in other words they feel that ^{they} were the only people in the area without worrying about anything.

Everybody in the village seems to recognise each one's land interests, rights and needs whereby each family has land allocated to them to meet their needs especially to make gardens to grow crops where some to sell and some to feed their families and has their own land rights where everybody has their own land rights ^{too} as well as their land interest have been recognised by them.

Since these ^{has} ^{been} protected as well ^{as} recognised by the people, the chiefs and elders find it easy to control the people or the welfare of the people. But most of all co-operation by the people is the important ^{part here} ~~part~~ where everything is running smoothly as far as this is concern.

Because of their co-operation, they all have land to garden, to build houses etc and land shortage or dispute is not yet faced at the moment as compared to other society where there are land disputes arises.

Since the atmosphere of the land allocation is well defined as far as my society is concern, ~~the~~ there has been various local ~~companies~~ companies approached us to have some logging rights in our forest to timber as well as land rights to make projects eg cattle projects. Unfortunately none of this companies has this rights granted.

The Present Policies

The present policies of the local peoples especially the chiefs and elders in the family think on how they are going to allocate land to people since the population grows so rapidly ~~and~~ is that each individual people will not allocate land to them but instead the land will be allocated to the family as the elder brothers will be the head to hold the land rights for them.

The land will be allocated to tribe but not individual as the Government has practised today. They feel that this present individual holder by the government today has some criteria to them but to their understanding this practise ^{by the government} should be so if there is enough land available but since the population is growing they feel that to hold land as tribe is better than individual.

They also intend to implement since government has becoming interested to build more schools, clinics and roads. In order to have these available to their areas, they have to allocate land for them. This ~~is~~ ~~very~~ helps very much indeed because during the past years, children who are sent to schools usually ~~go~~ ~~to~~ ~~the~~ ~~schools~~ ~~in~~ ~~the~~ ~~different~~ ~~places~~ ~~as~~ ~~well~~ ~~as~~ ~~the~~ ~~clinics~~. i.e. schools are in a different places as well as clinics.

They find it hard to transport ^{sick} peoples to clinics and usually sick people are dead before they ~~are~~ reached ^{to} the clinics. Therefore the chiefs and elders feel to have these facilities available to them by reserving land for this development to take place for the benefit of the growing population, in the society and also for the good of the country as a whole as well.

Since the intention of the government ^{now} is to build more schools, clinics, roads and ^{other} services, they feel and believe that these services could be so if land is allocated for that purposes. Therefore allocation of land should now be limited to people in order to have these services.

We believe that these unofficial ways or custom ways of allocating land to people should still be the existing practises ~~in~~ in the society. The only changes that should be taken place is that, instead of allocating ^{land} to each individual in the family to garden as such purposes, land should now be allocated to the family as the elder brother in the family to hold title of the land.

This does not mean that brothers, sisters, uncles ^{etc} have limited rights to the land but ~~that~~ they ^{have an} equal rights to the land. It is the matter of title that the elder brother ^{is} do hold ~~the~~ ~~rights~~ ~~to~~ ~~the~~ ~~land~~ ~~and~~ ~~that~~ ~~he~~ ~~is~~ ~~the~~ ~~only~~ ~~one~~ ~~to~~ ~~hold~~ ~~the~~ ~~land~~ on behalf of the family.

This is really what the chiefs and elders think about as its policies to ^{the} future allocation of land to people in the unofficial ways or custom ways as ~~the~~ allocation of land to individual in the family is of a waste of land and that there will be no land available to garden thereafter as these services.

They must have to do this before other development such ^{as} clinics, roads and schools etc will be available in the area and land shortages will not be faced in the ^{near} future.

Conclusion

Allocation of land to people is usually done as in ~~an~~ ^{an} unofficial ways or custom ways by chiefs and elders in the society. This allocation system is highly appreciated by the people as their needs to land have been protected and they have equal rights to land as well. It is the chiefs and ^{the} elders duties to see that the general running of their affairs is well protected and controlled.

Land, to them is one of the paramount importance where all their requirements have been fulfilled. Cash cropping has been planted to sell as well as for their selves.

Allocation of land does not include females and males that are under the age of twenty three as these people are regarded as premature. It can be ~~only~~ ^{only} allowed to females in special circumstances.

In principle, it is the chiefs and the elders to decide the location of your garden as upon your requests. Approval is ^{only} given by them.

Land as the people regarded has some kinds of value to them such as taboo places, burial sites and it can settle disputes among the people as compensation. Because of its value they feel that it is important particularly the chiefs and elders to control in allocating the land to the people.

The system we practice is the best as far as our society is concerned. But that does not mean that there is no disputes ^{or problem} ~~or~~ ^{or} ~~disorder~~ faced.

As far as this allocation is concerned, people who have all the rights to allocate land were the chiefs and the elders in the family. They can ~~only~~ be replaced only in old ages and death. This replacement is only permitted to those first born son in the family, ~~and~~ ^{at the age} are of twenty-one or above.

Since land is not a growing thing perhaps land reform is possible, our intention is to plan for our future generation in relate to land allocation. The land availability is getting less, ^{and less} therefore careful precaution should be taken in allocating land to the people.

To my personal feelings about the system, I rather think that chiefs and elders should now limit the allocation of land to each individual. I also feel that as the hold set ^{up} ^{has so far} is good, I would like also that first born girl in the family should be entitled to have all the rights in making decision in allocating ^{land} to people. This is because all the human beings are ^{the} same disregarding sexes.