Customary Land Ownership, Recording and Registration in the To'abaita Region of the Solomon Islands

A Case Study of Family Tree Approach

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Fredrick Dear Saeni

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Customary land ownership, recording and registration are complex issues in the Solomon Islands. At present, 87% of the land is held under customary laws. Almost all (some 99%) of the land held under customary law is not surveyed, recorded or registered to the tribes. Customary land disputes have been inhibiting rural development initiatives, which is partly responsible for the ill-being of the people.

The Family Tree Approach (FTA) is a process being used within the To'abaita region of the Malaita Province to help address problems in the dilemmas of land ownership, land disputes, land recording, land registration and rural development in land held under customary laws in To'abaita. The FTA is a blend of indigenous epistemology, modern practices and Christian principles. Indigenously, the tribes identify with their land by tracing their origins through genealogies, historical narrations, tribal epics and chants, shrines and properties. Rev. Michael Maelia'u, a Church Minister and a former Parliamentarian, promotes the FTA. The FTA has four pillars (principles) – recognition, reconciliation, recording and registration – which are covered within five sequential phases. For instance, *recognition* is done in phase one of the process, enabling all members of a tribe to recognize each other. *Reconciliation* is part of the process, promoting forgiveness and acceptance of tribal members. *Recording* is an important pillar of the FTA, as its role is to produce documents that will be accepted by the law. Research results show that *land registration* is also a pillar of the FTA; once customary land is registered to the tribes, land disputes will be resolved, thereby enabling sustainable rural development that improves the people's well-being.

The FTA, however, is currently not formally recognized in the country. It has been used by 12 of approximately 20 tribes within the To'abaita region. Some of the To'abaita tribes have not adopted the FTA for various reasons.

The FTA has enabled the disintegrated generations to recognize or identify with one another. It enables public recognition of existing tribes, tribal genealogies, tribal tales, tribal epics, the tribal

shrines, and the tribal land. Reconciliation has been carried out at both intertribal and intra-tribal levels. The FTA enables identification of people who are residing on land and utilizing resources they do not have a right to. It makes people aware of their roots or the land of their origin, which would then lead to reduced land disputes that constrained development initiatives and the well-being of the people.

The results, however, indicated that the FTA has problems either in the approach itself or in its management. It is incapable of achieving its objectives (reducing land disputes, enable rural development, enable tribal land registration, and resettling land that was wrongly acquired). People have split perception of the FTA and the legislation; this therefore reduces potential motivation that is needed to advance the approach. Results of the research also indicated that no proper and serious documentation has been done, despite knowing that it is one of the pillars. In To'abaita, gender and culture are contributing issues, which cause difficulties to the FTA. Also, the FTA lacked financial support.

Those that have experience with the FTA believe that the FTA objectives need to be made known to promote motivation to the illiterate people of To'abaita. Adequate communication of issues to improve the FTA is essential. Forming a committee that oversees the design and management of the FTA is necessary for its improvement, and adequate financial support will bring the FTA forward. Chief empowerment by the legislation is essential to enable the FTA to achieve its objectives in the future.

Key words: Land disputes, land policies, Family Tree Approach, indigenous knowledge, culture, rural development, recognition, reconciliation, recording, registration, well-being, priesthood lines.

To my parents

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<div align="center">God 'ae ku ele</div>

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Acronyms

CCMC	Council of Chiefs Management Committee
CLAC	Customary Lands Appeal Court
FTA	Family Tree Approach
FTCs	Family Tree Ceremonies
FT	Family Tree
NGO	Non-Government Organization
RCDF	Rural Community Development Funds

Chapter 1: Introduction

This research explores and gains understanding about the Family Tree Approach (FTA) of how it can help to solve land disputes and clarify tribal land ownership. Land dispute not only is responsible for community or tribal divisions, but is also one of the main factors that constrain rural development initiatives. The main area of exploration is the potentiality of FTA in enabling land registration and whether registered land enhances rural development and sustainability by recording genealogies related to land inheritance. Crocombe (1987: 21) stated: "Once customary principles are codified, the decision making body is formalized and its composition determined by principles and precedent becomes the rule, transactions and other factors are recorded, where impermanent boundary markers are replaced by permanent ones supported by surveys, ownership of land can be clear."

1.1 Background

The Solomon Islands was named by a Spanish explorer (Alvarro de Mendana), who first set foot on some of the islands in 1568. The country consists of 997 islands, located to the south-east of Bougainville Island and Papua New Guinea. The country forms part of the Melanesian chain that runs from Papua New Guinea (PNG) through Vanuatu, New Caledonia and to Fiji. The Solomon Islands was colonized by Britain in 1893 and became independent in 1978. The country was divided into nine separate provinces (see Figure 1) with diverse (some 100 spoken) vernaculars and cultures. Each province is governed by a provincial government, but all are under the umbrella of the national government. The government is parliamentary, with a governor-general representing the British crown, a prime minister and cabinet, and an elected unicameral parliament (Solomon Islands statistics: 2006: 2).

(Source: Atlas of the Solomon Islands)
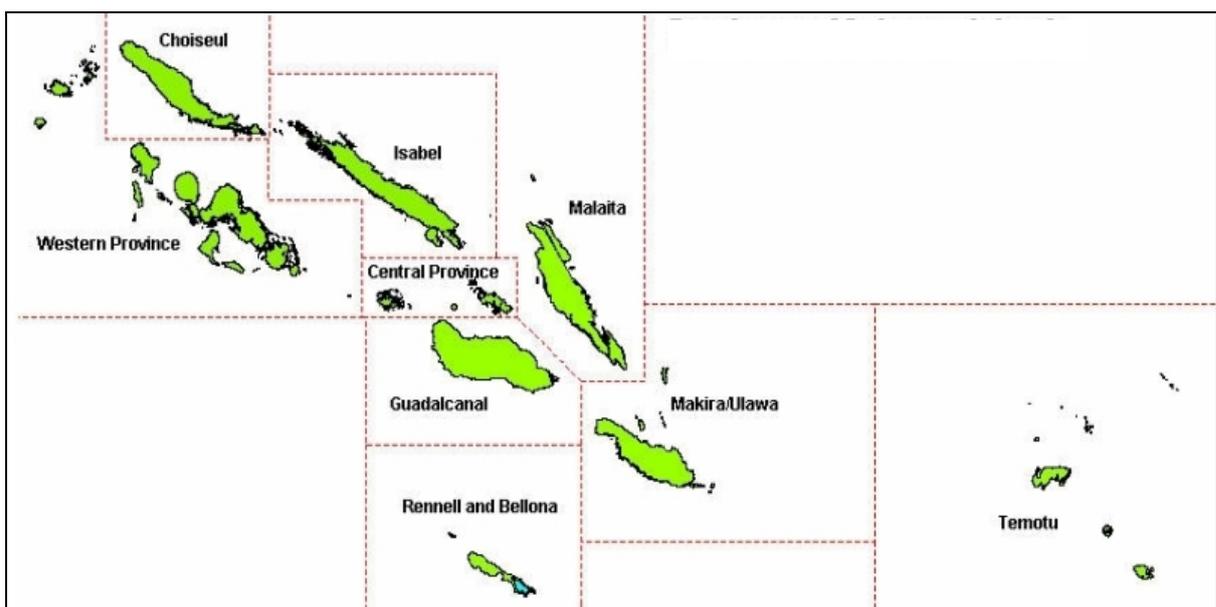
Figure 1: Map of the Solomon Islands

The total population is 552,438, with a growth rate of 2.6% (Solomon Islands statistics 2006: 2). The total land area is 28,369 square kilometres, extended over 1.3 million square kilometres of sea (Fraenkel 2004: 20). The population density is 20/sq km (Solomon Islands Development Trust 2005: 3).

The ethnicity includes 93% Melanesians, 4% Polynesians, 1.5% Micronesians, 0.8% Europeans, 0.3% Chinese, and 0.4% others (Solomon Islands statistics 2006: 3).

The Solomon Islands has Matrilineal and Patrilineal decent principles. On most of Guadalcanal, Isabel, Makira, Vellalavella and the Russel Islands, land is customarily inherited on the mother's side (matrilineal). On Malaita, Choiseul, Rennel and Bellona, Tikopia and the Shortland Islands, land is most frequently inherited on the father's side (patrilineal) (Frienkel 2004: 20).

About 90% of the total population of the Solomon Islands live in rural areas and have limited access to the basic services (e.g. clinics, good schools, policing services, transportation, shopping centres, etc.).

The main sources of government revenues came from log, fish, copra, cocoa beans and palm oil. However, the recent social unrest made enormous negative impacts on the people's livelihoods, as there was a significant decline in the collection of government revenues. Clinics were closed, government employees not paid in time, school fees raised (consequently many children did not attend schools), high unemployment, high inflation occurred, criminal activities increased, and corruption severely persisted. The country was at the brink of bankruptcy in 2002. Land issues (both customary and crown land) were the root cause of the social unrest (Frienkel 2004: 23).

1.1.1   Background of To'abaita (region of case study)

To'abaita is located on the Northern tip of the Malaita Province (see Figure 2). Most of the villages in To'abaita are situated on the coast along the main north road that runs from Auki to Fouia. It begins from Roso and ends at Sulagwalu, while extending inland to the Anikwaikwai', Kwaitau and Gwaia'u villages.

Figure 2: Malaita Province – indicating the To'abaita region

The total land area of To'abaita is about 141.58 square kilometres. The total population is about 17,000, with 2,500 household (Solomon Islands statistics 2006: 3).

1.2 Reasons for the research

The author grew up in a rural family in one of the To'abaita rural communities. Thirty years ago, life in the rural Solomon Islands was a struggle. On many occasions, the rural people experienced more hardships than (very few) moments of easiness. Situations of poor or rich, full or hungry, cry or laugh were obvious in the rural communities. The author was born during those times and raised in this livelihood. To-date, there has not been much changes. It was evident that land disputes have been partly responsible for this low standard of living. Published literature shows that there were policies and laws (although inadequate) that govern land tenure in the Solomon Islands. Literature also revealed many of the issues and problems that were responsible for land disputes and failures (or unsustainability) of projects in the Solomon Islands' rural communities. Although there were revelations of issues, problems and complex impediments, there have been no adequate documented attempts to help resolve those complexities. Land disputes exist and persist throughout the nation, and have increased to a higher level in accordance with prospective development programmes, especially on customary land.

The author hopes that through exploring the FTA, it will help reduce the problem of land disputes, enable documentation of land history, and lead to customary land registration. The author also hopes the study will help contribute to better and informed policy and planning, with respect to land and its resources.

1.3   Aims and research questions

The aim of this research is to explore how the FTA mediates land registration for rural development. The research question reflects this aim by asking: "Can the FTA reduce disputes over customary land in the To'abaita region so that the land genealogies can be recorded, and the land subsequently can be registered and allowed for development?"

This research question facilitated the development of the following lower level research questions, which formed the basis for semi-structured interviews with research stakeholders:

- What are the relationships between recording and registering customary land and sustainable rural development in SI?
- What are the types of disputes that are disrupting the land recording and registration processes?
- Can the FTA minimize/solve land disputes? If so, how?
- Would the FTA lead to land registration?

1.4   Structure of thesis

Chapter 2 provides the background and context of this research through reviewing and analysing relevant literature. This chapter first describes the traditional laws that govern customary land and the people's traditional values and attachments to their land. It then describes land policy and reform from 1893 to 2007. The chapter categorizes the land policies during this period into four phases: the waste land period, the re-distribution period, the land registration period, and the land recording period. The complexities of customary land ownership, the reasons for pursuing registration and their relationship with rural development, as well as issues impacting on sustainability of development projects, are also discussed. The chapter then discusses the issue of indigenous knowledge and its importance in rural development (focussing on the To'abaita rural communities).

Chapter 3 outlines the research methodology, identifies theoretical discourses that have formed the basis of the research, and the choice of methods used. The constraints within the research process are then presented, followed by ethical considerations.

Chapter 4 presents the results of the interviews with the various research stakeholders on general issues affecting rural development and impacting on the rural people's livelihoods.

Chapter 5 presents the results of the interviews with Council of Chiefs, tribal chiefs, tribal members, church leaders and women's group leaders in the To'abaita rural communities, and relates their views on indigenous knowledge with sustainable rural development and their well-being.

Chapter 6 discusses the results given in Chapter 4 and Chapter 5, in relation to the literature reviewed in Chapter 2, in order to identify in what ways field results are supported or otherwise by the current body of literature on land tenure issues in the Solomon Islands.

Chapter 7 draws both the literature and fieldwork together, in order to answer the overarching research question. It provides conclusions and draws together key findings that may help to inform policy makers to formulate or reform better policies suitable for the current society.

Chapter 2: Background and Review of the Literature

This chapter provides background to the research, and reviews literature associated with the research topic. The background against which the research is set provides a basis for comparing what has emerged from the research to existing (published) knowledge. Chapter 2 explores the links between customary land ownership, recording, registration and rural development in the Solomon Islands. The chapter identifies how management practices, legal systems, land disputes and other cultural issues have constrained rural development initiatives.

Issues of indigenous knowledge and its potential in addressing sustainability of rural development initiatives are also discussed in this chapter. The Family Tree Approach, a system whereby land ownership is introduced as an initiative which has potential is established to address the complexities of customary land tenure in the To'abaita region of Malaita Province is also discussed.

2.1 Old ways and colonialism

Traditionally, land is of paramount importance in the Solomon Islander's way of life. Land is tribal and not owned by individuals or affiliates and institutions like government, churches, companies or councils. Ross (1973) claimed that the people of Baegu[1] referred to land as 'our land' and not 'my land' (Ross 1973: 159). A person's right to use land comes from his membership of a line, tribe or clan that is descended from the first people to settle the land (Zoleveke 1979: 1). Land is referred to as the people's birth right and was the tribe's (clan's)[2] means of sustaining life. People of Malaita Island also referred to land as mother. Gegeo (1991) indicated that many people described land as the hermaphroditic 'great mother' – from whose womb we emerged at birth and into whose hands we return in death (Gegeo 1991: 1). Land plays a complex and integral role involving concepts of kinship, family system, beliefs in spiritual power of the soil and a whole range of social relationships. Traditionally, land and reefs belong to clans or lines with chiefs and elders seeing that they are used fairly according to the various customary practices. It is believed that the ancestors give the land to their living descendents for their benefit and for the benefit of generations to come. Stephenson (1988) commented that traditionally, land is the most valuable heritage of the whole community, based on the belief that ancestors protected them from disasters and ensured their welfare, in return for the care of the land in the customary way (Stephenson 1988: 96). Depending on the various customs, the clans built taboo places (shrines) on their land in which to keep their ancestral relics, and these were the sacred homes of the ancestral spirits and at the same time evidence of land ownership. Land boundaries, genealogies and sacred sites were not documented due partly to high illiteracy rates in the past. However, land boundaries, genealogies and sacred sites were governed by customary laws.

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[1] The Toa'baita neighbouring ethnic group with similar customary land principles.

[2] 'Tribe' and 'clan' are used interchangeably.

Stephenson (1988: 97) noted: "Members of the clans knew the boundaries of their land by memory and word of mouth, and by reminders such as memorials and named natural features." Members of different lines, clans and tribes had no rights over the tribal land unless it had been given to them as compensation, especially for warfare or accidental deaths, through marriage or as gifts.

According to traditional beliefs, there are three common types of land. The most valuable is the most fertile land which is cultivated and planted with nut trees and other types of fruit trees, or used for planting taro, pana, yams and other crops. Second is the forest land used for hunting pigs and other creatures and this is where wild nut trees are tended in season by the land owners. Third is the wild forest land which is no good for planting food crops but its hardwood trees are good for making clubs and weapons for fighting. Zoleveke (1997) claimed that traditional uses of land include: cultivation, hunting, building of houses, burying of the dead, collecting of firewood, feeding of pigs, worshipping of forefathers, making of sacrifices, foretelling, collection of medicines, growing ngali-nuts, breadfruits, betel-nuts or other valuable trees (Zoleveke 1997: 1).

As stated in chapter 1, the Solomon Islands have both matrilineal and patrilineal decent principles (Frienkel 2004: 20).

2.1.1 Land Policy and Reform: 1893-2007

Since the British declared protectorate over the country in 1893, land policy has been a blend of foreign concepts and local principles. Land policies since the protectorate can be categorised in four phases: the waste land period; the redistribution period; the registration period and the recording period (Tagini, 2001: 3).

Phase one – Waste land [3] period (1893-1920s)

During this period, the dominant theme for land policy was alienation of Solomon Islanders customary lands to establish foreign companies necessary to finance the new protectorate. The colonial government was also converting customary land for its use. Such alienation was done by means of King's (or Queen's) regulations. Similar regulations now commonly known as 'waste land regulations' were enacted between 1900 and 1904. In 1914, the Land Regulation stopped further purchase of land by foreigners (Tagini 2001: 3). In the same year the Phillip's Commission was tasked to hear customary claims for land which was alienated under the waste land regulation or transferred under the leases made under the various regulations. The first phase was characterised by dissatisfaction from customary land owners. This was because they received little or no payment for their lands that were alienated. Commenting on the Waste Land Period of 1893 to 1920, Tagini (2001:

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[3] Land that is not claimed, cultivated, or occupied by any native or non-native (Bennett 1987: 131).

3) stated: "Land policy was imposed by the colonial power in the pursuit of achieving economic reliance, which was pressed on to the economy by the British government."

Phase two – Redistribution period (1920s-1940s)

During the redistribution period, land that was wrongfully acquired during the *waste land period* was returned to indigenous owners after adjudication (Totorea 1979: 78). The adjudicating body was the Phillip's Commission which was set up in 1914 but started its work in 1919 due to the First World War. Judge Phillips heard 55 claims against land alienation and returned large tracts of land either because there were defects in the original conveyances, wrong definition of boundaries or because the waste lands were found not to be vacant. During the period, the colonial administration was sympathetic towards the indigenous people's sentiments because it was realising such dissatisfaction must be quelled if economic development was to proceed (Tagini 2001: 3).

Phase three – Land registration period (1940s-1970s)

During this period, the catch word for land policy was 'land registration.' First, the recommendations for land registration were made by the Allans Commission which was set up in the late 1940s but did not report until 1957 due to the Second World War. Land registration was undertaken pursuant to the *Land and Titles Ordinance* (1959). In this period, land registration was sporadic, covering scattered parcels of land over an indefinite and unpredictable period. Secondly, nine years later (in 1968) the *Lands and Titles Ordinance* was amended to provide for a systematic settlement (registration). Systematic registration occurs in a methodical manner and in an orderly sequence, (district by district, village by village, block by block and parcel by parcel) throughout the territory concerned. Frazer (1993: 7) indicated that the total land area registered between 1965 to 1978 under the land settlement was 6,990 hectares or 0.25% of the total land area of Solomon Islands. Tagini (2003:3) commented that 32% of the titles were held in joint ownership, 17% ownership in common and individuals holding the remaining 50%.

The systematic settlement scheme was not satisfactory to the customary landowners and only helped to raise suspicion about the intention of the government for undertaking such a massive task. The third major development regarding land policy occurring during this period was the establishment of Local Courts and the Customary Land Appeal Court (CLAC). The local courts were established under the Local Courts Act (1942). The establishment of these courts was important as they assumed the role of adjudicator which was formerly done by the Land Commissioner. The courts' role in keeping land records was important in land administration. Riogano (1979) indicated that also during this period, an Amendment Bill to the Lands and Titles Ordinance was passed by the Assembly and freehold titles to land held by non-Solomon Islanders were automatically converted into 75 year leases from the government, subject to the foreigner developing the land (Riogano 1979: 89).

Phase four – Land recording period (1980s-present)

The 1970s was a decade of decolonization and the transfer of political power to Solomon islanders. Frazer (1993) indicated that it was a decade in which Solomon Islanders came to speak out very loudly about land and government policy towards land. According to him, the issue over which Solomon Islanders at that time felt strongest of all was the need to return alienated land to the people. However, Frazer indicated that there was also criticism of government policy on customary land, particularly its approach to registration (Frazer, 1993: 7). While there was a lot of criticism of the 1968 legislation and the way in which it had been implemented, and there were a lot of suggestions as to the alternative ways in which land rights might be recorded and given legal status, Frazer (1993: 7) pointed out that no new legislation was drawn up or passed and consequently, the provision for land registration is still being used sporadically rather than systematically.

Frazer (1993) highlighted a point raised by the Nazareth Committee[4] that there was a strong feeling among Solomon Islanders that they did not like the form of land registration laid down in the Lands and Titles Act; instead they suggested that customary land recording should be simpler, cheaper and be done locally by the people themselves. He further indicated from the report that clan boundaries, genealogies and traditions should be recorded by the Area Council, and the records kept locally (Frazer, 1993: 8). Stephenson (1988: 98) stated: "The registration system as under the Lands and Titles Act was centralized and requires professional surveyors to operate it."

Zoleveke (1979) believed that the conflict between customary land rights (based on use, occupancy and membership of a tribe) and the claims and demands of commercial development (based on collective undertakings and statutory title) is crucial to the direction Solomon Islands land policy should take (Zoleveke 1979: 9). On this note, Zoleveke (1979: 9) recommended: "Our land policy and land development must now be designed to cater not only for commercial undertakings but also for family units in the villages on customary land." This is important for food security and improved well-being - a family should have enough to eat and live so that its children are healthy and strong enough to work and produce. Zoleveke (1979) further suggested that if the leaders are to make any simple land policy for Solomon Islands, they must now make a clear distinction between group ownership and individual rights to use land. According to him, leaders must reaffirm the power of chiefs to allocate rights to the group's land, both to individual members who want to use it and to outsiders who want to lease it (Zoleveke, 1979: 9).

2.2 Complexities of land ownership

Clearly, customary land ownership, recording and registration are complex issues in the Solomon Islands. Land issues have had major impacts on the country's economic growth and the people's well-

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[4] The Governing Council Committee on Registration of customary Land active in 1970 and 1971.

being. Zoleveke (1979) pointed out that during the colonial era, the colonial masters argued that customary land tenure is uncertain and does not provide security that encouraged agricultural development (Zoleveke 1979: 6). For the past thirty years, people have been increasingly aware that clarification of tribal land ownership is important to reducing the risk of land disputes which, in many cases have contributed to failure and/or unsustainability of rural development projects and initiatives. Tagini (2001: 1) stated: "For countries where land policy is clouded and where there is uncertainty about the security of tenure both internal and external investors can not show interest."

Traditionally, land and reefs had been available to anyone within the clan who wanted to use them, but now there are often disputes about who owns what and who has the right to the wealth obtained from the sale of the products or the right to royalties for timber and mining. This is an arena where many 'intra-tribal disputes' have occurred to disturb development projects in the rural communities. Stephenson (1988: 98) argued: "Nowadays the involvement of capitalism is changing the concept of land ownership." Poverty and money are the main causes of land disputes. Desperation for capital has resulted in numerous land dealings which have brought to the surface complex land disputes. Crocombe (1995: 12) claimed: "Money is becoming a factor in land transactions, whether directly or indirectly, and overtly or covertly, throughout the region, and this penetration is likely to intensify."

Title to land in Solomon Islands is either customary or government owned. Kabutaulaka (2000: 90) noted: "At present 87% of the land is customary and 13% is acquired by the government." Scheffler and Larmour (1987: 304) stated: "The ownership of customary land and its uses are regulated according to customs which vary from place to place." Further to this, only a very small amount of customary land is registered. Tagini (2001: 3) claimed: "Some 86% held under customary law is not surveyed, recorded or registered." The boundaries of those lands are only recorded by oral tradition and marked by natural features such as rivers, mountains, rocks, trees or shrines. This has given rise to too many problems because although customary owners may claim to know their boundaries well, in practice it is difficult to be certain about them because these land marks often change as a result of natural elements. In the current society therefore, the need to blend indigenous knowledge with modern knowledge is perceived to be vital. Stephenson (1988: 98) stated: "Boundaries of customary land may in the future be able to be registered according to the clan or line and then recorded and leased out as under the Lands and Titles Act."

2.3   Customary land registration

The Solomon Islands people want customary land registration for different reasons. Totorea (1979) indicated that many people want to register land for security and protection of the interests in land, to compile records of customary land ownership and rights and boundaries before the elderly people die and memories become unreliable, and in order that disputes might be settled once and for all to allow for economic development purposes (Totorea 1979: 203). Fanegar (1979) added to the list that land

registration also serves the purpose of sorting out who has what rights to use certain parts of the land; and will encourage rural development by securing and guaranteeing of titles to land so people can get loans for more development (Fanegar 1979: 7).

Kile (1981: 5) indicated that the process of recording and registering customary land in the Solomon Islands is vulnerable to complex land disputes, thereby leading to a low level of security of tenure for investors. This has impacted negatively on the development of the private sector, the economic growth and the well-being of the people. The government's policy and processes have not facilitated smooth tribal land registration in the Solomon Islands. Instead, optional registration has encouraged complex land disputes. The current process of optional and voluntary customary land registration takes four major stages as endorsed by the Solomon Islands Constitution (Custom Land Records Act). First; any customary land dispute is dealt with by the surrounding chiefs (locally known as The Council of Chiefs) who know the genealogies, traditional land mapping, sacred sites, historical tales, tribal epics and chants, and the traditional rituals. The chiefs can give a decision about the land in dispute but the losing party if unsatisfied may enter the second stage, which is to bring the matter to the Local Court[5]. The Local Court can order land survey, hear genealogies, hear witnesses from both sides, ask questions, analyse and make decisions. The losing party can still appeal to a court known as the 'Customary Land Appeal Court' (CLAC) if unsatisfied. The third stage is to appeal to the Magistrate's Court if the losing party wants to launch a point of law. The Magistrate can make recommendation to either go back through the first and second stages (if matters are still in doubt) or to recommend it to the fourth stage – the High Court for conditional appeal purposes or for three months notice as preparation for registration (Kile 1981: 5). Customary Land can only be registered in the Solomon Islands if unopposed (which is very rare) and under certain conditions, the High Court is satisfied or that a dispute has gone through the four stages and that the Chief Justice is convinced in light of the law.

2.4   Rural development

Development is a term broadly used to represent a myriad of activities, processes and end goals. Wall (1997) notes that the concept of development is used in various ways: as a philosophy, process, plan or product (Wall, 1997: 484).

Oxenham (1981) defines rural development as a growth (of farms, plantations, rural industries) and improvement in the use and productivity of land; change from bad state of affairs (e.g. poverty) to a better one (e.g. more wealth); giving people paid employment, or labour saving technology so that they can do more other things; the use of resources lying unused in the earth; building more roads,

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[5] The legal court responsible for hearing and making decisions on customary land cases.

houses, hospitals, schools, and airfields; and increasing or preserving the quality of life (Oxenham 1981: 102).

Lakau (1995) notes that rural development is any measure that increases productive employment, equality and income earning potential or measures that alleviate poverty and improve standards of living (Lakau 1995: 95).

Shepherd (1998) notes that rural development is the set of activities and actions of diverse actors – individuals, organizations, groups – which taken together leads to progress in rural areas (Shepherd, 1998: 1). Different authors may define 'progress' differently; however, Shepherd (1998) notes that, 'material progress' which encompassed growth of incomes and wealth, and poverty alleviation, have been the main consideration in history of development theory and practice. Shepherd (1998) also notes that currently other indicators of progress – cultural, spiritual, and ethical – are increasingly taking their place beside the 'material' in a reformulated, more holistic concept of development (Shepherd, 1998: 1).

Considering Shepherd's definition of rural development there is evidence that old paradigms are breaking down, and new ones are being formed. He (Shepherd, 1998) indicates that there is a paradigm shift in the theory and practice in rural development. He argued that this shift is already seen in the fields of agriculture, project analysis and procedures, gender issues and local level institutional development (Shepherd, 1998: 10). According to Shepherd, the paradigm shift represents a move from an industrial (technical fix) approach to technology development to an organic or holistic approach, with sustainable improvement replacing profit as the implicit objective; from a technocratic and exclusive to a participatory and inclusive approach to development management; and from resource control by big organizations to local resource management, often with a strong common property aspect (Shepherd, 1998: 10).

With the old top-down paradigm of development, many tribal landowners in the Solomon Islands have limited knowledge of the shift to a 'bottom-up approach.' For many years people have felt development projects are from the government and belong to the government. The perspective is that tribes own the land and the government owns the money. These are separate entities combined to form a corporate activity and people feel they do not own those projects. The shift to the 'bottom-up approach' is a direction where the rural people can involve, claim and feel ownership of rural development projects. Shepherd (1998: 17) stated: "The new paradigm is the process of inclusion of the excluded in decisions."

However, this is not the only solution to project sustainability in the rural Solomon Islands (To'abaita). Even a well structured participatory project plan can still be prone to unsustainability as

disputes over land are still on the rise. Kile (1981: 5) stated: "Of all the issues linked to rural development causing concern among rural people, the most sensitive is land." Clarity of landownership remains the major problem. The fact that land is tribally owned or governed by oral customary laws means that people can claim land when development activities are underway on them. Kabutaulaka (2000: 93) indicated that today development and land disputes are interrelated. These struggles for land ownership occur in the prospect of landowners getting maximum benefits from those developments by way of rents and royalties. The above discussion shows the correlation between land ownership and development activities in the Solomon Islands. Fanegar (1979) indicated that the idea of registering customary land is in order to reduce or eliminate continuous land disputes and providing secure titles to land for economic and rural development initiatives whereby people's well-being[6] can be improved (Fanegar, 1979: 7).

2.5 How rural development is constrained by land issues in the Solomon Islands

The published literature indicates that the main issues surrounding customary land tenure that constrained rural development include: first, negligence and poor land administration practices by the government; second, the government's lack of integrity; third, conflict of customary laws and the legal system; fourth, failure of documenting land history and cultural shrines upon which ownership of customary land is determined; and fifth, continuous land dispute which emerge from points 1, 2, 3 and 4. These points are now discussed.

2.5.1 Poor land administration and management

The complexities of land issues are the products of inadequate government policies that lack vision, and do not provide an enabling environment for local development. Burt (1994: 3) stated: "…the problems surrounding land tenure in the Solomon Islands today are explained in the history of the government development policy, shaped by the very different values of the colonial economics and political systems." It is evident that since independence the government has not formulated policies that may clarify ownership of customary land. Scheffler and Larmour (1987: 316) stated: "The government has been reluctant and sceptical about the possibilities of formulating relevant policies and discovering who the land's original customary owners were." The government reluctance would be perceived as political hence, disadvantageously setting customary land to be vulnerable to disputes. Crocombe (1995: 17) stated:

> "The first priority of any elected government is to retain power at the next election. The problem with land legislation is that it is often painful in the short term, and the benefits to be derived may take years to become visible. It is understandable that the Government avoids introducing what it knows to be improvements to land legislation and administration, because

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[6] Livelihoods outcome in terms of health, food security, education, income and status.

of the danger of a short term adverse public reaction which they know they will lose their votes in the next election."

Many people alleged that false claimants can take advantage in manipulating the colonial legislation for personal gain or gain of a handful of thieves (Fraenkel 2004: 17). Most of the Solomon Islands customary lands are valuable because of the forest, minerals, gold, fish and other resources they possess. Thus, these lands became subject to numerous disputes over ownership and custodianship.

2.5.2 The Government's lack of integrity

Crocombe (1995) indicated that planners always list the amount of money, the kinds and numbers of specialist staff, the training requirements, the nature and volume of equipment, and so on but what is needed most of all is integrity. He (Crocombe, 1995: 16) stated: "Administrators with integrity can do a great deal of good irrespective of the system but those who lack it, do enormous harm…" The Government has neglected implementing the legislation pertaining to land registration and has ignored the importance of documenting customary laws that govern customary land. The Government need to be realistic that dealing with land issues is to be thinking not only about today but the needs of the generations to come. Crocombe (1995) further noted that the Government need to be realistic about what can be achieved with what amount of money, what expertise, over what period of time (Crocombe, 1995: 16).

2.5.3 Conflict of customary laws and the legal system

The published literature shows that the legal system is incongruent with customary laws because customary laws are orally transferred. This is a serious constraint to land registration. One may go through the four steps towards customary land registration[7] but the High Court does not normally give credence to oral delivery. This can be referred to as 'conflict of culture' or indigenous versus Western epistemology. Maenu'u (1994: 86) asserted "The colonial administrations and the Western theory of knowledge were very reluctant to know any thing unrecorded, thus most indigenous laws and traditions suffered neglect." The legal system's incongruence with customary laws encourages land disputes and slows registration. As the process of land registration is inefficient, many land owners have been alarmed to find that their land has been taken over by false claimants due to very unreliable mechanisms that have been used in dealing with land cases. On this complex phenomenon, the need to blend indigenous knowledge and modern theories is of significance and a better system of dispute resolution is required. The 'Family Tree Approach - FTA' a process of recording genealogy could help to solve this tension between indigenous and western ways of providing evidence. The FTA is discussed in chapter 5.

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[7] Current procedure towards customary land registration: 1st Council of chiefs; 2nd Local Court; 3rd Magistrates Court; 4th The High Court

2.5.4   Failure of documenting indigenous land history and preserving cultural shrines

Failure to document land history and to preserve cultural shrines (upon which ownership of land is determined) is partially responsible for the complexities experienced in customary land tenure in the Solomon Islands. Land owners retaining their land or losing them depends entirely on their knowledge of the history of arrival, genealogies and the preserved shrines. Gegeo (1991: 1) claimed: "The duty of every adult is to pass knowledge on from one generation to the next." However, such valuable knowledge is diminishing as older people die without adequately passing them to their children. Kabutaulaka (2000) noted that many old sacrificial and other sacred sites have been destroyed by logging companies, other development projects or by the people themselves (Kabutaulaka, 2000: 92). Shrines are the only powerful physical evidence for claims of customary land rights in the Solomon Islands, but the power of evidence is only valid if they are preserved and maintained according to customary laws. Again the 'Family Tree Approach (FTA)' discussed in chapter 5 could go some way to preserving indigenous land history.

2.5.5   Land disputes

Crocombe (1995: 14 – 15) claims that land disputes are inevitable due to the points discussed above. It is one of the core problems that undermine the growth of the Solomon Islands economy and the well-being of the people. People grow up with stress and fear of having their land taken over by other claimants through disputes and thus, being unable to utilize the natural resources. Many people have been killed over land issues and infringement of customary land rights and have developed hatred to one another for generations. This trend had been noticed over the years and became severe in this capitalist economy. The well-being of the people is not able to be improved as land issues and conflicts constrain development.

The common types of customary land dispute in the Solomon Islands include: intra-tribal disputes, intertribal disputes, boundary disputes and landowners – state disputes.

Intra-tribal disputes – This dispute normally occurs among members of the same tribe or members of a traditional community and is normally due to corruptive practices – unequal distribution of benefits by leaders, middle men or spokes people of the tribe. Traditionally, fugitives can be accepted to live with friends on their land and their generations would remain there. They were not given land but were members of the community. Aira'u (1979) noted as common that after a few generations had passed, the descendents of these fugitives would start claiming they owned land in that area and thus causes much uncertainty (Aira'u, 1979: 108).

Intertribal disputes – this is a common but complex type of dispute that occurs between different tribes or clans who claim the same piece of land. This dispute can go through the Council of Chiefs, the Local Court, Magistrate's Court and even further to the High Court. Truth can be established from oral delivery of genealogies, history of settlement and other features such

as sacred sites, and land gifts. However, the High Court does not register land under such a hearing unless there is no further dispute over the land.

Boundary disputes – This dispute occurs over boundaries of land blocks. For various reasons, some people may illegally want to extend or relocate their boundaries. This can be complicated as boundaries were only physically identified by natural features as rivers, trees, valleys, mountains, and rocks. Trees may die and rot; rivers can change direction, and thus, cause confusion and complications. Lack of knowledge as to where boundaries are when people begin to use land for economic development (mining, timber and farming) leads to disputes (Kile: 1981: 5).

State versus landowners or vice-versa – This dispute normally occurs as a result of urban growth, as well as over the expiry of a lease or inappropriate possession of land from customary land owners. This was evident during the colonial era.

Any one of these types of dispute is powerful enough to disturb or stop the establishment or sustainability of a development project. In other words, it is powerful enough to halt the growth of the country's economy and the improvement of the well being of the people.

A few of the clear examples of how land disputes can disrupt development include the following. [Note that examples (2 – 4) have not been documented but the author has witnessed them because they occurred in the same region that he lives. They indicated how land dispute can be a stumbling block in establishing and operating both home and foreign enterprises in the Solomon Islands rural communities].

(1) the case of Pavuvu in the Russell Islands of Central Province. Here, the British colonial government in 1905 leased Pavuvu Island to Livers Pacific Plantations. The original owners of the island had, for many years, demanded that the island be restored to them. However, their demands only fell on deaf ears (Rose, 1995: 10). In 1995, the executive of the Central Province granted Marving Brothers, a Malaysian registered logging company, a business licence that allowed the central government to issue a logging permit for Pavuvu Island. The island's forest was worth about US$120 million (Roughan 1997: 160). The original owners of the island resisted the logging of Pavuvu. Company machines were sabotaged and workers were threatened. Today, Pavuvu Island is still at the centre of intense confrontation between landowners, the central government, Cenral Province and the Marving Brothers (Kabutaulaka, 2000: 93). This is an example of dispute between the state and land owners or vice-versa.

(2) The Adaua High School in the highlands of North Malaita was funded by the World Bank through the Solomon Islands Government's development programmes. The school was given to Malaita

province as one of its only three boarding schools to date and can cater for around 800 students. However, since year 2000, the land owners have been protesting over issues of land lease and other benefits. This issue affected the school progress as on a number of occasions has have to close down for months. The government and Malaita province have apparently failed to honour the lease agreement. The government is aware that there is a need for clarification as to which group is the rightful owner of the land.

(3) A Cassava Chip Factory was welcomed by the Te'ekwali tribe and a small block of land was allocated at the border of Te'ekwali and Takiniano (two different tribal lands). The project was arranged and funded by an Australian Company to provide a market for local farmers within that rural community. The buildings were erected, but all were dismantled and destroyed on a single evening by members of an inland tribe who claimed the land to be part of theirs, in late 2001. The inland tribe had denied Te'ekwali as another tribe. According to them, Te'ekwali is not a tribe. It is name of a land which is part of theirs.

(4) The Malu'u hydro electrification project was established in 1980, funded by the Solomon Islands Government in partnership with the New Zealand Government. The Solomon Islands Electricity Authority (SIEA), which has taken its place in offering energy services in the country, is held responsible for its operation. The hydro was powered by a river which originated in the Te'ekwali land but was flowing down into Takiniano land where the power house is. Conflict over who should take the rent for the river occurred between the two tribes. Further still, the wirings and linings went through another tribal land (Ulubiu land), which is also under tribal dispute and another rent was demanded by leaders of one of the tribes.

The net effect of this whole land issue is a reduction in the growth of the country's economy and well-being of the people.

2.6 Indigenous knowledge and its importance in rural development

Rural development in the Solomon Islands is constrained by tribal land disputes which are often based on incomplete or disputable knowledge of traditional custom that has been handed down over the generations in oral form. Tribal land disputes may be reduced by clarification and recording of indigenous knowledge. A proposition is; the 'Family Tree Approach (FTA)' has the potential to address the issue in a smooth way. The FTA traces where people were originated from through genealogies, the history of arrival, and other physical evidences that indicate land ownership such as shrines and properties. Maenu'u (1994: 86) stated: "The first problem to overcome to reduce land problems at least in Melanesia, is the recognition of the traditional groupings, followed by identification of the groups, and the members of such groups and customary boundaries or any land rights must not involve outside arbitrations." In the 'Family Tree Approach' it is intended that this

information is formally documented. An assumption is, once all Family Trees are set, there will be no room for false claimants of land, registration can be easier and rural development can take its place.

Maelia'u[8] (2003) indicated that in 1994 the Solomon Islands Parliament passed a Bill called the Genealogy and Customary Land Registration Act. He stated: "I personally took part in the debate of the Bill on the floor of Parliament … although it has yet to be enacted" (Maelia'u 2003: 54). Maelia'u indicated that the Act stipulated that every tribe must ascertain its genealogy as best they can, agree with adjacent tribes as to the boundaries of their tribal lands and then proceed to register both their genealogies and their lands (Maelia'u 2003: 55).

Registration is the formal mark of land ownership and once granted to a tribe, there will be no disputes over it. However, Maelia'u (2003) commented that the Genealogy and Customary land registration Act provided the broad framework but the method it proposed to arrive at the final conclusion was in his mind questionable. According to him it was similar to the same process of the present system of land acquisition with endless court cases that on many occasions nurtured disputes that resulted in fights and deaths (Maelia'u, 2003: 55). According to Maelia'u (2003) he looked hard to find a solution to resolve this issue and in doing so he found something that has been going on for sometime called the 'Family Tree' system.[9] He stated: "I saw with it some real deep values and so I jumped behind it and aggressively promoted it into a movement; at least in my region at North Malaita" (Maelia'u, 2003: 56). Maelia'u (2003) further commented that the system has the potential to achieve community benefits and reduction of land disputes. He stated:

> "To my amusement I discovered that the Family Tree system was not only an effective instrument of achieving a social community cohesion and many other benefits but also a very powerful tool in resolving the land dispute problem if it is applied carefully with tact. I am convinced that herein lays the seed of something that will go a long way towards resolving the land tenure issue. So it is not a land reform that is required but rather a social reform. In a society that highly values communal co-existence the system works wonders" (Maelia'u, 2003: 56).

2.7   How the Family Tree system works

Maelia'u (2003) indicated that the system goes through four steps. The four steps according to him are equally important for its success.

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[8]A church minister and a former Parliamentarian who is also the developer and advocator of the FTA in To'abaita.

[9] Family Tree System and Family Tree Approach (FTA) refer to the same thing.

Step One: The tracing of the Family Genealogy

The main family in the tribe [according to him it matters not at all whether or not the society is patrilineal or matrilineal] traces its genealogy and then issues the call for the branches of the family tree to either make or find their way and connections all the way back to the main tree. Thorough research is carried out from all directions and checked and cross-checked carefully and when all doubts are dispelled then a date is set to bring the family tree together. At the gathering on that set date reconciliations are made, a roll is called, gifts are exchanged, prayers and blessings are pronounced and finally a feast is enjoyed. The genealogies go back to no less than twelve generations and in some cases more than twenty. According to Maelia'u (2003) these occasions have proved without exception to be very emotional and moving. He stated: "Two words will summarize the achievement of this exercise; it is a great time for healing and bonding of the whole tribe as well as a time of great excitement, rejoicing and celebrations" (Maelia'u, 2003: 57). Maelia'u further indicated that people take the approach seriously. He stated: "People will go to any length and take any trouble to make sure their connections are made certain. At this stage land is not the issue. If it is handled wisely it will prove the saying that 'Blood is thicker than Land' is true, and thus, the remedy for all the land disputes" (Maelia'u, 2003: 57).

Step Two: Identification of clan leaders, confirmation of tribal chiefs and appointment of land trustees

Maelia'u (2003) indicated that in most communities respect for elders is still enacted. Tribal or clan leaders are normally a matter that is undisputable. However, according to him some chiefs lost prestige for bad leadership and imposing unacceptable characters. Therefore, it is important that the selection process of chiefs by each tribe need to be brought in line with their status and responsibility in their community (Maelia'u, 2003: 57). Tribal chiefs are responsible for the knowledge about the whole tribe and the land. The knowledge includes the historical tales, the tribal epics and chants, the rituals, the genealogies, the features that indicate boundaries, the sacred sites and so forth. The chiefs gain prestige and power for having such knowledge. All such knowledge was traditionally passed from generation to generation only by memory. There are doubts however, that stories become manipulated and exaggerated in the re-telling of such knowledge. Crocombe (1995: 11) stated: "Customary land rights were based on human memory, which always deflects in favour of those doing the remembering." However, ownership of physical evidence (shrines and properties) are used to support the stories. The tribal chiefs are experts of their land history and other land issues but, the need now is to document and certify such knowledge to maintain its validity and avoid abuse and disputes over the facts.

Maelia'u (2003) also indicated that trustees for the land on behalf of the tribes are also very important. According to him the group of trustees must fairly represent the whole tribe. They must be honest and trustworthy individuals in the community. Some educated individuals are needed to be among them (Maelia'u, 2003: 57).

Step Three: Identification of land boundaries and setting apart of land for development

Maelia'u indicated that demarcation of land boundaries has also been a matter of great contention in the past. According to him however, it has been proven that after such an event as tracing the family genealogies, it was usually the case that the people within the neighbouring tribes were always very closely related through intermarriage. Therefore, the demarcation of tribal land boundaries is simply a matter of negotiation (Maelia'u, 2003: 59).

Maelia'u indicated that during this step tribal leaders sit together to plan carefully 'zoning' for their tribal land, earmark suitable land for development, register it under the Land and Titles Act and entrust that into the hands of the trustees. Any developers only need to negotiate with the trustees (Maelia'u, 2003: 59).

According to Maelia'u, the trustees will handle development issues at whatever scale depending on other relevant factors. He stated: "The whole rationale behind this principal is the doing away completely with the question of land alienation by the Government or any organization or individual for that matter" (Maelia'u, 2003: 59).

Step Four: Formation of an organization with tribal land policies and registration

Maelia'u proposed that forming and organizing a tribal land association is necessary at this stage and must be legislated to ensure standard practice, sound policies and a secure environment for the developers. Both the resource owner's and the developer's interests must be adequately provided for and protected (Maelia'u, 2003: 59).

2.8   Summary

The customary land tenure in the Solomon Islands is very complex and the policies implemented by the government have not helped to reduce such complexities. Those complexities have had major impacts on the country's economic growth and rural development initiatives that target improvement of the rural people's well-being. Countries where land policy is clouded and where there is uncertainty about the security of tenure suffer when internal and external investors are reluctant to invest. Lack of informed government policies is partly responsible for economic depression and failure of alleviating poverty in the Solomon Islands rural communities. It is understandable that the Government avoids introducing what it knows to be improvements to land legislation and administration, because of the danger of a short term adverse public reaction whereby know they will lose their votes in the next election. Therefore, land problems usually have to become serious before they are tackled.

Other areas of concern include; first, negligence and poor land administration practices by the government, second, government's lack of integrity, third, conflict of customary laws and the legal

system, four, failure of documenting indigenous land history and preserving cultural shrines which gives evidence of ownership of customary land and fifth, land disputes.

Land dispute is one of the main issues that hamper both macro and micro projects on customary land in the country. People of the Solomon Islands become increasingly aware that clarification of tribal land ownership is important to reducing the risk of land dispute which was largely responsible for unsustainability of rural development projects. It will also lead to land registration. However, the legal systems of the Solomon Islands do not register customary land unless there is no further dispute over it. Clearly all customary land in the Solomon Islands is vulnerable to dispute. Adding to this vulnerability is the fact that all customary laws are passed orally rather than documents. The process of recording and registering customary land in the Solomon Islands is vulnerable to complex land disputes thus, led to low level of security of tenure for investors. Therefore, impacts on the development of the private sector, the economic growth and the well-being of the people.

Based on literature and the foregoing discussions, what is needed now is clarification of land ownership, recording and registration. As indicated earlier, the 'need' is to blend indigenous knowledge and modern knowledge in order to meet the needs of the current society. It is clear that indigenous knowledge cannot work in isolation from modern knowledge and / or vice-versa.

Chapter 3: Research Methodology

3.1 Introduction

This chapter describes the methodology that has been used in the research for this thesis, and offers explanations for the choice. The methodology was designed to answer the research questions, and be flexible enough to respond to the questions and issues raised during the review of literature, the field research, and the analysis of field research. The chapter firstly describes the research theoretical appreciation, before elaborating on the research strategy and methods. Limitations and constraints are also discussed as are relevant ethical considerations.

3.2 Philosophical basis and theoretical appreciation

The philosophical basis of the research is 'constructivist (interpretivist) research paradigm.' Transactional and subjective, the constructivist researcher literally creates the findings in an interactive process with the researched. Constructivist research methods utilize a dialectical and hermeneutical approach[10] whereby individual constructions are elicited and refined through interaction between researcher and respondents. The researcher distils a consensus construction that is a detailed product of both the emic (respondent) and etic (interpretive) views (Denzin and Lincoln 1994: 128). The research was conducted from the constructivist paradigm which is associated with qualitative research. The qualitative, inductive approach was chosen as it fits with the exploratory nature of the research question, and is appropriate for trying to understand human perceptions, experiences and ideals (Denzin & Lincoln 1994; Miles & Huberman, 1994). In addition, the inductive approach supports the emergence of ideas in understanding inductively and synthesizing the constructions that relevant stakeholders held regarding land ownership, recording and registration in relation to the Family Tree system of recording the genealogies and facts associated with land ownership and inheritance.

3.3 Research methods

A set of relevant semi-structured open ended questions was used to guide the interview process and targeted information was elicited. The open ended questions varied according to targeted stakeholders. In view of the constructive interpretive research paradigm (qualitative research) free interaction between the researcher and the researched helped in acquiring the in-depth information contained in chapters four and five of this thesis. The open-ended questions were asked in a non-predetermined order and the answers given formed the basis of new questions. Flexibility was a used criteria of inductive research of which this research adopted and allowing aspects to be discussed that had not been considered by the interviewer but which were important to the respondent.

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[10] Focuses on meanings and interpretations (Schwandt, 1994: 121).

The data collected included secondary data from literature, qualitative data from targeted stakeholders and focus groups and some quantitative data from government stakeholders and relevant organizations to support qualitative data.

3.4 Research strategy

The method chosen for this research is Case Study research strategy and was undertaken in one of the regions of Malaita Province (To'abaita – refer to Figure 2) in the Solomon Islands. Indeed, this study employs the Case Study research strategy because it aims to explore the usefulness of FTA in reducing land disputes and enabling rural developments in the To'abaita rural communities. The study also seeks answers to 'how' and 'why' questions. The case study strategy is particularly appealing to this study primarily because of the desire to understand FTA as a tool to resolve the complexities of customary land ownership and the effort to ensure recording and registration of tribal land to the rightful tribes.

Yin (1989: 23) defined Case Study as: "An empirical inquiry that investigates a contemporary phenomenon within its real-life context when the boundaries between phenomenon and context are not clearly evident and in which multiple sources of evidence are used."

Case Study research strategy has often been criticized for lack of rigour and lack of scientific basis, for generalizations to populations (especially in the context of a single case study), including time and resource constraints. However, the Case Study research strategy has been defended by other authors including Campbell (1975) and Eisenhardt (1989), to be credible. The concern over lack of rigour is addressed in the research design. In case studies, there must be a link between the data to be collected (and conclusions to be drawn) to the research questions. That link is provided by a research design. In general, the research design is concerned with the research questions, and questions and issues relating to what and how to collect the data, and how to analyse the results. The concern over generalizations is really not an issue because in case studies the generalization is to the theory and not to the population. There are numerous examples of the use of the case study strategy in thesis writing. Some examples are Maru (2002) and Lamotte (2006).

The study was targeting the focussed groups indicated (Figure 3) through 'snow balling' and purposive sampling as discussed below. For this reason, the results will not be generalised to the whole country. However, the study provides qualitative in-depth information which can serve as a basis for subsequent studies to a higher level.

3.5 Review of literature

The literature review formed the foundational material upon which the research was built. It provided a theoretical framework against which issues were identified and then explored through 'field research.' The key areas within the literature review included:

The Solomon Islands old ways and colonialism. This sub-section is about the historical background and traditional values of land including land policy and reform from 1893 – 2007.

Complexities of land ownership. This sub-section is discussing the issues of clarification of tribal land ownership for development and sustainability as well as issues causing land disputes.

Customary land registration. This sub-section discusses the main reasons for registering customary land in the Solomon Islands as well as the complexities involved in registering those lands.

Rural development. This sub-section provides explanation of rural development and particularly the concept of paradigm shift. The section further discusses issues for sustainable rural development.

Rural development and land issues. This sub-section discusses how rural development is constrained by land issues in the Solomon Islands. Points of discussion include negligence and poor land administration practices by the government, the government's lack of integrity, conflicts of customary laws and the legal system, failure of documenting land history, and continuous land disputes.

Indigenous knowledge and its importance in rural development. This sub-section discusses how indigenous knowledge can be used to enhance rural development, particularly the 'The Family Tree Approach' (FTA).

3.6 Semi-structured interviews

Semi-structured interviews were conducted with various stakeholders and were recorded if permission was given (see appendices for copies of interview questions and a schedule of interviews). A semi-structured and open ended technique of interviewing was chosen as open ended questions allow for a greater understanding of the participant's point of view (May, 1996), provide flexibility and also allow situation adjustments. This means that the interviews were loosely structured around a list of open-ended questions, allowing for a degree of structure, thus making sure the key questions were appropriately addressed. The informal conversational style of interviews ensured that the participants were not pressured or intimidated as may be the case with rigidly structured questionnaires. The

interviews were held in offices (for government stakeholders), at homes or at an alternatively convenient (for the rest of the stakeholders) location within the communities (see the list and types of stakeholders in appendices). The lengths of the interviews varied in time depending on the situation (e.g. time availability, flow of information) from half to one and a half hours. Semi-structured interviews allowed for a less constrained approach to interviewing; yielding a rich source of information that not only helped answer the research objectives, but also brought to light further issues and considerations.

Prior to conducting each interview I provided all research participants with written information (consent forms and information sheets) and had them explained, especially to those who are illiterate. The government stakeholders were interviewed in the Solomon Islands pidgin and all rural participants were interviewed in the To'abaita language. Interviews were later transcribed.

3.7   Selection and number of participants

Research participants (from relevant government departments and organizations, volunteer groups (council of chiefs), tribal chiefs, some ordinary tribal members from within the three tribes chosen, church leaders and women's group leaders) were chosen through 'snowball' and 'purposive' sampling.

There are no telecommunication facilities and high rate of illiteracy in the rural communities, therefore, a combination of snowball sampling and purposive sampling were used. The selection of stakeholders for purposive sampling was based on such criteria as educated and non-educated; better off and poorer; Christians and non-Christians; males and females; and with ages (older people 50 to 70 and younger people – at least those 18 to 25 years). The aim was to capture diversity of opinions which will adequately represent the whole Toa'baita community. In the case of snowball sampling the chiefs were interviewed first before being directed to other participants. During the interviews however, care was taken that the researched belonged to a range of interest groups and were of varied status (see Figure 3). For purposes of anonymity, the selected tribes were named in colours 'Black, Red and Green' (see section on ethics 3.11 below for details). A total of 41 participants were interviewed over a period of two and a half months. It should also be noted that no new information was forthcoming suggesting that saturation was reached.

Table 1: Stakeholders and number of participants

Group of Stakeholders	Tribes selected for study			Number of participants in each group
	Black	Red	Green	
Government Stakeholders	--	--	--	4
Lawyers	--	--	--	2
Local Court Juges	--	--	--	2
Council of Chiefs	3	--	--	5
Tribal Chiefs	3	2	2	7
Tribal Members	7	5	2	14
Church Leaders	2	1	--	3
Women's group Leaders	1	1	--	4
Total per tribe	**16**	**9**	**4**	
Total No. of participants	--	--	--	**41**
Note: Two members of the Council of Chiefs and two members from women's group leaders did not belong to any of the tribes selected for the study, therefore were not indicated under any of the tribes shown in this table.				

3.8   Recruitment of participants

Letters and e-mails for consent were sent to the boss of relevant government officers prior to arrival in the country. When I arrived in Honiara, I made follow up telephone calls and e-mails as I made interview appointments and identification of interview venues.

With communication difficulties (no telephones, illiteracy) in the rural communities, the effective way I recruited participants was through church leaders and community chiefs. In this case I wrote letters (in the To'abaita language) containing the research information to church ministers who informed the people after church services. Copies were also given to the council of chiefs and the tribal chiefs who passed the information to their people.

3.9   Information processing and analysis

Processing of information began with transcription of each interview, followed by coding of data into categories that are relevant to the research objectives, the overall research question and other categories that emerged. The semi-structured interviews and observation formed the basis for the field research. Analysing the data in this way was relevant to the research as it offered the potential to: first, identify data representing a research theme; second, generate data outside of the established research theme; third, indicate where more data on a theme was needed; fourth, indicate an entry that fitted with the thematic file and fifth, facilitate a process of praxis reflection (Davidson & Tolich, 2003: 169).

3.10 Limitations and constraints

The primary constraints to this research included time (due to unforeseen circumstances), availability and accessibility of participants, suspiciousness and anxiety of participants, and budgetary issues. The amount of time allocated for this research was beyond anticipation due to the unfortunate deaths of two parliament members (both of whom were Malaitans). Government officials did not settle down for interviews at that time and I had to rearrange. The unforeseen circumstances dictated the way in which other constraints affected the research. Upon personal observations some participants, despite having the information sheets and consent forms explained, were still suspicious and anxious that some of the information will be used against them in the future. This affected the flow of information. As the research period took longer than anticipated, it impacted on my budgeting and I was unable to meet transport and accommodation costs, therefore, only interviewed five people from tribe Green.

3.11 Ethics

Considering the cultural and social context in which the research is taking place, confidentiality and ethical issues of prudent, non-invasive research was important. Regarding this, every effort was made to assimilate and conduct field research with respect, compassion and empathy while attempting to establish relationships that were beneficial for all involved.

When interviews were undertaken the participants were informed of the nature, aim and objectives of this research while also being asked to sign consent forms. If at any time the interviewee wished to stop the interview process or strike out portions of the interview, their requests were honoured.
Ethical considerations were carefully considered prior to the research as per the Lincoln University Human Ethics Committee, and care was taken through out the research to ensure participants were fully aware of their rights and understood what the research entitled.

Confidentiality of the research participants was maintained through a number of ways. Firstly, in transcribing the interviews and sorting data electronically, no information on names or locations was included and codes[11] were used. The codes were kept in a locked filing cabinet in my office on campus to which only I have the key and tapes were erased as soon as the interviews had been transcribed. Additionally, care was taken that no contextual clues that could be linked to the identity of the research participant were given. Native bird names in the To'abaita language were given to each participant instead of their real names.

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[11] Tribes chosen for study were named Black, Red and Green (see Figure 3). All the participants were named with the To'abaita native bird names (see Appendix 4), and local fish names were used to explain certain pieces of land (see Figure 4).

Cultural issues and expectations were handled with diligence and care. Females for instance were never interviewed alone, not in the evenings or at night and were not in confined locations. When needed I arrange with my niece to be present during female interviews. Caution was taken that the interview process did not offend the participants.

3.12   Dissemination of information to participants

As proposed prior to the field work I convened a chief's forum with the intent of not only disseminating initial research findings and open discussion on issues they have in mind, but also providing a chance to culturally and verbally commend the chiefs and the participants for their involvement in the project. Although bad weather dictated the quality of attendance to the forum, necessary information was disseminated. I had also written an article to the Solomon Islands Daily News Paper (Solomon Star) thanking the participants in Honiara for their involvement and informing them of the initial results of interviews I had with them.

3.13   Conclusion

The research methodology was based on qualitative approach to a case study. This methodology was considered appropriate for the type of research that was being conducted and the research participants that were involved. The research was designed to be flexible, enabling the research to develop within reasonable boundaries, while ensuring that research questions were answered.

Chapter 4: History and Present Situations

4.1 Introduction

This chapter presents the findings from the fieldwork inquiry and observations. The results are described according to the following categories, identified during the data collection processes as representing significant aspects of To'abaita sustainable rural development: customary land policies and reform 1978 – 2007, recording and registering customary land (a perception towards sustainable rural development in To'abaita), the causes, types and impacts of land dispute in To'abaita, the importance of extended family in the To'abaita traditional society, gender and participation in the To'abaita rural affairs, possible strategies to reducing/resolving land disputes on customary land, conception of landownership and development, the constraints to rural development and sustainability in To'abaita, and making the way for development and sustainability. Various participants who participated in the research are identified using native bird names in the To'abaita language.

4.1.1   Customary land policies and reform 1978-2007

Interviews with government stakeholders and tribal chiefs provided information for this section (government stakeholders on section 4.1.1 and tribal chiefs section 4.1.2).

Most government participants perceived customary land policies and reform as very important issues in the Solomon Islands. According to them, policies are used as the basis for making decisions especially about land and how it should be used. However, some of them commented that since 1978 governments had not prioritized issues on customary land policy formation and reform in the country. Bola (a government stakeholder) for instance made the comment that those governments only nurture and perpetuate the ideas and policies initiated by the colonial government during their time. He commented: *"The situations prior to 1977 were basically brought forward to be used from 1978"* (Bola, Interview, 14.07.07). He further commented that the colonial power administered the nation with foreign policies and laws that the indigenous people cannot integrate easily. He stated: *"The indigenous people did not fully understand the depth meanings of those laws and policies or how to live up to it"* (Bola, interview, 14.07.07). He further stated: *"I had been in my job for long and I have not seen any reform or modification of colonial ideas so that it can be suitable to our people in the current society."* He indicated that the succeeding governments had not realized policy reform to be important. He commented: *"They did not think about one of the future days when we will experience difficulties with those foreign policies"* (Bola, Interviewed, 14.07.07). Three other government participants indicated that in their mind, government leaders lacked knowledge and skills of policy formation and reform. They commented that lack of policy reform is not only experienced within the Ministry of Lands but many other ministries as well. Bola further argued that not until this year (2007), the government requires of him a draft of 'cultural policies.' Although it is not too late, the participants held common view that beginning from 1978 the succeeding governments should have

initiated better ways to incorporate aspects of indigenous culture so that it is suitable for the indigenous people.

Some of the participants further raised the issue that most of the colonial policies and laws especially with respect to customary land need amendment and reform. Two government participants quoted a law stipulating customary landowners only own six feet down from the top soil while the government owns the land beneath including all resources. Further elaborations revealed that what is known as 'royalties' normally claimed by (and paid to) land owners for mineral resources would only be interpreted as compensation for access through the six feet surface land owned by the tribes. Royalties are not payments for exploitation of mineral resources but payments for access to the resources. For example Kwaiara indicated: *"If a tunnel is dug from the government land, right below the said six feet (tribal land) to a gold deposit, tribal land owners cannot claim royalty"* (Interview, 03.05.07). This policy according to the participants was initiated by the colonial government and they believed many indigenous people are not aware of this Act. Kookoo commented: *"This policy needs to be amended so that land owners get maximum benefits from exploitation of resources"* (Interview, 03.05.07).

Other government participants commented that some of the policies imposed by the colonial government are no longer appropriate. The policies are viewed and felt by the indigenous people as increasingly coercive. Bola in particular stated: *"Those old policies are suppressing and people live up to them with fear that also impact negatively on their lives"* (Interview, 14.07.07). The participants exposed that the problems Solomon Islanders encounter in the current society were due partly to negligence on policy formation and reform.

On the other hand, a government participant commented that the parliamentary system where each parliamentarian only takes four year term in office contributes to the issue in discussion. Kwisi commented:

> *"I believe they have tried to initiate things but as the four years lapse and a different person takes office, they normally come in with new visions and different developmental ideas which they will also be unable to complete at the end of their four years as the trend continues. This trend is perpetuating until most of the important policies were not reformed. This is one of the main constraints in formulating proper policies especially on customary land"* (Interview, 10.07.07).

4.1.2 Recording and registering customary land

The participants who contributed to this issue include tribal chiefs, tribal members and two of government stakeholders.

Recording and registering customary land raises many difficult issues in the Solomon Islands. The participants suggested the following as rationales for recording and registering customary land.

Land Identification: Recording and registering land according to them, is so that ownership is clear under their name. People now and in the future will be aware of the tribe that holds the land title.

For security of land: They believed once customary land is registered; there is no chance for anyone to falsely claim it. For instance Kekero stated: *"As there had been extensive complex disputes over customary land in the past registration can prevent future disputes"* (Kekero, Interview, 14.05.07). However, two participants argued that dispute has nothing to do with land; it stays with people. Ruruu for example stated: *"Although we register land we can possibly dispute each other because it is all about argument and hatred"* (Ruruu, Interview, 10.06.07).

For development purposes: The interviewees believe that once land is registered and ownership is clear, both internal and external investors will be attracted to develop it. A participant claimed: *"If a block of customary land is registered, it is all possible and easy for any form of development to go in. The registered land can attract donors to invest in them because it is clear of unnecessary tribal disputes"* (Kekero, Interview, 14.05.07). Development activities can progress well on registered land without complex constraints. Some participants commented that those pursuing registration have genuine rationales that any form of development that will alleviate poverty and improve the well-being of the people must be allowed to go on. Kaule stated: *"One reason for registration of customary land is that development plans that have the objectives to alleviating poverty and improvement of well-being must progress unopposed"* (Interview, 19.05.07).

However, some of the interviewees also commented that although many tribal leaders have tried to register their lands, they were always unsuccessful or had taken them too long. According to three interviewees, the leader's lack of consultation with his tribal members is one of the factors responsible for the unsuccessful stories or delays. Kwisi for example stated: *"While I did not understand the motives of lack of consultation I recommend that those who want to pursue registration should consult the whole tribe and if all are agreed, they should all pursue it together"* (Interview, 10.07.07).

This same issue was raised with other participants who agreed that such consultation is important. One reason according to them is that, future generations will learn that their forefathers or their fathers have all agreed upon the registration of their customary land. Four participants strongly recommended that tribes of the neighbouring lands also need to be consulted when pursuing registration. In recommending this, the interviewees believed things will run smoothly if those tribal leaders are informed and have knowledge of what is going on and the underlying rationales. They need to know what type of developments would be channelled to those lands after title is given. The interviewees

raised this point in the perception that once tribal members of the bordering tribes reasoned this to be beneficial in the long term, they will help facilitate it. The interviewees made the general comment that the issue of friendly consultation with the neighbouring tribes were lacking which to some extent responsible for slowing the registration process.

Three of the participants identified the possible risk that there will be future division within the tribe that only one person pursues the registration process. Three other chiefs commented that the high cost incurred during the process of registration limits the courage in pursuing this. Chief Koreo for instance claimed: *"Money is part of the problem. There are processing fees imposed that many people in the rural areas have not been able to afford"* (Interview, 22.05.07).

Two other participants raised the comment that customary land cannot be easily registered because of the mess in oral history rather than paper documents. For example Chief Kekero pointed out that this issue is crucial and needs a well planned strategy to address it. He stated: *"This is the heart of the problem because the government cannot assign title to land owners unless the land is clear of disputes"* (Interview, 14.05.07).

The other factor responsible for unsuccessful registration of customary land according to the chiefs interviewed is land dispute. They indicated that there is competition or more struggle for headship of tribes. Chief Koreo explained that even two members of the headship line or two brothers of a family would struggle to have equal rights or equal leadership roles. He explained by relating this story:

> *"My father is the second born of a family of five. The children of the first born have not attended any better/formal education and on one occasion a logging company was prospecting to log a portion of our forest. As part of the preparation, there has to be signing of documents so that the land is registered. To my experience, a dispute emerged between the two brothers (my father and one of his brothers). The issue of this argument is that, the first born must be responsible for everything"* (Koreo, Interview, 22.05.07).

With his experience, there were other augments over who should be the spokes person for the tribe. Some people argued that the son of the first born must be the one while others argued that anyone within the family who is well versed with cultural issues and the history of the land and the genealogy tracing should be the one. To some extent, according to the chief such internal arguments can disturb development activities or marketing and registration.

Similarly, there are extensive intra-tribal struggles between members of the female lines and members of the male lines. They all normally wanted to be equal in status thus, hampers registration. According to Chief Kekero this attitude continues to only disturb development activities (Kekero of Black tribe, Interview, 14.05.07).

A government participant commented that the idea of registration is a foreign concept. He made the comment that we were at the moment got stuck on the web between indigenous knowledge and the modern theory of knowledge. He illustrated: *"It is like we are standing over a river having one foot on one side and another on the other side. We do not know where we can all stand together"* (Bola, Interview, 14.07.07). He was referring to the situation where the people seemed to having a split mentality as whether to go on doing their own things or to also give some concern to their other fellow tribal members who are also important as well as depending on them. Commenting on this same issue some interviewees recommended that something must be done about it. For example Chief Kekero mentioned: *"We need to find out through research some aspects of our indigenous knowledge that we need to blend with the modern theory of knowledge so that we are able to move forward in the current society"* (Interview, 14.05.07). Currently according to the interviewees, they do not know where they can blend the two together. The two are heading to different directions and where the two should integrate is not known. For this reason, two of the interviewees recommended that they need a group to research some traditional issues together with modern issues and to finding out a better way of applying the two types of knowledge together in order to suit the current society. According to them, this is the thing that is missing.

4.2 Land Disputes, Indigenous Issues and Resolutions

This sub-section is about land dispute, indigenous issues and possible resolutions. Those involved in discussing these issues include a government participant (Bola) local court judges (Kee and Giororo), members from the council of chiefs (Bina, Fiu and Ito), tribal chiefs (Kekero, Koreo, Kwikwisi, Tabaraai'a and Ruruu), tribal members (Kikidukome, Kaule, Afuiniu, Geo, Tuu, Kaabora, Nai, Kilakila, Siramidi and Sirakutu), and two church leaders (Toratora and I'ikafo).

4.2.1 The causes of land dispute in To'abaita
The incongruence of traditional and modern governance

Kikidukome and Bina described land disputes as symptoms of a sickness. According to them, land disputes are the result of a sick government system. Kikidukome stated: *"It is this government system that is attacked by virus"* (Interview, 26.06.07). The traditional government system and customary laws are incongruent with the modern (Western) government system. The two interviewees both claimed there are problems everywhere because of the fact that the two forms of government (traditional and modern) have not worked well together.

Kikidukome made the comment that we need to blend some parts of the two systems so that we can move in harmony together. Right now according to him one of the two systems is displaced. He gave an example: *"Once upon a time, the traditional governance emphasises oneness and close relationship with tribal members in everything they involve to. They built their houses together, they plough their yam gardens together, you see them in good and bad times"* (Kikidukome, Interview,

26.06.07). In this development age, the modern governance emerges with opposing ideas to the traditional governance. Bina (Interview, 04.06.07) claimed: *"Some of the ideas emphasize individualism and capitalism."* According to both participants, this violates the communal work attitude which the rural people mostly vested their entire lives in.

Inappropriate system of problem solving

Most of the participants indicated that one of the practical strategies imposed by the government on the indigenous people over the years is the legal court system. With respect to resolution of customary land issues, the colonial government puts in place the Local Court system. It was claimed by many of the participants that instead of helping out, it is certainly responsible for most divisions among and within tribes. They pointed out that customary land issues are directed to be heard by the Local Court which is inappropriate. As the system is a win-lose strategy, the interviewees claimed that it is the stimulant of customary land disputes in To'abaita. For instance, Chief Kekero (Interview, 14.05.07) stated: *"The win-lose strategy of customary land dispute resolution (through the local court) gives no peace of mind to the losing party. It only infuriated people to be more aggressive in pursuit of more disputes."*

Disrespect to traditional authority

Traditionally, the male line (patriarchal) is the main line in Toa'baita and every male begotten from this line took headship of the sub-tribes and the land. However, according to some of the interviewees all members akin by blood (be it of male or female lines) have access rights to the land. The simple expected rule to abide to is only to inform the tribal leader or to ask for his permission if a member wants to make a garden for his/her children. This seeking of consent would be interpreted by the leading tribe as respect and goodwill. Those interviewees commented that, many people in To'abaita these days have ignored these simple expected manners. For example, Bina stated, *"It is becoming messy – people feel they do not need to seek consent from anyone. Even members from the female tribes have promoted themselves to be equal in status as members of the male tribe"* (Interview, 04.06.07). The interviewees commented that lack of consultation with tribal leaders is one area that causes disputes in the current society.

Struggle for status and leadership

Many of the interviewees claimed that the issue of 'struggling for status' has to some extent causing complex land disputes in the To'abaita rural communities. For instance, Chief Koreo (Interview, 22.05.07) claimed: *"In some tribes even two cousin brothers on some occasions disputed each other over indigenous knowledge status."* According to some of the interviewees tribal or indigenous knowledge acquisition is prestige in the To'abaita culture. While the expectations of such knowledge acquisition are vested on the first born sons they have to work hard to gain them. The interviewees

commented that the whole game is about who remains and listens attentively to the grannies or the fathers and acquires all the necessary knowledge for the tribe. Kaule claimed:

> *"Despite being the middle or the last born of those big families as long as he has gained the required knowledge and seen with the expected qualities of a leader, he will be given all the respect and honour by all members of his tribe than what is given to the first born son who fails to acquire what is expected of him"* (Interview, 19.05.07).

The participants commented that such struggle may catalyse anger to elder sons and their supporters to causing disputes. The interviewees commented that although such disputes are about headship struggle, they will ultimately end up with land matters.

Issues on leaders and their leadership qualities were also raised. The participants indicated that little things like being kind, being approachable and being considerate of other fellow tribal mates will help maintain tribal or family bonds and will nurture appreciation capable of building and perpetuating trust among tribal members. A participant stated: *"Ignoring tribal members (the leader's absence at funeral or burial of a tribal member or showing no evidence of kindness to his members) will be mounted to retaliatory behaviours from his own people"* (I'ikafo, Interview, 11.05.07). According to the interviewees people of the same tribe will have split perception of the leader, the leadership and of the land they own together. A participant commented: *"It will eventually happen that people will be divided and will end up one man paddling his own canoe"* (Geo, Interview, 30.06.07).

The participants also commented that many tribal leaders lacked transparency on development issues and initiatives with their fellow tribal members. They have not listened and have not accepted one another's views. According to the participants, such leaders have not listened to leaders of the neighbouring tribes and have not listened to members of their female tribes. Such leadership styles cause land disputes. In relating typical complaints, a tribal member imitated what people normally ask/say to their leaders:

> *"What are you doing alone on our land? We are seeing outsiders (foreigners or members of different tribes) working with you on our land. We own this land with you; they don't, what are you doing? We are right here every day and you never inform or invite us to work with you. We need an explanation to convince us or we will do things our own way too"* (Afui'niu, Interview, 17.05.07).

According to Afui'niu, communication, consultation and transparency are important qualities a leader must not overlook especially on tribal land. Afui'niu further indicated that lacking these qualities in leadership will be perceived as emergence of corruption (Afui'niu, Interviewed, 17.05.07). The other participants shared the view that the underlying rationales of channelling development into tribal land without making the tribal members aware often remains covertly. However, one tribal member

commented: *"The implication is that they want to hide money from the whole tribe or that no one else will benefit besides them"* (Tuu, Interview, 03.06.07). The interviewees claimed that such leadership characters implied corruption that responsible for enormous disputes on tribal lands. A female tribal member reiterated that development does not cause land disputes. She stated: *"It is the leader's failure of lack of communication, lack of consultation and lack of transparency about development initiatives that causes disputes"* (Kaabora, Interview, 07.07.70).

The participants also believed that many disputes experienced over land is due to appointing wrong people to be leaders or that due to just anybody within the male tribe claiming leadership role over all. A tribal chief raised the issue that this is where misconception of the term 'landowner' emerges.

Concepts of 'landownership' and property

Three participants commented that the term 'landowner' is a foreign concept wrongly interpreted and causing most of the complex land disputes in the To'abaita rural communities. Chief Kwikwisi stated: *"The word 'landowner' is a foreign concept that is why it has no space and is not accepted in our tribal settings"* (Interview, 26.06.07). A tribal member commented: *"Prior to the introduction of the term 'landowner' in our communities there was nothing but people enjoyed peace and oneness"* (Kaule, Interview, 03.06.07).

Kaule further claimed that as the word 'landowner' is introduced through legal court systems and gives power to those acquiring it. This power according to him has been widely abused causing many unwanted disputes. He stated: *"Those who were labelled 'landowners' through courts have the 'power' which they abuse to ignore other tribal member's rights to land"* (Interview, 19.05.07). The interviewees commented that 'landowners' have the power to signal green or red lights to any form of development activities on the land.

A Local Court Judge raised the point that disputes normally emerged in prospective of development initiatives (Kee, Interview, 26.05.07).

Some of the interviewees commented that the To'abaita land tenure system is vulnerable to complex land disputes especially in the advent of development initiatives. The land is tribally owned, making it impossible for individuals to do anything in terms of development unless consent of the whole tribe is sought. A female participant commented that although tribes claim ownership of lands, it is unclear which tribe really owns it. According to her, it is obvious in To'abaita that two or more tribes can claim the same land with veritable evidences. She stated:

> *"Land in To'abaita can be claimed by more than one tribe, with each having their own historical stories and genealogies. Although land claimants are passive about this, the situation is vulnerable to disputes. Development initiatives are catalysts to land disputes in the*

current society. Land claimants take things in prospective of money and would go one after another trying their luck on the same land. Tribal disputes occur, over who really owns the land" (Kaakaa, Interview, 13.06.07).

Some of the interviewees raised the issue of land ownership and property. They indicated that traditionally, having property on the land does not guarantee that the owner of the property also owns the land. Kikidukome (Interview, 26.06.07) stated: *"One may have several properties on different lands he has a link to but the land remains tribal."* The participants revealed that in the current society, someone's coconut plantation ties very strongly with land. Someone cannot plant even a single mango tree in someone else's coconut plantation. They will argue over it and will even end up in court. An interviewee stated: *"Property and landownership issues clashes with each other and causes many of the unwanted disputes on customary land"* (Afui'niu, Interview, 17.05.07).

Lack of education

Many of the interviewees commented that illiteracy and low level of thinking enormously contributed to the issue of land dispute in the To'abaita communities. The struggles for headship positions were motivated by corruptive rationales in prospective of 'big money' that may potentially be generated from exploitation of natural resources of the lands.

Three tribal chiefs claimed that some of the disputes were aimed at disturbing development initiatives. For example a tribal chief stated: *"The common mentality of many including most tribal leaders is that, they are causing disputes with the intention to disturb development programmes/activities so that nobody is wealthier than the others"* (Koreo, Interview, 22.05.07). Knowing for certain that many tribal members will remain poor, they must cause disturbances so that everyone is just poor. Nai (Interview, 18.05.07) commented: *"Such ideals are evidences of those with minimal education and wisdom."* Another participant commented that the issue of jealousy has obviously become embedded in tribal leadership structures and within people's mentalities and within their blood and blood vessels (Bina, Interviewed, 04.06.07).

Money talks

Money mindedness can be disastrous if not managed properly in the mind. The implication here according to some tribal members is that; people always think 'rich' when they talk about developmental ideas and initiatives. Rather than answers and alternatives; many questions about 'money benefits' encroach people's minds. An interviewee stated: *"One of the problems with our people is that when we talk about development, they always think/talk about money which should be the last thing to talk about"* (Kikidukome, Interview, 26.06.07). According to the interviewees, development happens on land and such mindset will eventually lead to land disputes.

In further discussing land dispute, Bola (Interview, 14.07.07), Giororo (Interview, 14.05.07) and Kekero (Interview, 14.05.07) have pointed out that land dispute is not part of the To'abaita culture and did not exist in traditional society. It only emerged at the emergence of developmental initiatives in our local communities. For instance Giororo claimed: *"People in the past knew nothing about what land dispute is"* (Interview, 14.05.07). According to the participants people live in harmony and in tolerance with one another. They further pointed out that even a friend can be allowed to make a garden for his children anywhere as long as he seeks permission from the tribal leader. They live in acceptance with one another and the immigrant knows that he is living at the discretion of the tribe he lives with. The interviewees commented that people did not generate money on their land as they only did subsistence production for family consumption. According to the interviewees, people live comfortably with this production standard until the emergence of development initiatives in the late 1970s when most people begin to value land and resources with money. Giororo (Interview, 14.05.07) commented: *"Valuing land with money started during the colonial era and became strongly existing with the people from the time of independence."* People realizing that money (big money) can be generated from the land and its resources (soil itself, forest, minerals etc.). Kekero stated: *"The perception of money against land resources is the sole reason as to why people collided with each for legal and powerful rights over land"* (Interview, 14.05.07). The income generating perception, known as the 'cash economy' enables the emergence of conflicting ideas. Several interviewees commented that their traditional lifestyle valued people more than money. They further commented that they were interdependent for survival. For example, Bola (Interview, 14.07.07) commented: *"In times of family needs, in times of pride price, in times of traditional labour, in times of war we need and support each other."* Participants noted that people of the current society experienced enormous disputes because they abandon most values of To'abaita tradition. A participant said: *"Today we are drifting away that is why all kinds of disputes are out of control in our communities"* (Kilakila, Interview, 23.06.07). Instead of valuing the traditional bond, the participants commented that people grouped with intent to oppose one another's ideas until nothing beneficial could be initiated.

As 'money mentality' has been responsible for enormous disputes in To'abaita customary land, the interviewees claim that it enables people to steal, to be so aggressive and so inconsiderate. A participant commented: *"Money mentality activated other bad attitudes like selfishness and corruption and people eventually finding themselves involving in all kinds of disputes"* (Fiu, Interview, 12.05.07). The interviewees also indicated that this money mentality made people attempt to hide or deny the existence of other sub-tribes so that they receive more benefits from land and resource exploitation. This according to the interviewees is one of the main reasons for land disputes.

A number of interviewees (mainly tribal members) have also made the comment that other people intend to acquire land because they have developmental interests in them. For instance, an interviewee stated: *"Some people argue to acquire land that they see fit for a kind of development that is in their*

minds" (Nai, Interview, 18.05.07). The interviewees further indicated an issue as an example where the highlanders normally would argue to extend their boundaries to the seashore due to the fact that the current development infrastructures (roads, airports schools, clinics and so forth) are mostly located on the coastal regions. Therefore people who may want to illegally acquire lands would pull their inland boundaries to the seashore. The interviewees commented that such attempts involve falsification of stories, genealogies and other evidences of land ownership.

With the 'get rich or big money' perception, people always made excuses of requiring proper consultation when they know there is going to be a development on the land. A tribal chief indicated that people often claim strong membership to the tribe that own the land and requiring proper consultation prior to going on with deals that are income generative. The interviewee commented: *"Failure to comply with such demands will end up having the matter before the courts which will disturb operation of development initiatives"* (Tabaraai'a, Interview, 29.06.07).

Selfishness

Four participants commented that greediness/selfishness is ingredient of land disputes in To'abaita. They indicated that greediness in this respect aims for fame and prestige in the local communities. It is believed that tribal leaders who acquire more land for their tribes are well versed with land knowledge in particular and indigenous knowledge in general. Such victorious leaders will be famous in the communities and will be given respect by his tribal members and his legacy will remain for generations. However, the participants commented that this issue is only seen as greediness. For instance, a tribal chief stated: *"Those who acquire land for fame and prestige only thought greedily of serving their own tribes or themselves"* (Ruruu, Interview, 10.06.07). According to the interviewees, greediness/selfishness is to some extent responsible for land dispute in To'abaita.

Selfishness is also obvious within extended families. According to two interviewees, some leaders greedily thought that everything is for themselves. The two interviewees indicated that such leaders failed to acknowledge that the land and resources are tribally owned. A tribal member gave an example:

> *"We talked about the water source to be piped to our houses and some people disagreed for some reasons. It happened that the same group of people also disagreed with our new plan of farming shrimps"* (Kaule, Interview, 19.05.07).

They are according to the interviewees, greedy and selfish and with its negative impacts on people's well-being it cannot be tolerated. An interviewee stated: *"Selfishness/greediness in this context is a catalyst for intra-tribal land disputes"* (Afui'niu, Interview, 17.05.07).

Some of the interviewees also indicated that working relationship with respect to development initiatives within many families is not good. A member of the council of chiefs commented: *"In such communities like To'abaita where kinship is integral part of their lives family members should all help each other to progress better in development"* (Ito, Interview, 02.07.07). According to the chiefs, people are increasingly aware that even brothers and sisters[12] are selfishly disputing each other.

Jealousy

Some of the participants raised the comment that like selfishness, the issue 'jealousy' is another contributing factor to land dispute in the To'abaita communities. A female participant stated: *"I also believe that jealousy and selfishness are the root causes of land disputes and all other related problems that hinder community development in To'abaita"* (Kukua, Interview, 04.07.07).

A member of the counsel of chiefs commented that most of the disputes experienced have simply emerged from complaining. He reiterated that those complaints have tied to the notion of jealousy. According to him Jealousy is normally experienced intra-tribally. He indicated that lack of consultation and transparency between tribal leaders, developers and tribal members eventually causes land disputes. A tribal chief commented that the very one thing that bonds tribes together is the land they entitled to. The issue of jealousy raised here according to the chief normally get started with different matters, but gets complicated because it will finally end up with land issues. He stated:

> *"Many of the disputes ended up over land were caused by other social problems such as being influenced under liquor, swearing, boy-girl affairs, the 02 business (losing a wife and getting a new one) or property issues"* (Afui'niu, Interview, 17.05.07).

Another tribal member commented that jealousy causes severe land disputes in the To'abaita rural communities. He gave an example: *"If someone initiates a small income generating activity and well implemented, the other members who haven't got the capital to have a go will stand out in dispute to cause disturbance"* (Kekero, interview, 14.05.07). According to the interviewee the example given here is jealousy on the ground that 'nogud man ia hem gud winim iumi' (this business man might beat us out). He firmly confirmed that no form of business has gone successfully in To'abaita partly because of jealousy. The stimulator of jealousy according to him is lack of capital and the difficulty of having/getting one.

Several interviewees commented that ordinary people found it very difficult to improve their well-being. Once they attempt to do anything, jealous tribal members will scold them and the issue taken to court on trespass charges. A church leader commented that jealous people often say: *"This person is not belonging here and he is throwing the dust from our own land back over us – let's chase him away*

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[12] Can also refer to relationships between sub-tribes under the main tribe.

to where he belongs" (I'ikafo, Interview, 11.05.07). Tribal land owners would ask him to leave but in many cases he would refuse as he may also claim his connection to the tribe. As the argument becomes intensify, they will be ending up in court. All such arguments always ended up with land issues.

Poverty

Many of the interviewees indicated that existence of poverty in rural areas has to some extent contributed to land disputes in To'abaita. They commented that those whose lives are not improved, who live without basic needs and are not satisfied normally manoeuvring to spheres where they expect to meet some ends. An interviewee stated: *"With the absence of basic needs in the homes, people are finding avenues to resort and acquiring land is a possibility"* (Siramidi, Interview, 15.05.07).

Most interviewees commented that level of land dispute in rural areas (To'abaita) is very high as false claimants are trying to falsify their stories, genealogies and so forth in order for them to be able to acquire land they interested in. The interviewees commented that such theft intentions inhibits development initiatives and worsen the poverty level in rural areas which deteriorates the well-being of the people. I'ikafo stated: *"False claiming of land or land disputes are the constraints of rural development on customary land and which nurtures poverty and ill-being of the people"* (Interview, 11.05.07).

Unequal distribution of benefits

The other participants raised the issue that unequal distribution of benefits is responsible for customary land disputes in the To'abaita region. Three participants commented that people are not satisfied with what they have and their poor livelihoods in this modern society. They blamed tribal leaders for bad leadership in this context. They argued that tribal leaders or tribal chiefs on many occasions selfishly benefited more than his tribal members. For instance a participant said: *"Most times the same people especially the tribal leaders would like to have more for himself and ignoring the rest of the tribal members"* (I'ikafo, Interview, 11.05.07).

The participants have indicated that unequal distribution of benefits to tribal members who claim equal rights over the land and resources results in disputes that often ended up in courts. They commented that such disputes cause divisions among tribal members and prolong the period in which any development activity should be taking place to alleviate poverty and improve the well-being of the people. For instance a participant stated: *"People normally compare their lives with that of their co-tribal members who reaped most benefits from the land they all entitled to and all dissatisfactions results in intra-tribal disputes"* (Afuiniu, Interview, 17.05.07). The interviewees pointed out the issues over which disputes normally occur include defects of leadership that implies corruption, greediness, stealing, pride and all the filths that crept into their lives.

Unbalanced/unequal standard of living

While other participants commented on the issue of unequal distribution of benefits, three people slightly differed their comments on the issue unbalanced/unequal standard of living. Although it is possible that unbalanced/unequal standard of living were consequences of unequal distribution of benefits, the participants see this differently. They made the comment that attributes of inaccessibility to better education, cultural constraints and lack of perseverance results in unequal standard of living while unequal distribution of benefits directly correlates to bad leadership driven by greediness, corruption, pride and so forth. The point made by the participants is that the disputes that often ended up over land has to some extent do with frustrations over comparing the lives of those naturally struggling but dwelled in poverty with those who have the privilege to misappropriate tribal funds to improve their standard of living. An interviewee stated: *"Those who serve themselves with tribal development grants to enjoy better standard of living are not safe as they will be disputed by those who put efforts but cannot get better lives"* (Kaule, Interview, 19.05.07).

One person also made the comment reiterating the issue of jealousy that there are lazy people who were become watch-dogs to criticizing and opposing those relatives who are working hard to earn a better living standard. According to the interviewee such people would cause disputes in arguing that only certain people are benefiting from the land, ignoring the rest in poverty. He claimed: *"People who are struggling to acquire more things have always experienced resistance from those sitting back in jealousy, doing nothing"* (Nai, Interview, 18.05.07). Nai believed that dispute is not necessarily of land issues, in many cases it is jealousy that leads to it.

Wrong persuasion of development (economic before social)

Two participants commented that almost all the problems experienced in the rural areas today including land disputes were due to wrong persuasion of development issues. Those participants pointed out that development initiatives should be approached with the intention of initially developing the people's intellect rather than strengthening household economies. They were of the view that to reducing problems impacting on the rural populace development initiatives must be approached correctly. The correct way to approach development initiatives in the To'abaita rural areas according to the interviewees is that social development needs to be attempted before economic development. In their view the realized problem that makes people too noisy (enabling enormous disputes) was the mistake of attempting their economic development before social development. They argued that wrong approach is responsible for the disputes that inhibit sustainability of initiated development projects. In particular, an interviewee stated: *"If we begin with aspects of social development before venturing into economic development, there wouldn't be many troubles and our lives would have been better"* (Kikidukome, Interview, 26.06.07). According to the two interviewees, the referred social development is partly about developing the mind so that people have a new mindset

about land, its resources and their well-being. The interviewees strongly indicated that the indigenous people need a new mindset, a paradigm shift from their old conceptions of life to one which poverty must be alleviated and people's well-being improved. They proposed that education and awareness programmes are essential as opposed to starting with economic development that stimulates disputes by tribal members who were not consulted. The other participant describes this situation using a metaphor saying: *"Tackling people's problem by initially attempting their economic development is like asking a baby to run before s/he walks"* (Sirakutu, Interview, 03.06.07).

Pressure of population increase

Three interviewees commented; the pressure of population increase has to some extent responsible for land disputes in the To'abaita region. Kee for example commented: *"The pressure that is experienced as direct results of population increase contributes to land dispute in To'abaita"* (Interview, 26.05.07). According to the interviewees outsiders (people from other tribes) who arrived to live with friends on their land clashed with the original population over land issues in the current society. The interviewees called this 'pressure of population increase.' As such pressure mounted further, scarcity of land becomes obvious people began to resort to avenues where security of land for future use is essential. Securing land according to the interviewees goes through disputes. In many cases those who have arrived tried to take over land from those who discovered them. One participant stated: *"As population grows rapidly and cultivatable land becomes scarce, the pressure of wanting to extend boundaries increases and serious land talks emerges which eventually develop into land disputes"* (Kekero, Interview, 14.05.07).

Another participant indicated that pressure of population increase often develop clashes over gardening sites which make people unsettle to venture into developmental ideas. He stated:

"As the population grows at an alarming rate and land does not grow, there is not enough space for people to live and work. As obvious in the To'abaita area, there are no forests anymore. Two brothers are now clashing over old garden sites. Such, does not qualify people to be able to have clear minds to engage in further development. People normally argued… this is the only place preserved for subsistence cropping which we survive upon (Kwikwisi, Interview, 26.06.07).

The secrecy of old stories and genealogies

Other participants (mainly the chiefs) commented that secrecy of tribal historical stories and genealogies had to a greater extent contributing to emerging disputes on To'abaita customary land. One tribal chief explained how and why this secrecy was maintained:

> *"All the stories about land that were hidden or kept in secret for so many years to-date, is contributing factor that worsened land dispute in our tribal communities. I base this statement on the fact that in the history of time; all the stories and traditional epic chants (Ainimae) were intentionally kept in secret by our ancestors. They never publicly mention names of their*

forefathers (akalo kera ki). They believed they were blessed for maintaining holiness, therefore, have never mentioned those names in dwelling homes. They only tell of those stories, mentioned great (holy) names and sing epic chants in the old man's lodge (biu) or outside in the open fields or under trees in the jungles. They offer high respect to the ancestors and their historical profiles (stories). I must say that genealogy itself is 'prayer'. In our tradition; the 'pagan prayer' can only be said by the 'pagan priest'. In other words, the genealogy tree can only be read by the pagan priest or that someone besides can only read it after going through traditional ritualistic consecrations. Although some may seem to know; the expectation is no ordinary tribal member (or female) can attempt to read or play up with genealogies in the heathen society. Even the pagan priest when offering the pagan prayer will never mention the name of the greatest of ancestors (akalimae). As he prayed; he mentioned the names and as he comes to the 'akalimae' name, he only named him as saviour (thufaa) and so on. They did that because they consider him to be very holy (Akalo e hai kesi ania foatana)" (Fiu, Interview, 12.05.07).

According to the participants, this secrecy issue is responsible for the diminishing situation of indigenous knowledge which is vital evidences of customary land ownership. Besides, the participants also claimed that false claimants were manipulating this situation to falsify their genealogies and related tales to argue for ownership of land.

Furthermore, two participants squarely pointed the heathen expectation of gender segregation in the traditional society. One of them stated:

"In the heathen society females were not expected to hear or to read genealogies because they were considered filthy and ritually unclean (excuse me), *must be confined and at no time, mention names of ancestors that were still worshipped"* (Geo, Interview, 30.06.07).

The participants indicated that the segregation and secrecy issues were purposely maintained to show respect, honour and loyalty to ancestors, as high integrity must be maintained for success and security of the whole tribe. The point made here is that the secrecy of those genealogies and tribal stories was partly responsible for the diminishing of such knowledge in the current society.

Manipulation of indigenous knowledge

Falsification of oral historical stories and genealogies (talisibaraa) that are evidences of land ownership have been responsible for the ongoing land disputes in the To'abaita rural areas. One interviewee stated: *"Many of the genealogies and historical stories were falsified purposely to steal other people's land"* (Fiu, Interview, 12.05.07). According to him, the false claimants certainly know that the land they are interested in belongs to other people. He however stated: *"The devil has planted*

evil ideas in their hearts and minds therefore, would like to acquire other people's land claiming it to be theirs and exploiting the resources" (Fiu, Interview, 12.05.07).

Another participant commented that confusion and other ill intentions of manipulating oral histories and genealogies have also been responsible for the complex land disputes in the To'abaita tribal communities. He indicated that through tracing of genealogies, some people found that they have strong connections and to other extent stronger than the one already known to be the landowner. It is through such finding and analysis that people often propose disputing ideas with the attempt to gaining ownership of the land. The participant stated:

> *"Upon realizing the weight of connections, those who feel they should be the landowners would cause problems so that those who feel hurt would emerge with a kind of dispute. Normally, such people trigger disputes by doing things like, cultivating a new garden, building a new permanent house, running a new income generating project, cutting and milling a tree etc. so that it causes frustration that will lead to disputes"* (Kaule, Interview, 19.05.07).

A participant also pointed out that falsification and manipulation of indigenous knowledge had been practiced for some time and became worse when people become educated. He stated:

> *"As a few people became educated and began gaining knowledge about the law and how the Local Court system works, they made effort to form their new stories putting in all kinds of rubbish in order to beat the true tribal story of the land. People made their way through here because our ancestors prohibit public declaration of our stories and genealogies"* (Fiu, Interview, 12.05.07).

One participant explained that the so called falsification of genealogies involve bringing in ancestral names belonging to other tribes, fitting them in their own and finally claiming it as original. He stated:

> *"To have ownership title, claimants would claim prominent ancestral names from other tribal genealogies claiming it to be theirs and causing friction even intra-tribally"* (Kaule, Interview, 19.05.07).

Lack of reference for God

Fearing God according to three participants is key element to living in justice. They made the comment that those who do not love God and have not realize his (God's) will to mankind are vulnerable to hating one another. In their view, having reference for God means loving and caring for one another, showing a lot of respect, loyalty and honesty as preached through God's word the 'Bible.' One of the three participants stated:

> *"Those involving so much in disputes are those who deny God who creates and gives everything to mankind"* (Tuu, Interview, 03.06.07).

In the To'abaita region where Christianity is integral part of people's lives having true reference for God will reduce the enormous complexities brought about by land disputes. They raised that people need to realize the pattern of life and death as well as the short chance of utilizing the land with better and advanced knowledge that we have. One person commented that we are prone to die. He stated:

> *"People are too slow to realize that we are only here today and gone tomorrow. Our beloved grannies, fathers, mothers and other fellow brothers and sisters who are not seen with us anymore have gone in death. Many of them have been the tribal leaders in the past and how the land served them was limited to their knowledge of productivity"* (Kekero, Interview, 14.05.06).

Another participant commented that people who do not fear God and love him always reflect evil in their lives - the evils of hatred, lying, stealing and unnecessary disputing. He stated:

> *"The day those people discover the mind of God and justice manifests in their lives, there will be no land disputes and life will be glorious"* (Toratora, Interview, 21.06.07).

4.2.2 The common types of land dispute in the To'abaita tribal communities

Six participants outlined that the common types of land disputes in the To'abaita tribal communities to be placed under categories, intertribal and intra-tribal disputes. They explained the form of disputes to go under those categories include; dispute of trespass, genealogy dispute, boundary dispute and property/resources dispute. They also indicated that some of these disputes can happen under both categories.

Intertribal disputes

According to the participants intertribal disputes occur between different tribes or clans who claim the same land. Such disputes can go through the council of chiefs, the Local Court, Magistrate's Court and the High Court. Examples of disputes under this category include disputes of trespass, genealogy disputes and boundary disputes.

Dispute of trespass: The participants indicated that this dispute often happens to pose frustration landowners held for not being consulted prior to developments on the land. Developments like building a permanent residency home will require permission or be labelled as trespass.

Genealogy disputes: Genealogy dispute occur when members of a tribe intentionally falsify their genealogy so that it sounds true in court to acquire land. For instance a participant stated: *"Falsifying a genealogy means bringing in names belonging to external genealogies and adding them to theirs"* (Tuu, Interview, 03.06.07). Another participant made supplementary comments: *"Falsification of*

genealogies trigger conflict from both external and internal tribes who were dragged in it" (Nai, Interview, 18.05.07). This dispute according to both participants can also be experienced intra-tribally.

Boundary disputes: This dispute occurs over land boundaries. For some reasons, some people may illegally want to extend or relocate their boundaries. This can be complicated as boundaries were only physically identified by natural features as rivers, trees, valleys, mountains, and rocks. Trees may die and rot; rivers can change direction, thus, causing confusion and complications. In bringing up possible reasons for boundary disputes, a participant commented: *"Some possible reasons for such disputes include the two bordering leaders prospecting potential resources on the border (water source, forest, prospective mineral etc.) which over they both want to claim rights"* (Afui'niu, Interview, 17.05.07).

Intra-tribal disputes

This category of disputes normally occurs among members of the same tribe and often over ownership rights and unequal distribution of benefits (corruptive practices). One participant stated: *"Intra-tribal disputes are common but complex with lasting effects"* (Afui'niu, Interview, 17.05.07). This happens as sub-tribes conflicting each other, struggling as they each claim the male line. Currently the court gives decision on such argument. According to Afui'niu; one of them will have the 'primary right' (winner) the other 'secondary right' (loser). The types of disputes often found under this category include; dispute of trespass, genealogy disputes and property/resources disputes.

Dispute of trespass: As described under *intertribal disputes* above.

Genealogy disputes: As described under *intertribal disputes* above.

Property/resources disputes: This dispute according to the participants is also common. It happens intra-tribally over properties such as ngali-nut plantation, breadfruit trees, land traditionally given to individuals for cultural reasons (token of appreciation for the task of burial, appreciation for killing a wanted person, etc.) or in the current society, arguments over low scale plantation of commercial crops like coconut, cocoa, forest, or a house and so forth. A participant gave a story:

> *"In the land we are dwelling, the property disputes I had seen include; the tribal land dispute, dispute over sand and gravel that were collected for some uses, dispute over fishing grounds for buma and kefa (two small types of fish normally arrives at certain times beyond the land's shore line) and dispute over the rent of water source. The other frustrating one was over the new coconut plantations that members of the opponent group planted in blots normally preserved for subsistence cropping. The other dispute I can freshly recall is over banning of construction of permanent houses (be it residential or commercial) in the land unless authorised, which some people are less fortunate"* (Tuu, Interview, 03.06.07).

4.2.3 The impacts of customary land dispute in the To'abaita tribal communities

Most of the participants exposed serious impacts land dispute has caused on tribal members. One of them expressed: *"There is nothing as bad as that; it has enormous negative impacts on our lives"* (Bitili, Interview, 12.07.07).

The participants expressed how they feel and what they see as direct impacts of land disputes. They commented that To'abaita rural communities held strong values to the traditional extended family structures. They support and invest in each other for survival and sustenance. With labour, traditional money transactions and physical security; they are interdependent and according to them, this was what life means. The participants commented that land dispute disorganized and de-structured the life they value so much. One participant stated:

> *"We cannot anymore live together harmoniously as there is always feeling of hatred among relatives and tribesmen. We cannot live in tolerance with one another. People tend to avoid each other. Where they see each other in a distance, one has to change direction and walk the other way. This has huge impact on our traditional way of life. In the persistence of this hatred, we lost our supports (an important aspect of the traditional economy) as normally we are interdependent investors. This is the sad stage of live already being experienced in the emergence of the monetary society. I am sad; nothing was like that in the traditional society"* (Afuiniu, Interview, 17.05.07).

Another participant spotted that land dispute weakens people's mentality of perseverance to creating avenues that income can be generated to improve people's well-being. He stated:

> *"We do not have the joy of freedom to work to generate income at even family scales. We live our lives in bondage and are being depressed mentally as well as physically confined. We were affected and do not have the interest to pursue improvements to standard of living. Our housing standard remains very poor, no money generated and many children are not being able to be financed by parents to attend schools. Poverty remains and we will continue to be vulnerable to severe ill-being. We are vulnerable to physical illness due to unhygienic lifestyles and poor diets. This reveals the reason for the low life expectancy of our people. I believe to improve on those land must be free from unnecessary disputes that constraints people from working their way"* (Nai, Interview, 18.05.07).

Similarly, another participant expressed irritating feelings that all the disputes they experienced on the land they are dwelling, despite not being serious had always ended up in courts. He stated:

> *"Our opponents have always referred us to the legal courts because through there they found it easy to make their way. They use the court system as their haven of protection and an avenue to prosper with their ideas. Any small thing, they run to the court, any further small*

thing, they run to the court… this made us unable to cope with our own lives and has affected our well-being" (Geo, Interview, 30.06.07).

One other participant commented that the worse impact of land dispute on the rural populace is the encountering of continuous poverty. He commented that as land dispute is responsible for perpetuating poverty; ill-being cannot be avoided. He believed that once people are able to meet the cost of education for their children, there is hope for reduction of poverty and improvement of well-being. He stated: *"Land dispute does not give people a chance to pursue income seriously, therefore, problems with getting school fees for children which then led to very low level of education and ill-being"* (Kekeora, Interview, 12.06.07).

The participants believed that development activities are key elements to well-being. It enables people to generate money to pay for school fees which sets the foundation of a strong nation. A participant commented: *"The end results of continuous land disputes is continuous poverty, which affects our young people in obvious areas as increase stealing, murdering, uncontrolled consumption of kwaso,[13] marijuana and other drugs, prostitution and other social problems"* (Koreo, Interview, 22.05.07).

Another participant stated:

"The disputes that have caused complexities resulting in the ill-being of the people are those that involved hatred, jealousy, selfishness, corruption, theft-mindedness and so forth. Disputes that involve money and development are among the complex ones currently experienced. Such are the kinds of disputes that can have immediate negative impact on people's livelihoods. Those disputes reduce the chance for people to improve on their lives. This is dying. People's lives and well-being were not improved. No money to pay for children's school fees. No one works freely to generate an income. This perpetuates the level of poverty in this place. The said poverty causes other related social problems such as fighting, stealing, prostitution, high rates of alcohol consumption, taking illegal drugs and so forth. All these are symptoms of being poor. The rights of our children to education are highly denied within this poverty issue and as they grew up not going to class they only went hunting the bush and when citing anyone's property they normally attempt to steal or to cause unnecessary damage to them. They involved in illegal activities such as drinking too much of 'kwaso' and under liquor they fought, swore or raped. All those emerged from being poor. If land disputes continue, poverty will remain and the social problems indicated above will be even worse especially in this monetary economy" (Tuu, Interview, 03.06.07).

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[13] An illegal home-fermented alcohol as strong as some legally brewed strong stuff.

Sharing on the same line, another participant stated: *"Poverty will remain as long as land dispute remains. Our livelihoods cannot be changed and our standard of living cannot be improved. In many cases, it deteriorates the poor standard we are at"* (Kwisi, Interview, 10.07.07).

Land is the resource that tribal members share together and according to a participant not all tribal members normally reap equal benefits from it. He commented: *"Dispute level is too high on customary land that made it impossible for every one to benefit out of the land they entitled to"* (Koreo, Interview, 22.05.07).

Two other participants commented that land dispute is responsible for most complex difficulties that hamper sustainability of rural development projects. For example, one of them stated:

> *"People who want to disturb development activities always use this avenue (land dispute) intentionally to prolong development activities. People are aware of the complexities that land dispute brings therefore, resort to it to put the project to a halt which will eventually stop progressing. Land disputes cause immediate negative impacts on development activities on customary land and is responsible for unsustainability of projects of all sorts"* (Giororo, Interview, 14.05.07).

Tribal bond is an integral aspect of the traditional society. Three participants commented that tribal unity forms the basis of people's survival and sustenance. One of them stated:

> *"Since we involved in a dispute with a group which is only part of us; the experience now is that it really disorganized our tribal bonds and we begin to develop hatred and I noticed drastic changes with respect to cultural norms especially with the young people. I was very satisfied with the freedom that we used to have prior to the disputes. Those freedoms allowed us to cut a tree we'd like to, collect firewood, pick ngali-nut fruits, plant a mount of potato, get a breadfruit and so forth which are not experienced anymore"* (Afuiniu, Interview, 17.05.07).

A woman who married to a member of a tribe that participated gave her story which reflected huge pressure and dissatisfaction. Her story followed:

> *"Land dispute is one of the bad things that happened and known. It spoilt our living and income generating privileges. It constrained us from developing ourselves further and depresses us like a flower bud trying to emerge but attacked by fungus. Our lives (females) and what we do depends so much on the situation of our husbands. If they are scolded by others of the work they involved to, it affected us. It affects our lives and our mentality to work harder. As seen during land disputes, one of the two tribes normally banned the other from further gardening, involving in any form of development – including building a permanent house, collecting gravel along the rivers and at the sea shore, selling a barrel of kerosene in*

our own homes and so forth. As I think over the problem of land dispute, it really made me sad. It has been my dream and prayer that land dispute be resolved from among us.

As somebody who only marries into the tribe; land issues are burdening especially when considering our children. We do not have the freedom to work to help us improve our lives. [With laughter]... some times I was thinking of fleeing my husband because I was just fed up with the way people treated us on the land. I realized that the very reason that my husband has no property on the land is because of enormous land dispute. Divorcing a husband would be an option for continuous land dispute in rural areas. I found it so hard to generate small incomes. Sometimes (only when we were lucky) our potato gardens produces surplus food that we sold some at the local market to help pay for our children's school fees. I also sell cake at the road side and the money helps quite a bit. I sometimes feel wanting to go away but also feeling sorry for my husband and especially for our four children. I believe God has helped us to survive. There are many women in our community and the surrounding ones whom we are the same. Land dispute had determined the condition of our living and has spoilt us. I also have the option of taking all four children and the husband to my father's land but I also know that it will cause even complex problems because culturally a married woman must live on her husband's land" (Sisiri, Interview, 02.07.07).

Another male participant provided supplementary comments that some of the impacts of continuous land disputes include; no one will have the freedom to work to improve his/her livelihood. According to him, people only work to realize no benefits at the end. He stated:

"If you are only a member of the sub-tribe and came up with development initiatives; I doubt you have the freedom to work. If you ignore warnings and continue to work, you must know that there will be fighting during the course of the development process" (Nai, Interview, 18.05.07).

Some participants indicated that falsification of genealogies and historical narrations are impacts of land disputes. Given the secrecy of those issues, the impact is that it gives room for manipulating this secrecy in the current society. For example, a participant stated: *"The fact that those things were kept secret, anybody with constructive ideas could form up new stories and falsify genealogies, claiming it as original to launch a dispute on someone's land"* (Fiu, Interview, 12.05.07).

According to the participants, although the chiefs realized inaccuracy in genealogies and stories false claimants have acquired land titles from the legal court systems. This impacts negatively on the traditional investment systems as well. A participant stated: *"Relatives were traditionally helping each other on the principles of 'one good turn deserves another' but land disputes destroy this apart"* (No'oaabu, Interview, 06.06.07).

4.2.4 The importance of extended family in the To'abaita traditional society

According to the participants 'extended family system' is an integral aspect of their culture and life style. They defined it to include all the members of a household (parents and siblings) including grandparents, uncles, aunties, cousins, nieces and nephews who are related by blood.

Some interviewees indicated that traditional life style is about people having good relationship with one another as they depend on each other. A participant stated: *"Good and close relationship between members of the tribe and extended families are important parts of out traditional society"* (Ruruu, Interview, 10.06.07).

Another participant clarified that respect, manner and friendliness are some values that band people together. He stated: *"Traditionally, saying greetings and shaking of hands when meeting a family member are all that was necessary as giving something at such event was not expected given the poor situation of life"* (No'oaabu, Interview, 06.06.07).

Two tribal members highlighted that chiefs and tribal members depend on each other in strengthening their indigenous knowledge about land and cultural. A participant commented that they supported their chief in discussing land issues and testifying the truth about the land. He stated:

> *"We always work together with him because it is for our betterment. His expectations wont be let down as we stand with him with good heart and faith. In our past court cases, we gave him all the support as he pursued on our behalf. We witnessed in court to supplement his arguments that we are the people of the tribe, and our chief is our leader whose tribe being the priesthood one"* (Tuu, Interview, 03.06.07).

Another participant commented that traditional lifestyle enabled people to work together towards eliminating corruptions of falsifying narrations and claiming of land. He claimed:

> *"The tribal chiefs need support from all members of the tribe especially those from the female lines (waikwelina) who will testify and provide supportive statements that will give evidences of truth about the male line (wela kwalafia). He also needs help from his tribal members to help broaden his knowledge especially regarding points of law"* (Afuiniu, Interview, 17.05.07).

4.2.5 Gender and participation in rural affairs

According to the participants rural affair is referred to as 'rural sphere of life,' which include the decision making processes and the rural culture of life. Commenting on the issue of gender equity in rural affairs, a participant commented that traditionally female is a female and male is a male. He was implying the hierarchy of status which believed to have come about through cultural believes and norms. He stated:

"Gender destined responsibilities were ordained to them by nature and by culture. The believed hierarchy was that God headed the men, the men headed the women and the women headed the children. In this hierarchy, the women must honour their heads (the men). The way they talk, work, walk, and the way they dress must reflect honour and respect to their heads. This was the traditional categorization of humans" (Toratora, Interview, 21.06.07).

A female participant commented: *"We suffered social inequality[14] in our communities for ages and is still continuing. I do not know when it will stop…may be the government should help"* (Sobe, Interview, 24.06.07).

Three other participants raised the issue that both the systems of matrilineal and patrilineal ownership of land in the country have placed people in superior and inferior positions. One participant commented: *"In this monetary age we only need to acknowledge one another as members of the tribe (be it female or male lines) and treat each other equally with respect to land issues, its resources and participation"* (Kwisi, 10.07.07).

Another participant commented: *"The women are eager to have development in the land that they can be equally involved because they need other skills to help them in their house job of shouldering the family burdens"* (I'ikafo, Interview, 11.05.07). Two other participants commented that inequality of gender participation in our development projects is contributing factor to project unsustainability. For example, a tribal chief stated: *"Females have felt being segregated and have left out from participating in rural development projects"* (Ruruu, Interview, 10.06.07).

A female participant commented that gender involvement in rural affairs is unequal and women remained in silence because of cultural constraints. However, the participant commented; they have been suffering under segregation of labour and under notions of superiority and inferiority therefore, begin to experience intolerance. She stated:

> *"We (women) cannot hold on as we suffered long enough, we dwelled under injustice long enough; we have been segregated long enough. It is time that if our male partners don't want to consider us; we will involve ourselves in spheres preserved for men"* (Kukua, Interview, 04.07.07).

4.2.6 Possible strategies to reducing/resolving land disputes on customary land

The following data were collected from church leaders, a government stakeholder, tribal chiefs, tribal member and a local court judge on whether or not there are possible strategies through which customary land disputes could be reduced or resolved.

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[14] Referring to unequal gender participation in decision-making processes that resulted in unequal benefits to both genders.

One participant commented that there are two possible strategies to reduce/resolve land disputes. The first is 'fearing God' and second is the 'Family Tree Approach' (discussed in Chapter 5). He stated:

> "God gave Ten Commandments which he promised judgement to those who act against it. Some of the commandments include; thou shall not steal, thou shall not lie, love thy enemies as thyself. If people fear God (who will on the last day pronounce judgement on those who did not obey) I believe there will be no stealing of land, there will be no falsification of genealogies and lying in courts, there will be no jealousy, no pride, no selfishness, no corruption and so forth. I believe if people fear and have reference for God they will love one another; they will live in harmony and in tolerance with one another. People will enjoy love, unity and peace of which I believe land dispute will be reduced" (I'ikafo, Interview, 11.05.07).

Another participant commented that living a Christian life will reduce land dispute. Christian beliefs may influence people to realizing that justice is vital guide to lead and to rule. He stated:

> "Godly living should be experienced within individuals, families or within tribes. I believe, the day individuals, families or the tribes realize their God in fullness and walk with him in righteousness they will see their fellow men as all brothers and sisters and they will see land as only temporary home. This realization will certainly reduce land dispute" (Kekero, Interview, 14.05.07).

One participant maintained that Local Court is one of the right avenues to address the issues and settle disputes. He based his comment on the issue that judges of this court have had wider experience in the job as they have been doing it everywhere. He believed with such broad experience they are the right people to deal with land issues (Kwisi, Interview, 10.07.07). However, one of the interviewed Local Court Judges denied the effectiveness of Local Court. He argued that the judiciary are yet to discover an effective strategy potential of resolving customary land issues in the Solomon Islands. In a statement he claimed: *"Since the establishment of the local court in 1977, any better way to deal and handle tribal land cases effectively is yet to be discovered"* (Kee, Interview, 26.05.07).

Four other participants argued that nothing else has potential to reduce customary land issues unless the indigenous knowledge of tracing genealogies, traditional narrations and identification of shrines and gifts are attempted. For example, one of them stated:

> "I strongly believe that the idea of formalizing the indigenous knowledge of tracing genealogies, historical tales and all customary evidences of land ownership will help reduce all forms of disputes we are experiencing about land. I had witnessed the failed strategies that instead of resolving land issues, have responsible for causing more problems. Two obvious

failures are the Local Court and the Customary Land Appeal Court. I can tell you, they are total failures" (Fiu, Interview, 12.05.07).

4.3 Land and rural development

This sub-section is about areas of land and development in the To'abaita rural communities. It covers issues include; conception of the terms 'landownership and development', the constraints to rural development projects and sustainability in To'abaita, and making the way for development and sustainability.

4.3.1 Conception of landownership and development

Participants who contributed exposed gestures clear enough to project their inner feelings. Four of them asserted that the word **'landowner'** was not known in the traditional society and referred to it as 'foreign concept' brought in from outside. For example, one of them stated:

> *"There wasn't anything as 'landowner' in the To'abaita indigenous language since time immemorial. Despite patrilineal or matrilineal systems of land ownership; the whole tribe owns the land. Either a person is from the male line (welakwalafia) or from the female line (waikwelina), the land is tribal. This is why it is so difficult to convince the whole tribe to adopt the foreign system or to give in to accept what is known as landowner"* (Kwikwisi, Interview, 26.06.07).

The participants claimed as long as a child (male or female) is conceived in a tribe, he or she is automatically having the right to use the land and its resources. They claimed, although there was a tribal leader with whom the priesthood was traced, such leading line was only responsible for prayer offering, land knowledge acquisition and other traditional leadership roles. A participant stated: *"Leading lines are not superpowers over the land. All members of the tribe have equal rights and privileges to use it"* (Kaule, Interview,19.05.07).

According to the participants; this traditional prestigious leadership role is abused in the advent of the term 'landowner' in the current society. For example, one participant stated:

> *"The word 'landowner' is not only interpreted differently but also opposing to traditional understandings. The local people see the word as 'power'. To assign land title to an individual is perceived as empowering that person. This prestigious empowerment is what people struggle to acquire in the current society. This struggle is known as 'land dispute.' People perceived, once they have that power, they will have the strongest say in any form of development on customary land. They will have the power to accept or to refuse project proposals. The introduction of capitalism is changing the concept of tribal land ownership to* **personal** *or the* **first born** *land ownership. This would mean no matter what the person looks like (ugly, educated/uneducated, poorer etc.) he/she will overpower other fellow tribal*

members upon gaining the land ownership title. The understanding is; unless you were crowned with the word [landowner] you are powerless to use the land or its resources. It doesn't matter, whether you are a member of the tribe, what was experienced is those who were assigned as landowners always ignore other tribal members. They even did not dare to listen to other members of the tribe...eh you no any ting ..mi na boss! (heh..you are nothing, I am the boss). This is abuse of power" (Kaule, Interview, 19.05.07).

The participants commented that empowerment and assignment of title is a form of corruption at tribal level. This critique is based on experience that, forms of income generating developments; had in the past only benefited the 'landowners' while many others within the tribes suffered neglect. The tribal members remained as they were with their problems mounting. One participant claimed: *"The word 'landowner' has tied up with the word 'development' to cause complex problems on customary land"* (Kaule, Interview, 19.05.07). Another participant stated: *"I perceived the idea of 'landowner' as gate way to corruption because project consultations were only done between the so-called 'landowner' and the donors while ignoring all members of the tribe"* (Kaabora, Interview, 07.07.07).

The other benefit to having the title 'landowner' is to utilize the name to secure funds. Kaule indicated:

> *"Funding groups do not recognize any one's project proposal than the person entitled 'landowner's'. Although you are a member of the tribal land your application will be turned down unless the land owner's name is on it"* (Kaule, Interview, 19.05.07).

The terms primary landowners (ownership rights), secondary landowners (access rights), custodianship and trusteeship were discussed with relevant stakeholders. According to them those common law concepts have not been grasped by the public majority. One participant stated: *"The legally trained and educated can differentiate, but for the majority these concepts need explaining and re-explaining"* (Kiro, Interview, 09.06.07).

One participant commented that the legislature and the government have made terrible mistakes in throwing down these concepts to illiterate populace in the rural areas without explanation and without considering their side effects. He stated:

> *"The terms were thrown down by government into customary land with the intention of knowing which person within the tribe to consult should there be a development initiative. They throw down the words without knowing the side effects"* (Kwikwisi, Interview, 26.06.07).

According to the participants negative effects surfaced negative leadership qualities which rather than developing, destroyed tribal and family bonds. Kwikwisi further mentioned: *"Those who were*

crowned with the word 'landowner' have abused its purpose and normally dictate everything on tribal land making it vulnerable to disputes" (Interview, 26.06.07). A legal practitioner appealed for the people to be clear about the issue that the person whom we called 'landowner' is not the owner of the land but only the 'custodian' over it. In rationalizing this he stated: *"When we bestow someone as a landowner he or she would build up on it and become resistance to the extent where we will dispute one another within our own tribe"* (Nuta, Interview, 15.06.07).

On legal perspectives the lawyer clarified ownership of land with respect to primary and secondary rights. He interpreted:

> *"Our land is tribally owned by people of the same tribe. Therefore all of us whom our fathers are from the tribe are owners; meaning we have the primary rights to the land. Any commercial indication of development has to be channelled through a committee which will be formed by the male line (wela kwalafia). Those from the female lines (di'i or waikwalina) have the secondary rights. Meaning they only have access to land to make gardens for family consumption and not the right to involve in any activity that domain in commercial nature"* (Nuta, Interview, 15.06.07).

The above perception surfaces the incongruence between the English common law and the customary laws. One interviewee metaphorically explained as 'troubled marriage.' He argued:

> *"For me the biggest complexity is in the often 'troubled marriage' between the adopted English common law perspective of land ownership and our own customary laws. I agree with critiques that some of the concepts, including primary and secondary rights, and the process of land registration and title ownership have, in my opinion, contributed towards muddying our public opinion and collective thought on land issues in our shores. As I see it, we are in limbo, as the aforementioned marriage between two sets of thinking on land has in many instances bred an off spring that is a split personality of the two. Of course culture adapts and changes with time. Our constitution already recognizes the role of customary and many of our people still claim to hold on to custom. The challenge lies in making the aforementioned marriage work"* (Kiro, Interview, 09.06.07).

Another participant argued for the customary perspective that those from the female lines (wai kwalina) are equally important to them and is imprudent to classify them as primary and secondary landowners. He claimed:

> *"Most of this so called 'secondary landowners' are our own blood. I found it absurd to confine them to access rights only. To be frank, the secondary landowners are our sister's sons and daughters, and why reducing their chances to equally benefit from their forefather's land?* (Kaabora, Interview, 07.07.07).

4.3.2 Constraints to rural development projects and sustainability in To'abaita

The participants asserted that the traditional values people held about land had been perpetuated and can still be seen in the current society. They commented that tribal chiefs are still very strict in ensuring that land is treated in honour of the ancestors. The sacred sites must be out of bound to anyone and trespassers pay compensation or beaten. The participants commented that as people show loyalty to those beliefs, it contributed to hindering development initiatives. One of them stated:

> *"The very old mentality possessed by forefathers still hugely clogged people's minds that they only love their land and just wanted to keep it in shape and to maintain its spiritual attachments and that's about it. I see such mentality had been perpetuated. Many of the current proposed developmental ideas were opposed by the oldies who often asked, 'Why have you destroyed that tree? What are you doing to that river? Don't go there, it's a sacred site!' All such traditional guides constrained rural development on our lands"* (Koreo, Interview, 22.05.07).

Seven other participants commented that land disputes are the major constraints to rural development initiatives and sustainability. They asserted that investors cannot show interest or carry out development on land that ownership is not clear. They claimed that investors do not want to get disturbed by too many disputes once they start to work. They commented that land dispute is the deadly weapon against development initiatives because once it developed it takes time to be sorted. One participant highlighted:

> *"Land dispute is the main stumbling block against development activities and sustainability. The problem with land is different from any other problems like fighting, stealing, fornication, adultery, swearing and so on. The problem with land disputes are that it takes too long (some years) to get them resolved thus disturbs development progresses. Some of the causes are so small but if it ties with land, it will be resolved within years. Therefore, land dispute is the worst in delaying development progresses in To'abaita. Investors knew it well and the day they realize it evolving, they will start packing up and leave. I am sad to say that To'obaita is among the worst regions involving a lot in land disputes"* (No'oaabu, Interview, 06.06.07).

Two participants commented that intra-tribal arguments over leadership position also occur on some tribal lands. According to them it is equally destructive to developmental initiatives like land disputes. For instance one of them stated:

> *"Some members of the same tribe on many occasions experienced arguments among themselves over leadership positions. Even two first cousin brothers can argue over that. Sometimes the son of the first born always argue that he must be the tribal leader but in some cases the son of the last born has the qualities expected of a good leader. As experienced, severe arguments have occurred which made the situation really uncomfortable for development activities to progress well"* (Toratora, Interview, 21.06.07).

Six other participants commented that unsustainable developments were widely experienced in To'abaita due partly to improper consultations. According to them, consultations have either been inadequate or had only been done through someone who is not a member of the landowning tribe. One of them commented:

> "One of the reasons for project unsustainability on our customary lands is improper consultations with landowning groups. The investors failed to realize that customary land is tribal and not an individual currently known as 'landowner.' Investors normally consult wrong people. Investors normally made their way into customary lands through a person he was familiar with (known as middleman) not directly to the landowning group. This was the biggest mistake most investors normally committing" (Bina, Interview, 04.06.07).

One participant stated: "The luck of expected consultations will result in intra-tribal multidimensional disputes which will impact negatively on project sustainability" (Fiu, Interview, 12.05.07). Another participant stated: "There was often lack of clarification of aims and objectives of development projects on customary land. Normally the landowners questioned such silent progress – what is the intention and why is it progressing silently?" (Kaule, Interview, 19.05.07).

Three other participants indicated that unsustainability of rural development projects was due partly to lack of management skills. They commented that 'management' is a skill and most managers have not shown enough of it in rural areas. According to them, project managers and implementers have shown low regard with respect to culture and are too rigid. For example, one participant stated:

> "There are things that I see hampered sustainability of rural development projects. Project managers and implementers have lacked some of the important management skills especially for the rural areas. I think 'management' is a skill. Such skills takes note of cultural issues, takes note of human behaviour (because we are working with people) and those with such skills must be considerate rather than being too rigid. Such qualities are important and are expected of managers in the rural areas. Most of the times I have seen that such are missing and are partly responsible for project unsustainability in rural areas" (I'ikafo, Interview, 11.05.07).

Another participant supplemented that understanding the rural people means understanding their culture and lifestyle. Managers need such understanding in order to operate harmoniously with the people. What the participant termed as 'clash of culture' has according to him contributed to unsustainability of rural development projects in the To'abaita rural areas. He claimed that indigenous cultures are integral part of people's lives especially in the rural areas. He stated:

> "Investors in rural areas need some level of integration in the culture of that particular place. This is one of the important aspects that if ignored, will have immediate impact on the

development activity that is going on. Showing respect through actions, talking, and decent dressing are expected. Adding to poverty status of the rural populace they will ask for compensation if anything goes wrong. As experienced continuous compensation had negative impacts on project sustainability" (Tuu, Interview, 03.06.07).

A participant commented that the To'abaita Constituency Funds (provincial and governmental) had for long been utilized under corruptive practices and no tangible development initiatives had been pursued. The politics of iso mai; iso kau (I do to you what I want you to do to me) had been the constraint to To'abaita rural development and development sustainability. He claimed: *"if a politician wants to keep his/her seat in the next election then he/she has to follow what the voters want (receiving hard cash) in order to get their ballots"* (Bina, Interview, 04.06.07).

According to some participants; underdevelopment in To'abaita is the product of mismanagement of constituency funds. The leadership style of 'hard cash' delivery to constituents has to a higher extent responsible for the so-called underdevelopment. For example; a participant claimed:

> *"I personally think that To'abaita has not achieved much in terms of development because our representatives at the national and provincial levels of governance have adopted the approach of giving assistance to rural people in the form of 'hard cash'. Funds have been continuously misused for reasons not intended for"* (Tutuieu, Interview, 29.06.07).

Another participant argued that condemning leaders for irregularities that contradict proper development principles is not only unfair but defamatory. He indicated that rural people must shoulder part of the blame for pursuing 'hard cash' in the name of venturing development initiatives. According to him; this is an attitude problem. The participant argued:

> *"The attitude problem with our people is that they do not think that long term tangible development projects such as schools, clinics etc... are any better than short term quick fixes. If as a leader you go against this conventional expectation then you are expected to take the exit during the next election. Until and unless To'abaitans change the mindset that Rural Community Development Fund (RCDF) is all about getting free hard cash to their plates then development is still far from us"* (Tarangede, Interview, 10.06.07).

Six of the participants reiterated that attitude and criminal issues have to some extent been responsible for unsustainable development projects in the Toa'baita rural communities. The following issues were noted; poverty, corruption/dishonesty, jealousy/selfishness, stealing and offences caused under kwaso activities (drunkards under liquor). The participants believed, to address issues affecting sustainable rural development the issues noted here must be considered. For example; a participant claimed:

> *"Poverty has opened the door for corruption, jealousy/selfishness and other criminal activities to take root which impact negatively on our development initiatives. Dishonesty is a*

known poison that kills development endeavours in our rural communities" (Fiu, Interview, 12.05.07).

In view that jealousy and selfishness are obstacles to development in To'abaita; a participant commented that we don't have to look far to realize it happening. He stated:

"... a good example is that; if you look closely into all the To'abaita villages you will see that as soon as one person in the village starts a canteen shop...within six months you will see almost the whole village has a canteen at each household. Or if one person starts a bakery, the whole village will start to bake cake ... to achieve sustainable development that shouldn't be how things be done ... we need to diversify small business activities in our villages. If somebody starts a canteen shop or bakery, others should venture into something else so that everything fits in well together. If according to the above pattern; a village that has ten households also has ten canteens ... [amazing]...who will buy from those? This unfortunately had only been infuriated by jealousy and selfishness. I have been to a lot of different communities throughout the Solomons and they were not really the same as we do in the above example. Secondly; if people learn that a new development project will happen in To'abaita the next thing to expect is the mentality that only one or just the two people who channel or facilitate the project will benefit more (in terms of money) To avoid it people fight each other or go to court or steal from the project or ask compensation from people...those things are caused by jealousy and selfishness...

[See original version: mix Solomon Pidgin and English in Appendix 1.]

One female participant argued that jealousy and selfishness are not roots of the problem; they are only symptoms of a cause. She stated: *"In my view, jealousy and selfishness occur in To'abaita when individuals/people feel insecure, mistreated, threatened, or vulnerable in achieving socio-economic wellbeing and satisfaction"* (Kukua, Interview, 04.07.07).

Two participants commented that To'abaita rural development projects fail because they were all 'top down.' They believe top down approach to projects is irrelevant to the To'abaita rural people. According to them people do not have the passion for what they are doing because it is designed by outsiders. One of them stated:

"Many projects were not sustainable because they were all top-down. It was planned and designed by outsiders (government or foreign investors). We would love to do something that comes out from our hearts. Involving with top down projects is like forcing us to do something we are not passionate about. Rural people clogged with mentality that those projects belong to foreigners and the government. What we though we were doing is we are working just for wages. Thus, expecting good wages and our welfare better looked after. Such expectations if overlooked will result in increased stealing of project properties, vandalism and some

complex disputes that will result in fighting and early closure of such projects" (Toratora, Interview, 21.06.07).

4.3.3 Making the way for development and sustainability in To'abaita

The forgoing findings revealed that development activities had been severely constrained in the To'abaita region. The discussions also revealed that the few established ones were prone to unsustainability. Under this heading, the research participants proposed possible alternatives attempting to make way for development and sustainability in the To'abaita region.

Application of indigenous knowledge

One female participant expressed thoughts in relation to land issues and rural development initiatives that government leaders need to collaborate with tribal leaders and find out the kind of development that can be easily integrated and incorporated into their (the To'abaita) kind of complex land tenure system. She raised:

> *"We need to find out the kind of development that will maximise benefits but with less tension in terms of land disputes. Since our country has a very complex land tenure system we need to find a way that we (North Malaitans) can transform those weaknesses into strengths so that we can enjoy new developments"* (Sobe, Interview, 24.06.07).

Seven of the participants firmly believed that the core of the problem lies with land issues. They therefore suggested that in order for development activities can go successfully and the rural people benefiting; resolutions to address land issues must be attempted first. One other female participant indicated that the fact that land ownership is not clear has given room for the many development constraints indicated earlier. She therefore believed that the complexity of land ownership can be solved if there is a recording strategy for all land whether customary or governmental. She believed through recording approaches; true tribal land owners will be clearly identified. She is of the view that as land ownership is clear and boundaries demarcated there will be no complex problems and customary land will be attractive for investors. She believed clarification of tribal land ownership is important for development consultations. According to her; royalties and legal compensation payments normally end up in the wrong hands because such things are not in order (Kaakaa, Interview, 13.06.07).

Sobe indicated that we need to find a way so that our rural land owning tribes aware of their land rights and minimise land disputes and allow for development initiatives. She stated: *"We [the rural people] need income generating developments but land situations inhibit it. We need to find a way to resolve our land issues"* (Sobe, Interview, 24.06.07).

One other participant commented: *"Discussing the complexities of customary land tenure system in To'abaita is in my mind, at the heart of the issues we need to address if we are to move forward ... say in the pursuit of sustainable development"* (Kiro, Interview, 09.06.07).

A male participant proposed that we need to revisit and seriously utilize our indigenous knowledge (customary laws) to solve our land issue problems. He believe the best way to do it is that each of the To'abaita main tribes has to straighten itself through tracing their genealogies. Any sub-tribe that thinks they are connected to a main tribe both leaders must reconcile it. He raised those tribal leaders whose boundaries bordering each other need to compromise and reach consensus. He suggested that tribes who are going through this process need to declare it ceremonially attempting wider public awareness. He stated:

> *"We really need to identify through indigenous knowledge which tribe or tribes that truly own the land of interest. This is for the purpose that if there is any development prospective for the land, consultations and negotiations can go directly to the true tribal leader or leaders. I believe the application of indigenous knowledge will clarify who the true landowners are and will enable prospective projects to progress through meaningful negotiations and consultations"* (I'ikafo, Interview, 11.05.07).

Another participant supplemented I'ikafo that:

> *"The cornerstone to addressing our problem of land issues in To'abaita is through application of indigenous knowledge. If all the tribes of To'obaita have gone through the process, everything will be fine because all unnecessary disputes will no longer be rooted in land"* (No'oaabu, Interview, 06.06.07).

Proper consultation

One of the participants commented that tribal leaders need to make their tribal members aware of the plans for the land. According to him; leaders and their tribesmen need to seek each other's consent and cater for tribal involvement in any proposed project so that they feel ownership of it. He argued:

> *"People normally use the rights they claim on the land to disturb development initiatives once they are not satisfied. To reduce such; leaders must ensure their tribal members are aware and agree upon what is going to happen on the land"* (Fiu, Interview, 12.05.07).

Another participant elaborated that intra-tribal consultation is crucial as there are tribal members who have individual or family properties on the land. Those people need to be consulted prior to any projects on those sites. Not only that, but according to this participant tribal members need to know that development projects are coming to their land and that they are aware of the objectives and aims. He claimed: *"Lack of such consultations and revelations of project objectives will result in project unsustainability"* (Kekero, 14.05.07).

Another participant commented that projects can be successful if the true tribal leaders are respectfully consulted by investors to run projects on their land. He argued: *"If investors are consulting the wrong people, projects would always be vulnerable to collapse even within weeks"* (Ruruu, Interview, 10.06.07). A tribal member commented that it will be better if tribal leaders are consulted so that they can consult their tribesmen. He pointed out that on some occasions the project activities does not reflect the agendas agreed upon during the processes of wrong consultations. He stated:

> *"I believe if developers are explicit about the objectives/aims of development activities during consultations with tribal landowners, there wouldn't be any complex problems. As experienced some developers signed agreements with relevant stakeholders for small scale projects but then implementing destructive activities which were not part of the agreements"* (Kaule, Interview, 19.05.07).

Survey and research

Six of the participants recommended that to ensure sustainability of rural development activities in To'abaita some thorough survey and research are fundamental. They strongly emphasized that the government needs to implement a To'abaita research group that can move around to get people's opinions and ideas about rural development and the types they prefer involving with. They emphasized that the high level of illiteracy in rural communities needs attention and some awareness or education programmes are necessary to get people's heads around developmental issues. One participant made reference to the current government's 'Bottom-up Approach' (BUA) which he believed the rural people need to fully conceptualize to maximise benefits. He stated:

> *"Currently the government is emphasizing the BUA but the rural people need to be made aware of what the BUA is and its intentions. If this is not happening, no one will be prepared to have a go on it in the rural settings. I found out … even with the well planned project on the Aluta basins (the oil palm plantation project); where everything seemed to be well organized and documents being signed, there are still some disagreements/disputes from other members of the tribes. I can say there was no better implementation to find out the rural people's ideas. I believe even the next generation will still be in this same situation. I suggest a research group need to go around finding out people's ideas. It is the rural people's views and ideas that needed to be brought up to the government level (bottom up rather than top down initiatives). Most of the times planning and designing takes place in the government offices and as experienced projects implemented under such designing have not been successful. Much of such project funds had all been exhausted during all the meetings and the projects never complete. I therefore suggest; any project for rural areas must come from the hearts of the rural people themselves. The objectives and the intentions must come out from them so that they love what they involve with"* (Bola, Interview, 14.07.07).

One other participant commented that there is a need to realize the people's perspective of development and what they want To'abaita region to become in the future. He commented that there is a need to find out how much land is available or allocated by tribes, clans or families for development purposes. He stated: *"I think the only way in which this could be done is through proper surveying or researching throughout the whole constituency"* (Anakwe, Interview, 13.07.07).

Three other participants commented that people really need to identify through research the type of development that suits the people and their resource capacity. One of them for example stated: *"We need to identify the type of development that suits us through proper researching into such types of developments as; individual, family units or large multi national investments"* (Kilakila, Interview, 23.06.07).

A female participant compliments the research idea to be carried out in the To'abaita rural communities as the best way to ascertain what the people really think and feel about rural development. She suggested a survey or research must aim at capturing diversity of opinion from various stakeholders of available works of life. This according to her will enable discovery of useful ideas that will ensure sustainability of rural development projects without coercing individual rights. She stated:

> *"To find answers to our developmental problems we need to collect through research the different ideas and opinions of different stakeholders such as; our elders, chiefs, scholars, academics, politicians, legal practitioners, religious leaders, women, youths and other interest groups. We need to reveal through research the right kind of development that best suits our area and that which addresses the problems without violating the rights of individuals therein"* (Kaakaa, Interview, 13.06.07).

One of the tribal chiefs commented that the idea of surveying and researching is the right move for development on customary land. He expressed his opinion that the survey or research approach should not only focussing on collecting ideas but should also finding out the suitability of land for relevant kinds of development activities and the types of natural resources in the earth and on the surface. He proposed that government surveyors and researchers need to confirm to the people what resources are available on their land. The important point according to him is transparency. He highlighted that tribal members have the right and the need to know what resources are on their land. He believed once this is done properly tribes will organize themselves how they use the land as they wait to accept development activities. Following is how he explained this:

> *"Transparency in the area of land survey is important. The government need to show clearly what resources are available on people's land so that they straighten and organize themselves. They will identify where they need to preserve for subsistence cropping and which area they will allocate for commercial developments. These so that in people's daily activities*

on the land they can have common knowledge that certain area are kept for certain development activities. If we only heard of development but have not specified which block of land is suitable or which resources are in which blocks the tribal members would not have clear conscience of what is going on and dispute may likely to occur. I recommend that the division responsible for surveying the land for tribal groups and prospecting for minerals and other resources must do it and be transparent about it. The tribal leaders need to transfer the survey/research findings through awareness talks to all members of their tribes. This is so that when they hear of development privileges they would say ... oh, this is the place kept for it or they would say...this was where you have prospected...you can now go on; we have straightened ourselves and its now all clear for you. I believe there will be no problems if things are happening that way with all the tribes" (Kwikwisi, Interview, 20.06.07).

New mindset for development

Some of the participants commented that to enable development activities and sustainability on To'abaita customary land; To'abaitans need to have new mindset. According to them; development initiatives will always be constrained and vulnerable to unsustainability if people do not change their bad attitudes and way of thinking. They indicated that coping with life in the modern society needs positive thinking and constructive mentality. For instance, one participant claimed: *"People need change of attitudes and new mindsets to be able to catch up with the modern standard of living. They need to pursue development activities constructively to be able to improve their well-being"* (Koreo, Interview, 22.05.07).

Three of the participants stressed that conducting relevant developmental awareness programmes are essential moves in pursuit of inducing better knowledge (new mindset) in the To'abaita rural people. One female participant stated: *"We have a need to drive our people's way of thinking in other words to make them aware of the need for development in order to influence their way of thinking"* (Kaabora, Interview, 07.07.07). The three participants made particular reference to the issue of hard cash mentality raised earlier that unless people change those; development and well-being are too far away. The three participants all agreed that in order for the people to have the new mindset; educational awareness programmes have to be carried out. One of them stated:

> *"As our people have the mentality of seeking for hard cash; our educated elites have the responsibility to play a part in making people aware that hard cash is not the primary solution to achieving sustainable rural development in To'abaita. Although we may claim to have enough schools or clinics, if our people maintain the attitude of asking for compensation from our nurses and teachers and stealing from established companies; there will be no benefits in them at all"* (Tarangede, Interview, 10.06.07).

Two other participants commented that representative politicians also need to redesign their development plans and stop the habit of issuing hard cash to the people. They stressed that the constituency representatives need to prioritize developmental areas and engage more in tangible ones. One of them proposed:

> *"Leaders need to stop handing out hard cash and invest in developments that can bring continuous long term benefits to the people. Leaders and their people of To'abaita need to have new mindsets to pursue sustainable rural development for the benefit of everyone"* (Tutuie'u, Interview, 29.06.07).

One other participant made similar comments in proposing the possibility of developing "Industrial parks" on registered government areas such as in Malu'u and Fulifo'oe. In aiming for sustainability of small entrepreneurial businesses for those who would like to pursue he believe an 'industrial park' will set an appropriate move especially when issues of customary land are still outstanding. He believed an industrial park initiative will help reduce the 'copy-cat' business style at village level as raised earlier. (Okowaa, Interview, 04.07.07).

Good governance with appropriate laws

Some of the participants commented that good governance with appropriate policies and laws are crucial for rural development initiatives and their sustainability in the To'abaita communities. One participant argued development activities that came through were affected because provincial and national governments were not organized properly. He believed that good governance eradicates corruption and reduces poverty. He commented:

> *"If the governments are sick, anything that comes through it will also be sick. We need proper awareness, we need capacity building, we need to eliminate corruption, we need to eliminate nepotism and we need improvement of well-being"* (Kikidukome, Interview, 26.06.07).

Kikidukome further referred to a past time when people initiated a kind of entrepreneurial development known locally as 'Society'. It was basically community aspiration. According to him unsustainability of that initiative was due to lack of management skills and waves of corruption. Further to that he stated it was failed as people lacked experience and had no ownership feelings of it as there was no awareness of who owns it, how people could be benefiting and so forth (Kikidukome, Interview, 26.06.07).

Another participant gave his personal opinion that there is no other feasible way of reducing land dispute that hampers development projects and sustainability. The only one way he thought of is; if the national government can make pertinent policies that everyone can work and dwell under so that people are ruled and controlled easily. He believed that church leaders, youth leaders, women's leaders or even the chief's ideas will be overridden by those who may want to push for their own ideas

of doing things. He stated: *"The national government need to make appropriate policies and make them bylaw so that they govern customary land to enable sustainability of development initiatives for the well-being of the people"* (Kekeora, Interview, 12.06.07).

Three other participants commented that in order for rural development projects to be sustainable there is a need for skilful managers and administrators. They believed that the labours (tribal land owners) as other important stakeholders in development projects need to be informed on regular basis on its progress and economic status. Talking about transparency one participant stated:

> *"The tribal members or the workers normally work without knowing if the project generates an income or that they are losing one sided. People normally work hard without knowing what the benefits are. Leaders in the past have not normally given the people the awareness with respect to the intention of the whole project. Lacking such knowledge reduces the possibility of project sustainability. Such awareness be given not only to the tribal members but to all those who are members of the community that harbours the development project. This awareness is intended that those who are aware of the intensions of the project will respect and realize that the success of the project means the success of the people in areas of the people's well-being"* (Ruruu, Interview, 10.06.07).

One other participant supported this issue that better management practices are important for sustainability and success of development projects. He reiterated that leaders who headed development activities have in the past covertly claimed projects to be their own and were normally unwilling to share duties or ideas that may show community ownership or partnership in the projects. This trend according to the participant went on to the points that projects were no longer functional and worth generating any income. He did not see this as only being selfish, he saw it as lacking management and administration skills. He also highlighted that with such leadership styles, corruption can also impede and were evident in many instances. He stated: *"Areas of corruption were to some degree very high in many rural development programmes in the To'abaita region and the impacts were seen in workers or labours held back their labour force and started withdrawing"* (Ruruu, Interview, 10.06.07). He further commented that in order for rural development projects to be sustainable and beneficial to the people better management practices must be in place.

Another participant raised that capacity building (training) is crucial to project sustainability in the To'abaita region. He commented that lacking knowledge, skills or the expertise to carry on progressively is responsible for project failures. He stated:

> *"It is therefore necessary that training must be carried out prior to or even during implementation of projects for success and sustainability. I am recommending training or any form of awareness that may give people the knowledge and clarification they need"* (Kaule, Interview, 19.05.07).

Managing the transition from traditional to modern development

A participant explained that the transition from traditional lifestyle to modern development is important to be managed properly for sustainability of projects. According to him, this area must be taken care of by the management. In furthering the explanation he metaphorically illustrated it as two cliffs and a bridge. Positioning the traditional living style on one cliff and development that focuses on modern life on the other; the gap between the two cliffs is his concern. He fears that rural people will fall and hurt themselves badly between the two cliffs if they attempt to jump from one end to the other. According to him; we need to bridge the gap; and he called the bridge 'transition.' He strongly made the point that we need to design the bridge (transition) very carefully. Rural people have been living their daily lives in subsistence cropping and maybe picking a few coconut fruits and pruning their few cocoa plants, which to them; their means of life sustenance. To involve a community in a new smaller scale development without proper planning the transition will have negative impacts on their lives as they spend most times in new developments and reduce or quit climbing the hills to their potato or taro gardens. New smaller scale developments in rural areas according to him are slow in generating even small incomes and if the rural people spend most of their times in there and less time up in the mountains they will starve before the first small earning. He stated that as experienced; many people will weigh the production methods[15] and started withdrawing their labour which will also contribute to unsustainability of development projects. According to him, the transition from traditional daily production to development initiatives must be carefully planned and handled so that there is no huge negative impact on the traditional production that may affect people's livelihood while involving in the initial phases of project. What he suggested is; while involving in modern developments people also need to ensure their subsistence production is not extremely affected (I'ikafo, Interview, 11.05.07).

Land issues and the need for 'bottom-up approach' of development

Some of the participants strongly emphasized that two things are equally important for sustainable rural development in To'abaita. They commented that land issues have to be solved amicably through indigenous knowledge an approach which also reveals God's justice character among the people. One church leader claimed:

> *"With respect to land, we must begin to see with our minds and hearts the importance of indigenous knowledge that reveals justice in God. Those whom they know that they are not the rightful land owners must submit in the truth of God and return land to the rightful owners as amicable through customary laws"* (Toratora, Interview, 21.06.07).

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[15] Subsistence production and production through development projects.

Another participant commented that the day people realize their God; they will have no ill feelings to one another. He further commented that those who know God will not steal their fellow brother's land. Further more, he indicated that knowing God will reduce corruption, hatred, greediness and stealing. He believed that although it may seem so difficult in handling all these behaviours and attitudes; fearing God is the only solution and if we do, justice will prevail. He believed if that justice prevails, the people will do everything in the Joy of God and whatever their hands find to do, they will do them with joy and happiness (Kekero, Interview, 12.06.07).

Two participants commented that project strategies and approaches have in the past all 'top-down.' They made the comment that the idea of 'top-down' must be replaced with 'bottom-up approach.' One of them made the comment:

> *"Projects were unsustainable in the past because people were doing what they knew nothing or very little about. They were all planned by outsiders who knew very less about To'abaita rural situations and the rural people. In many cases the rural people feel they do not own those projects and even do not willing to learn much about it. Workers who held this view feel they were only labouring for a small income with no feeling of ownership of the project. This is dangerous to sustainability of projects"* (Ruruu, Interview, 10.06.07).

Submit differences

Two of the participants commented that for better progress and project sustainability; every one that lives in rural communities only need to surrender their differences and only need to work collaboratively together. One of them stated:

> *"People need to surrender the selfish mentalities, the theft attitudes, jealousy, aggressiveness and pride and they need to submit to one another. People need to throw all these bad attitudes away because we are all prone to die, leaving all the land and resources behind. While we are still living we need to surrender all those bad attitudes and work together to utilise our resources and enjoy our living. When we die, our children will use the things we left behind. We need to set this example now for the generations to come. We need to see ourselves and our things through this lens so that our own lives helping ourselves"* (I'ikafo, Interview, 11.05.07).

However, another participant argued that the issue of surrendering differences and submission to one another will only work well if the government is organizing a kind of development that may cover the whole To'abaita region so that everybody involves and gets busy and have no time and no reason to argue. This is to engaging all tribes in rural development. He believed if everyone is satisfied nobody will be arguing over land (Kekeora, Interview, 14.05.07).

I'ikafo also proposed another point that if neither of the discussed ideas is potential in enabling rural development and sustainability; all land should be given to the state to manage it for the people. According to him; all people should remain where they are, maintaining their family bonds but the land and the resources be administered by the national government. According to him, this is so that whoever that has money is not constrained to work. As well as that, so that the government exploits the resources to run the country to improve the well-being of the people. He recommended that if that is the case, the government need to allow free primary and secondary education for their kids in exchange for their natural resources. This according to him will be fair for all as it will cover those that haven't got land, who all along remained silence in their communities. Their children will attend schools to develop themselves (I'ikafo, Interview, 11.05.07).

Chapter 5: The Family Tree Approach – FTA

5.1 Introduction

As identified in the previous section (4.2); land disputes have negative impacts on rural people's well-being. The focus of this research is to explore rural people's views on the Family Tree Approach (FTA) and whether this approach is effective in addressing customary land issues.

The material for this chapter comes from semi-structured interviews with relevant government stakeholders, members of the council of chiefs, tribal chiefs, tribal members (males and females), church leaders and women's group leaders. The participants are indicated with their tribes identified in colours Black, Red and Green. In the same manner, members of the council of chiefs are identified as chief A, B, C, D or E (see Appendix 4). The three tribes (Black, Red and Green) have gone through phase one of the FTA. Most of the participants have attended several other FTs that they connected to through female lines.

From the interviews, four major themes (four pillars of the FTA) were addressed which are presented in this chapter. Each of those pillars centres on indigenous qualities and are important for sustainable rural development. Some of those pillars and issues contain several sub-themes, which reflects not only the interwoven nature of the topics, but also the richness of information that emerged from the interviews.

The section then presents constraints and vulnerability issues of FTA, ignoring the FTA, management of risks and vulnerabilities and the call for abolition of Local Court system.

The FTA is a blend of indigenous epistemology, modern practices and Christian principles. It is about all tribal members connected by blood (from male or the female lines believing to have come from the same ancestor) working thoroughly with diligence and care through their genealogies (talisibaraa), their pagan priesthood histories (foa'a kera ki), their historical profiles/tales/narrations (u'unu i biu kera), their shrines/sacred sites[16] (gwa biu ni foa' kera ki), the land boundaries; including such issues as; gifts they (ancestors) had given out or received as token of appreciation or as means of compensation (nga falea ki i laa gano), properties in the land (ma'a ote ki, kekene, tai 'ai etc.) and other small things that are worth naming. The FTA can be diligently implemented by discussing and consulting with each other and then the written outcome of these discussion and consensus ceremonially declared and signed by chiefs on set dates. Such indigenous things are strong evidences of land ownership. No one person owns any of these things, they are tribal (Kekero, Interview, 14.05.07).

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[16] Traditional sacrificial and burial sites.

Nai (Interview, 18.05.07) and Kekero (Interview, 14.05.07) have both defined the FTA process in the To'abaita lingua as 'Sulagwaua bia gano' – meaning 'tracing tribal connections with land in recognition, reconciliation and recording; promoting the mandates 'unity love and peace.' For example, Kekero stated: *"The family tree approach is restorative programme with four pillars; 'Recognition, Reconciliation, Recording and Registration.' Without one of these; rural development cannot happen"* (Kekero, Interview, 14.05.07). Most participants commented that FTA involves structuring, reviving and formalizing indigenous knowledge and customary laws that govern customary land. According to the participants, genealogy tracing through all evidences of land ownership are integral parts of indigenous life with nothing new. However, attempts to formalize it as an approach aiming at reducing encumbrances of well-being in the current society was initiated by Rev. Michael Maelia'u of the Abuibiu' (Baleafoa') tribe. A member of the council of chiefs explained: *"Michael Maelia'u began the approach with his own tribe in the mid-1990s with prayer visions of 'Restoration' for justice and peace"* (Bina of Black tribe, Interview, 04.06.07). Bina further indicated that the Abuibiu' tribe has gone to the third phase of the FTA process while the rest only reached phase one. Known for its values the Manulafa House of Chiefs (in To'abaita) became the power house in ensuring the FTA is used throughout the region. Three participants including Kekero have indicated that out of approximately 20 tribes within the To'abaita region, the 12 tribes that have done phase one of the FTA include A'inigaule Tribe, Abuibiu' (Baleafoa')[17] Tribe, Bita'ama Tribe, Elita Tribe, Gwaasi Tribe, Kwaibale Tribe, Oba Tribe, Takiniano Tribe, Te'ekwali Tribe, U'ala Tribe, Ulaa Tribe and Ulubiu Tribe (Kekero of Black tribe, Interview, 14.05.07).

5.2   The four pillars of FTA

5.2.1   Recognition

Most of the research participants spoke with enthusiasm in claiming that FTA is an appropriate programme for contemporary life in Solomon Islands. According to them, the fact that tracing genealogies go back to the first settlers on the land has given satisfaction and has clarified doubts that existed. One of the participants claimed that indigenous knowledge indicated that only a few settlers (brothers and their wives) arrived to settle in Toa'baita. On this indication, he believed this living generation have emerged from the same ancestors (Bina, Interview, 04.06.07). A Local Court judge supported the assumption: *"In my view, every tribe in To'abaita is related. Their blood line is almost connected everywhere"* (Kee, Interview, 26.05.07). He further indicated that FTA is still at the initial stages but many people believed, it would be confirmed at the end of the process that all tribes of North Malaita emerged from the same ancestor. He believed if that is happening; the priesthood lines will be clearly identified, thereby reducing all related problems. He stated: *"Through the process, we will be able to realize which tribe within the land has the prayer handed down and holds priesthood.*

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[17] Abuibiu' and Baleafoa' are two names referring to the same tribe. This tribe belongs to Maelia'u who promoted the FTA movement in To'abaita.

The FTA shows where everyone belongs and tolerates no falsification" (Kee, Interview, 26.05.07). Another member of the council of chiefs supplemented those comment by saying: *"Although it is not explicit now; one day it will be proved through the FTA that everyone in the To'obaita region have come from the same ancestor and will acknowledge being related to one another"* (Bina of Black tribe, Interview, 04.06.07).

Most participants indicated that tracing genealogies are done through the priesthood male lines omitting the female ones which according to them are equally important. They believed the complex disputes and related issues experienced in the current society could be blamed on this short fall. According to the participants, there is no concept as superiority or inferiority in the traditional society. Female lines (waikwalina ki) or male lines (wela kwalafia ki) are equally important to land rights on cultural grounds under the approach. One participant pointed out that FTA is tracing blood links through genealogies aiming public awareness. He stated:

> *"We are trying to trace our blood lines that once, we belong to the same father and mother. Wherever we are; our blood lines need to be together and be known. Like in the past, we are not gathering our bloodline to plan an invasion or forming a back up force or that we gather to identify the strongest men (physical strength) or that to gather us to know how many of us have educational qualifications in the current society; we are simply reaching the day God has prophesized about; 'go back to your land and to your God"* (Kekero, Interview, 14.05.07).

Kekero further commented that one of the difficulties of settling matters (bakotai'dooa) with respect to tribal issues is the lack of recognition of one another as members of a tribe. He stated: *"People disputed and killed themselves because they do not know that we belonged to one tribe"* (Kekero of Black tribe, Interview, 14.05.07).

Revelation of blood connection

Many of the participants indicated that the FTA enables discovery and consolidation of blood relations that have lost over time. For instance, one of them stated:

> *"A lot of our tribal members have scattered all over the lands through marriage as well as for reasons including religion, sorcery, invasions and so on … We do not know who and where they are in the current society. The FTA through tracing of genealogies (Foa'a) has revealed all of them"* (Bitili of Red tribe, Interview, 12.07.07).

The chiefs that participated claimed that revelation of relatives had been publicly declared through the FTA. According to them declaring relations is important for both regaining 'oneness' and reduction of land disputes. The participants claimed that lack of tribal bonds and recognition of each other was partly responsible for most disputes in the past. They claimed that FTA gives relatives the privilege to

share and discuss issues that link them to the priesthood line. The chiefs described the FTA process as simple but powerful in resolving issues responsible for the complexities of customary land tenure in the To'abaita region. One of the tribal chiefs explained the process:

> *"The patrilineal priesthood line (wela kwalafia ki) traces their genealogy in the normal way[18] including female lines. The tribal chiefs knew all females (sisters of their male ancestors) that married away into other tribes. They simply ask the chiefs of the tribe their 'female' had married to and find descendents of that woman. The priesthood line put the findings under close scrutiny and if satisfied will warmly invite them to be part of the priesthood line through public ceremonial declaration. It is simple process. Females who married out into other tribes (far or near) were well known by the priesthood line and descendents of those females gather themselves and with approval of their own chief they bring their one and fitting it in the main tribe where the original female belong. I see no problems with that"* (Koreo, of Red Tribe, Interview, 22.05.07).

A member of the council of chiefs raised that the FTA re-unites relatives whom were once gone astray and re-claim each other as was the case in the traditional society. He commented that this generation see each other as different people, have never been friendly to each other as brothers and sisters. On some occasions relatives collided and beaten each other. The chief remarked: *"Those things happened because they did not know they were relatives by blood. The FTA brings relatives together, enabling them to feel the bond and the blessing of oneness that was lost over time"* (Fiu of Red tribe, Interview, 12.05.07).

Another tribal chief stressed the importance of knowing one's origin. He stated: *"People need to know their origin so that they do not claim other people's land"* (Koreo of Red Tribe, Interview, 22.05.07).

A member of the council of chiefs stated:

> *"According to what I saw and felt, the FTA enables recognition of tribal members bringing unity, love, peace and joy into the tribes. Tribal members claimed each other as brothers and sisters and existed hatreds and enmities have all reduced. This level though non-income generative, I see it as development; a wonderful new life"* (Fiu of Red Tribe, Interview, 12.05.07).

As FTA enabled recognition of tribes and tribal members, one participant commented that it is powerful enough to even get hold of those migrating some hundred years ago to other countries. He stated:

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[18] Genealogy only traced through males of the priesthood line, ignoring the female ones.

"We have witnessed that FTA has been the only widely accepted concept in North Malaita that has successfully banded people and tribes together even extending offshore blood connections as far as in Fiji, with a specific example of a recent family tree convened at Silolo for the 'Ainigaule' Tribe" (Anakwe of Black tribe, Interview, 13.07.07).

Clarification of rights

According to the participants the FTA enables people to recognize their rights as members of a tribe. There is clarification of priesthood rights (leadership rights) and ownership rights (land, genealogy and other properties). For instance a participant stated:

"The FTA is the right tool in clarifying things the tribal members have a right to in the land. It shows if a person is of the male line or the female line or someone who only arrives to stay but his origin is somewhere" (Siramidi of Red tribe, Interview, 15.05.07).

A member of the council of chiefs explained that the FTA explicitly shows which male tribe is the 'leading tribe' in the whole genealogy. He explained: *"The leading tribe is accorded leadership role based on the history that they were the pagan priests since the day of ancestral discovery"* (No'oaabu of Black tribe, Interview, 06.06.07). He further commented that there was no disputes over who (which tribe) was crowned as tribal leader or the leading tribe. He stated: *"Everyone was satisfied because the history and stories showed it and convinced them"* (No'oaabu of Black tribe, Interview, 06.06.07).

One tribal member commented that FTA has the quality of publicly declaring the existing tribes, tribal genealogies (tribal prayer), tribal tales, tribal epics (ainimae), the tribal shrines and the tribal land (Afuiniu of Black tribe, Interview, 17.05.07). A member of the council of chiefs further commented: *"The main evidences of land ownership include; the tribal prayer, the tribal shrines with evidence of ancestral relics to whom was worshiped, any land or plantation gifts your tribe gave away or had received"* (Bina of Black tribe, Interview, 04.06.07).

A female participant reiterated that many problems (including land disputes) occurred because issues such as genealogies and land stories were kept secret in the past. She stressed that traditionally every tribe has confined their stories from other tribes. This secrecy according to her resulted that only the tribal leaders know the old stories. According to her, diminishing of this indigenous knowledge gives room for people to falsify their genealogies to acquire land in court. She commented that the FTA reveals clearly all the stories, genealogies and tribal epics. All that were hidden became exposed, all the holy ancestral names (genealogies) are exposed for everyone to hear and to learn. She commented: *"As people now have access to those hidden things through the FTA, it reduces chances of claiming land falsely. There is no room for bringing up falsified genealogies"* (Sisiri, Interview, 02.07.07).

One other tribal chief similarly stated: *"The day of FTA, nothing is hidden and every ear shall hear the stories and eyes see those involve and clarification of ownership is made"* (Kwikwisi, of Red tribe, Interview, 26.06.07).

Another tribal chief claimed that the FTA is replacing the cultural secretion of indigenous tribal issues and are now recognized by all. He stated: *"Today (unlike in the past) even female generations are clearly indicated, accepted and are given the same recognition as members of the male generations"* (Ruruu of Green tribe, Interview, 10.06.07). One female tribal member further added to the point that those losing their indigenous land knowledge regained them during the FTA process. She stated: *"The public declaration of genealogies and related tales raised the advantage that even those who have not acquired their stories in the past are taking them for granted through the current FTA"* (Korokoro, of Red tribe, Interview, 01.07.07).

5.2.2 Reconciliation

Most of the participants further appreciated the FTA for the opportunity of reconciliation. One of them explained the word 'reconciliation' in traditional concept as the 'event of apologising to, forgiving and accepting one another' (Fiu of Red tribe, Interview, 12.05.07).

One other participant stated:

> *"In my opinion, the FTA promotes reconciliation amongst different families within the extended tribes or generation. In our traditional society, there were disagreements and separations even intra-tribally. Those were evident in our genealogies where we came across disintegration of tribes due to internal problems such as adultery, sorcery, murder and betrayal. Division was obvious within our families until recently when the FTA has helped to bring everybody together through reconciliation"* (Anakwe of Black tribe, Interview, 13.07.07).

A tribal chief commented: *"No matter how many generations there are after a person had left, they will all be asked to come back and reconcile with each other and reunited again through the FTA"* (Fiu of Red tribe, Interview 12.05.07). Some of the chiefs claimed that with the word of God (in the Bible) and prayer, tribal members will reconcile with each other with these words or similar:

> *'Brother, we ask you with a kind heart to forgive us your brothers and sisters for the issue that our ancestors involved which resulted in the event that you depart our tribe and our land. Today we are asking you to forgive us for the weaknesses of our ancestors and we welcome you back our dear own blood to our land.'*

Someone from the tribe that left would stand to publicly apologise on behalf of their ancestors to say:

> *'Brothers and sisters, we the tribe of … thank you for accepting us back to our land. The stories of those past events were heard and remembered to this very day. It has caused*

hindrances and to some extent we have grown without knowing that you are our brothers and sisters. As we are all innocent of those things, we ask you for your forgiveness on behalf of our ancestors for their weaknesses. We thank you for forgiving us and welcoming us back to where we all belong' (No'oaabu of Black tribe, Interview, 06.06.07).

The participants indicated that such ceremony is very vital part of the FTA. They commented that some of the bigger tribes within the region of North Malaita have gone through the reconciliation process and had their barriers resolved. One of the participants for instance referred to the period prior to the FTA and stated: *"Those who have such barriers never dare to look into their brother's eyes. They even did not want to mention their names when they speak. The enmity (ma'alimae) between them existed even for fifteenth generations or more"* (Okowaa of Green tribe, Interview, 04.07.07). According to the chiefs the FTA addresses reconciliation to a very satisfying level. One of them stated that this programme is Godly. It belongs to God as it advocates justice, love unity and peace among and within tribes (Kekero of Black tribe, Interview, 14.05.07). A tribal member further reiterated that reconciliation is very important aspect of re-unity. According to him, there are other ways of reconciling (through prayer, through compensation, through apology and so forth) but commented that the one conducted through FTA is best. He stated: *"This is because people are both able to see those with whom they have blood ties and see the land they all belong. They have the feeling of oneness and being home again"* (Afuiniu of Black tribe, Interview, 17.05.07).

5.2.3   Recording

Most of the participants expressed serious concerns for recording indigenous knowledge. According to them, indigenous knowledge of land ownership had from generation to generation passed by word of mouth and is called 'oral history.' For instance, one of them stated: *"There was no serious documentation of information that relates to land ownership. Transferring leadership role was determined by priesthood history"* (Kekero of Black tribe, Interview, 14.05.07). Another participant commented that 'oral transferring of knowledge' had caused enormous concerns on accuracy issues. He stated: *"As all the stories are only oral, there is high possibility that those stories will be translated incorrectly"* (Kikidukome of Green Tribe, Interview, 26.06.07). He further commented that knowledge changes with problems encountered therefore, it is possible that resolving problems may need slightly changing the traditional knowledge one has. He stated: *"As the whole indigenous knowledge is vulnerable to change, there is a need that chiefs aware of it or they would cause other problems when trying to resolve an issue"* (Kikidukome of Green tribe, Interview, 26.06.07).

A former local court judge commented on the degree of accuracy of stories and genealogies people presented in court indicated that to certain degrees the stories delivered were not original. He stated:

> *"When hearing cases we were listening to get important points upon which we can give our judgement. We often found in stories that one party will trace pagan priesthood profile while*

the other will indicate points they think necessary. The one that traces priesthood principles expressed things like, 'I am (when referring to his ancestors) taking ... prayer in front of ... holy shrine and I burnt ... such a big and so forth. I celebrated this sacred feast (maama) and my ancestors to whom I am praying were buried in ... shrine and so forth. We compare stories from both parties but clearly the most important thing about customary land is prayer, shrine, gifts, who gave what, who received what ... In the current society few things must be addressed immediately. One of those is that oral history must be documented so that they are filed and are not vulnerable to changes during transferring of knowledge from one generation to the next" (Giororo, Interview, 14.05.07).

Most of the participants indicated that documentation of indigenous knowledge can be done effectively under the FTA. They believed the FTA provided the opportunity that all indigenous knowledge of land ownership can be documented. For instance, a member of the council of chiefs stated:

"The FTA has given the ever wanted chance for documenting the stories, genealogies and physical evidences of land ownership. The documents will be filed and used as tribal charter to eliminate corruption of falsifying oral genealogies and narrations. It will also be filed for access of current generation and the generations to come" (Fiu of Red tribe, Interview, 12.05.07).

A tribal member supported that documenting genealogies is crucial to avoid 'name confusions.' He commented that one of the causes of confusions is with respect to 'similar or same names' people often used. For instance, he stated:

"In a genealogy the name 'Kuru' may be used by three different people in different generations. The reason is simple as the last Kuru only named after his great grannies but the confusion it creates is enormous in the current society. In a society of high illiteracy documentation of genealogies is not possible. A few smart guys normally got their way in manipulating such genealogies with the intention of acquiring land falsely; causing a lot of problems" (Nai of Black tribe, Interview, 18.05.07).

Many of the participants further commented that documentation of indigenous things must include physical evidence that has links to land. One of the participants for example stated: *"There are needs for proper documentation of history as well as recording of boundaries, shrines, gifts, plantations and other relevant issues that give evidence of landownership"* (Kekero of Black tribe, Interview, 14.05.07). The participants indicated that FTA enables the needed recording to be done effectively.

One other participant commented that recording gifts in the land is equally important to avoid confusion and disputes. He stated:

"In most lands the ancestors have offered gifts to particular members of the tribe or to an outside friend for cultural reasons. Such in some cases had been manipulated or being denied in the current society. The FTA recovered those therefore, vital to record what is it that was given, who gave it out, who received it, for what reason and so on…" (I'ikafo, Interview, 11.05.07).

Three other tribal chiefs commented that the government has already formed the Recording Act except that it was not being exercised by the people. They believed although there haven't been any successes so far, the Act paves the way for success of the FTA. One of them for example stated:

"The Land Recording Act is aligned with the FTA. It will take on board the historical stories that we have, and those only arrived to live with us will be clearly revealed. As the FTA declares its findings and recording (as stipulated under the Act) takes place, it will be possible that emigrants will know where their roots are and will also know which recording they are included" (Kwikwisi of Red tribe, Interview, 26.06.07).

5.2.4 Registration

Most of the participants indicated that land registration is the legal way of clarifying ownership. According to them no one disputes the idea of legal registration but have indicated that its upheavals were overwhelming. They stated that the many disputes experienced on customary land were struggles for ownership of land titles. For example, one participant stated: *"A lot of people who wanted to secure land titles through legal systems always constrained by land disputes that gives no one luck"* (Siramidi of Red tribe, Interview, 15.05.07).

Most participants familiar with the fact that customary land will only be registered if there are no disputes over it. A female participant for example stated: *"Dispute over land is inevitable as customary land issues are vulnerable to manipulation under legal systems"* (Kaakaa, Interview, 13.06.07). Some of the participants indicated that the problem is not about pursuing registration but about resolving disputes that constrained it.

A senior lands officer explained that the Lands Division can endorse tribes that fully settling themselves to the government to assign land title to them. He stated: *"Assignment of title is given by the government to the tribe that no evidence of dispute is existing"* (Kwaiara, Interview, 03.05.07).

Many of the participants asserted that FTA is potential in reducing customary land disputes therefore, will enable land registration. Kaakaa stated: *"Registration was in the past difficult because of existence of land disputes. As land dispute is eradicated through the FTA, there will be no difficulty to register land"* (Interview, 13.06.07).

Eight other participants commented that FTA is the only way that will enable customary land registration without complex disputes. They claimed that as FTA reduces land dispute through recognition of each other, reconciliation and recording; registration will be easier and smooth. They believed recorded documents will also be sealed by relevant government authorities. For example, one of the participants stated: *"Through the process of FTA, tribes will smoothly acquire their land titles. They will have their tribal documents registered and there will be no room for future manipulations and falsifications"* (Kwikwisi of Red tribe, Interview, 26.06.07).

Some of the participants also noted that as the Recording Act is already aligned with the FTA, outstanding land issues will be resolved therefore, registration will be smoothly done. One female participant stated: *"The FTA is exactly doing the requirements of the Recording Act therefore, registering land to the tribes will be done easily"* (Sobe, Interview, 24.06.07).

However; many of the participants believed that the FTA needed to be developed further in order to achieve its aims. One of them for instance stated: *"Right now the FTA only precisely addresses recognition and reconciliation but not recording therefore, it is still inadequate to achieve objectives"* (Kekero of Black tribe, Interview, 14.05.07). More discussions under heading 4.4.3 below.

5.3   The FTA and well-being

Most of the participants commented that FTA is the right tool for improvement of the rural people's well-being. They indicated that FTA will smoothly clarify land ownership which would allow rural development to happen. However, there was concern about equity of benefits from land resources.

Three participants commented that there has been obvious unequal distribution of benefits over the years and there have been a lot of issues about it. For example one participant stated:

> *"Distribution of benefits so far has been so unfair. Females and youths received less than what the men got. Some men have channelled logging companies to exploit forests on tribal land but the women (including some men, youths and the disable) have not benefited. Some men got the money and went straight to the beer shops. Others got the money and attempted to get new wives straight away. Instead of such money developing the families; it causes destruction and break down in family units as well as the communities. Over time, distribution of benefits was unfair and unequal (very poor)"* (I'ikafo, Interview, 11.05.07).

Most of the participants commented that lack of management skills and corruption have been responsible for misappropriation of tribal funds. The participants believed establishing a 'Trust Board' will both help in collective decision making processes as well as reducing corruption. One participant stated:

"In events that income generating activities occur on tribal lands, a trust board is needed to be established. The trust board needs to have equal gender representatives so that they discuss and make fair decisions for the group they represent. A committee is again needed to work under the trust board. The committee will plan for other developments with the capital being generated. Building schools, clinics, market houses, better roads etc. are kinds of development that will improve the well-being of the rural people. The committee will decide on where to build the school or clinic etc. 'Money' is something that comes and goes. It is how we spend it and what we spend it on that is important" (Koreo of Red Tribe, Interview, 22.05.07).

Another participant commented that as the FTA is enabling clarification of land ownership the next important thing is to form 'tribal land trust boards.' According to him, the benefits 'all'[19] should receive will be determined by the trust boards. He stated:

"The trust boards will form policies or constitution and the issue of equal beneficiary will be considered while forming the policies. The trust boards will decide on everything that comes to the tribal land. This would include resources of the land, management of land capital or whatever development ... the trust board must contain both genders" (Kekero of Black tribe, Interview, 14.05.07).

No'oaabu stated:

"Trust Boards or committees to be formed must look into issues of both equality in participation and equality in benefit. Currently, there are a lot of females who've already been educated and are in the communities and we need to utilize those human resources to benefit all" (Interview, 06.06.07).

Four of the participants commented that as land is settled through the FTA, investors will be attracted to tribal lands and there are hopes that any development initiatives would be sustainable and beneficial to all. According to the participants once development projects are well managed and generate income to sustain themselves, developments can extend further into such areas as building more schools, clinics and market outlets to help improve people's well-being. They also indicated that development organizers need to organize health awareness programmes that will educate the rural people to improve their standard of living. One of them for example stated:

"If the projects are successful enough, we will look at other avenues that we can pursue under our main project. We might involve in rural water supply and sanitation projects that will enhance the rural people standard of living. We might also venture into other educational areas under our main project such as teaching new cooking skills, balanced dieting, sewing

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[19] Refers to all the members of a tribe – men, women, youths, children and the disable people.

skills and so forth. Those activities will improve the well-being of the people. Such activities will be organized by a committee to be developed under the management of the main tribal project" (Fiu, Interview, 12.05.07).

Three other participants commented that female representatives need to be actively involved in rural development activities. According to them involving females will help them improve their level of thinking. For instance a female stated:

"We need to develop our level of thinking to help us able to do other things that will improve ourselves as well as improving the well-being of our families. If we participate in development activities we will gain experience and will be able to improve the skills we already have and develop other new skills in the new types of development apart from the normal routine (the same jobs) that we have involved to everyday" (Sisiri, Interview, 02.07.07).

Three of the participants commented that 'fairness' is important for improvement of well-being for all. They indicated that as corruption is responsible for ill-being, fairness is responsible for well-being. One participant stated:

"Being fair is important for success of well-being in the rural communities. Incomes generated from development initiatives must be fairly shared by the organizing committee to small business segments that may be formed by the women, youths, men and so forth. Any weaving clubs, singing clubs, cooking skills club etc. must be supported so that everyone benefits and everyone is happy. The females especially will get away from the traditional phenomena that confined them and be able to have high self-esteem in themselves" (Toratora, Interview, 21.06.07).

A church leader commented that the FTA promotes justice which will improve the well-being of the rural people. According to the participant qualities including respect, honesty, loyalty and love are advocated in the bible and people received them in their local churches. He stated:

"Leaders need to respect their tribal members (especially females and children) and need to be honest with how they handle tribal land resources. Leaders to love their wives, their children and their tribal members so that when generating income they can distribute it with love. I feel obliged to reveal to the people the qualities and characters that are hidden in these words. Fulfilling these qualities would mean justice in the land. Justice will handle the upheavals of development to help improve the well-being of the people" (I'ikafo, Interview, 11.05.07).

A tribal member commented that prior to the FTA the vulnerable groups of the rural communities[20] have not had the freedom to move in pursuit of well-being. He stated:

> *"The vulnerable people did not have the freedom to do any thing on the ground such as cultivating their gardens, building residential houses or running a small income generating activity. They dwell under fear and not free to proceed with their lives. People felt liberated under the FTA and can now be able to do things better for themselves. Women in particular are able to engage in small income generating activities to improve their livelihoods and well-being. They involved in activities such as sup-sup garden, vegetable gardening, household piggery and poultry farming and so forth"* (Kaule of Black tribe, Interview, 10.05.07).

5.4   Constraints and vulnerability of the FTA

5.4.1   Some uncertainty and doubts

One of the tribal chiefs mentioned that many tribal chiefs seemed to be uncertain of where their greatest ancestor originated from. Not knowing where they originated, the current tribal chiefs had in many cases tried to place them according to the sound of their ancestor's name. For instance, if an ancestor's name is 'Bilifanua' tribal leaders who do not know where he came from would look at the word 'fanua' and make guesses. As the word 'fanua' is a Mota word, they would assume he must have come from Mota. The chief viewed this as a weak point. However, he would be satisfied if some one from Mota was able to trace that they have an emigrant named Bilifanua who left their tribe and was heading to To'obaita. He stated: *"I will be very satisfied if chiefs of the Mota tribe are looking for someone who left them, rather than a tribe in To'obaita claiming that the founder of their land was migrated from Mota"* (Koreo of Red tribe, Interview, 22.05.07).

Another tribal chief noted the degree of difficulty in finding out generations of female lines indicated in the male (main) genealogy. He termed it as both 'time consuming and financially demanding.' He further discussed difficulties related to the fact that some of the sub-tribes have lost the knowledge of where their mother had originated from. This is due to genealogy tracing normally omitting female lines. He stated:

> *"When you trace your sub tribes, you will expect to find people with very little knowledge of where their ancestral mother originated from. In many cases you will have to reveal to them where they emerged and tell them if they are yours"* (Kekero of Black tribe, Interview, 14.05.07).

One of the church leaders questioned the knowledge of tribal leaders that have refused to accept sub-tribes that claim connections to the main tribe. He questioned the degree of accuracy of the knowledge held by the tribal leader and his committee. He further mentioned that in the current society only DNA

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[20] Vulnerable groups refer to females, youths, children and the disable people.

testing will provide a satisfactory solution. However, DNA testing is an expensive process (I'ikafo, Interview, 11.05.07).

Four of the participants doubted that many To'abaita people have grasped the concept of FTA and are aware of its objectives. In their view some people regard the FTA as just another cultural event organized by the chiefs and the leaders. These participants claimed people knew of the reconciliations that have taken place but do not know the rationale behind the reconciliations. For instance a participant stated: *"Many of our people have not absorbed the purpose of the FTA and have not really known the objectives"* (Toratora, Interview, 21.06.07).

Three participants indicated that people are willing to participate in the FT process on the understanding that rural development will occur to improve their well-being. One of the participants stated: *"People were so willing to clarify themselves with the tribes they belong so that when development comes into play, they would be entitled to their share"* (Nai of Black tribe, Interview, 18.05.07). However another participant stressed that many people have not seen the value of FTA as potential to reduce land disputes now and in the future, as an approach to enable rural development, to enable tribal land registration, and as an approach that may be capable of resettling land that was wrongly acquired (Ruruu of Green tribe, Interview, 10.06.07).

Toratora believed that the FTA has weakened and people have gradually lost interest in proceeding to the next phase because the approach was not properly planned, designed and explained. He stated: *"We only reached the first stage and that's all. Right now the approach is not well planned to resolve land disputes. It is not enough to use in pursuit of land registration because it needs to be structured properly"* (Interview, 21.06.07).

A women's group leader commented that the FTA itself has no framework. According to her framing the FTA is important for its success (Sisiri, Interview, 02.07.07). Another participant commented that the process itself is incomplete. He stated: *"The FTA level we are at right now is incomplete and is not capable of achieving its objectives. Land dispute would not be reduced at this stage"* (Fiu of Red tribe, Interview, 12.05.07).

Five of the participants commented that the founder of the FTA was not serious about pursuing it further. According to them, he (founder) only showed people the potential of the approach in resolving customary land issues by applying it to his own tribe. The participants commented that chiefs who were trying to pursue it further were old illiterate people. They further stated that the illiterate chiefs do not have knowledge of the current society which would enable them to properly plan and design the FTA. For example, one of them stated:

"The chiefs have not known any moves and further steps to take the FT process further. The only part they know they can do is the indigenous stuff. Any further moves that will reach government level are difficult for them. The chiefs do not have knowledge that will enable them to go further than just genealogy tracing and so forth" (No'oaabu of Black tribe, Interview, 06.06.07).

Another participant gave supplementary comments that the chiefs do not know what exists between the law and indigenous knowledge. He metaphorically commented:

"What the chiefs have been doing is just like they are carrying a load on their shoulders and are walking with it in the dark. They do not know where in the law the FTA will smoothly fit in. They also do not know whether or not what they have been doing is congruent with the law" (Bina of Black tribe, Interview, 04.06.07).

Another participant commented that the FTA is only reaching phase one (the phases are discussed under section 5.6.3) due to reasons including lack of knowledge and wisdom to pursue it further, lack of vision and lack of motivation and energy (Nai of Black tribe, Interview, 18.05.07).

Six of the participants commented that financial issues constrain the FTA processes. According to them FTA at this stage has no financial support from either the government or NGOs. The participants commented that tribal chiefs who organized their FTs were solely responsible for all the expenses incurred. Normally donations and contributions were requested from each household within the tribes that are part of the FT. One participant made the comment: *"Financial contributions were normally requested from tribal members and some people see this as a burden"* (Koreo of Red tribe, Interview, 22.05.07).

A member of the council of chiefs said that the fact that those organizing their FT and those involved are responsible for the very expensive process has reduced their motivation to pursue to the next level (No'oaabu of Black tribe, Interview, 06.06.07).

Most of the participants commented that FTA is still unrecognized by all legal institutions in the Solomon Islands. They commented that although the FTA has potential in resolving land issues and enabling development initiatives there is no bureaucratic recognition. For instance, one of them stated:

"Right now the law or the government have not recognized the FTA. It is just another voluntary activity of the chiefs and tribal leaders and members who are desperate to having their land sorted out and develop to improve their well-being" (I'ikafo, Interview, 11.05.07).

Another participant said that the FTA will achieve nothing if the national government do not recognize the chief and their work. He believed the FTA will not succeed because the government has no party

to it. He noted that currently the law does not realize the FTA that was initiated by the chiefs. He therefore commented that the chiefs must be recognized and empowered by the government before their tasks are fully realized. He stated: *"The government of the Solomon Islands does not fully recognize the chiefs therefore, their initiatives will mean nothing"* (Kekeora of Green tribe, Interview, 12.06.07). He further claimed that as one of the chiefs what weakened their minds most of the times is the issue that the law does not honour most of the decisions they reached. Therefore, suggested the national government empower the chiefs and make FTA compulsory in handling land issues (Kekeora, Interview, 12.06.07).

Most of the participants indicated that as the FTA is not managed properly, there are no set policies to guide the chiefs to work properly and effectively. The participants pointed out that in the FTA process the Paramount Chiefs[21] from six To'abaita houses of chiefs are normally invited to witness the event. According to them, there are documents they can sign to indicate levels (stages) reached and their satisfaction over genealogies and associated issues. However, the participants were concerned that chiefs need to be guided by policies to ensure they sign for rightful and intended purposes. For example, one of the participants commented: *"Sometimes the chiefs signed just for the matter of signing. They were not critical as to whether the FT stories and genealogies are proper"* (Nai of Black tribe, Interview, 18.05.07).

Developing from the weakness of 'no policy guides' more participants had commented that as sole certifiers of documents; chiefs are vulnerable to corruption. For instance, one participant stated: *"Success of the FTA is entirely in the hands of the chiefs. Therefore, it needs highest level of honesty from them. In my view, some of the chiefs are corrupt or vulnerable to it"* (Giororo, Interview, 14.05.07).

One other participant commenting on the same issue stated:

> *"Some of the chiefs are vulnerable to dishonesty. Some of them can be very biased. I realized some of the chiefs have not attended to witness other FTs despite being formally invited. In my view, they were purposely doing it because they themselves are jealous or that they have other interests to the land or that they are supporting the other tribe that oppose the FT because their friends are in there. Sometimes such chief attends but refuse to sign with their other colleagues"* (I'ikafo, Interview, 11.05.07).

Koreo commented that dishonesty also occurs where sub-tribes or individuals tried to connect themselves to the main tribe. He stated: *"As experienced, some people normally make tricks in*

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[21] Each of the six houses of chiefs in To'abaita has a paramount chief. The six paramount chiefs form the To'abaita Council of Chiefs.

intentionally wanting to connect themselves to the most important person of the tribe while they are only belong to the female line or another person of lower status" (Interview, 22.05.07). Koreo indicated that this will also lead to disputes.

A former customary land court judge noted that tribal leaders sometimes invited people despite not being sure whether they are connected to the main tribe. According to the participant such fake invitations weaken the FT of the tribe as many members would not agree with it. He stated: *"Chiefs normally invited people who tried to make wrong connections. The problem here is, they (leaders) have only heard unverified stories that those people are members of their tribe. This weakens people's trust on leaders"* (Kee, Interview, 26.05.07).

A participant indicated that while the FTA is doing very good things, it also gives the opportunity for a few dishonest people or chiefs to find ways to attack the tribe which is struggling at the initial stages of defining their FT (I'ikafo, Interview, 11.05.07).

5.4.2 Failure of documentation

All participants that were discussing the issue of documentation commented that FTA has not been successful in the past as people have been too lazy to record the process of the family tree declarations. They particularly blamed the literate young people who are capable of recording but fail to do so. According to these participants straight after the FT declarations, people normally returned home with their papers/lists.[22] Their intention is that they returned with those papers so that when they are invited to other FTs which they are also connected, would reuse the same list. They commented that although people do not like writing; it is one of the pillars for success in improvement of well-being. One of them for instance stated:

> *"Recording FT issues are truly hard task, but it is the most important part of the whole process. FTA is meaningless, has no importance, and will achieve none because recording is omitted. No one will be able to remember all that was covered during the process"* (No'oaabu of Black tribe, Interview, 06.06.07).

Making similar comments, another tribal chief stated:

> *"With the FTs I was involved with, there was no proper or no recordings at all. People took their papers (list of genealogies) back after declaring them. There were no book or scroll forms of document that will remain as master copies for the current and the future generations"* (Kekero of Black tribe, Interview, 14.05.07).

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[22] Most tribes may have recorded their own stories and genealogies, but the FTA can verify whether or not those records are original. Some sub-tribes may only prepare the lists purposely for FT presentations. One of the aims of FTA is to produce a master copy of stories and genealogies.

According to the participants, the foregoing FTs have only met recognition and reconciliation, and although declaring them recording was not done effectively. One participant commented:

> *"If we neglect this, the FT has no meaning and it cannot achieve anything. We cannot convince the government, the legislature or the associates because we do not have the documents. FT is nothing, useless and a total waste of time and money if no documentation is involved in the process"* (Afuiniu of Black tribe, Interview, 17.05.07).

Two of the participants who had attended tertiary education commented that documenting FT issues is a huge task that needs proper recording facilities. One of them stated that he had tried his best to record theirs but quit as the task requires appropriate facilities. He stated:

> *"We do not have appropriate facilities that will enable proper documentation including surveying. Recording should cover everything that is raised and not just a few. We have only tried to hand write some of the issues but cease as the tasks were beyond our manual capabilities"* (Sirakutu of Black tribe, Interview, 03.06.07).

5.4.3   Intra-tribal clash over FT

Four of the participants indicated that tribes that have not settled themselves properly prior to conducting their FT are vulnerable to intra-tribal clashes. They commented that although the chiefs often attempted to intervene in such situations intra-tribal rivalry groups are normally dissatisfied. One of the participants stated: *"Quite often   disputes occurred over who should run the FT. This occurred on occasions where two sub-tribes are claiming male lines. Such disputes normally ended up having two separate FTs which causes confusion among tribal groups"* (Kekero of Black tribe, Interview, 14.05.07).

One of the tribal chiefs argued that FTA enables discovery of too many landowners which will be challenging to coordinate in events of development initiatives. He stated: *"As we discover many more of our tribesmen and women far and near, it will be almost impossible to get all of them agree on any development that we may run on our land"* (Kwikwisi of Red tribe, Interview, 26.06.07). He further commented that communicating with such distant tribal members is difficult in the rural settings and will be hard to compromise on development issues.

Two of the participants indicated that while the FTA has potential in resolving complex land issues; it also has potential to cause other problems. According to them, one of the problems it may cause is the issue that many people who have no ties to a land will be identified. One of them stated: *"Through the FTA; many people will be identified as landless and of course there will be arguments and maybe fighting amongst the people"* (Kaakaa, Interview,13.06.07).

5.4.4 Gender issues

Two members of the council of chiefs, two tribal chiefs and a woman made comments about the issues of women and cultural norms. The chiefs indicated that according to culture[23] females are not allowed or expected to read tribal genealogies. This confinement is on the issue that genealogy is prayer (foa'a). Traditionally females were considered filthy (excuse me) for the feminine nature of giving birth and their menstruation cycles. As holiness is highly the status of the pagan priests, females are not allowed to mention ancestral names - (akalimae ki). One of the chiefs commented that there are arguments that FT has violated cultural norms and that women are now doing what they were not expected to do. He commented that he attended some FTs and on three occasions, three women stood and read their genealogies, declaring how they were connected to the main tribe. He stated: *"Straight after the women declared their connections they were asked to pay compensation by members of their own tribe for mentioning ancestral names that some heathen members of the tribe are still praying to"* (Afuiniu of Black tribe, Interview, 17.05.07).

The female participant argued they are watching their male relatives closely. She stated:

> *"If our male relatives refuse to be part of the truth that reveals in the FT, we will stand to read it whether we argue over it afterwards or not. If they ask for compensation, we will give it. The truth is all we need and wanted. We need the truth to prevail, justice to take its place in our lands, in our families and in our lives. We have been suffering long enough in trying to improve the whole family's standard of living. We are the mothers of the households. When the children are hungry they always run crying to us for food (not to their fathers). Some of the fathers normally spend time mucking around unnecessarily and aimlessly at market venues or at gambling sites. We bear the daily family burdens. The disputes over land have impacted a lot on our lives and in the roles we play as mothers in the homes. I therefore reiterate that we had enough and we need justice now. We have been struggling and have been dwelling under theft practices over land; we are now desperate for justice to prevail and take its place in the tribes, in the families and in oneself. If our male relatives are not willing to consider those and strictly adhere to cultural principles, we will attend to do whatever we can contribute to the FTA"* (Sisiri, Interview, 02.07.07).

5.4.5 Lack of impact

One of the participants believed that FTA is a waste of time, money and energy and has had no impacts on rural development. He stated: *"I have been observing and involving in the FTA processes but there have been no rural developments since. I think it is a waste of time, money and energy"* (Kekeora of Green tribe, Interview, 12.06.07). According to Kekeora people are expecting changes

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[23] Culture: A total way of life of a people; encompassing language, ideas, attitudes and habits, dress, food, music, housing styles, religion, institutions or family structures, and a whole range of cultural practices – artistic forms, texts, canons, architecture, mass-produced commodities and so forth (Mitchell, 2000: 13).

that will improve their well-being. He indicated that as people recognized and have reconciled with each other, and are fresh with the feeling of 'oneness', some form of development should be immediately initiated to sustain the bond. He further commented that this feeling of belonging to the same group is experienced during the reconciliation process but is vulnerable to being lost as people disperse to their communities. He stated:

> *"It is only during the FTA process that people feel they belong to one family but as they return to their own communities where they got mixed with other people and vulnerable to other influences, it is highly possible that they will not achieve the aims"* (Kekeora of Green tribe, Interview, 12.06.07).

5.5 Reasons for ignoring FTA

According to the council of chiefs, some tribal chiefs and a tribal member, some of the To'abaita tribes have not adopted the FTA due to lack of knowledge of FTA, religious barriers, ignorance, falsified genealogies and personal issues.

Four participants reiterated that the fact that FTA has no clear objectives and aims has contributed to the reason for some tribes to ignore the FTA. One tribal chief for instance stated: *"Although FTA emerged in this To'abaita region, there is great need to make people aware of its objectives and how it should be pursued"* (Kekero of Black tribe, Interview, 14.05.07). Ruruu of Red tribe stated: *"many tribes are yet to do their family trees because they just do not know the idea and the steps to take in the family tree process"* (Interview, 10.06.07). Two other participants stated that other tribes have not adopted the approach because they lack knowledge of procedures. One of them stated: *"They are still learning and trying to gain knowledge and confidence of how to do it"* (Kaule of Black tribe, Interview, 19.05.07).

One tribal chief commented that religious barrier is another reason for other tribes not being able to pursue FTA. He stated: *"Some people see FTA as belonging to one denomination and as they have contradictory beliefs, it become a barrier"* (Koreo of Red tribe, Interview, 22.05.07).

Three participants commented that some tribes are just ignoring the FTA, thinking lightly of it and are suspicious of whether or not it is going to be useful in any way. Koreo of Red tribe for instance stated: *"People only thought lightly about FTA and have not known if it is going to achieve anything"* (Koreo, Interview, 22.05.07).

According to three participants falsifying genealogies is common to acquire land through the legal system. As the FTA is about revelation of truth those who have falsified their genealogies fear adopting it. One of the tribal chiefs stated:

"Many tribes do not go into the FTA because their stories are not the same. Along the way, they collected many other false stories and are now at the point that they found difficult to band the many stories into one that may sound believable. They wronged (falsify) their true stories and genealogies through the legal court system to acquire more land. In such a case, they are now in possession of two or more different stories. One should be original while the other is falsified (modified)" (Kwikwisi of Red tribe, Interview, 26.06.07).

Commenting on that same issue another participant stated:

"Many tribes got split over two genealogies (original and falsified ones). Normally the tribal leader goes with the falsified one. As FTA seemed to becoming the tool in prevailing truth such tribes have real difficulties in trying to compromise their two stories. Therefore, delaying their FTs. ... such tribes have in the past conquered land by falsifying their genealogies by bringing in names from somewhere and including them in their own genealogies. In my view such tribes cannot compromise their stories through FTA because they are having the risk that land they falsely acquired through legal courts will be returned to the rightful owners" (Bina, Interview, 04.06.07).

Another participant commented that those who falsified their genealogies in the past are still struggling to 're-straighten' them among themselves before organizing their FTA for public witness. He stated: *"They are not sitting quietly about it; they are worrying, struggling and trying to correct the mistakes within their genealogies ... re-straightening will require public submission which may result in returning land wrongly acquired to rightful owners"* (Kaule of Black tribe, Interview, 19.05.07).

Kekero of Black tribe stated:

"Some of the tribes purposely avoid FTA because they fear that through the system the land they illegally acquire will be returned to the rightful owners" (Interview, 14.05.07).

5.6   Management of risks and vulnerabilities

Most of the participants commented that FTA needs better management to be successful. According to the participants, managing the FTA requires collaboration of all stakeholders of the approach. The chiefs indicated that the six houses of chiefs in the whole To'abaita region include Faukwae, Rumunafau, Booboaa, Manulafa, Faudedema and Maatakwalao'. Each of these houses has a paramount chief. The six paramount chiefs formed the To'abaita council of chiefs that has tried to ensure the FTA is used in dealing with land issues. However as most chiefs are illiterate a member of the council of chiefs commented that they need help to move the process forward. He stated:

"We need both human resource and financial support to move the approach forward. We need educated people to help structure the approach to satisfy the law as well as financial support to facilitate the recording aspect of it" (Bina, Interview, 04.06.07).

In pointing out financial needs for the approach a tribal chief stated:

"Most of us are well versed with tracking our genealogies but uneducated. We would really appreciate if our provincial and national leaders bring this approach to provincial or national level of recognition and support with regards to resources and expertise" (Tabaraai'a of Black tribe, Interview, 29.06.07).

Some of the research participants commented that to combat nepotism and corruption chiefs need to be honest. According to them chiefs are the driving forces of the FTA and therefore need to be neutral and fare. One participant indicated: *"Chiefs who pursue FTA need to be neutral and fair when handling issues that are related to their own blood lines"* (Nai of Black tribe, Interview, 18.05.07). Most of the participants recommended that chiefs need to have a policy guidelines to enable them do the job effectively.

5.6.1 The chiefs and policy guides

According to the participants, the chiefs need to be guided by formal policies to enable them perform the FTA duty fairly and effectively. They (participants) recommended that those policies must be documented to ensure FT ceremonies produced quality documents and results. For example, a participant stated:

"All chiefs (paramount chiefs including tribal chiefs) who carrying out the FTA need policy guides that set standard to be met. The FTA phases need to meet standard conditions so that it is fair and the documents honoured" (Kaule of Black tribe, Interview, 10.05.07).

Another participant commented that policy guides will enable the paramount chiefs to make pre-analysis prior to attending the declaration events. The participant indicated that such pre-analysis will enable informed decisions. He suggested:

"Chiefs should have policy guides to help them do the right thing ... when a tribe invites them to attend their family tree, they should all sit down together to discuss them before attending. This is so that they make pre-analysis by asking themselves ... are we doing the right thing? Are they the rightful people? This will enable them to make good decision when signing the documents. Or during this pre-analysis they would decide whether or not to attend it. The policy guide will also help them decide whether or not to sign documents" (Tabaraai'a of Black tribe, Interview, 29.06.07).

Four of the participants commented that the illiterate chiefs will need someone explaining the written policies to them. They need someone to tell them the rules and consequences. Kaule for instance stated:

> *"Those who are illiterate will have someone reading it, explaining it and re-explaining it to them so that when they sign anything they know what they are signing for and that those signed documents are final and respected"* (Interview, 19.05.07).

A former customary land court judge indicated more reasons for the chiefs to have policy guides. He discussed that not until Mr. Nori (a lawyer) initiated the 1985 Amendment Act; customary land issues have been handled by the chiefs. He however, made the comment that chiefs were not guided for their task. He stated:

> *"Chiefs have done too much and have crossed boundaries to get involved into what they are not expected to do. The Amendment Act only expected them to handle customary land cases but they seemed overdoing their task. They need guides and awareness; and to be given full explanation of their job descriptions"* (Kee, Interview, 26.05.07).

One participant suggested that chiefs through some educated people can draw up their policy guides under which they can work but it would be much better if those policies are endorsed by the government or legislative authorities so that whoever contradicts it will face consequences in light of the law (I'ikafo, Interview, 11.05.07).

Three of the participants commented that FTA should have its own constitution so that it has power. According to them the FTA constitution must be drafted by the paramount chiefs in consultation with the tribal leaders, together with legal practitioners. They reiterated the point that chiefs must work within the boundary set out in the constitution so that they produce solid documents/evidences. They believed the FTA will be successful if the chiefs developing it that way. They were also cautious that the proposed constitution is not the decision making tool but will guide the chiefs in their work. For instance a participant indicated: *"The constitution should only set the scene, or direct what should be happening in each of the phases. It should emphasize the conditions under which the chiefs will sign and when they will sign"* (Kaule of Black tribe, Interview, 19.05.07).

The local court judge alleged that in his view only a few chiefs are being honest while many others are corrupt. According to him, many chiefs cannot handle land issues fairly. He made the comment that under the 1985 Amendment Act; the chiefs need to be given awareness and some proper training to work effectively. He metaphorically stated: *"Like Mr. Nori (the lawyer that draft the amendment act) had given knives to the chiefs but had not given the files to sharpen them"* (Kee, Interview, 26.05.07).

5.6.2 Empowering the chiefs

Most of the participants commented that the national government need to empower chiefly institutions throughout the country. Focussing on the To'abaita region; the participants indicated that the chiefs as well as the FTA need to be empowered. One of the participants for instance stated: *"The government needs to recognize the chiefs and the FTA in the same way it does to the legal court systems"* (Bina of Black tribe, Interview, 04.06.07). Another participant strongly recommended that chiefly institutions must be strengthened because chiefs have better indigenous knowledge to ascertain truth about indigenous issues (Kaule of Black tribe, Interview, 19.05.07).

Two other participants commented that in order for the FTA to be successful the government must help facilitate the work of the chiefs so that they work effectively. According to them, they need to get at least a wages or a sitting allowance to help them go on. They stated that the incentives the chiefs received for court cases they involved with are met by the conflicting parties which also burdened them. One of them for example stated:

> *"Currently, calling the chiefs to hear land disputes both parties pay the amount $500 each. This amount is very high for those poor land owners. Many of them could not be able to meet this in time thus, prolonged disputes"* (Kee, Interview, 26.05.07).

Kee further commented that many times they (the customary land court) refer to the chief's decisions because they know the culture and are able to bring the truth about customary land disputes. He stated:

> *"They belong to the place of dispute and could easily bring up the truth in their decisions ... although the local court settles customary land matters that way, the losing party normally disagreed and since the implementation of the Amendment Act in 1985, there was none who satisfied of the chief's decision and no one filled in the accepted form. All the time the form being filled was the unaccepted. I therefore recommend that chiefs need to be empowered so that their decisions are respected"* (Interview, 26.05.07).

Another participant stated that chief empowerment is crucial for success of the FTA. In his opinion he made the comment that the government should give them little incentives to enable them do the task effectively and honestly. He stated:

> *"The chiefs and tribal leaders have known their own cultural issues than any outsider (government officials) therefore; they are the right people to deal with their own issues. The government should facilitate by giving them legal advice and pay them to carry on the job. They should only be prepared to endorse the results of chief's work ... this money incentive will symbolise government's recognition and appreciation to the chiefs"* (Kwisi, Interview, 10.07.07).

5.6.3 Planning and designing

The participants indicated that planning and designing the procedure will guide the tribes that want to go on with it. According to them thorough and logical development of the FTA will convince the government if we are pursuing registration. Planning and designing the FTA; the designers should train the tribal chiefs (train the trainer) in how it works. The tribal chiefs will then make their tribal members aware of the process and its objectives. Furthermore, the participants commented that after this awareness phase, any tribal leader who wants to organize their FT will seek the council of chiefs who will formally issue FTA guidelines and procedures. According to the participants when the chiefs sign the documents, they will sign believing that the FT has met the requirements and that the procedures have been adhered to. For example one participant stated: *"Proper administration of the FTA will guide the chiefs to sign for a purpose and reduce the risk of biasness"* (Tuu of Black tribe, Interview, 03.06.07).

Two participants noted that doing one thing thoroughly at a time would strengthen the FTA. For example genealogy should be addressed first and after being satisfied with it, shrines are examined or land surveyed. They indicated that genealogies need to be examined closely and carefully. For example one participant stated:

> *"We need to check the names thoroughly, we need to identify within the genealogies how many different people are using the same names and we need to figure out why. We need to check the spellings and so forth. We need to know where the wives of those we traced came from and where the daughter of the ones we traced married to. We need not to rush about this as are happening now because we will not perform a better job. After looking at the genealogy, we need to look at history. … if genealogies are the skeleton then history is the flesh. We need to do it and consider it that way so that the timing emerges clearly and perfectly. Otherwise, something not long ago can be considered something of long, long ago. Each family will need to do more research in order to achieve satisfaction"* (Kikidukome of Green tribe, Interview, 26.06.07).

One of the chiefs stated: *"To strengthen the FTA, we need to structure it properly and clearly indicate its objectives and what we aim to achieve"* (Bina of Black tribe, Interview, 04.06.07). Another participant said that phasing of FTA is the best idea. He stated:

> *"It is through such process that a rightful tree is produced. Phasing the process is formatting it logically so that the long process is covered appropriately. Phasing it gives room for proper monitoring and evaluation which will allow for alteration and possible redirection and also gives solidarity of what has been done. It will also give a sense of conviction especially to the government who will assign land titles to tribes"* (Kaule of Black tribe, Interview, 19.05.07).

Five participants outlined how the FTA should be phased.[24] (See Chapter 2; section 2.7 for how the FTA is currently phased). For example Kekero suggested that the FTA can go through four main phases before it reaches the stage where land can be registered (Interview, 14.05.07).

Phase 1: Introduction

This phase involve meeting members of the tribe, reconciliation, first reading of genealogies followed by initial signing of documents (this signing indicates that the family tree has gone through phase one).

Phase 2: Land survey and second reading of genealogies

Kekero commented that land survey and second reading of genealogies should be held not too far away from phase 1 (say 4 months away). It should involve tribal survey of land (including boundaries, shrines and other indicators of land ownership). According to him, the second reading of genealogies will be done after possible alterations from the first reading in phase 1. He indicated that signing of documents should also follow. This signing will indicate that a tribe has gone through the second phase.

Phase 3: Third reading, signing and sealing of documents

The participant commented that this phase should involve third reading of genealogies, signing of documents by the paramount chiefs and then importantly, chiefs and government officials who are present plus any lawyers that may be invited during this phase to seal that those genealogies are accurate and complete.

Phase 4: Notice of land registration

According to the five participants, phase 4 will not be ceremonial but a three months notice should be put up for any possible land disputes. According to them if there are no further disputes then tribal land owners will pursue land registration in phase 5. If there are any disputes the Magistrate Court will resolve it.

Phase 5: Possible assignment of land title by the government?

According to the participants phase 5 is the last stage of FTA which clarification of land ownership will be visible. They believed rural development will be possible on the land after phase 5 of the FTA.

However, a participant argued that the period prior to phase one must not be neglected. He called it the 'pre-phase one period.' According to him it is the most important and time consuming period. He

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[24] The FTA's four pillars are not the same as the FTA's five phases. The four pillars are principles covered within five sequential phases.

indicated that during this period tribal leaders straighten, discuss and plan every thing for the other phases. He stated:

> *"It is the time tribal leaders search to find generations of the females who marry away and it is the time where the tribal leaders match and discuss the female connections. It is the hardest period of the family tree process. During this period, conflicting ideas will emerge as the tribal leader will refuse or accept other people into the family tree. Some of the tribes have only reached this stage and never proceeded because their discussions found errors or corruptive ideas. Some people withdrew upon realizing that the leaders are not the true people who should organize the family tree. Phase one is only declaration, celebration and signing of documents. The planning and designing is done during the pre-phase one period"*
> (Kaule of Black tribe, Interview, 19.05.07).

5.6.4 Empowering women in FTA

Six males and two females commented regarding empowering women in the FTA process. According to them the value of female lines are equally important with male lines in the traditional society, therefore, women must be considered as equal participants in the FTA. They commented, women need to know the genealogies they belong to. One woman stated:

> *"The FTA has given equal chances for males and females to have access to traditional secret things therefore; we (females) need to be allowed to sit down with the males to listen and to contribute in sorting out our genealogies. We need to have the same story so that it is passed correctly to our children. We need to actively participate in all the phases to acquire the same skills involved in planning and designing the FTA. Doing that will resolve inequality issues and imbalance of FTA knowledge between genders"* (Sisiri, Interview, 02.07.07).

According to most of the participants FTA is an attempt to reduce land disputes that have negative impacts on people's well-being. They believed it will bring about rural development on customary land. On this understanding the participants commented that females must be involved in any decision making processes starting from the designing stages of the FTA through to developing the To'abaita rural areas. One of the participants stated: *"Females must be involved so that they influence decisions that impact on their lives and gain skills and experience to venture into other areas outside of their tribal businesses"* (Toratora, Interview, 21.06.07). Another participant commented that females are active members of the tribes and must be involved in the committees (at whatever level) and must be in the decision making processes. He stated: *"Many females now are educated and need to involve in decision making processes to benefit from their involvement"* (Kwikwisi of Red tribe, Interview, 26.06.07).

Sisiri made similar comments that involving in decision making processes will make them feel ownership of those decisions and will help them in their own homes. She stated: *"We will feel proud of*

the decisions that we are part of and will help us to make own decisions in our own homes to improve the well-being of our own families or children" (Interview, 02.07.07).

Another participant proposed that it would be better if a committee is formed to guide the FTA in discussing and monitoring the processes prior to and after the declaration day. According to him the proposed committee will monitor how people live to the FTA expectations. He recommended that some females in the tribes be involved in the proposed committee so that they both gain experience and be influential in the decisions that will impact on themselves and their children. He stated: *"Women daily bear the domestic burden and are more concern about the well-being of the family therefore, must be part of the decision making process that impact on them"* (Fiu of Red tribe, Interview, 12.05.07)

5.6.5 More emphasis on documentation

Most of the participants commented that documenting the FTA issues must be prioritized. According to them recording/documenting genealogies, narrations, boundaries including minutes of everything that happened on declaration days of all the phases are very important for success of the FTA. They strongly believed that failing to fulfil this aspect means failing the FTA aims and objectives. One of the participants stated: *"Recording is one of the four pillars of FTA and neglecting it forfeits its success"* (Bina of Black tribe, interview, 04.06.07).

Another participant stated: *"Success of the FTA means land is registered and ownership clarified, land disputes reduced and development initiatives occurring and stories documented in book form and be accessible to the generations to come"* (Kekero of Black tribe, Interview, 14.05.07).

Talking about the same thing a female commented: *"We need to record all the genealogies, stories, shrines, boundaries, rhymes, gifts (and for what reasons) so that they are sealed and respected forever"* (Kaakaa, Interview, 13.06.07).

Kikidukome stated:

> *"We need to document all aspects of the FTA. We need to turn oral into written, so that all who are alive now and the generations to come will access it and the stories may not be vulnerable to change or intentional abuse ... if the FTA issues are documented we will outclass the land. There is no other way we will reduce land disputes. We will be advanced than any other places in the nation"* (Interview, 26.06.07).

One other participant specifically pointed out that documenting genealogies will clear confusions and close gaps where people use to manipulate things. He stated:

"Documenting genealogies will enable chiefs to scrutinize if a name is causing confusion. For instance, if the name George is used in its shortened form as Geo by other people and can be mispronounced by others as Diodi, it has to be identified in the current recording process. Recording will clearly indicate that all three (George, Geo or Diodi) are only used to describe one person. Such has caused a lot of confusion in many genealogies and in many cases some people would claim that these three names belong to three different people. Some people modified their genealogies along that line purposely to acquire land falsely" (Nai of Black tribe, Interview, 18.05.07).

Three other participants commented that each tribe needs to choose some of their educated members to record their own FTA issues. According to them those assigned with the task must perform it according to FTA policy expectations. For instance, one participant stated:

"Tribe must identify some of their educated members and give them the recording task. Those who are assigned for recording must do it faithfully and must be responsible to collect the lists from those who have declared their connections. Those records will be kept for people's access and as references for legal procedures" (No'oaabu, Interview, 06.06.07).

I'ikafo further commented that the government or any NGOs should offer support in facilitating the process especially the recording task. He further commented that genealogies and stories need to be computerised so that they are neat, safe and stored (Interview, 11.05.07).

Three participated chiefs indicated that FTA documents especially the ones signed by the chiefs must be filed by the paramount chiefs, tribal chiefs, churches, provincial government head office, and ministry of lands, national museum and the national archive. They commented that all these avenues must receive copies of all documents signed by the chiefs after every single phases of the FTA process. For example one of them stated:

"Proper filing must be done so that it disables anyone who may want to claim land falsely. This will also avoid the possibility of people having interests to those lands destroying the copies if only kept in one place" (Fiu, Interview, 12.05.07).

5.7   The call for abolition of the Local Court System

All the participants who discussed local court system and the FTA commented that it is the system that gives 'personal right over land' and according to them is violating the customary principle of 'tribal land ownership' and is where things 'went wrong.' They pointed out that the local court judges and clerks are from different cultural backgrounds with no knowledge of To'abaita land issues. One of the participants explained:

"Upon hearing the two tribal arguments, the court figures out that one of those two is tracing the prayer and provides its links to their shrines (taboo sites), indicating the graves of

ancestors who were buried there ... if the judges analysis discovers that they emerged from the same ancestor, the decision will fall in favour of who traces the prayer and will hold the 'primary right' over the land and the other will be holding the 'secondary right' position. This is what spoils everything. It categorises people into categories (primary and secondary); winner and loser. In the FTA view which is of cultural stipulation, both tribes are the same. They emerged from the same ancestor therefore, have equal access to the land. I therefore recommend that the legal court system should be abolished and the law should give way for the FTA to resolve customary land issues. The legal court system is very vulnerable to bribery and nepotism and must be abolished" (Bina of Black tribe, Interview, 04.06.07).

[See Appendix 2 for relevant court decree]

Most of the participants indicated that the process of legal court system does not end disputes. According to them two types of 'legal forms' were created to aid the legal process. They claimed the forms were known as 'accepted settlement and unaccepted settlement.' One of the paramount chiefs stated:

"The process begins with the chiefs; they hear arguments between two tribes. The chiefs give their decision and if both parties agree on the decision they sign the 'accepted settlement form.' If one group disagrees as normally the case, they would sign the 'unaccepted settlement' form and the case will be raised to the local court. The local court will hear the case and give a decision which one tribe will be the primary owners and the other secondary owners. The local court then gives another opportunity of up to three months if the other party wants to make any appeal points and if the decision remains not satisfying to the losing party there is another opportunity of up to three months period within which to appeal to the High Court. As this encourages more disputes and there will be no peace of mind at the end, the legal court system should be abolished and be replaced with this very potential FTA" (Okowaa, Interview, 04.07.07).

Kwikwisi commented that the Local Court and the Customary Lands Appeal Court (CLAC) are partly responsible for the acts of falsification of genealogies and contributes to continuous disputes, disunity and division in the rural communities. He recommended that the only strategy needed to be adopted which is capable of settling tribal land issues is the FTA. He stated:

"Local Court is totally inappropriate strategy in problem solving or decision making on land matters. I totally disagree with the court system. I totally disagree with anything from outside (any courts) that may attempt resolving customary land issues. In my opinion, there are four men standing and watching from four corners of a land that are able to resolve uprising issues appropriately. For instance, Maua land: ... as we can see; it is being bordered by Thau and Mamula lands at the top, bordered by Buma on the left and E'eno on the right and sea at the end below [See Figure 3].
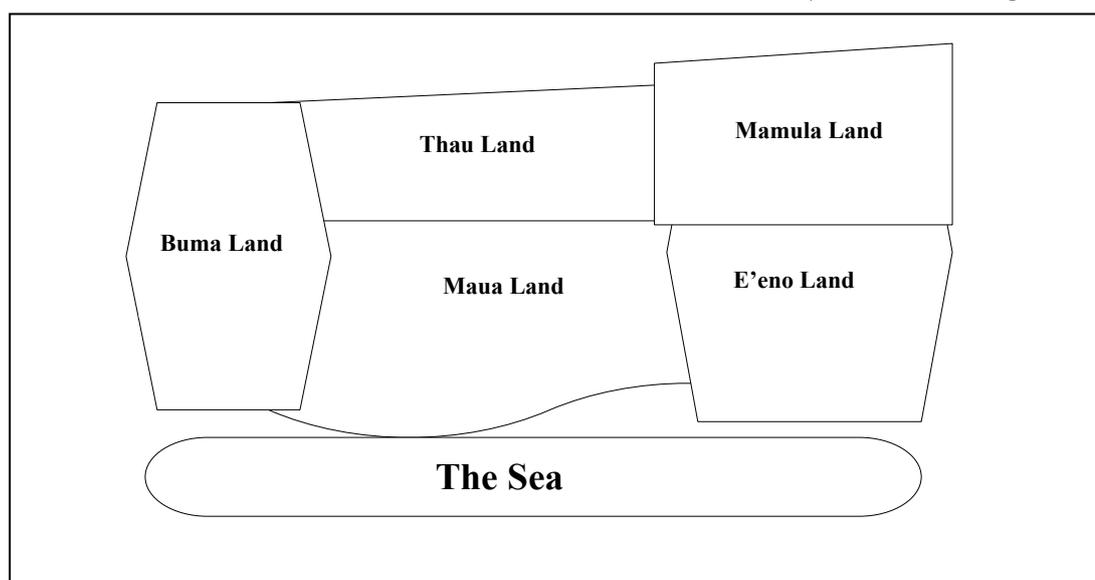
Figure 3: Illustration of how chiefs should resolve their own issues

We can see the four people (tribal chiefs) of those tribal lands were neighbours to Maua land. In the past, all the bordering tribes have witnessed every single move, the feasts, the special ceremonies/occasions that ever happened in Maua land. The histories and the real people of Maua land were not hidden from the neighbouring tribes. Thau tribes attended mortuary feasts and ceremonies (maama) in Maua. Buma, Mamula and E'eno tribes all did the same, and Maua also attended and witnessed similar occasions on its neighbouring lands. They all know the warriors, the pagan priests and the wealthier men on those lands. Therefore, it is not right and appropriate to invite people (court judges) who never know the place to come to resolve our issues and disputes; they knew nothing about those. FTA is the right tool as those chiefs can testify all they know" (Interview, 26.06.07).

One other participant commented that the legal court system is totally incapable of resolving intra-tribal genealogy disputes. He stated: *"Legal court systems have created more problems rather than resolving them. I recommend the FTA as the appropriate one to resolve such issues because everyone takes part in confirming the truth"* (Tuu of Black tribe, Interview, 03.06.07). Another participant stated:

"I strongly believe if the FTA is well structured, it will certainly outclass the local court system which is now seen as being responsible for instigating more disputes on customary land than resolving them. I strongly recommend the FTA to be empowered and Local Court abolished" (Geo of Black tribe, Interview, 30.06.07).

One other chief stated:

"The application of legal courts promotes no peace; instead there is hatred, there is ill feeling and continuous disputes. The legal court system is not resolving any problem, it creates more

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of it. The legal court system destroys churche (Christian) principles, destroys culture and destroys family tree" (Kekeora of Green tribe, Interview, 12.06.07).

A tribal leader stated: *"The legal court system is prone to biasness and nepotism (wantokism). In many cases, it is responsible for apartness of many tribes' men and the sole cause of errors in genealogies, the heritage and inheritance"* (Kaule of Black tribe, Interview, 19.05.07).

One of the local court judges commented that the legal court systems are still unable to solve land disputes. He indicated that the six court systems (the Chief's Land Settlement, the Local Court and the CLAC, the Magistrate, the High Court and the Court of Appeal) have not solved land problems. He stated: *"We need to do away with local court and delegate their responsibility to the chiefs. The power vested on local court should be placed upon the chiefs for FTA"* (Kee, Interview, 26.05.07).

Chapter 6: Reflections and Analysis

6.1 Introduction

This chapter positions the research stakeholders' views (as outlined in Chapters 4 and 5) in relation to the literature presented in Chapter 2, which discussed the Solomon Islands' old ways and colonialism, land policies and reform, complexities of land ownership, customary land registration, rural development and how it was constrained by land issues, and the FTA with its importance in rural development.

The interviews that generated the information for Chapters 4 and 5 were intended to address the overarching research question:

> '*Can the Family Tree Approach reduce disputes over customary land in the To'abaita region so that the land genealogies can be recorded and the land subsequently can be registered and allowed for development?*'

This research question was in turn generated through assessing gaps in development literature regarding unsustainability of rural development projects in the To'abaita region of Malaita, and the case of FTA as a tool to address the encumbrances. The secondary research questions (that contributed to the overarching research question) have formed the structure of coalescing both the results from the interviews and the literature in this chapter.

 Therefore, this chapter broadly considers areas such as:
1) customary land policies,
2) customary land recording and registration,
3) land disputes, indigenous issues and resolutions,
4) the To'abaita culture and values,
5) gender in rural and modern affairs of the To'abaita society,
6) land ownership and rural development,
7) To'abaita rural development projects and their sustainability,
8) possible strategies of reducing land disputes, and
9) the FTA and its development.

6.2 Customary land policies

Published literature coalesced with research results indicated that customary land policies and reform are important issues for consideration in pursuit of proper governance of the Solomon Islands' complex land tenure system. Research results reflected that policies are used as the basis for making decisions, especially about land and how land should be used. It came to be realized – both through Tagini (2001) (see Chapter 2) and also the research – that land policies in the Solomon Islands were

dominantly imposed by the colonial power in the pursuit of achieving economic growth and stability. Following the Solomon Islands' independence in 1978, almost no emphasis was given to customary land policy formation or reform. Since the independence, former government leaders perpetuated the ideas and policies initiated by the colonial government during their time. Bola (a participant) (see Chapter 4) mentioned that "… *the situations prior to 1977 were basically brought forward to be used from 1978.*" The research results show that most indigenous people have not fully understood the meanings of those colonial-based laws and policies or how to live up to them. The indigenous people felt that most of the colonial policies are no longer appropriate in the current society, and are viewed and felt as increasingly irrelevant and coercive. Bola (a participant) also stated that *"Those old policies are suppressing and people live up to them with fear that impact negatively on their lives.*"

Succeeding governments have been neglecting the issue of customary land policy formation and reform in the Solomon Islands. While this can be viewed as being politically intended, it can also be seen as government failure caused by lack of skills and knowledge in policy formation and reform. This argument is based on the fact that lack of policy formation and reform has also been experienced in other ministries apart from the Ministry of Lands. Bola (a participant) (see chapter 4) reflected, *"...not until this year (2007), the government requires of me a draft of 'cultural policies'."*

The research results show that the government legislature and the indigenous people need to compromise issues that aid the formation of relevant policies. At this juncture, it has been realized that these two important stakeholders have not been working together, which resulted in more suspicion of each other of the intentions of existing policies. Forming relevant and suitable policies will further require collaboration and partnership among stakeholders of diverse institutions, including (but not limited to) tribal landowners, the government agents and other stakeholders (such as the private and public sector providers and other non-government organisations). This will ensure quality policies that will boost the country's economy and improve the people's well-being in the areas of food security, health and education. Contrasting to this idea of partnership in policy formation and reform, most of the existing policies have not been made known to the people. Most of the illiterate people have not known whether or not their lands have been governed by any policies or whether or not the existing policies are facilitating benefits to them or ripping them off.

An interesting law explored during the research is the policy stipulating that customary landowners own only six feet down from the ground surface, while the government owns the land beneath that six feet (including all resources). Many customary landowners are not aware that such a policy exists in the Solomon Islands. Most landowners seemed to be satisfied with what is termed 'royalty' payments from companies exploiting mineral resources from their land. In the landowner's understanding, this payment is for their resources. However, the research results indicated that royalty payments are only interpreted as compensation for access through the surface soil owned by the tribes. Royalties are not

payment for resources exploited, but for access to the resources. Kwaiara (a government participant) (see Chapter 4) indicated that *"If a tunnel is dug from the government land, right below the said six feet (tribal land) to a gold deposit, tribal landowners cannot claim royalty."* Most indigenous people in the Solomon Islands are unaware of this and other colonial-based laws; therefore, some of their rights have been deprived and unprotected. Kookoo (a government participant) (see Chapter 4) commented that *"This law needs to be amended so that landowners get maximum benefits from exploitation of resources."*

Clouded policies do not make land attractive for investors and rural developers. Tagini (2001) (see Chapter 2) indicated that internal and external investors are not interested in countries where land law is clouded and where there is uncertainty about the security of tenure. Published literature and the research results show that there is need for formation of new policies, and amendment of existing ones, to fairly meet the needs of the people of the current society and the future. Zoleveke (1979) (see Chapter 2) argued that our land policy and land development must now be designed to cater not only for commercial undertakings but also for family units in the villages on customary land. Designing appropriate policies will aid rural micro developments and improvement of well-being in securing not only bulky but healthy food for the growing population – a family should have enough to eat and live so that its children are healthy and strong enough to work and produce.

6.3 Customary land recording and registration

Many To'abaita people now view recording and registration of customary land as crucial initiative for land identification, land security and for development purposes. Totorea (1979) (see Chapter 2) indicated that many people want to register land for security and protection of the interests in land, to compile records of customary land ownership, rights and boundaries before the elderly people die and memories become unreliable, and in order that disputes might be settled once and for all to allow for economic development purposes. Fanegar (1979) (see Chapter 2) added that land registration also serves the purpose of sorting out who has what rights to use certain parts of the land, and will encourage rural development by securing and guaranteeing of titles to land so people can get loans for more development.

Land is the most valuable treasure that bands tribal members together in the To'abaita communities. People refer to land as 'mother', 'birth right' and 'means of survival' (Gegeo, 1991) (see Chapter 2). In the current society, however, the research revealed that this traditional value is threatened by other behavioural forces including corruption, selfishness, pride and jealousy. Perceiving these new forces as threats to traditional common principles,[25] people resorted to the issue of registration. Land identification and security prevents false claimants to claim land (see Totorea, 1979 and Fanegar, 1979

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[25] The common principles state that every tribal member has equal rights to land and resources.

– Chapter 2). The people now are eager for development at whatever level in rural communities and believe its upheavals – jealousy, corruption and land disputes – will be eliminated once their causes are identified and once land is registered to the tribes. Registered land would be used as collateral to acquire loans for further developments.

However, the research revealed that registration of customary land is constrained by factors such as undocumented histories of the traditional society, lack of consultation among tribal leaders (including tribal members and neighbouring tribal leaders), land disputes, high costs incurred, and the perception of registration as 'a foreign concept.'

The legal system is incongruent with the traditional oral system and does not recognize anything that has not been recorded. Maenu'u (1994) (see Chapter 2) stated that the Western theory of knowledge is very reluctant to know anything unrecorded, thus most indigenous laws and traditions suffer neglect. Lack of consultation between tribal leaders with their tribal members and neighbouring tribes regarding registration issues have been causing delays in land registration. While land dispute is rated high in To'abaita rural communities, the legal system does not register customary land unless free of dispute. In other situations, tribes were unable to pursue land registration due to high costs incurred in the process.

Land registration can be achieved if considerable thoughts are enacted and oral traditions are documented to be congruent with the law. Adequate consultations are necessary to take place among members of the tribe and extended to leaders of the neighbouring tribes. These consultations will clarify the intentions of pursuing registration. The strategy used for customary land registration need to be re-strategized towards registration that does not stimulate disputes. Considering To'abaita issues, what the people claimed to be important is to be partners in constructing ideas that will lead to decisions and strategies that will impact on their lives. According to the results, what emerged several times is the issue that people value what they were part of. They claimed failures in projects and failures in alleviating poverty in To'abaita are consequences of ignoring one another's views, which they termed as 'lack of consultation.'

6.4 Land disputes, indigenous issues and resolutions

This section discusses the causes, types and impacts on land dispute generally in the Solomon Islands and particularly in To'abaita of North Malaita.

The research explored more causes and types of land dispute than what was discovered in the literature. This could be because (1) most of the writers were outsiders and have not done their research in the To'abaita communities, and (2) more types of disputes have emerged with community monetary dynamics and after those books were written. However, both (literature and the research)

have provided serious issues that must be addressed in order to provide good living and improvement of the people's well-being. The many causes of land dispute explored in the To'abaita communities include: the incongruence of traditional and modern governance, inappropriate systems of problem solving, disrespect to traditional authority, struggle for status and leadership, conception of land ownership and property, lack of education, money talks, selfishness, jealousy, unequal distribution of benefits, unbalanced/unequal standard of living, wrong persuasion of development, pressure of population increase, secrecy of old stories and genealogies, manipulation of indigenous knowledge, improper consultations, and lack of reverence for God.

The type of disputes are noted and placed into two categories (1) intertribal disputes – disputes of trespass, genealogy disputes and boundary disputes; and (2) intra-tribal disputes – land ownership rights, unequal distribution of benefits, trespass disputes, genealogy disputes and property/resources disputes. These disputes have been responsible for enormous complexities that the To'abaita people are experiencing in the current society. To re-raise some of the impacts, land disputes disorganized and de-structured the interdependent lifestyle of the traditional society (tribal bond) which 90% of the total population of Solomon Islands living in rural areas are still adopting. They weaken the people's mentality of perseverance to work harder. Courts are:

1) disturbing and taking up working time;

2) perpetuates poverty that affects young people;

3) responsible for the complexities of hatred including jealousy, theft practices and corruption;

4) hampers establishment and sustainability of rural development initiatives; and

5) gives room for manipulation of genealogies.

It is evident (Maenu'u, 1994) (see Chapter 2) that the modern and traditional systems of governance have not worked with the same principle. The system of 'oneness or commonness' nurtured by customary laws is contradictory to the notion of individualism that is evident and nurtured in the modern system of governance. While the notion of individualism is enforced by modern governance, it became incongruent with the concept of oneness/commonness as integral aspect of To'abaita traditionalism. These contradicting ideologies became obvious in acts of split personality between the educated and the uneducated, or modernists and traditionalists. The analogy of the two government systems is yet an issue far from compromised. This contradiction of systems in the Solomon Islands is the product of lack of initiative in the government system. Crocombe (1995) (see Chapter 2) refers to this by saying the government needs to be realistic about what can be achieved. Kikidukome (a participant) (see Chapter 4) referred to this as 'viral government' (system attacked by virus); in other words, the complexities experienced in the Solomon Islands are the results of sick government approaches. The Solomon Islands is a multicultural society, and policy makers need to form fair policies – not the ones that only benefit some while ignoring the rest in random and poverty.

6.5   The To'abaita culture and values

The Solomon Islands have rich diversity of cultures. Most of these cultures, though similar in general terms, have aspects that make them unique. The To'abaitans value their traditional society and culture of life that shaped them to be interdependent. This interdependence was traditionally seen in times of war, in terms of labour and in the traditional economic investment systems[26] of supporting and subsidising one another. Manner, respect and friendliness are basic principles that band friends and relatives together. The To'abaita culture encourages To'abaitans not only to work harder but also to work together and strengthen one another in terms of traditional livelihoods and traditional capacity building in enhancing each other's indigenous knowledge (tribal chiefs) through social rituals, epic chanting and narrations. This pattern of lifestyle is valuable to those grew up in the To'abaita rural communities. One would imagine that many other Solomon Islands' traditional societies would also have their traditional values. The effects of multiculturalism experienced in Honiara are beyond this discussion, but the point of contemplation is how cultural values are taken by policy makers. The increasing rate of land disputes, together with its impacts are issues for ages being overlooked. Development plans and initiatives failed sustainability because traditional values are not taken seriously and integrated in government policies. Disintegrating traditional values from policies is another way of saying "we do not need the rural people as partners in development."

6.6   Gender in rural and modern affairs of the To'abaita society

It was explored during the research that rural affair is referred to as 'rural sphere of life' that include decision-making processes. In To'abaita, the issue of hierarchy of status and the system of patrilineal principles that identify 'female as a female, and male as a male' promote the notions of superiority and inferiority. Females were categorised as inferiors, while their male counterparts as superiors. The hierarchical phenomenon had huge impact on gender participation in rural affairs. Females have normally been segregated from participating in rural development projects. The honour and respect the males enjoy from such hierarchy have been nurtured to be recognized in the current society as inequality in participation and social benefits. This gender segregation, according to the results, can also be seen as one of the many factors responsible for unsustainability of rural development projects.

Similar to suggestions for policy formation and reform, cultural stipulation for gender issues are equally necessary. Workable policies and cultural adjustments are crucial, and their current statuses need to be properly scrutinized and, where possible, alterations must take place to provide equal chances of better livelihoods to 'all.' It was proposed by the research participants that if there are going to be amendments to cultural principles, the issue of gender hierarchy must be reconsidered. The author believes that it is wise to recommend balancing gender hierarchical values and participation so

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[26] Barter system and the principle of 'one good turn deserves another.'

that rural affairs and development projects are meaningful, sustainable and have vision towards equal benefits.

6.7   Land ownership and rural development

The concepts 'land ownership' and 'development' have been severely misunderstood in the To'abaita local communities. The research revealed that there have been serious intellectual battles within individuals as they struggle to make sense and synthesize the incongruence of traditional and modern conceptualization of the terms in discussion. The word 'landowner' was not known in the To'abaita traditional society. It is referred to as 'foreign concept.' The patrilineal tribes of To'abaita (welakwalafia ki), together with their sub-clans of female lines (waikwelina ki), have no place for the word 'landowner.' Land and resources are tribal. Tribal leaders were not the sole owners of the land, but took the role of prayer offering, land knowledge acquisition, and other traditional leadership roles. Kaule (a participant) (see Chapter 4) indicated that *"Leading lines are not superpowers over the land. All members of the tribe have equal rights and privileges to use it."* This traditional prestigious leadership role is abused in the advent of the term 'landowner' in the current society. Landowner title is issued by the legal court systems under their 'win-lose strategy.' In court proceedings, judges judge in favour of those holding priesthood histories, and in the cases of intra-tribal disputes, 'primary and secondary rights' were given.

Winning land title or being titled 'primary right of ownership' over land is perceived as empowerment. The terms 'landowner', 'win' and 'primary rights' are titles of power, while the terms 'lose' and 'secondary rights' are powerless and those given these titles are losers. This power is recognized and protected by the legislation, and it is what people are struggling to have in the current society. That struggle is known as 'land dispute'. The rate of the power struggle has increased drastically, driven by the hope of becoming wealthy once given the title/power. Therefore, the traditional conception of tribal land ownership is perceived to have been replaced by personal or the firstborn land ownership. Stephenson (1998), Crocombe (1995) (see Chapter 2) and Kaule (a participant) (see Chapter 4) commented that the introduction of capitalism is changing the concept of tribal land ownership to **personal** or the **first born** land ownership. This change of concept forms the basis of many of the disputes because those who were assigned as landowners always ignore and were resistant to other members of their tribe.

The modern conceptualization of the term 'primary landownership' is that those whose fathers are of the tribe that is awarded primary rights are the landowners, and those born of their fathers' sisters have secondary rights – meaning that they only have access to land to make gardens for their family consumptions and not the right to be involved in any commercial activity that dominates the land. This is clear indication of the incongruence between the English Common Law of customary land ownership and the To'abaita Customary Laws.

6.8 To'abaita rural development projects and their sustainability

Through close analysis of the data, the rural people of To'abaita seemed to define 'rural development' as any set of activity that provides employment, generates income, and improves standard of living.

Oxenham (1981) (see Chapter 2) defines rural development as a growth (of farms, plantations, rural industries) and improvement in the use and productivity of land; change from bad state of affairs (e.g. poverty) to a better one (e.g. more wealth); giving people paid employment, or labour-saving technology so that they can do more other things; the use of resources lying unused in the earth; building more roads, houses, hospitals, schools, and airfields; and increasing or preserving the quality of life.

Lakau (1995) (see Chapter 2) notes that rural development is any measure that increases productive employment, equality and income earning potential or measures that alleviate poverty and improve standards of living. Shepherd (1998) (see Chapter 2) notes that rural development is the set of activities and actions of diverse actors – individuals, organizations, groups – which, taken together, leads to progress in rural areas.

Rural development in To'abaita is constrained by a number of factors. Traditional and cultural values about land and the people's spiritual attachments to them in some ways were factors constraining the flow and expansion of development activities. The older people of To'abaita and the chiefs are keeping an eye on the native forests and plants, and any massive destruction is painful and seen as disrespect by them. Koreo (a participant) (see Chapter 4) indicated that the very old mentality possessed by forefathers still hugely clogged people's minds – that is, that they only love their land, keep it in shape, and maintain its spiritual attachments. Older people often asked questions: *"Why have you destroyed that tree?" "What are you doing to that river?" "Don't go there, it's a sacred site!"* While such are acceptable traditional guides, they, to some extent, contribute to minimising rural developments on To'abaita customary land.

Land disputes are obvious deadly inhibitors of rural development initiatives in To'abaita and were experienced in all To'abaita rural development initiatives on customary land. It takes longer to resolve issues of land disputes, and therefore, disturbs development progresses. Inadequate and improper consultation on rural development plans and implementation normally triggers land disputes, resulting in unsustainability of rural development projects in the To'abaita region. Rural investors normally sidetracked in consulting with the wrong people or those whose rights to the land are minimal. External investors often access customary land through friends they met at school or at the work place. They have not done adequate research in establishing the rightful tribal landowners. Such shortfalls always meet with resistance that are not conducive for sustainability of projects.

Intra-tribal clashes over leadership positions (like land dispute) are equally destructive to development initiatives on customary land. On many occasions, even cousin brothers are arguing for leadership positions. Although it may be seen as external issues from development processes, they are happening on common properties (tribal lands), and such clashes provide uncomfortable environments for development to progress on such lands.

Like many other constituencies in the country, To'abaita is entitled to an annual government grant. However, corruption is evident in the management of the To'abaita Rural Community Development Funds (RCDF) and other grants issued through the provincial government. For the past 29 years, some millions of dollars allocated for the To'abaita Constituency had all been exhausted without any signs of tangible development. The informal policy being adopted is the 'iso mai iso kau' (I do to you what I want you to do to me). This corrupt, informal and nonstrategic policy had been operated on the basis of issuing hard cash to certain individuals whom the leaders felt have been loyal and that their ballot papers will ensure the retaining of their seats in Parliament. This development approach and policy had been nurtured to the point that most illiterate people would think it is the only and normal way of utilizing the RCDF. In To'abaita, nothing tangible had been pursued seriously, and such leadership quality has been responsible for underdevelopment in the constituency. It was argued, however, that the To'abaita people have an attitude problem for pursuing hard cash rather than tangible investments such as schools, clinics, etc. Tarangede (a participant) (see Chapter 4) stated that "*The rural people have a stubborn mindset that giving them hard cash in their hands (that can be consumed in a shorter term) is better than investing that money in clinics, schools etc...*" The To'abaita people need to be educated (through workshops) on the purpose of the grant and be educated to think ahead rather than settling for quick fixes.

Underdevelopment in To'abaita is perpetuating poverty that leads to more complex social problems in the communities, as well as in the urban centres. Fiu (a research participant) (see Chapter 4) stated that "*Poverty has opened the door for corruption, jealousy/selfishness and other criminal activities to take root which impact negatively on our development initiatives.*"

Jealousy/selfishness is an obstacle to development in the To'abaita rural communities. Among other reasons, these attitudes occur in To'abaita when individuals/people feel insecure, mistreated, threatened or vulnerable in achieving socio-economic well-being and satisfaction. Jealousy/selfishness, therefore, is a result of a cause and is socially constructed. If a person feels secure in general life or business, they are less likely to get jealous or selfish. In analysing the data collected, jealousy and selfishness emerged from three main factors: comparison, competition and the fear of losing status in the community, province or country. In reality, therefore, jealousy and selfishness are not the problem; they are symptoms of a problem. Once insecurity or the things

underlying the feelings of vulnerability are addressed, then jealousy and selfishness are addressed. Hence, the way forward for To'abaita in addressing jealousy and selfishness is to device approaches and initiatives that make everyone feels secure and valued.

The To'abaita people believe that the bottom-up approach to development project is the right direction, because it gives the rural people a passion in what they are doing. On the other hand, top-down approach of development is bureaucratic, and people have no ownership feelings. The mentality To'abaita people have for developments under this approach is 'iumi faitem selen nomoa' (we only work for wages). As important stakeholders in development projects, the degree of enabling the locals to be passionate about what they are doing is necessary attribute for success and sustainability of rural development initiatives. It is also important to realize that rural development projects must address the immediate needs of the rural communities. In other words, the rural people's needs (landowning tribes) are the basis for which the project should be formed. While such initiative has the potential to work well, it will also protect the development from unnecessary disputes. On many occasions, projects were planned from outside and normally only a few of the insiders who wish to pursue them have done so, while other tribal members who were not happy often caused disruptive disputes. It is therefore crucial that a research group should carry out a survey to find out what development initiatives the people would recommend on their land.

6.9 Possible strategies of reducing land disputes

Land dispute is a human cause and can be resolved by human interventions of formulating and implementing workable strategies that are pertinent and can blend indigenous and modern epistemologies. Since 1977, the adopted system of land resolution and ownership clarification is the Local Court. Due to encumbrances of logic, this strategy is recognized in the current society as irrelevant and detrimental to its own purpose. The Local Court as the known and formal mechanism for customary land settlement is receiving public disapproval over how it is designed and implemented. The system is causing intra-tribal division, more hatred and disputes – the very purpose it is aimed at resolving. Although this system was amended to integrate the chief's involvement prior to any formal hearing, the chief's contribution to the process and decisions were not always honoured. The Local Court and the Magistrate's Court always give the ultimate verdict.

Christians can use Christianity as a principle in resolving land issues. Having reverence for God impacts on immoral ideologies that make a person falsify genealogies and narrations in pursuit of attaining land titles. Christians anchor Christianity in the 'Ten Commandments' given to Moses at Mount Sinai (bible histories). The 'Ten Commandments' has fundamental principles pertaining to customary land resolution, including *"thou shall not steal", "thou shall not lie", "love thy enemies as thyself"* etc. Christians believe that judgement will be pronounced upon those contradicting these commands. The whole of To'abaita (except the few mountain pagan worshippers) is a Christian

community, and land issues can be resolved if everybody is having reverence for God. One can argue, however, that religion is a freedom of choice. As such, the difficulty lies where there are some who are committed Christians while others are not, which therefore prevents the whole idea from being implemented.

Integrating the two possible strategies discussed above (Local Court system and Christian principles) with indigenous knowledge can form another strategy in reducing land disputes and clarification of land ownership. Fiu (a participant) (see Chapter 4) commented that *"I strongly believe that the idea of formalizing the indigenous knowledge of tracing genealogies, historical tales and all customary evidences of land ownership will help reduce all forms of disputes we are experiencing about land. I had witnessed the failed strategies that instead of resolving land issues, have responsible for causing more problems. Two obvious failures are the Local Court and the Customary Land Appeal Court. I can tell you, they are total failures."*

6.10 Family Tree Approach

6.10.1 The case study of FTA

This study explored the FTA in order to understand whether and how it can help to resolve customary land issues that constrained rural development in the To'abaita rural communities.

The FTA blends indigenous epistemology with Western (modern) and Christian principles. Indigenously, all tribal members connected by blood (from male or the female lines believing to have come from the same ancestor) working thoroughly with diligence and care through their genealogies (talisibaraa), their pagan priesthood profiles (foa'a kera ki), their historical profiles/tales/narrations (u'unu i biu kera), their shrines/sacred sites[27] (gwa biu ni foa' kera ki), the land boundaries (including those given by ancestors as gifts, or received as tokens of appreciation, or as means of compensation (nga falea ki i laa gano)), properties in the land (ma'a ote ki, kekene, tai 'ai, etc.), and other small things that are worth naming. This indigenous knowledge is blended with Western practices of recording (documentation) to be harmonious with the laws of the Solomon Islands and with the Christian realms of reconciliation and restoration that promotes justice.

In the To'abaita language, FTA is defined as 'Sulagwaua bia Gano' – meaning 'tracing tribal connections with land in recognition, reconciliation and recording; promoting the mandates of unity love and peace.'

6.10.2 The four pillars of FTA

In the To'abaita rural communities there is enthusiasm in claiming FTA as an appropriate programme for contemporary life in the Solomon Islands. FTA has four equally important pillars for restoration

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[27] Traditional sacrificial and burial sites

and development: Recognition, Reconciliation, Recording and Registration (see Figure 4). Each of these pillars centres on indigenous qualities and are important for sustainable rural developments. Rural development in To'abaita can be sustainable through indigenous knowledge, as it accommodates and integrates the four pillars together. For the development initiatives to be successful, the four pillars cannot work in isolation of each other.
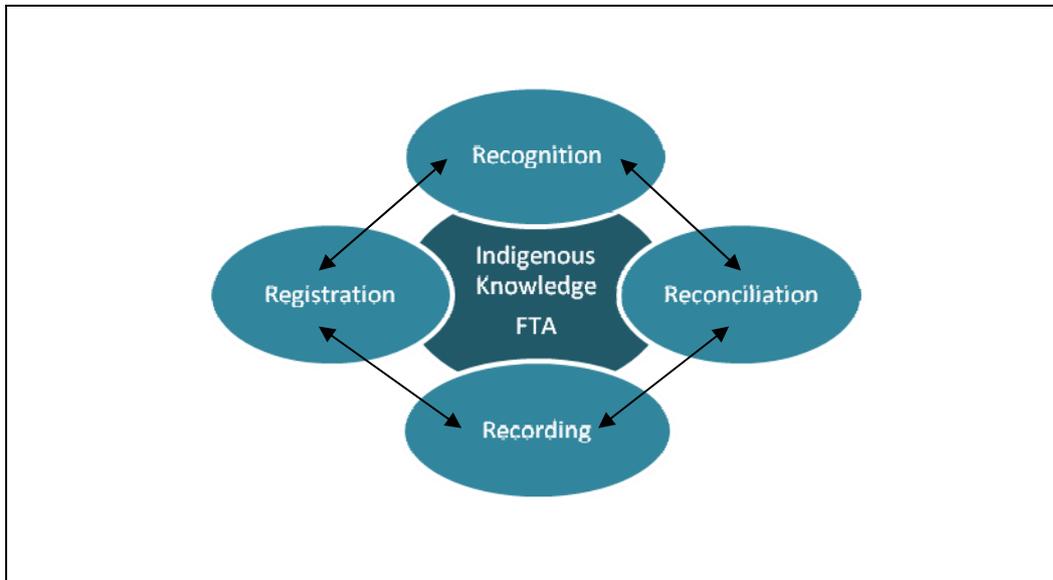
(Source: Own demonstration)

Figure 4:   The four pillars of the FTA

Recognition

Verbal discussions during the research with Paramount Chiefs and Tribal Chiefs revealed that according to indigenous knowledge of genealogies and prayers (talisibaraa bia foa'a), tribal epics ('ainimae ki) and historical narrations, the many tribes of To'abaita are believed to have emerged from one ancestor. However, the same epic chants and historical narrations proved that there was, in the past, enormous divisions and disintegration within tribes through marriage as well as for reasons such as adultery, sorcery, murder, betrayal and religion. The scattering of people (who were once members of a single tribe) have, over the years, became new tribes. These new tribes became competent and resistant to other tribes; until today's generation when people consider each other as members of totally different tribes with different histories and genealogies. The killings and offences against each other throughout history had created more enmity.

Reconciliation

Reconciliation in traditional concept is the 'event of apologising to, forgiving and accepting one another.' The reconciliation approach conducted through the FTA had been rated the best by the research participants of To'abaita among many others, including compensation, exchange of valuables, prayer and apology.

The disintegrations and enmities that existed have, in other circumstances, been severe, and the To'abaita people took those seriously as they were remembered for a long time. Okowaa (a participant) (see Chapter 5) indicated that *"Those who have such barriers never dare to look into their brother's eyes. They even did not want to mention their names when they speak. The enmity (ma'alimae) between them existed even for fifteenth generations or more."*

Recording

Recording is not part of the To'abaita tradition; however, it is necessary that the oral traditions are recorded to meet the law requirements. The important reasons for recording include (1) so that the oral version of history is recorded for reference for this and future generations, (2) accuracy of genealogies and historical narrations will be maintained, and (3) to be congruent with the laws of the current society. Knowledge and stories change with time and with the problems encountered. According to the results, it is evident that resolving problems may need slightly changing the traditional knowledge one has. As the whole indigenous knowledge is vulnerable to change, there is a need that they are recorded, or other problems may be caused when resolving issues using those changed indigenous knowledge. The FTA provides the ever wanted chance for all the oral stories, genealogies, gifts and other physical evidences of land ownership to be recorded. Those documents will be used as tribal charter to eliminate corruption of falsifying oral genealogies and narrations.

Registration

Customary land registration is the legal way of clarifying customary land ownership. However, in To'abaita, the upheavals in the attempts of trying to register customary land were overwhelming. The main cause that dictated enormous upheavals is land disputes. Many of the land disputes experienced on customary land were struggles for ownership rights and titles. There is wider knowledge that customary land cannot be registered unless there are no disputes over it. While this is the condition, land dispute in To'abaita is inevitable as land issues are vulnerable to manipulation under the legal system, especially when people have only oral histories.

6.10.3 Known achievements of the FTA

The FTA enables the disintegrated generations to recognize or identify with one another. Recognition of relatives through FTA clarifies priesthood rights (leadership rights) and ownership rights (land, genealogy and other properties). This clarification is based on indigenous knowledge; therefore, there is satisfaction over those accorded with leadership rights within a tribe. Siramidi (a participant) (see Chapter 5) stated that "*The FTA is the right tool in clarifying things the tribal members have a right to in the land. It shows if a person is of the male line or the female line or someone who only arrives to stay but his origin is somewhere.*" This consciousness was, in the past, missing and was partly responsible for the various complex disputes experienced on customary land.

The patrilineal principles of inheritance in To'abaita are also partly responsible for non-recognition of relatives, as genealogies were traced only through the male lines. As the FTA drives for recognition, female lines become equally important as male lines to land rights.

The FTA enables public recognition of existing tribes, tribal genealogies (tribal prayer), tribal tales, tribal epics ('ainimae), the tribal shrines, and the tribal land. The secrecy of these things in the past that have contributed to many of the complexities have been exposed and recognized by all, including the females. Kwikwisi (a participant) (see Chapter 5) indicated: *"The day of FTA; nothing is hidden and every ear has heard the stories and eyes see those involved and clarification of ownership is made with satisfaction."* Ruruu (a participant) (see Chapter 5) indicated: *"Today (unlike in the past) even female generations are clearly indicated, accepted and are given the same recognition as members of the male generations."*

The results show that reconciliation has been carried out satisfactorily at both intertribal and intra-tribal levels. The FTA, through reconciliation, promotes the Christian principle of justice which is seen in the qualities of respect, honesty, loyalty and love. These qualities are crucial for eradication of corruption, promotion of happiness, and improvement of well-being.

One of the outstanding achievements of FTA is the identification of people who are residing on the land and utilizing resources they do not have a right to. The FTA has no intention, however, of evicting those who were found to be in the wrong place to their rightful lands, but intended to make people know their roots or the land of their origin – this reduced the complexities experienced (land disputes) that constrained development initiatives and the well-being of the people.

6.10.4 The future prospected achievements of FTA

Maelia'u (2003) (see chapter 2) and the research results revealed that if applied carefully with tact, the FTA will be an effective tool in achieving social community cohesion, together with enormous benefits and most especially the very powerful tool in resolving the land dispute problem. With regards to the FTA, Maelia'u (2003) (see Chapter 2) stated: *"... I am convinced that herein lays the seed of something that will go a long way towards resolving the land tenure issue ..."*

The results show that recognition of each other and reconciliation for the causes of disintegrations in the past have, to some extent, been achieved. As more emphasis is given on managing the approach, recording of the oral history, and registration of both the land and the documented versions will be achieved in the future. The research explored that although most of the participants were not aware, the Government's Recording Act is already in place and is perfectly aligned with the FTA. Therefore, registration of genealogies and land will be done smoothly.

Many people of To'abaita have been fervent about the FTA on the understanding that rural development will occur to improve their well-being. Nai (a participant) (see Chapter 5) referred to this: *"People have been so willing and seen with passion to clarify themselves with the tribes they belong with the hope that when development comes into play, they would be entitled to their share."* As clarification of tribal ownership of land (registration) will be possible through the FTA, rural developments (macro, micro or even family scale developments) will occur on customary land.

6.10.5 The limitations and conflicting views of the FTA

The FTA, however, has weaknesses either in the approach itself or in its management. Some To'abaitans have argued that the FTA has no potential in reducing land disputes now or in the future, nor as an approach to enable rural development, tribal land registration, and resettling land that was wrongly acquired. In analysing such arguments it became clear that the FTA has weakened and people have gradually lost interest in proceeding to the next phase because the approach was not properly planned, designed and objectives not explained.

People have split perception of FTA, and the legislation therefore, reduces potential motivation that is needed to advance the approach. Maelia'u (2003) (see Chapter 2) and other interviews indicated that the Act pertaining to accommodate the FTA has been passed in Parliament but has not been enacted. It was clear that many To'abaitans did not know the existence of the Act. This, therefore, weakened their minds and they are not motivated to pursue the approach in view that it will not be accepted by the law; they perceived it as a waste of time, money and energy. I'ikafo (a participant) (see Chapter 5), for instance, commented: *"Right now the law or the government have not recognized the FTA. It is just another voluntary activity of the chiefs and tribal leaders and members who are desperate to having their land sorted out and develop to improve their well-being."*

The issue of tribal leaders accepting or refusing sub-tribes in the FTA process is questionable, especially when there are uncertainties of whether or not the oral indigenous knowledge is accurate. As was suggested, only DNA testing will provide satisfying solutions. However, as DNA testing is an expensive exercise, it would not be an option.

The issue of documentation of oral histories (recording) was taken by the FTA as one of its four strong pillars. However, results of the research indicated that no proper documentation has been done despite this emphasis. Illiteracy and laziness were blamed for this failure, which projects the failure of the whole approach. Bina (a participant) (see Chapter 5) stated: *"Recording is one of the four pillars of FTA and neglecting it forfeits its success."* Signed documents are the expected evidences upon which the law will decide as to whether or not genealogy and land can be registered. To reiterate, the FTA has four pillars. Ignoring one of them will mean collapse and failure of the whole approach. Afuiniu (a

participant) (see Chapter 5) indicated: *"If we neglect recording, the FT has no meaning and it cannot achieve anything. We cannot convince the government, the legislature or the associates because we do not have the documents. FT is nothing, useless and a total waste of time, energy and money if no documentation is involved in the process."*

In To'abaita, gender and culture are contributing issues that cause difficulties to the FTA. It was realized that due to uncertainties as to whether the tribe organizing the family tree (FT) is the rightful tribe, male members of some tribes have held back from participating in other FTs that they should be part of. On such occasions, some females who were well versed with their connections took the risk in proclaiming their connections by reading their genealogies – a task culturally confined to men. Intra-tribal arguments normally erupted over such situation, and in some cases, the matter was resolved through the females paying compensation to the males of the same line.

It was explored that the process of FTA is time and financially demanding. It takes time when tribal leaders are in the process of finding generations of their female lines, and demands money in the process and at declaration ceremonies. Money is needed for food and logistics during the ceremony. Time and money actually dictates the success of tribal FTs.

6.10.6 What needs to be done to maximise the usefulness of the FTA

The FTA needs better management in order to be successful. Managing the FTA requires better communication and collaboration with all stakeholders. Possible stakeholders that need to collaborate to develop FTA include the To'abaita Council of Chiefs from the six houses (Faukwae', Rumunafau, Boboaa, Manulafa, Faudedema and Maatakwalao'), tribal chiefs, tribal members, institutions (including churches, schools, business houses and women's groups), the Malaita Provincial Government, the National Government, and relevant NGOs. The illiterate chiefs alone cannot be successful with the huge task needed to bring the FTA to success. To move the FTA forward, there is need for both human resources and financial support. It is wise to commit time and resources to this approach so that people see the potential in reducing some of the complexities of customary land tenure that have been inhibitors of rural development in the To'abaita communities.

The To'abaita Council of Chiefs need to get organized and set up a management committee to frame and strategise the FTA logically. A well-framed strategy with clear aims and objectives need to be in place. The designed FTA needs to show how to achieve its objectives and to show indicators that this approach is potential to achieve them. As the illiterate chiefs cannot do much, it is therefore necessary to recruit educated members (including female representatives) into the proposed committee to direct the approach for success. Once the committee is set up, committee members can communicate the FTA plan with its stakeholders. The Provincial and National Governments need to be made aware of how the approach is addressing matters of the Genealogy and Customary Land Registration Act

passed by Parliament in 1994. The FTA may be feasible, but unless the Government knows what it is, no recognition will be given to it; the feelings some people have for it as not feasible will remain, and it will continue to weaken people's motivation. There is clear evidence that the FTA is the known mechanism that will smoothly address the Genealogy and Land Registration Act. As such, the FTA management needs to make the Government aware of this, and to request government recognition of the FTA and to facilitate it for success. The FTA management committee needs to improve the current strategy and, through its new framework, set policy guides that will guide Paramount Chiefs who will attend Family Tree Ceremonies (FTCs) and to sign documents. Signed documents are powerful evidences both to the FTA process and to aid the ultimate decisions that will lead to genealogy and tribal land registration.

The people of To'abaita need to be aware of the objectives of the FTA. It was evident that most people have not grasped the underlying rationale of FTA, and are confused as to what will be the end product. In a society of high illiteracy, transparency is a powerful management tool that will reduce the unwanted confusions leading to other complexities. In such illiterate communities, 'hear-say' is the strategy that people used to transfer their feelings, and sometimes facts. In situations where what a person transfer is false, it becomes destructive to collaboration and togetherness, which are important for the success of the FTA. While there is enthusiasm about the FTA, every individual in To'abaita need to know the aims and objectives and any potential development afterwards. The Council of Chiefs Management Committee (CCMC) need to educate the people of To'abaita regarding the objectives of the FTA (reduce land disputes now and in the future, enable land registration, resettle land that was wrongly acquired, and enable rural development). This education will promote motivation that will energise the people to pursue the FTA with strength. It was explored that the FTA is only reaching stage one, due to lack of knowledge and wisdom to pursue it further, lack of vision, and lack of motivation and energy.

The chiefs, who have the indigenous knowledge, need a set of guidelines or policies to assist them in performing their task honestly, and to ensure that high satisfaction is reached and that objectives are achieved. Kaule (a participant) (see Chapter 5) stated: *"All chiefs (paramount chiefs including tribal chiefs) who carrying out the FTA need policy guides that set standard to be met so that it is fair and the documents honoured."*

Policy guides will enable the paramount chiefs to make pre-analysis prior to attending the declaration events. Tabaraai'a (a participant) (see Chapter 5) mentioned: *"Chiefs should have policy guides to help them do the right thing. This will enable them to make good decisions when signing the documents and to guide them to work within their boundaries."*

Planning and designing the FTA procedure will guide the tribes that want to pursue it. Thorough and logical development of the FTA will convince the government when people pursue registration. Planners and designers of the FTA should train the tribal chiefs (train the trainer) in how it works. The tribal chiefs will then educate their tribal members of the process and its objectives. Furthermore, after this awareness phase, any tribal leader who wants to organize their FT will seek the CCMC, who will formally issue FTA guidelines and procedures. When the chiefs sign the documents, it will be because they believe that the FT has met the requirements and that the procedures have been adhered to. Tuu (a participant) (see Chapter 5) stated: *"Proper administration of the FTA will guide the chiefs to sign for a purpose and reduce the risk of biasness."*

It is also ideal that the FTA has its own constitution so that it has power. The FTA constitution as an option must be drafted by the CCMC, in consultation with the tribal leaders and legal practitioners. The chiefs must work within the boundary set out in the constitution, so that they produce solid documents/evidences. The FTA, as believed by the To'abaitans, will be successful if developed along these lines.

Chief empowerment is equally important for the success of the FTA. The National Government need to empower chiefly institutions throughout the country. Focussing on the To'abaita region, the chiefs and the FTA need to be empowered. Bina (a participant) (see Chapter 5) stated: *"The government needs to recognize the chiefs and the FTA in the same way it does to the legal court systems."* In order for the FTA to be successful, the government must help facilitate the work of the chiefs so that they both work effectively and honestly. The chiefs need to get at least wages or sitting allowances to help them go on.

The FTA will be improved if the process is taken carefully. Doing one thing thoroughly at a time would strengthen the FTA. For example, the genealogy needs be addressed first; when satisfied, shrines are examined or land surveyed. Genealogies need to be examined closely and carefully, and the names needed to be checked thoroughly. For example, (1) how many different people are using the same names and why, (2) check the spellings, (3) which family do their wives come from, and (4) which family do their daughters married to. After the genealogies have been satisfied, the history needs to be looked into.

Sorting the FTA into five phases is a better idea than the unstructured process currently being used. They enable the long process to be covered appropriately and allow room for proper monitoring and evaluation which will allow for alteration and possible redirection and also gives solidarity of what has been done. Phasing will also give a sense of conviction, especially to the government who will assign land titles to tribes. Phasing the FTA does not confine anyone or tribe who feel they have a right to oppose a FT.

Recording FTA issues is a huge task. It needs to be supported by educated members of the community and facilitated by the government, NGOs or other institutions. The recording task requires computer work and proper software (at least two computers and appropriate software for the whole To'abaita region). Malu'u (the To'abaita Township) has electricity, so computer use is not a problem. The government will need to help out in pegging boundaries and mapping issues.

Signed FTA documents (for every single phase) must be filed with the Council of Chiefs, and copies kept with the tribal chiefs, churches, school libraries, public libraries, provincial government head office, the Ministry of Lands, national museum and the national archive. Proper filing would discourage false claims. Also, it will avoid the possibility of people having interests to those lands destroying the copies, if they are kept in multiple venues.

Women need to be empowered and be given the right to freely participate in the FTA. Female lines in the traditional society were equally valuable as the male lines. Therefore, it is not fair to confine them in the current society and from being actively involving in the FTA. The success of the FTA is dependent on collective participation of all relevant stakeholders, including the females. Females are the ones to transfer their father's indigenous knowledge to their own children, and the FTA is a failure if female lines are excluded. Many females are now educated and need to be involved in decision-making processes. They can influence decisions that impact on their lives, and can gain skills and experience to venture into other areas outside of their tribal businesses. Women bear the domestic burden and are more concerned about the well-being of the family. They, therefore, must be part of the decision-making process that would have an impact on them.

6.10.7 Ignoring the FTA

The FTA, despite being known as a potential tool for resolving complexities of customary land tenure in To'abaita, has being ignored by some individuals and even tribes. Varied reasons include (1) reluctance due to the seen factor that FTA has no clear objectives, (2) many people have no knowledge of the FTA process and are still observing, (3) issues relating to religion – some people see FTA as belonging to one denomination, and as there are contradictory beliefs, it became a barrier, (4) plain ignorance – there are people who sit back with the view that nothing valuable will be achieved by the FTA, (5) running FTA is costly and cannot be afford by some tribes, (6) those acquired land through falsification of genealogies and stories fear that the land they are possessing will be taken back by rightful owners as truth reveals through the FTA, and (7) other tribes have been split over genealogies (original and modified/falsified) and are still struggling to compromise among themselves prior to organizing their FTs for public declaration.

6.10.8 FTA and the Local Court system

There has been wide public disapproval of the legal court system handling customary land issues in To'abaita. To'abaitans, including some of the Local Court judges, recommended that the Local Court system should be abolished and be replaced by the FTA. Reasons for recommending abolition of the Local Court include (1) the Local Court should not be responsible for giving 'personal right' over land, which is tribal, (2) Local Court judges and clerks were normally of different cultural backgrounds who have limited knowledge of the To'abaita culture, (3) Local Court is responsible for the acts of falsification of genealogies and historical narrations, heritage and inheritance, (4) Local Court stimulates continuous land disputes that result in disunity and hatred in To'abaita, (5) Local Court is totally incapable of resolving intra-tribal genealogy disputes – only two or three decision makers, unlike FTA, (6) the Local Court system destroys churches (Christian principles), culture and FT, and (7) Local Court system is prone to biasness and nepotism. The Local Court system fails to address these important issues that band the To'abaita tribes together. Maelia'u (2003) (see Chapter 2) stated: *"To'abaita is a society that highly values communal co-existence."*

According to the results, FTA with its four pillars (recognition, reconciliation, recording and registration) address all the above issues and, if planned and pursued properly, will produce a satisfying outcome. The FTA will restore the indigenous knowledge and values, smoothly eliminate land disputes, enable tribal land registration, and aid rural development that will improve the rural people's well-being. In view of these potentials, the people of To'abaita recommended that the Local Court be abolished and the FTA legalized for the benefit of the rural people.

While it will be beneficial if the FTA replaces the Local Court system, it is crucial to distinguish that the Local Court is a national legal system (lawful) and FTA is, at this stage, only for the To'abaita region. On this understanding, it is too early for FTA to replace the national legal court system. Until the FTA is widely accepted in the Solomon Islands, the Local Court will still be legally used. In the meantime, it is only appropriate that the people of To'abaita utilize this blended modern and indigenous knowledge approach (i.e. the FTA) to fulfil the expectations and aims of the 1994 Genealogy and Customary Land Registration Act. Doing a satisfactory job to this given Act will set the basis for which the FTA will become universal throughout the nation. The FTA at this stage can be seen as an experiment for which data will be gathered and collated to help further research into its applicability in the Solomon Islands' matrilineal societies. Until further research is done, the call for abolition of the Local Court system is too early.

6.11 Recapturing Chapter 6

This discussion chapter has focussed on aspects of customary land ownership, recording, registration and rural development, especially in the To'abaita region of Malaita Province.

The discussion has shown that customary land policy formation and reform are important issues for consideration in pursuit of proper governance of the Solomon Islands' complex land tenure system. As most of the colonial-based customary land policies are irrelevant in the current society, the need for partnership with relevant stakeholders over policy formation and reform is necessary. This is in the view that formed or reformed policies will be a representation of government, private sectors and the indigenous people of the Solomon Islands. The discussion shows that relevant and appropriate policies are important for the success of businesses and other rural development initiatives – which will both boost the country's economy and improve the people's well-being. Partnership in policy formation will ensure fairness of benefits for all stakeholders involved, especially the vulnerable customary landowners.

It was discussed that clear and appropriate policies will enable tribal land registration that shows clear ownership of land, thereby enabling investors to develop the rural areas for benefit of the rural people. Registration of customary land is vital to reduce the high rate of 'power struggle' widely experienced in To'abaita. It was discussed that the To'abaita people valued their traditional pattern of inter-dependence, which needed to be considered by policy makers. A good blend of indigenous issues with modern concepts and Christian principles will ensure equality and satisfaction by members of the Solomon Islands' communities. The discussion also shows that sustainable rural development in To'abaita also depends on better management practices. Proper and adequate consultation is expected to reduce the risk of land disputes, enabling sustainability of rural development projects, as well as maximising benefits for 'all.'

The people of To'abaita believed the encumbrances and upheavals of rural developments will be resolved by application of the FTA – a blend of indigenous knowledge, modern concepts and Christian principles. The discussion shows that the FTA will help towards sustainable rural development in To'abaita, because it satisfactorily tackles the ever unresolved problem of land disputes. The discussion also shows, however, that the FTA has vulnerabilities that must be addressed. The FTA needs better management by its relevant stakeholders. It needs to be structured and its objectives made clear to the people and the government. The To'abaita people need to know that the FTA has been aligned with the law and, at this stage, need to work with that particular law until such time that it becomes universal, before it can replace the Local Court system.

Chapter 7: Conclusion

7.1   Introduction

This thesis explored; *how the FTA is able to reduce disputes over customary land in the To'abaita region so that the land genealogies can be recorded and the land subsequently can be registered.* The outcome of the research were strongly influenced by the fieldwork that consisted of interviews with government stakeholders, lawyers, Local Court judges, members of the council of chiefs, tribal chiefs, tribal members, church leaders and women's group leaders. This final chapter summarizes the findings of the research as they relate to this question.

7.2   Summary of findings

Both the published literature and the research confirmed that the land tenure system in the Solomon Islands is complicated. The complexities are rooted in a number of facts: the patrilineal and matrilineal values to land, and the management systems of government and customary land ownership (irrelevant government policies, lack of communication between landowners and the government, as well as among landowners and their neighbouring tribes, the issue of oral histories, and the incongruence of legal and customary laws). The complexities become obvious when the government owns only 13% of the total land area, leaving 87% of the land in the hands of tribes. While the Solomon Islands' land ownership is clearly imbalanced, there is no formal management of customary land. Government land policies are both inadequate and irrelevant to enable improvement of the rural people's well-being. The government's lack of concern for customary land management has left the rural people in situations where they compete to acquire land, using their oral indigenous knowledge. Over the years, the struggle for land acquisition becomes intensified; it constrained income-generative initiatives in rural areas, and left the people in continuous poverty, which then lead to more disputes and more social problems.

Published literature and the research confirmed that where land ownership is not clear, rural development cannot occur. The research confirmed that land dispute in To'abaita is very high, indicating unclear ownership that impact negatively on the rural people's livelihoods. The legal Local Court system has been used as an attempt to resolve the customary land complexities. However, the research confirmed that the very system is responsible for causing intra-tribal division, more hatred and disputes. Although informal, the To'abaita people believed that Christian principles anchored in the Ten Commandments given to Moses on Mount Sinai (bible histories) will go some way in resolving the overwhelming land disputes. However, the research explored that Christianity is a freedom of choice – therefore, not everyone is a committed Christian – thus is incapable of resolving land disputes.

The Family Tree Approach

The FTA is a blend of indigenous knowledge with Western (modern) practices and Christian principles that aimed at maintaining social community cohesion and reducing land disputes that will subsequently lead to registration of customary land in the To'abaita rural communities. The FTA is defined in the To'abaita language as 'Sulagwaua bia Gano' – translated as 'tracing tribal connections with land in recognition, reconciliation and recording; promoting the biblical mandates (love, unity and peace). The four pillars of FTA are recognition, reconciliation, recording and registration. The research revealed that the FTA pillars are equally important, inter-dependent and centre on indigenous knowledge. This approach has received wider public approval as potential in resolving some of the To'abaita customary land issues.

Recognition takes its role in identifying tribal members who were disintegrated in the past, whether through marriage or physical coercion. *Reconciliation* is carried out with those recognized through indigenous knowledge. Recognition and reconciliation set the scene for success of the approach. As indigenous knowledge have been oral in To'abaita, *recording* (documenting) the oral histories is equally an integral part for success of the approach. The approach strongly emphasizes documenting the oral histories to be accepted by the law, as well as to protect the histories from diminishing and intended manipulations. These three pillars facilitate the fourth pillar (*registration*) to ensure success of the approach. It is believed that once land is registered, ownership will be clear, the land is secure, and development will take its place. As the four pillars have equal importance, ignoring one of them will mean failure for the approach.

Limitations and management of the FTA

The research results confirmed that the FTA, however, has limitations either in the approach itself or in its management. The results indicated that the FTA, due to lack of direction at this stage, is incapable of achieving its objectives (reduce land disputes, enable rural development, enable tribal land registration and resettle land that was wrongly acquired). Many people of To'abaita have not known the objectives and have split perception of the FTA and the legislation; this therefore, reduces the potential motivation that is needed to advance the approach. The FTA is currently not formally recognized by the law. Research evidence also indicated that no proper and serious documentation has been done despite knowing that it is one of the pillars. In To'abaita, gender and culture are contributing issues that cause difficulties to the FTA. Also, the FTA lacked financial support.

With the above limitations, the research results show that in order to be effective, the FTA has to be strengthened. The FTA needs to be managed and supported. Communication between FTA stakeholders needs to be strengthened. The To'abaita Council of Chiefs needs to get organized and form a management committee that will design and oversee the approach, showing how the objectives will be achieved and directing it for success. The objectives and aims of the FTA has to be made

explicit, explained and re-explained to the illiterate members of the To'abaita community. The management committee has to recruit educated members of the community, including female representatives. The management committee has to communicate with the government and request for its support. People will be motivated if made aware of the alignment of the FTA with the legal legislation (Genealogy and Customary Land Recording and Registration Act of 1994).

The FTA will be further strengthened if the management team set policies that will guide the chiefs who will attend FTCs to meaningfully sign documents that will aid genealogy and tribal land registration at the end. The FTA is further recommended to have its own constitution so that it has power. The constitution can be drafted by the recommended management committee, in consultation with other stakeholders and legal practitioners. The constitution can integrate the aforementioned FTA pillars – with indigenous knowledge, modern practices and Christian principles.

Empowerment of chiefly institution in To'abaita is necessary for the success of the FTA. The work of the chiefs in To'abaita needs to be highly recognized and honoured by the National Government. The chiefs need to be given incentives to be able to do their work effectively, thereby discouraging corruptions that weaken people's motivation for the FTA. It is recommended that illiterate chiefs be trained by designers (proposed management committee) of the FTA to enable them to run and manage their own FTs, and be able to pass the knowledge to their tribal members.

The FTA needs to be done thoroughly and carefully. It was recommended that doing one thing thoroughly at a time will give strength and solidarity to the FTA. Genealogies need to be thoroughly addressed first. Names need to be checked thoroughly as different persons within a tribe may use the same names. To avoid muddling and falsifying genealogies, there is the need that names and spellings are checked and cross-checked prior to venturing into other areas such as examination of shrines and boundaries. Research evidence confirmed that phasing the FTA is a good idea because the issue of thorough checking of genealogies will then be addressed adequately.

To strengthen the FTA, 'recording' must be done. Recording is one of the four FTA pillars; neglecting it could mean the failure of the approach. For the approach to be successful, the government and other key stakeholders need to come forward and support it. Signed FTA documents must be filed by all FTA stakeholders to disable those keen to falsify genealogies and historical stories to claim land.

The success of the FTA is also dependent on collective participation of relevant stakeholders, including the females. It is evident that excluding females will impact on the generations that they (women) produce. Women will not know their father's genealogies and stories, and therefore will not be able to pass them on to their children. It was argued that the FTA would be a failure if female lines are excluded.

Ignoring FTA

Some individuals or tribes ignore FTA for reasons including FTA has no clear objectives; many people are still observing as they lack knowledge of FTA processes; issues of religion; ignorance; FTA is expensive to run; some people fear that land they acquired will be taken away through the approach; and other tribes are experiencing intra-tribal split over genealogy issues therefore, still trying to compromise among themselves.

Conflicting issues on FTA

Conflicting issues were raised by some of the interviewees. For instance, Kaule, Ruruu and Kekero (research participants) (see Chapter 5) raised that female lines are equally important to land rights and resources. However, Koreo (research participant) (see Chapter 5) presented that female lines are lower than the male lines. Other participants indicated that the FTA has potential to reduce the complex land tenure issues, while others, for reasons of incapability, termed it as a 'waste of time, money and energy.' Other participants mentioned that the FTA will identify other people as landless, while others indicated that landlessness is not a problem – it enables everyone to know their roots, which will help to reduce unnecessary disputes in the rural communities. Some participants indicated that the FTA will enable land registration, but others disagreed. Some interviewees mentioned that traditional knowledge is still adequate for decision-making as to whether or not to accept a sub-tribe into the main tribe; others argued that only DNA testing will produce a satisfying solution. Some interviewees indicated that the FTA is the best strategy ever known in To'abaita to resolve land issues; others argued that most To'abaitans are not aware of its objectives and its underlying rationales. Chiefs are the sole certifiers of the FTA documents however, others argued that the same chiefs are vulnerable to corruption. Some of the interviewees claimed that the FTA will enable sustainability and success of rural development initiatives; others argued that it will enable discovery of too many landowners, which will be difficult to compromise for development initiatives. The research results show that those who acquired their land falsely will be unwilling to adopt the FTA for fear that their land will be returned to the rightful owners.

FTA and the Local Court system

The participants believed that the problems affecting rural development in To'abaita will be reduced by the application of the FTA, because it satisfactorily addresses the ever unresolved problem of land disputes. On this experience, majority of the research participants recommended the abolition of the legal court system for reasons including the Local Court being responsible for giving 'personal right' over land which is tribal; Local Court judges and clerks were normally outsiders who have limited knowledge about To'abaita culture; Local Court is responsible for the acts of falsification of genealogies and historical narrations, heritage and inheritance; Local Court does not end but stimulates continuous land disputes that result in disunity, division and hatred in To'abaita; Local Court totally

incapable of resolving intra-tribal genealogy disputes – only two or three decision makers unlike FTA; the Local Court system destroys churches (Christian principles), destroys culture and destroys Family Tree; Local Court system is prone to biasness and nepotism.

While maximum benefit is perceived by the research participants should the FTA replaces the Local Court system, discussions show that it is equally crucial to distinguish that the Local Court is a national legal system (lawful) and FTA is, at this stage, only for the To'abaita region. On this understanding, it was discussed that it is too early for the FTA to replace the national legal court system. It will take some time until the FTA is universal for the whole nation. In the meantime, the FTA only needs to fulfil the expectations and aims of the 1994 Genealogy and Customary Land Registration Act. Doing a satisfactory job to this given Act will set the basis for which the FTA will become universal throughout the nation. At this stage, The FTA can be seen as an experiment for which data will be gathered and collated to help further research into its applicability in the Solomon Islands' matrilineal societies. Until further research is done, the call for abolition of the Local Court system is too early.

7.3   Final comments

The research was based on a case study, limiting its ability to be applied to the broader customary land tenure in the Solomon Islands. However, these findings may serve as useful indicators, firstly, to aid policy makers to formulate informed customary land tenure policies, and secondly, for opportunities and challenges that may arise in areas of rural development. The research found conflicting issues on the FTA, and managed to highlight that it (FTA) will not be the only solution to resolve land issues in To'abaita. However, if designed and administered properly, the FTA will help reduce the complex land tenure issues (land disputes) experienced in the patrilineal To'abaita communities and, subsequently, will lead to successful registration of land to the tribes, thereby enabling sustainable rural development initiatives.

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Appendix 1: Pidgin version of how jealousy is at work in To'abaita rural villages

"...good example nomoa if you look lo every villages lo To'abaita bae you lukim that as soon as one person lo village hem startim canteen....within 6 months bae you lukim kosap whole village nomoa garem canteen at each household....or if one person startim bakery lo cake bae whole village nomoa bakem cake.....and to achieve sustainable development that shouldn't be how things should be done.....we need to diversify activities in our villages. If somebody startim canteen and cake others should startim something else so that everting savvy fit in well...ma if a village that has 10 households hem also garem 10 canteens then oketa ae bae who now buy lo oketa canteen yeah....this unfortunately hem infuriated nomoa by jealousy and selfishness too yeah...I have been to a lot of different societies throughout the Solomons and oketa no osem umi tumas lo above example mi outlinem yeah. Secondly, if oketa pipol herem nomoa that wanfala new development bae kam lo To'abaita the next thing bae u expectim now is that bae pipol ting that the one or two persons where facilitatim kam project yeah nomoa now bae benefit yeah and bae tekem moa seleni....so for avoidem umi fight now or go lo court now or stealim battery blo buldozer hem mekem kam road yeah now or even askim compensation from oketa pipol now...that wan hem also caused by jealousy and selfishness" (Ito, Interview, 02.07.07).

Appendix 2: Example of a step in legal court procedures and decisions

SURVAY REPORT ON THE ULUBIU LAND OF 25TH APRIAL, 1983.

Team Party: 1. E. Fisu   Vice President

2. S. Walanihou   Justice

3. J. Kaia

The survey party met Mr Maena (Appellant) and S. Agiomea (Respondent) at Mana'abu village.

Mr Maena and Mr Agiomea led the team to the Mana'abu coast or sea-side tabu place and here we found or surveyed the site. At Maanaabu tabu site Maena showed to the party the cemetery of Nakithabuia which Mr Taloliu is responsible for it. Mr S. Agoimea said he has nothing to disagree with Maena, and the party left to Ngalifesi village and stream. From Ngalifesi village the party followed up the Ngalifesi stream to the Efilu boundary.

At Efilu boundary as marked out on Mr Maena's map we questioned Agiomea for his coment and said I agree with the boundary and not Efilu but Fauabubuni as written on my map.

From Efilu point of boundary we left for Tanisiringi boundary point (east).

At Tanisiringi point the party (water pool) Mr. Maena showed and pointed out the pool and its name the 'Tanisiringi'. Both Mr Maena and Agiomea agreed with the boundary point except Mr Agiomea who has a different name for it called "KWAIFOE" as shown on his map.

From Tanisiringi point the party left for the Maanaabu bush tabu place.

At Mana'abu bush tabu site the party saw a sea stone which Bufanua brought up from Maanaabu sea-coast. The sae-stone represents the transferring or brushing out of Maanaabu sea-coast to Maanaabu bush. The party also inspected the old graves of Bufanua and Sufanua. Also we inspected the Akalonimaama tabu fire-ash.

The court party agreed and certified that these signs on the Mana'abu bush are real custom evidence to the court.

Mr Agiomea although he denied these tabu relics but he cannot prove to the party that he is saying the truth to the court.

Thathe Tabu Place

On here the party inspected Mr Maena's sacred wall stone. The court party found this place is a true sacred or holy wall according to our custom.

Mr Agiomea said nothing against Mr Maena after he described the wall stone to the party. From here we moved on to Ngalimemeo.

Ngalimemeo Tabu Place

At here the party inspected a tabu wall stone and the grave of the priest who was called Geobala. The court party agreed these are the real custom signs.

Mr Agiomea denied Mr Maena but he is unable to produce an evidence to support his disagreement with Mr Maena's claim. After inspecting Ngalimemeo tabu place we came to the end of our land survey of the Ulubiu Land.

ULUBIU LAND JUDGEMENT

This land is claimed by the Appellant as heir in the male line of Alobaita. He claims through Fiula, son of Alobaita, and Asitha-afukona, son of Fiula. Asitha-afukona was driven off the land by his father for accidently killing his aunt To'osiala, in a rather peculiar manner. Later there was a prayer of reconciliation between Asitha-afukona and a member of the elder male branch of the tribe (Lilifea's line).

The respondent claims as heir in the female line of Alobaitia. He says the male line died out, and he is entitled to primary owner-ship of the land through his ancestress Finianatabu, daughter of Alobaita. (The Appellant does not dispute the Respondent's descent, and agrees that he is entitled to secondary rights.) The Respondent also says that if the Appellant is descent in the true male line (which he denies), then he has lost his right to the land. Asitha-afukona's accidental aunt-slaying could have been expiated by an effectual prayer of reconciliation; but that would have to have taken place between the killer and a man still living in the land he left not any other branch of the family.

So the first question for us to decide must be, is the Appellant descended as he claims? We answer this with an unhesitating yes; we believed his evidence on oath, and it was amply supported by our findings on survey (see attached report). The story of To'osiala cannot be altogether true, but over some ten generations family traditions are bound to get better. We are quite sure it is too absurd to have been invented as a deliberate lie.

The second question is, did Asitha-afukona regain his lost rights by his prayer of reconciliation? We hold that throughout Malaita an accidental killing may be expiated by a prayer of reconciliation with any senior male kinsman of the deceased. So this question too must be answered yes.

These answers mean that the appeal must be allowed, the judgement of the local court set aside, and the following decree made its place.

<u>DECREE</u>

1) a) The Northern boundary of ULUBIU land is the main Auki to Malu'u road;

   b) The Eastern boundary is the Malu'u River, known in its upper reaches as the
      Rukaana'ako stream, as far as Tanisiringi pool, otherwise known as Kwaifoe.

   c) The southern boundary runs from Kwaifoe or Tanisiringi almost in a straight
      line, between Kaulamae (outside) and Kwaathabotaniu (inside), to the middle of
      the landslip at Efilu or Faububuni.

   d) The Western boundary follows the Kukuru River, otherwise known as the
      Ngalifesi stream, to the main road near Ngalefesi village.

2) Moffat MAENA has the primary right to ULUBIU land, and Shem AGIOMEA the
   secondary right.

Timeous TEIOLI M.B.E.   **President**

Enoch FISU   **Vice President**

Joseph KAIA

Shemuel WALANIHOU

John FREEMAN   **(Magistrate)**   29th April 1983.

Appendix 3: Interview question prompts by stakeholders

Semi-structured questions for members of the Council of Chiefs

- Who came up with the idea of Family Tree? When did it emerge?

  Prompts:

  Could you please explain the whole intention of family tree?

  What are the strengths?

  What are the weaknesses?

  How will those weaknesses be strengthened?

  Would you comment on gender involvement in the family tree process?

  How would the family tree documents and certificates be filed and by who?

- In what ways do you consider land issues to contribute to unsustainable rural development in the To'obaita region?

  Prompts:

  What in your opinion, should be done (in terms of land) in order for development activities be productive and sustainable in our communities?

  Will you comment on gender participation in land issues and our development initiatives?

  How can we improve the 'well-being for all' through the family tree approach?

Semi-structured questions for church leaders

- In your opinion, why have development projects not been sustainable in our rural communities?

  Prompt:

  What will you suggest with respect land in order to allow development initiatives to progress in our rural communities?

- What in your opinion causes customary land dispute?

  Prompt:

  Are there any better processes to smoothly clarify customary landownership?

- What roles would the church play to solve the problem of customary land dispute?

Would you please explain the roles of the family tree approach with respect to resolving customary land dispute?

Prompts:

What are the weak points of the family tree approach?

How will those weak areas be strengthened?

Would you explain any immoral aspects you feel are associated with the family tree approach?

What are your suggestions to make it better?

What are some positive aspects?

- Could you please comment on the issue of gender equity in the family tree process?

  Prompts:

  What is your perspective with respect to gender distribution of benefits for the use of tribal resources?

  Would you please comment on how to improve on that if there are weaknesses in this area?

Sample semi-structured questions for the tribal members

- Could you please describe your connection to the main tribe and how it relates to land?

  Prompts:

  Does your genealogy provide you with access to land satisfactorily?

  What is your opinion about your current tribal chief with respect to the indigenous knowledge expected of him?

  What are the supports he needs to be able to withstand disputes should there be one from another tribe?

- What are the causes of land dispute?

  Prompts:

  Can you elaborate on the impacts of land dispute on you or your other tribal members?

  What types of land dispute did you experience on your land and how were they resolved?

- Please explain to me your understanding of the family tree approach?

- What is your opinion about the 'family tree approach' as a process of clarification of tribal land ownership and dispute reduction/resolution in To'obaita?

  Prompts:

  What in your opinion are the weaknesses of the family tree approach?

  How would those weaknesses be strengthened to achieve its goals?

Any suggestions/comments you would like to make to improve the processes/procedures?

What do you see as the positive aspects?

- Why is it important that 'family tree' has to go through the three main phases?

  Prompt:

  Why were the other tribal groups gone ahead of the others in their family tree processes?

  How did you feel when you involved in the family tree processes and why did you feel that way?

  In your opinion, why are the other tribes felt reluctant to begin their family tree processes?

  Why were many tribes so delayed to go on to phases two or three of the family tree process?

- What are some positive things about registering customary land?

  Prompts:

  Why do many people think that the family tree approach can enable registration of customary land?

- Do you think of a better word (name) to replace family tree?

Semi-structured questions for Government Officials

- Could you please comment on the influence of colonial powers on present land policies?

  Prompts:

  In your opinion, how has the government influenced policies regarding customary land?

  What other things could government do?

- What in your opinion could the government do to address the issues of land disputes on customary land?

  Prompts:

  What do you think causes customary land disputes?

  What in your opinion are the impacts of land dispute on the well-being of the rural populace?

  What in your opinion could be done to remedy those impacts?

- How effective do you think the Customary Land Local Court (CLLC) is?

  Prompts:

  What is your opinion about the CLLC?

  What is the current process of land registration?

  What are the problems with registering customary land?

- This research is a case study of the 'Family Tree approach' that is currently taking the North Malaita by storm. It is about genealogy tracing, land surveying, history telling, declaration, documentation and certification at the tribal level. Have you heard of it?

  Prompts:

  Would you consider 'family tree approach' potential and amicable to reduce land dispute? Why?

  What are the problems you see in the family tree approach?

  What would you suggest to overcome those problems?

  If the problems associated with the family tree approach are overcome, what in your opinion could the government do to utilize it?

- What is the current percentage of total land area owned by tribes and the percentage of land owned by the government?

Semi-structured questions for the Local Court Judges and Clerks

- What in your opinion are the causes of land dispute?

  Prompts:

  Can you tell me about the successes of the Customary Land Local Court (CCLC) with respect to tribal land dispute?

  What is your comment about land dispute and unsustainable rural development initiatives?

  Any other factors do you think are responsible for unsustainable rural developments in our communities?

- As you listened to 'oral histories' in the court proceedings, how accurate do you think are they?

  Prompts:

  What are the areas you see needs immediate addressing?

  How would those be addressed?

- Could you please discuss your opinions on the issue of the 'Family Tree Approach' and land dispute?

  Prompts:

  What are the weak points that you see in the family tree approach?

  How would those weak points be strengthened?

  What are the positive aspects?

- Could you please discuss the idea of integrating the 'family tree approach' with the CLLC?

  Prompts:

  What are the strengths?

  What are the weaknesses?

  How would the weaknesses be strengthened?

- What is your opinion about the family tree issues of documentation and certification of genealogies, shrines, boundaries and tales, with the legislative issues of customary land registration?

  Prompt:

  What in your opinion is responsible for the lack of customary land registration?

Semi-structured questions for Lawyers

- Why is it difficult to register customary land?

  Prompts:

  What are the lawful procedures?

  Would documenting the oral histories important to the legislation? Why?

- Have you heard of the 'family tree approach' that is underway in North Malaita?

  Prompts:

  How could documenting genealogies help with land registration?

  If customary land ownership is clear through the family tree approach, would those lands be registered if the landowners want to?

  Do you see the family tree approach as a door way for registration of customary land?

- What other suggestions would you like to make to incorporate the family tree approach with the current legislation?

  Prompt:

  Why is the Solomon Islands government so reluctant to initiate customary land policies that suit the needs of the current society?

Semi-structured questions for women's group leaders

- What is your opinion about the extent of women's involvement in the family tree process?

Prompts:

What are the likely benefits that women and children will get from any development activities on your tribal land?

What are the options to balance benefits between genders and youths?

What roles do you think women should play in the family tree process?

- What are your concerns regarding land dispute?

  Prompts:

  What do you think causes land dispute?

  How severe has land dispute impacted on your children's livelihood and well-being?

  How will the family tree approach be able to reduce land disputes?

  What are the weaknesses of the family tree approach?

  How will those weaknesses be strengthened?

  What are your opinions on the feasibility of the family tree approach with respect to land registration?

Semi-structured interview questions for Tribal Chiefs

- What in your opinion are the difficulties with tribal land registration?

  Prompts:

  Why do people want to register land?

  What are the relationships between registration of customary land and sustainable rural development?

- What are the causes of land dispute?

  Prompts:

  Why were rural development projects unsustainable on customary land?

  What can you suggest to enable sustainability of development initiatives on customary land?

- Could you please explain your understanding of the family tree approach that is widely underway in our region?

  Prompts:

  How would the family tree approach be utilized in the dilemmas of land ownership, land recording, land dispute, land registration and rural development activities?

  What in your opinion are the weaknesses of the family tree process/approach?

  How will those weaknesses be strengthened?

  What are some positive aspects?

  Do you think the family tree approach can lead to land registration?

  Would you please comment on why the other tribes have not started their family trees?

- If the family tree approach is successful, how will every tribesmen and women benefit?

  Prompts:

  What is the size of your family tree now?

  Besides subsistence production, what other benefits did you or your tribe reaps or planned to get from your land?

  What percentage of your land do you think has been planted with crop trees as coconut and cocoa etc.?

  Will all members of the tribe benefit equally? If not, why not? (gender equality).

  Besides the 'Family Tree Approach', any other strategies you think may be helpful to reduce land disputes?

Appendix 4: List of interviewed stakeholders coded by native bird names

Research Stakeholders

Government Stakeholders	From	Date interviewed
Kwaiara	Lands	3/05/2007
Kokoo	Lands	3/05/2007
Bola	Museum	14/07/2007
Kwisi	NGO	10/07/2007
Lawyers		
Gera'a	H. Court	20/06/2007
Nuta	Magistrate	15/06/2007
Local Court Judges		
Giororo	Local Court Judge	14/05/2007
Kee	Local Court Judge	26/05/2007
Council of Chiefs		
Fiu	A	12/05/2007
No'oaabu	B	6/06/2007
Bina	C	4/06/2007
Ito	D	2/07/2007
Okowaa	E	4/07/2007
Tribal Chiefs		
Koreo	Red	22/05/2007
Kwikwisi	Red	26/06/2007
Ruruu	Green	10/06/2006
Kekero	Black	14/05/2007
Kekeora	Green	12/06/2007
Tarangede	Black	10/06/2007
Tabaraaia	Black	29/06/2007

Tribal Members

Siramidi	Red	15/05/2007
Kikidukome	Green	26/06/2007
Nai	Black	18/05/2007
Anakwe	Black	13/07/2007
Bitili	Red	12/07/2007
Kilakila	Red	23/06/2007
Afuiniu	Black	17/05/2007
Kaabora	Red	7/07/2007
Sirakutu	Black	3/06/2007
Kaule	Black	19/05/2007
Kiro	Green	9/06/2007
Tuu	Red	1/07/2007
Korokoro	Black	3/06/2007
Geo	Black	30/06/2007

Church leaders

Toratora	21/06/2007
I'ikafo	11/05/2007
Tutuieu	29/06/2007

Women's Group Leaders

Sisiri	2/07/2007
Kakaa	13/06/2007
Sobe	24/06/2007
Kukua	4/07/2007