

# “LAND REFORM”

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# Topics to be covered

- Land and Titles Act (including Land Board)
- Planning and Development Act
- Strata Titles Bill
- Customary land reform

# Land and Titles Act

- Amendments passed by Parliament in 2014 introduced a new “Land Board” to make all decisions on land allocations.
- This effectively removed the powers of the Commissioner of Lands to allocate land, and power now rests with a 17-member Board with a quorum of 7 voting members.
- All decisions must be reported to Parliament, and Minutes of Board meetings must be publicly available.
- The Board meets regularly and has delegated the power to consent to private / private land transfers to the Commissioner of Lands.
- System not yet perfect: suspected back-dating of approvals by sacked previous Commissioner still going on.

# NEWS LOCAL

## Lands Board mark two years of service

BY BEN BILUA

LAND Board, a division within the Ministry of Land Housing and Survey, celebrated its two years anniversary yesterday.

The celebration also coincides with the time to bid farewell to outgoing Chairman of the Land Board and two other members of the executive.

Minister of Land Housing and Survey Hon Moses Garu joined the celebration which was held at the Heritage Park Hotel.

Speaking during the event, Hon Garu said the Land Board is a great success with hard working board members showing tremendous support towards setting up and implementing the board's plan.

He said the Board has successfully produced its first annual report as required by the act last year with the 2016 annual report ready to be submitted to his office anytime from now.

Hon Garu said the Board's tremendous effort has resulted in the successful allocation of 489 land to landholders from over one thousand applications.

"This is the sort of dedication we like to see, where people willingly give their time and keep going until the business is done," he said.

On the same note, Hon Garu acknowledged the work of the outgoing Chairman of the Board Mr Donald Kudu and two other members of Land Board for their dedication towards the organisation.

"You have served your country well by participating in this Board and I wish three of you well for the future," Hon Garu said.



Hon Moses Garu deliver his speech during the event



Out going Chairman of Land Board Mr Donald Kudu



Out going Land Board member Mr Jerry Tengemoana receive his gift from Minister Hon Garu



Out going Member of Land Board Ms Sophia Munamua receive her gift from Hon Garu

He also welcomed two new board members and the future Chairman to the Land Board.

Hon Garu explained that the Act allows five Board members with maximum service term of two years.

In his short remarks, outgoing Chairman Donald Kudu said

the job has been tough but rewarding for the betterment of Land Board and people of Solomon Islands.

He said the success of the Land Board comes from collective effort from members, other government ministries, donor partners and other stakeholders.

"With the achievements and working together as team, I'd like to thank you all," Mr Kudu said.

He advised whoever may be his successor that the task is enormous with lots of challenges.

Mr Kudu said huge pressure

comes in full force daily as there is an increasing economic development and also the increasing population.

He stressed that the Board needs to think strategically and innovatively to achieve the amount of land that is available.

Mr Kudu said the efficient

and effective way of utilising land and also giving the proper avenue in which land can be developed in the context of development is an important task that needs consideration.

He said that Board is in the good hands of any successor to carry on what is left behind.

# Planning and Development Act

- Parliament passed amendments earlier this year.
- The Act now applies to all registered land in the country.
- There are approved Planning Schemes for Honiara and Choiseul Bay. Auki and Gizo to follow, and Henderson Planning Scheme to be exhibited shortly.
- All planning applications must now be advertised.
- If a Board rejects an application, you can now apply to a Planning Appeals Tribunal. You can also apply if you have been waiting for 3 months or more for a decision.

# Local Planning Schemes



**Honiara Local Planning Scheme**  
gazetted 13 October 2017

MINISTRY OF LANDS, HOUSING & SURVEY  
HONIARA CITY COUNCIL



**AUKI LOCAL PLANNING SCHEME**  
JUNE 2017

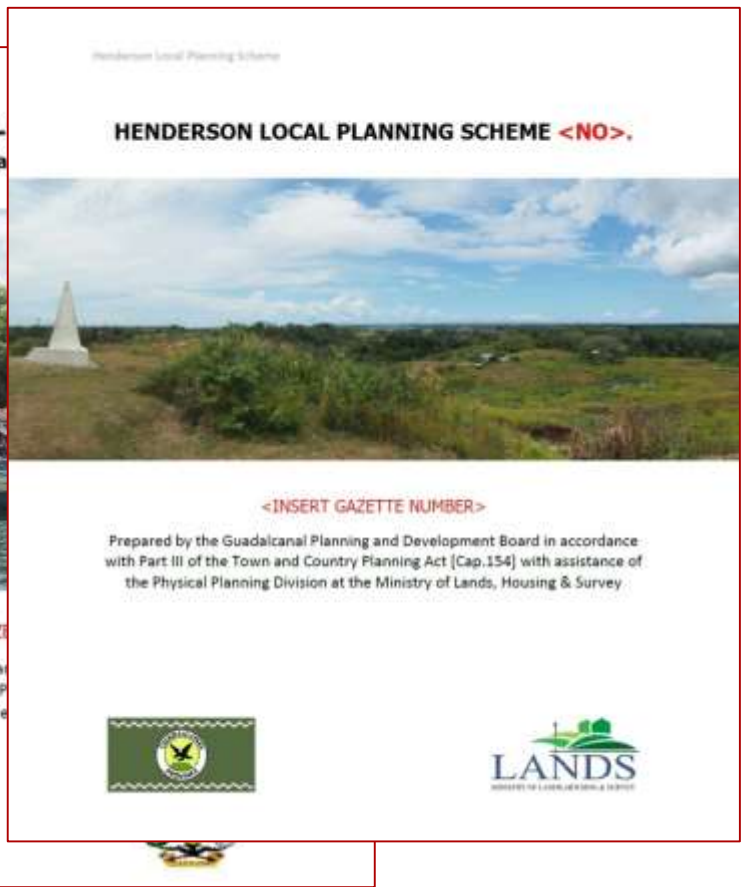
Prepared by the Malaita Planning and Development Board in accordance with Part III of the Planning and Development Act 2016 at the Ministry of Lands, Housing & Survey



**DRAFT GIZO LOCAL PLANNING SCHEME**  
February 2017

[INSERT GAZETTE NUMBER]



Prepared by the Gizo Provincial Town and Country Planning Board in accordance with Part III of the Town and Country Planning Act [Cap.154] with assistance of the Physical Planning Division at the Ministry of Lands, Housing & Survey



**HENDERSON LOCAL PLANNING SCHEME <NO>**

<INSERT GAZETTE NUMBER>

Prepared by the Guadalcanal Planning and Development Board in accordance with Part III of the Town and Country Planning Act [Cap.154] with assistance of the Physical Planning Division at the Ministry of Lands, Housing & Survey



# Strata Titles Bill

- Law to allow ownership of units inside a building, and shared ownership and responsibility for “common property” shared by all units (e.g. car parking, gardens, pool, stairs, lifts, corridors).
- Strata Title is all around the world, called “condominiums” in some places. Exists in Australia, Vanuatu and Fiji.
- Consultations already had with banks, lawyers, developers, Chamber of Commerce. Strong interest in this form of land tenure as it will allow developers to sell units, pay off loans faster, and move on to their next project faster.
- Bill has been finalised, and waiting for Cabinet’s consideration before going to Parliament, hopefully later this year. Cabinet has already approved the policy for Strata Title in 2016.

# Strata Titles Bill





# Customary land reform

THIS IS THE  
**NEW LAND SYSTEM**  
FOR SOLOMON ISLANDS!!  
..RIGHT OUT OF THE BOX!!

A NEW LAND REFORM FOR  
THE FUTURE!!!!

WHAT KAEN SYSTEM MO  
IA?!!!

...LAND SYSTEMS OF  
THIS COUNTRY IS AS  
DIVERSE AS THE  
LAUAGUAGES AND ETHNIC  
CULTURES OF THE  
COUNTRY.

...GOODLUCK !!



WHS

# Customary land reform

- About 85% of the land area of Solomon Islands is unregistered customary land.
- Everyone seems to agree about the need for “customary land reform” but there are different views about how it should be done. This came out in the National Land Summit in 2015.
- There is widespread agreement that reform should allow for recording / registration of customary land. We can do this right now under the Customary Land Records Act.

# Customary land reform: caution

- Recording and registration of customary land will not necessarily eliminate all disputes and will not necessarily result in “development”.
- A simple “copy / paste” from another country is not recommended. Reform should be tailored to the specific issues and culture of Solomon Islands.
- Need to include protections against exploitation. Learn the lessons from Hawaii, UK and other places where there are now landless people.

# Customary land reform report

- Report produced by Dr Tarcisius Kabutaulaka & Joseph Foukona for Ministry of Lands.
- Recommendations:
  - 1: Mechanisms for Nation-Wide Study and Consultations
  - 2: Processes to identify landowning groups and their land
  - 3: Mechanisms to effectively and efficiently resolve customary land disputes
  - 4: Laws and processes to register customary land titles in the name of landowning groups

THEY SAY WE LIVE  
IN POVERTY IN OUR  
VERY RICH  
COUNTRY!.. I HOPE  
WE CAN PROVE  
THAT WRONG  
IN MY LIFETIME!!

...THEN YOU  
MUST OPEN UP  
YOUR LAND FOR  
DEVELOPMENT.

WE  
ENCOURAGE  
YOU TO ALLOW  
YOUR LAND SO  
WE CAN PROVE  
THAT BELIEF  
WONG!!...

LAND IS  
THE ONLY  
SECURITY  
OUR RURAL  
PEOPLE  
HAVE LEFT  
AND GOVT.  
MUST DO  
ITS PART TO  
PROTECT  
THE  
INTEREST  
OF THE  
TRIBE!!..

CUSTOMARY  
**LAND**  
KEEP OUT!

DCC