

TABLE OF CONTENTS

SE103 LONG ESSAY, 1982.

TITLE: CHANGES IN LAND RIGHTS  
:- a case study of ATORI  
Land in the Kwarááe  
District of East Malaita.

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## TABLE OF CONTENTS.

	Page
1. INTRODUCTION	1.
2. BOUNDARIES	1
3. THE LAND TODAY	1.
MAPS	2.
4. HISTORY	4.
5. EARLY CHANGES	6.
6. CHANGES IN LAND	
DEALINGS AND ATTITUDES	7
A. Primary Right holders	7
B. Use rights	8
C. Right of Access	9.
D. Right to Water Resources	10.
E. Right to other resources	10.
F. Fishing Rights	11.
G. Right of Residence	11.
H. Right to transfer or sell	12
1. Ano Kwatea	12
2. Ano Folia	12
3. Ano Abmawane	12
I. Right to indirect benefits	14.
1. Landup Rights	14
2. Storage rights	14.
3. Parkup rights	14.
7. CONCLUSION	15
8. ACKNOWLEDGEMENTS	19.

## 1. INTRODUCTION.

Like most land on Malaita, Atori is customary-owned. The Atori tribe most of whose members reside on the offshore islands of Ngongosila and Kwai are said to be the owners of the primary rights of this land. Being customary owned, the land has not been surveyed and so is difficult to establish its actual size in terms of acreage.

## 2. BOUNDARIES.

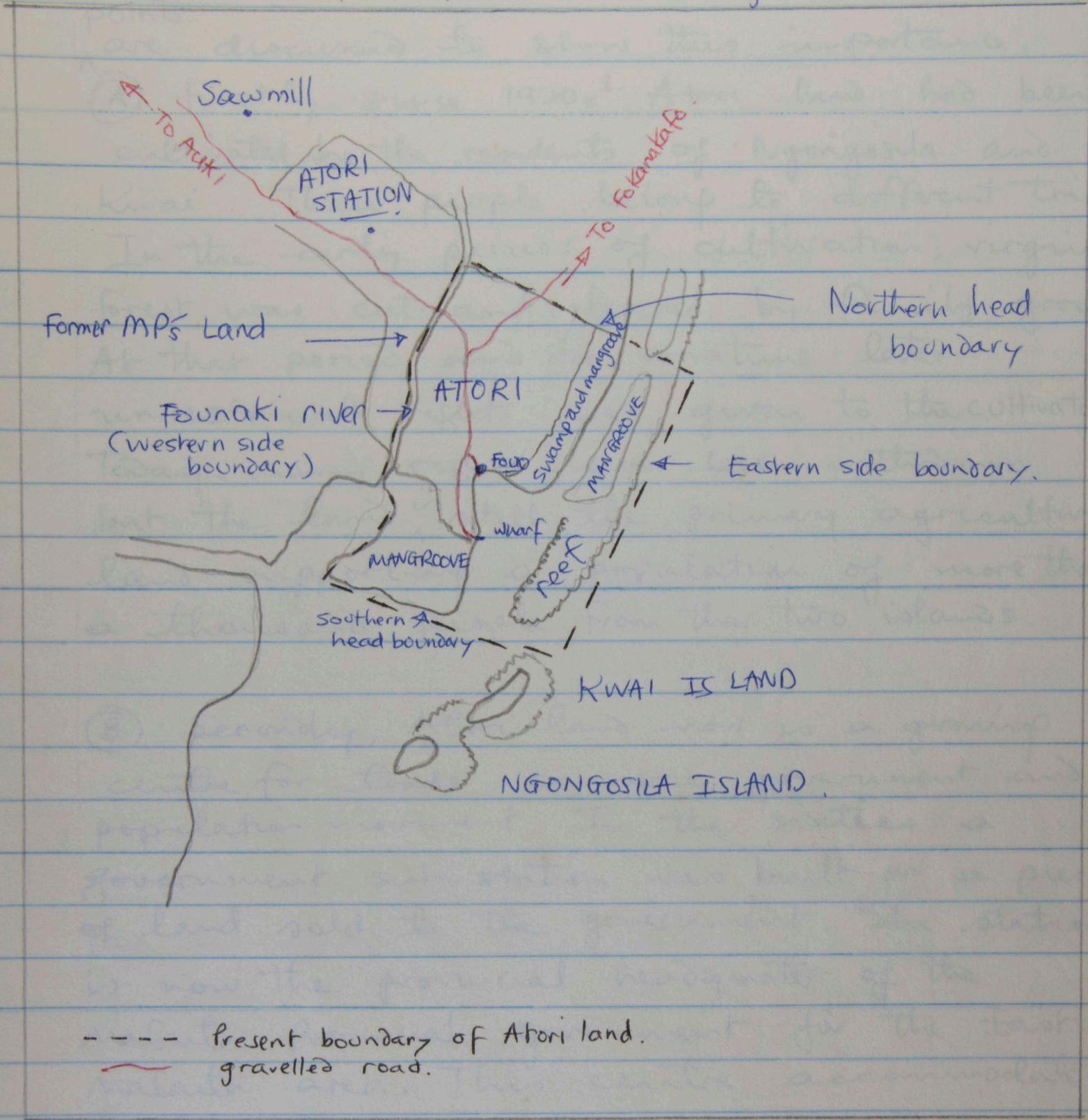
In the Solomons today, traditional boundary markers<sup>1</sup> are still in much use on customary land. The Atori land as it is now has the following boundary markers: The western-side boundary is bordered by the Founaki river and the Eastern-side boundary by the mangroves and the sea. The Southern boundary is clearly the mangroove and sea. Only the Northern head boundary does not have a clear boundary mark although certain trees and stones are often quoted as the boundary markers. The diagram on page 2 shows these boundaries.

## 3. THE LAND TODAY.

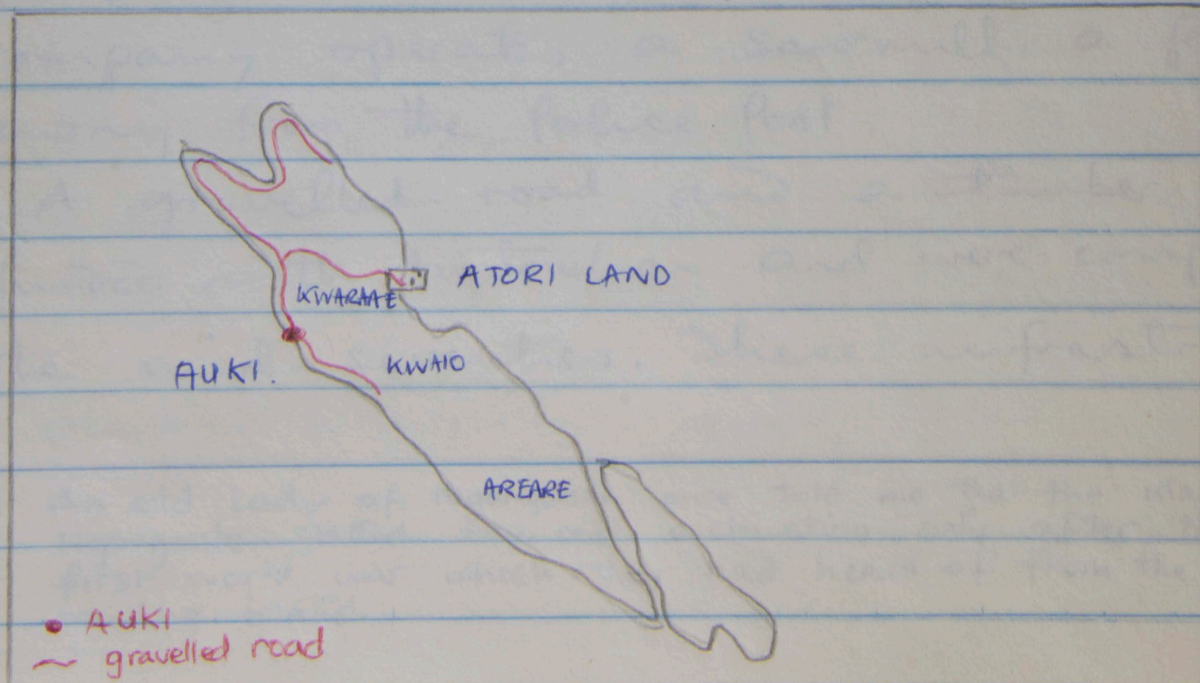
Today, Atori land is of paramount significance to the whole of Eastern Malaita. Two major

1. physical boundary markers on Malaita include: valuable trees eg. nali, arakoko etc., ridges, rivers, creeks, coastlines, shrines, stones etc...

ATORI LANDS and surrounding.



MALAITA ISLAND.



points.

are discussed to show this importance.

(A) Firstly, since 1920<sup>s</sup><sup>1</sup>. Atori land had been cultivated by the residents of Ngongosila and Kwai. These people belong to different tribes. In the early periods of cultivation, virgin forest was cut and cleared by family groups. At that period and for sometime later unrestricted rights were given to the cultivators. Today, many rights have been withdrawn but the land is still the primary agricultural land supporting a population of more than a thousand people from the two islands.

(B) Secondly, Atori land now is a growing centre for trade, commerce, government and population movement. In the sixties a government sub-station was built on a piece of land sold to the government. The station is now the provincial headquarter of the Malaita provincial government for the East Malaita area. This centre accommodates a police station which is manned by a dozen officers; an Agricultural Office with two dozen or so extension officers; a trading outpost and a cowhouse. A logging company operates a sawmill a few metres away from the Police Post.

A gravelled road and a timber wharf funded with Australian aid were completed in the mid-seventies. These infrastructure

<sup>1</sup> An old lady of Ngongosila once told me that the islanders of Ngongosila started any real cultivation only after the 1918 first world war which they had heard of from the white missionaries on the island.

link the whole of the Eastern, and South Eastern part of Malaita with Auki, Honiara and the rest of the Solomons.

Changes come so suddenly to the East Malaita area that it seems that the people are not ready for them. As a result it can be said that there has been a significant change in the lives and attitudes of the people. Talking about Atoriland, a lot of changes have taken place but in order to understand the situation now as it is, some historical knowledge of the area is necessary.

#### 4. HISTORY

Until the introduction of Christianity at the beginning of this century to the peoples of Eastern Malaita, most of these now residing on Ngongosila and Kwai used to live in different tribal communities on the coast of Malaita. The Atori tribe was one of these<sup>1</sup>.

Early 1900s saw the establishment of a mission station for the South Sea Evangelical Church (SSEC) on the small island of Ngongosila. This led to the eventual christianization of the different tribes along the <sup>Eastern</sup> coast of Malaita.

The missionaries taught that christian conversion

1. Other tribes included; Fouo, Kwakwaru,

meant a complete separation from darkness to light and so in practice it meant that converts were brought away from their heathen tribes and made to settle in the new mission village<sup>1</sup> on the small island of Ngongosila. Eventually, the coastal tribes of Manaofa, Kwakwaru and Atori vacated their traditional settlements and settled with the missionaries on the island. From Ngongosila, a further migration was made to nearby Kwai island. As a gesture of christian brotherhood the Kwai tribes accepted new converts from the mainland tribes that could not find anymore space on the mission land in Ngongosila for settlement.

With regards to Atori land, an added reason could be mentioned for the eventual vacating of the land. Not all members of the Atori tribe became converts to the whiteman. The head of the Atori clan was one of these few. He and a few followers were still left on Atori land. However an incident which occurred between a bushman<sup>2</sup> and himself led to a death threat on the latter's life. The Atori Bigman then sought protection and refuge from the fataabu<sup>3</sup> of Gwailao<sup>4</sup> on Ngongosila. The Gwailao fataabu who was then the most prestigious and powerful Bigman in the area took the refugee into his beu<sup>5</sup> and gave him protection until he died. As a gesture of repayment for the protection of his life,

1. The early white SSEC missionaries bought a piece of land on Ngongosila and made it their headquarter. It also became the mission village for converts from different tribes.
2. Interior settlers or people living inland are called 'wane tolo' meaning 'bushman'.
3. A animistic priest and bigman of Malaita society
4. Gwailao is one of the two tribes 'owning' Ngongosila island and surrounding reefs.
5. BEU. - a men's house in Malaita society

the Atori Bigman offered a piece of land within the Atori land to the Gwailao fataabu.

#### 5. EARLY CHANGES: CULTIVATION AND ACCESS TO ATORI LAND BY OTHERS.

Up until the beginning of this century, the salt water people<sup>1</sup> were not engaged much in cultivation. The only mainland areas that came under their control were the immediate beach area and the swamps and coastal mangrove areas. Being fishermen, the menfolk of the island society had little time to spare so as to offer protection for their womenfolk in any gardening activity. Thus trading was quite common between bush tribes and the island tribes of Ngongosila and Kwai.

So, as a result of christianity the coastal and bush tribes could then live with less fear of each other. This meant that people could move freely and without fear in the neighbourhood. At last a need for cultivation was realized by the island folks and Atori land was the obvious choice for this. firstly it was within close distance to Kwai and Ngongosila. Secondly, Atori tribesmen on Kwai and Ngongosila were only too willing to allow their land for cultivation. It could then be seen as a form of repayment of a good deed done to them.

<sup>1</sup> The coastal people of Malaita are known as 'wane asi kinis' literally 'salt water people'



By 1930, all families on Kwai and Nsongola have had garden plots on Atori land.

## 6 CHANGES IN PEOPLES' ATTITUDES TO AND DEALINGS IN LAND.

In the phase of rapid socio-economic change in Malaita society, there has been also changes in the dealings to land. As a result of many changes, people have tended to see land as a root to family disputes and societal disharmony.

To show some of these changes <sup>as</sup> seen in dealings with Atori land, a close look at the different rights to land is necessary.

### A. PRIMARY RIGHT HOLDERS

It is not questioned right now as to who the primary right holders are. People accept that it is the Atori tribe. The only disputed area on this land is with regards to the northern head boundary.

The only other area of disputes is on the question of which individual is the head of the Atori tribe. In this part of Malaita, the head of a tribe is the most senior male member of the senior male line. Within the Atori tribe there is a head family of which the most senior male is now very old but still alive. His senior son has assumed leadership of the

tribal land. Unfortunately, being an extremely lazy person, the other male members of the tribe do not accept him as their head. This has led to different males members of the tribe assuming decision-making roles on behalf of the tribe at different times. Today there is still a lot of internal disputes. Besides, agreements which are made with different male members of Atori are not guaranteed in terms of security. An example of this is the present disagreements over royalties from the government on land taken for public purposes.

#### B. USE RIGHTS

The right to cut down virgin forest and to cultivate on Atori land was given to tenants of Kwai and Ngongola in the 1920s. Besides cultivation, the users of Atori land had other rights. Though unwritten, the users understood the extents and limits of their rights. For example, a Gwailao tribesman cultivating on Atori would know that his right to do so includes the planting of crops such as potatoe, yam, taro and other domestic food crops as well as breadfruit, nali tree<sup>1</sup> and bettle nut. His right however does not include the planting of long-term economic trees such as cocoa and coconut.

Recently a few changes were made to these rights. The growing of betel nut and sago and nali nut were banned. It is not at all surprising

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<sup>1</sup> The nali fruit or nut is prestigious in Malaita society. The nut is used in making puddings for feasts.

that some families have completely withdrawn from cultivation on Atori land.

This right to cultivate is not given even to the residents of Atori provincial station. The argument behind such a decision is that the residents are people who receive a regular wages and so can afford to buy food from the local farmers. Occasionally however, food is stolen from the gardens in Atori. Though no one has been caught red-handed, the residents of Atori station are a logical suspect.

### C. RIGHT OF ACCESS.

In traditional Malaita society, the right of access by way of travelling on or through land is not restricted to any particular people. Generally speaking, a stranger can pass through one's land provided he does not extract certain resources from the land while passing through. Such resources do not include such things as birds, opossums or crabs.

The only restrictions to travelling on land is to do with travelling in the bae<sup>1</sup> area. In Malaita it is an absolute 'no' for women to travel on or near the bae or the ancestral shrine or altar of a particular tribe. Today however, christian influence has resulted in the abolition of such segregated rules. On Atori land women now have access to the former bae area though with some fear and reservation.

Since the opening up of the road, wharf and

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<sup>1</sup> Bae is the ancestral worshipping area. The bae contains the ancestral skulls, the altar etc. . .

Other new developments in Atori, a lot more people are travelling on the land daily. This poses a threat on the Atori Tribemen who see a lot of wealth in the form of goods, etc. passing through their land. It is therefore not surprising that tight restrictions have been passed on <sup>certain</sup> rights that have been seen as traditional.

#### D. RIGHT TO WATER RESOURCES

As far as I can remember the right to use and obtain water from the Founaki river has always been free for everybody. Before water tanks were built on the offshore islands, the Founaki river has been the major source of water supply for Kwai and Nsongosila people.

The only restriction on water resources on the Atori land is that passed on the truck-owners of the area who are forbidden not to wash their vehicles in the Founaki river.

#### E. RIGHT TO OTHER RESOURCES.

On Atori land, the permission to obtain environmental resources from the land is not given to everybody. In the past two decades such resources as; house-building materials (e.g. vines, timber and sago leaves; wood for firewood; stones and broad leaves for baking; and trees and plunks for canoes) could be obtained freely by the Nsongosila and Kwai islanders.

A few modifications have been seen. Wood for firewood can be obtained only if it is for domestic use. Firewood for cooking copra and bech-de-mer is not permissible. Similarly, the round black stones used for baking are not freely obtainable anymore. Such changes have turned

people away from the Atori area thus leaving the tribe unpopular as ever.

## F FISHING RIGHTS

The Founaki river is a good fishing ground for river fishing. It is still very common to see even visitors catching prawns and eels. There does not seem to be any specific group that hold the right to fish in the river. This is probably so because of the relative unimportance of the river resources such as river fish, prawns, eels etc. as measured against the prestigious sea resources.

The right to fish in the Atori sea area is again given to all. This right includes visitors as well. The mangroves are a good fishing area. So are the surrounding reefs.

The only restriction in sea resources is to do with leoleo<sup>1</sup>, the mangroove shell.

Because the Langalanga<sup>2</sup> people are going around buying leoleo, the right-holders of mangroove areas in the East Malaita area have stopped the public from extracting this much need economic resource.

## G. RIGHT OF RESIDENCE

Resettlement on Atori land only took place in the 1970s when the Anki-Kwai road was being constructed. Today, most of the tribe are still living on the offshore islands. Only

1. Leoleo is the shell growing on the roots of mangroove trees. It is one of the types used for shell money.

2. Langalanga people are the traditional makers of shell money.

nine different families have resettled in the Atori land.

This particular right is exclusively for members of the tribe. Of the 9 families settled so far 8 are paternal members and 1 family is a maternal one.

#### H RIGHT TO TRANSFER OR SELL

Traditionally only primary right holders hold the right to transfer or sell land. In this part of Malaita, land transfer can be of three types.

##### 1. ANO KWATEA<sup>1</sup>

This is land which is given as a gift for a good deed done. It is within this category that the land given by the Atori Byman to the Gwailao fataabu falls.

##### 2. ANO ABUNAWANE<sup>2</sup>

Such is land which is given for purposes of offering compensation. It was common in Malaita to compensate with land especially when blood was spilled in a fight between any two parties. This practice is not common now because of the introduced court system.

##### 3. ANO FOLIA<sup>3</sup>

Ano folia is land which is sold and bought. On Atori land, the Government settlement, the public road and wharf area are examples of Ano folia.

1. Literally - Land which is given

2. Literally - Land of blood.

3. Literally - land which is bought

Land which is sold to the government is not longer seen as customary land whereas land sold to an indigenous Solomon islander can still be customary land.

Though the eldest male of the senior male line of the tribe is seen as the head of the tribe, he cannot be equated with a Polynesian chief as the Melanesian tribal leader's powers are not like a chief's.

Thus in land transfer or sale, decisions are reached collectively by the male members of the tribe. Needless to say of course that the tribal leader has a lot to say in decision-making. Because of this, the Atori tribe is having internal disputes over lands which were sold a few years back.

One interesting case is that which led to the hospitalization of a former member of Parliament. This particular MP who is himself from another part of Malaita bought a piece of Atori land just prior to the construction of the road from Auki. It is obvious, he knew that Atori area would be an important centre. Internal disagreements over the sale of this particular piece led to a court hearing. A fight broke out after the magistrate declared that the former MP was the legitimate owner of the piece of land in question.

## I. RIGHT TO INDIRECT BENEFITS.

The primary right holders of Atori benefit in different ways. Amongst benefit from royalties, there are three other indirect benefits that I wish to mention.

### 1. LANDING RIGHTS

The primary right holders benefit from the landing rights of boats, canoes and commercial cargoes at the Atori wharf.

This is always in the form of money.

Interestingly enough the traditional landing site at Fouo Village is now banned for all canoe landings except for purposes of people going for gardening. This ruling has hit hard on outboard motored-canoe owners who found the Fouo landing to be much safer for their motors and canoes.

Harip monopoly over the Fouo landing meant that the residents of Fouo village had monopoly over sea travel from Fouo. As they themselves operate canoe services, they benefit greatly from this monopoly.

### 2. STORAGE RIGHTS

The right to store commodities such as copra, timber, domestic cargo etc. belongs to the residents of Fouo who are the ones who own storage houses in the village. Travellers from up and down the East coast of Malanta



regularly need storage space while waiting for transportation.

### 3. PARKING RIGHTS.

This particular right belongs exclusively to Atoni tribesmen. As they don't own a truck on their own they have made it quite tough for others. The 4 families from Kwai and Ngongosila who own and run road transport carriers previously had no difficulty parking their trucks in the four villages. Now they are not permitted to do so, except for one who has to pay a monthly fee of \$1.00 to have his truck parked overnight in the village. When the ban was first issued, physical fights broke out, road blocks were made and damages were done to the vehicles.

### 7. CONCLUSION.

As is seen from the account, a lot of changes have taken place in land matters. Several factors can be identified as causes to what is happening now in this particular society.

Christianity has had its mark. It led to the displacement of people and caused the concentration of these people in one particular place. In this case, people have

left their places to live on Ngongosla and Kwai. These people assumed rights and were engaged in activities that led to their possession of certain important rights. Some of the people that were displaced from their tribal homes have been living on Ngongosla for the past seventy years or so. Many of their children have been born there and they now see the place as their home.

To an extent it was also Christianity which led to the open invitation of residents of Kwai and Ngongosla to cultivate and have enormous rights to Atori land. When the different rights have been possessed for years, I do not blame the people for reacting violently when their rights are withdrawn.

The impact of modern development has been quite felt in this society. Today, land is not so much the determiner of prestige and power. The Atori tribe must have felt that even without land, individuals on the offshore islands have grown with prestige and power. Through education, economic activities and wage employment even landless people have acquired wealth such as trucks and outboard motors. In the eyes of individuals of the Atori tribe, this is a humiliating <sup>experience</sup> and to make conditions uncomfortable for these people passing through their land daily with wealth etc. is a

means of psychological relieve.

Also, development has caused a once simple people to be money-minded. Once, when society was a humanitarian place, people lived and behaved in a humanitarian way but now the need to acquire more material wealth is causing people to be money conscious. I am not surprised then that parking rights and landing rights in Atori are withdrawn from everyone else. I am not at all surprised that the level of christianity which reached its peak in the beginning of 1970s started declining a few years later; more or less around the time the Kwai-Anki road was completed.

There is certainly, a disruption of traditional society. One cannot point at one factor alone to be the cause of it but westernization and christianity played major parts in the change. It is no wonder that even traditional obligations are not kept. One would tend to think that the Atori tribe would continue to allow the Ngongorla tribes to have the traditional unlimited access to Atori land but how far this can be done in a changing socio-economic environment of today's society is difficult to swallow.

Interestingly enough, the Atori tribe is not able to handle the changing

situation. There is an absence of strong and responsible leadership. Hence there have been indifference amongst themselves. I suppose petty jealousy can also be a cause to a lot of disharmony that is being caused. It is always said that Atori tribe has never been a peaceful and responsible tribe.

Taking into account the gravity of the problems relating to Atori land, I would suggest that a few things be done. Unless a land registration system specifically designed for customary land is introduced, no immediate solution is possible for the Atori land problems. Leonard Maenu, the secretary of the Ministry of Lands and Energy in the Solomon Islands recommends that such a system should involve the registration of groups and should also ensure that traditional customary practices on land be continued.

Right now the people of Ngungobla and Kivai are not ready for a system of rent payment or leasing of land for cultivation. The traditional practice will continue for a few decades to come. It is most unlikely that the Atori tribe would completely ban the others from access to Atori land. The christian influence on these people is so much so that such an action is not possible.

A very good analysis  
without the benefit of  
research data 16/20.

## 8. Acknowledgements

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