

ABSENT LANDOWNERS

On the question of absence and its effects on land rights, some land tenure expresses the view that if a person absents himself for certain number of years from his home land and settles in another island of country then his rights in the land back home will not be longer recognised by those relatives at home.

Some land tenure exercise the idea that if a person leaves his own land and live somewhere else and have never contacted his relatives back home for a certain number of years this would also stimulate the relatives at home not to recognise the right of the absentee in the land back home.

But other absentees still hold rights to their land because of the fact that they absent themselves but in one way or the other make contact with relatives at home; the rights of this absentee will still be recognised.

If the absentee has some properties on the land such as coconut trees, sago palms, ngali-nuts and so, these properties are to be looked after by the closest relative of the absentee. This closest relative does not have to have any right to the land but only the properties. The absentee's absence does not mean that the absentee's right over the property diminishes and anybody could get access to the property.

In whatever way we think we will certainly encounter advantages and disadvantages created by absentees to any society and the country as a whole. What I write in here will be relating mostly to the Are' Are <sup>land-tenure</sup> ~~Society~~ as it is the very society in which I have been brought up. In spite of the various reasons stated

one should not be taken that those have been supported by all land tenures. I personally feel that my land tenure has another different approach towards our absentees which I think are slightly different from those above which are entertained by various land tenures.

Firstly my land tenure recognises the rights of any person who truly by birth own a right in land or has right of ownership in a land although that person might be dead, alive or those yet unborn. Therefore it will be very wrong to say that if a person leaves his land and settles in another island or country and does not return within certain number of years, his right in the land back home is not recognised any more. This I believe does not exist in my land tenure.

We strongly believe that the right of the dead should be uplifted and recognised. Some land tenures suggest that if a person dies then this automatically abolishes the right of the deceased in that particular land. We do not entertain this idea in the Ane' Ane land tenure in regards to absentees. Absentees to us are those who have already died, those who have left their home land and settles in another island or country and those who have not yet born.

We also believe that the deceaseds still through some super-natural power still watch over the land. This therefore brings us to a point that any kind of activities that are projected onto that particular land should be considered very carefully

before a decision could be made.

Because the beliefs in the deads is still upheld in our land tenure one will see that a particular piece of land is reserved for the deads. This piece of land is therefore declared a tambu place and should not be disturbed or treated as a common ground. This had been a ~~pr~~ practice by our forefathers and is currently exercised by the present generation.

This tambu area is therefore kept sacred and only those accepted by the deads would go to this place. This is usually the place where the skulls of the dead who owned this land are kept. Such area as this should not be cleared for farming or ~~an~~ used for any other activities other than to offer sacrifices and worship.

It is at this place that sacrifices are offered to the skulls. The reservation of this tambu place, plus the storage of skulls are signs to other people that this land is owned by the deads and also their present decendants. It is not always true that all the skulls of the landowners will be kept on their land when they die. It will always be the chosen figure-head of the tribe whose skulls are accepted to be kept in the tambu area.

It is believed that if we start to disregard the rights of those dead people and starts to deny their rights in the land by, say, clearing away the tambu area and throwing away the skulls, the result will be that the people who should be looking after this tambu area will get sick and eventually die. The death is therefore believed to be the cause of made

by the angry deads whose shrine has been destroyed and disturbed. Because many people believe this and since our land tenure strongly supports this attitude, a certain death is liable if various sacred rules recognised by the deads are not kept or abided to. Many deaths are believed to have been caused by this in our society.

Most churches teach that deads are no longer exists and therefore they should not be taken into account when dealing with any land by the living relatives. Some churches believed that it would be wrong to disturb areas declared as tambu place. No matter what teaching is projected to the society, the common belief in my land tenure is that deads are treated absentees and indirectly contributing to the day to day management of any land and therefore to disregard their rights in land is wrong.

Usually when a virgin land is about to be cleared for any activity, the recognised tambu man will go to the tambu area and offer sacrifices (mostly of pigs, opossums, eel fish, crabs, coconut fruits and custom money) in front of the skulls telling them that a certain area of land is about to be cleared. This therefore shows that we are <sup>some how</sup> indirectly seeking permission from the deads. If we do not tell the deads about the proposed development but continue to cultivate the area then the deads will get angry and the results will be very discouraging because it always results in death. If this happens then the recognised tambu' man must offer a sacrifice to the deads and tell them that the people are sorry for not seeking permission from them (deds) prior the

clearing that portion of land. The person(s) who is sick will get better and the cultivation and clearing could then continue.

Before the pre-contact days, travelling too far from home had not been possible in fear of inter-tribe wars and transport facilities had not been that good as they are today.

Today the number of people leaving their own land and living on other islands in search of work, fortune or adventures have been increasing very rapidly. It is because of this drift from one place to another that somehow creates the types of people whom we refer to as absentees.

Now let us look closely at those landowners who are still alive but have left and settled in other islands or countries. These absentees are by birth have all equal right in a land although he is not residing on the land. It does not mean that because he has gone away and settles in another island that this movement has somehow abolished his right of ownership in his land back home. This idea is not accepted in our land tenure. It is true that because he is too far a distance and it would be hard to contact him for day to day management of the land. If this is the case then the primary landowners will deal with the matter on his behalf. If the absentee is in a place where he could be contacted then he would have to be told about the proposed development that is projected onto the land. In Ane' Ane society if a person leaves his home land and lives in another land the people at home still recognise that person's

rights in the land back home but whether the absentee's consultant be sought if there is a dealing in land back-home depends mostly on the distance and whether the absentee has ever contacted his relative back-home - this also plays very important role in dealing.

As I have already said, some land tenure entertain the idea that if a person leaves his home land settles in another island or country this person automatically loses his rights to land. As far as the primary rights are concerned this is normally the case because by going away and settling in another districts, islands or countries, suggests that one is likely to join another lineage.

This might be true but as far as my land tenure is concerned this losing of rights to land is neither automatic nor absolute. If we look at it more closely we can find that the person might somehow loses the primary rights to the land he leaves behind, yet that absentee still retain contingent rights and holds secondary rights.

In a person is banished from his lineage then he loses all rights to its land whether he goes to another islands or country altogether. He does not have access to having retaining contingent or secondary rights in land unless they are reinstated to him. This we would term as the first premises on which

the final postulate is based. This first premises is usually experienced under the pre-contact custom. This therefore explains the crucial factor would appear to have been lineage affiliation rather than absence.

For the last century or two we have been experiencing the European contact which have inter-acted our land tenure and the experience and effect it has on our land tenure is enormous. We therefore term this experience the second premises.

Some people believe that a person loses his rights when he leaves his country altogether and during the period of his absence, he has not contacted his relative back home. I believe and trust that this idea is an adapted one from the whitemen or outsiders.

The reason is that when an outsider comes to a land and wants to purchase that piece of land, the landowners will say that the right person to ask the permission from is away in another island. The outsider or European specially, will then continue to say that it is useless waiting for that person or because of distance, contacting him will be difficult therefore advises the landowners that if someone is absent and have not contacted his relatives, this proves or shows that, that person has no interests in the land therefore trying to contact him will be useless and a waste of time.

to the Government. I understand that in the Solomons, tax or land rate are payable for registered lands.

I am not aware of any payment that has been made on customary land to the Government. I know that the Solomon Government is proposing to introduce taxes on unimproved land. I do not support this proposal. Why should we do this? After all this is our inheritance. I know that such introduction of tax will have to be considered properly before they can be widely accepted by the people of the Solomons. My land tenure does not dream of accepting such a proposal.

I have never come across any absentee whose rights in his land at home has been terminated because he absents himself. I have known many people who went away to other islands and got married, raised family and eventually died there. Sometimes later the children decided to return to their father's (absentee) home land. On their arrival the children automatically regain the rights which their father had before. This therefore shows that no matter an absentee absents himself and dies in another island his rights are not totally terminated because his children could regain the rights of their father should they want to. When a land is leased in the absence of an absentee, it is usually those at home who receive the rent because it is these people who currently

manages the land from day to day. It will not be possible for an absentee to surrender all or part of his right to any person. The only thing that an absentee does is referring the responsibilities of the land to any head of the relatives at home who must have the same equal right either on the father or mother's side which side has the right in the land.

However, many people who leave their home land to another place do not establish themselves as permanent members of their host lineages on the islands where they are temporarily domiciled. Although these people absent themselves away from home for many years but still maintain some contact with their home lineages, then their rights are recognised and preserved. Some people however leave their home because they are angry with their relative and therefore settles in another island or country. Most of these people leave home with the intention of permanently joining others and accordingly loses primary rights to the lands of the lineage back-home.

In short, I will say that the retention or loss of rights depend fundamentally on whether or not the men are still regarded as primary members of their lineage; and in the case of contingent members, on what action they take to maintain contact with their original descent group and to regain primary membership of it if they return.