



“THE CASE FOR LAND REFORM IN SOLOMON ISLANDS”

SPEECH BY THE PRIME MINISTER – HON. MANASSEH SOGAVARE MP ON THE OCCASION OF THE OPENING OF THE WORKSHOP ON LAND REFORM ON THE THEME ‘BUILDING A PATHWAY FOR A SUCCESSFUL LAND REFORM IN SOLOMON ISLANDS’

26 – 27 AUGUST, FORUM FISHERIES AGENCY, HONIARA

Honourable Andrew Maneporaa, Minister of Lands and Survey

Ministers of the Crown

Honourable Regenvanu former Minister of Lands in the Government of the Republic of Vanuatu.

Members of Parliament

Workshop Presenters and Facilitators

Provincial Premiers

Heads of Foreign Missions

Government officers

Representatives from Aid Donors

Traditional landowners of Honiara – Past and Present,

Esteemed guests

Ladies and Gentlemen

Thank you for giving me the opportunity to speak to you on the occasion of this Summit on Land reform. I take this opportunity to pay respect to the traditional owners of the land upon which we hold this summit.

Land Reform is amongst the most important priorities of the Democratic Coalition for Change Government for reasons that I do not need to take your time to emphasize. The convening of this workshop is timely given the fact that we are decades behind addressing this single most important hurdle to development. I therefore take this opportunity to thank the Government of Australia in collaboration with the Australian National University for funding and organizing this workshop.

I understand that this summit is bringing together land reform experts from Fiji, Papua New Guinea, Vanuatu, Australia and Solomon Islands to help the Democratic Coalition for Change Government to address this important matter. I thank you very much on behalf of our people.

The Economic Rationale

The conviction is growing that Solomon Islands as a sovereign nation is systematically losing the capacity to sustain an acceptable level of economic growth, suggesting that the country, among other things is under-utilizing its full potentials. In addition to other constraints, the complexity of land mobilization in Solomon Islands restricts the availability of this important factor of production to willing and capable entrepreneurs.

This is more than simply an unfortunate reality for the aspirations of many Solomon Islanders and those who see an opportunity to take risk of investing in Solomon Islands as a strategy to reap the material benefits from the global trade and commerce.

I agree with some commentators that the days of subsistence affluence are systematically passing for Solomon Islands. We must appreciate that in accepting the challenge to run our own affairs as a sovereign nation, we

consented to placing Solomon Islands as an independent competitor in the global scene, and to be successful, let alone surviving in an environment of intense competition, Solomon Islands must be convinced that the only option left is to grow on the basis of trade and specialization.

This will not be possible without increased economic mobilization of land. In a predominantly subsistence Solomon Islands, as in other developing countries land is relatively inelastic in supply (compared to labour and capital), and therefore it is absolutely important for Solomon Islands to minimize the effects of any arrangements that restricts the availability of land by tackling it head on.

The process by which land is to be mobilized for economic activity is a challenging proposition in Solomon Islands. Banks as custodians of financial resources will not accept something less than the protection in law of the individual's title to land, but individualization of title to land is not allowed in custom.

Therefore a land registration policy that is based solely on economic rationales will not work in Solomon Islands. Of course with economic reasoning as the driving force, the process must involve the incorporation of a strategy that would enable Solomon Islanders to see that their right in custom is protected.

That is the starting point of any program to get Solomon Islanders to make the important decision to agree to participate in any land registration program. Arbitrary registration of land is clearly repugnant and insensitive, and therefore problematic.

These concerns can only be properly handled under a land reform program that is sensitive to the intricacies of our customary land tenure systems. A program that must acknowledge the existence of the various customary land tenure

systems and their significance to the lives of our people. The reform must not attempt undermine these institutions.

Historical Justification

The need for land reform in Solomon Islands is already recognized as early as the 1900s and the early to mid -1920s. We believe the country has a lot to learn from the attitudes and policy rationale that clearly manifested themselves in the various reforms that were undertaken in different times over the last one hundred and fifteen (115) years.

“The Protectorate and Phillips Commission” which was commissioned in the mid -1920s was responsible for the alienation of vast tracts of land deemed “waste land” and “vacant land” to foreign developers. Lever Pacific Plantations Limited claimed 100,000 ha of land under this policy, the development of which sustained the economy of Solomon Islands up to the mid -nineties. The colonial government’s intention was clearly development oriented. That is, when land is registered under a title holder, it provides the needed security for loan and other dealings in that land. Apparently, it clashed with culture.

“The Allan’s Commission” which was set up in the late 1940s was to consider “native customs relating to land and (in the interest of development) recommend in what way the use of ownership of native land and land to which no validated claim is found to exist can be best controlled...”

The implementation of the recommendation of the commission saw more land becoming available for development. The implementation of the Sixth Development Plan (1971-1973) which emphasized greater self-sufficiency also saw further dealings in land. Long term leases with customary landowners were negotiated and registered for large-scale development.

The “De-colonization and the Select Committee on Lands and Mines” established in 1974 took an ‘about turn’ and advised against further alienation of customary land and recommended that all land ‘wrongly’ taken must be returned to the original land owners and their descendants.

The Committee objected to the system then current of registering customary land, and further dealings with foreigners in land was put to a complete halt. The anti-development attitude of the Committee was not surprising. There is something inherently wrong with the expatriate led commissions. The “waste and vacant land” policy of the colonial government is not recognized in custom.

The fact that land may be vacant or undeveloped does not necessarily mean that nobody has a claim of ownership over it in custom. Indeed the fact that certain tribal groups are now questioning the right of usage in certain alienated lands, proves the customary validity of this position. We can learn useful lessons from all them.

Of the three commissions established to look at land issues in Solomon Islands, the Phillips and Allan Commissions were developmental but at the same time having regard for Customary systems of land tenure. The only issue that is not acceptable is the processes involved alienation of customary lands, a policy that is causing a lot of problem for the country. In fact the Customary Lands Recording Act, 1994, an instrument intended to pave the way for customary landowners to have their land registered if they so wish, was clearly influenced by the spirit of the Allan’s Commission.

The commendation made above, can also be extended to the “Decolonization and Select Committee on Lands and Mines” in a different perspective. They foresaw the problems associated with careless alienation of land and there are

even suggestions that the country should address the issue of land before it seeks independence. That we never did and as a result we faced the consequences of that carelessness when we collapsed in 2000. Putting all the lessons learnt from these Commissions and Committees, it appear clearly that:

- A. If the country is to undertake any meaningful land reform, the relevant aspects of the 1957 Allan's Report of the Special Land's Commission may have to be revisited, especially in regards to the importance of land registration.
- B. As observed by many commentators that whatever the structure may be, it is important that the design is an alternative to the customary tenure system that must enhance development, but at the same time preserve the tenets of customary value resembling the kinship structure. Meaning that any registrations may have to be done in the name of the tribes or clans trustees for individual members of the tribes or clans, rather than individuals. The rationale is clear, individuals may migrate or die but tribes and clans live forever and also the fact that is tribally owned.

As can be seen, the challenge that is facing the country in any land reform is insurmountable, but not impossible to address. It should begin by a process of understanding the subtle issues that are traditionally sensitive on matters pertaining to dealings in land.

The Fundamental Principles

The methodical approach must identify the core issues and determine to what extent are they integral to the workings of the tribal land tenure system in Solomon Islands and therefore their disregard would frustrate the implementation of any compromised regime. Such issues would be clearly

indispensable as far as the tribal land owning groups are concerned. They must be accepted as the fundamental principles upon which a workable administrative arrangement is to be premised. These are as follows:

1. The Solomon Islands traditional land tenure systems recognized two fundamental rights. They are right of ownership (Title to land) and the right of usage. It is observed that the misunderstanding of these two rights have been the causes of land disputes that occupy our court systems throughout the country.
2. Land is communally owned and is inalienable under any circumstances whatsoever. The so-called other ways of inheriting land in custom are in reality concerned with the right of usage. Land in custom remains permanently the property of the tribe. I am saying that because even now our courts are still dealing with cases where land was purportedly alienated under a misunderstanding of this fundamental principle.
3. The concept of ownership differs from the capitalist sense of ownership. The relationship is one of custodianship under the broad principle of stewardship. Individualization of title to land in custom is unheard of.
4. In their dealings in tribal land, Solomon Islanders are cognizant of their obligation to their departed ancestors and the generations yet unborn, thus placing them in a position of stewards. This fact alone established the principles of "inalienability of customary land" for very good reasons in custom.
5. The land tenure system in Solomon Islands segregates the country into two major groupings. Those that adopted a mode of organization that is structured under patrilineal and those who are organized under the matrilineal system.

6. In societies where the chiefly system is hereditary and therefore recognized in the leadership structure, the authority of chiefs to deal in matters of land must be fully respected.

A careful analysis of these traditional values and their accommodation in any reform would go a long way in addressing the needs of the country for more land to be made legally available for economic development. That is exactly how the government would like to conduct this reform.

Having said that however, I would like to tender a small food for thought to my fellow Solomon Islanders. I believe that we Solomon Islanders who are living in the 21st century have a responsibility to advance the country forward by taking a serious look at some of our customary norms and practices and weigh them against the bench mark of whether they contribute to making Solomon Islands relevant in the fast, and changing world we are living in, where those who are embracing positive changes are progressing.

I am flagging this observation because in custom Solomon Islanders have an intimate relationship with land as observed by many commentators on our land tenure system. It is observed that Land is inalienable; it is source of wealth; it represents life and establishes the tribes' identity as a people and has very strong cultural, religious and political significance in custom.

It is common unit that binds the tribe together and provides security against threats to life and deprivation; it is the means by which threats of war against other tribes and wrong between members of the tribes are appeased. In other words, remove land from people and they will become stateless in custom.

As Solomon Islanders living in the 21st Century we have a real challenge in our hands in this regard. We must be careful not to go to the extreme in idolizing our customary practices that are clearly repugnant to the ideals of development.

In looking for a best compromised position, we should start from the reality and that is, whether we like or not our economic system is here to stay, and therefore a lot of adjustments are required. It would be utter nonsense and preposterous to contend that there should be a wholesale recognition of our cultural values, because such an approach is akin to the wholesale adoption of the capitalist regime which is observed as a problem. Moreover, that would be clearly recognized as resisting development.

Willingness to accept change is one of the fundamental social attitudes conducive to progress. In other words, if we are resisting change then what we are basically saying is, we are not willing to progress our country.

What is described and even suggested here is a process of give and take, where Solomon Islanders, in accepting the reality that we are part of the global community and one which is fast moving towards the capitalist culture, accept appropriate changes by sacrificing certain values that are clearly repugnant to the objectives of effective development.

In other words, as long as we Solomon Islanders, in total disregard of the reality of a changing world we are part of, continue to live in the illusive world of custom, by hanging on unnecessarily to outmoded customary values that are clearly repugnant to development, Solomon Islands will continue to lag behind in development.

We must appreciate that the scenario in Solomon Islands is no longer “self - sufficient communities producing most of their own needs, and of limited

mobility” as observed by Ulufa’alu way back in 1979, but an economy that must compete with the rest of the world to survive economically.

When we continue to nurture custom in such an environment we are bound to have land disputes, and rifts between members of the tribal groups and even between tribal groups, over customary rights to land, which often leads to serious physical confrontations and loss of lives.

I thought I need to emphasize that point because it is considered as a major hurdle to the achievement of an effective land reform.

The Important Components of the Reform

With that caveat in mind the Democratic Coalition for Change is looking at achieving a reform that would manoeuvre sensitively through the intricacies of our customary land tenure systems by **recognizing their existence** but coming up with a series of legal frameworks that would recognize and regulate the following important aspects of our land management system without undermining our customary land tenure system:

- 1) **Ownership of Land:** That matter is clear in custom. The reform in this area will involve coming up with a legal mechanism to identify and recognize owners of customary land and to settle the titles to the land on the tribe that owns them.
- 2) **Control of Land:** The reform in this area will involve improving the current system or coming up with a new system of managing land transactions between the owners of land the state or an institution that would act as legal custodian of land on behalf of the tribal land owners and to make them available to interested developers.

- 3) **Land Usage:** The reform in this area will involve improving the current system or coming up with a new system of regulating the usage of land by users.
- 4) **Land Dispute Resolution Mechanism:** The reform in this area will involve coming up with land dispute resolution mechanism that is sensitive to the intricacies of our customary land tenure system.
- 5) **A comprehensive Land Restitution Program:** This reform will involve a serious reconsideration of the Recommendation of the “Decolonization and Select Committee on Lands and Mines” on the standing policy of return of alienated land, especially tracts of alienated land that host very important national infrastructures including our urban centers provincial headquarters and the national capital.

As observed earlier land reform has occupied the attention of both the colonial and post -colonial governments of Solomon Islands for the last 115 years to date. This international land summit has to be the last one. It is not that we do not know what we need to do. As a matter of fact the solution to a successful land mobilization program has always been with us.

Our customary land tenure system has always been with us since time immemorial. We just need to recognize them and make them operational by law. What happened to this country in year 2000 is a wakeup call for all of us. Land and especially how land was alienated to recognize another landowner in the Country in the person of the Crown was one of the underlying causes of the tension.

The challenge that such a thinking is posing is the need to make land available for development and whether such a program can be undertaken without the

need to alienate land from our people. That itself is a major achievement if we can find a solution.

Ladies and gentlemen I think I have used up my time slot and must stop here. But before I do so, I would like to stress the importance of this summit and the role each of you is required to play. It is the intention of the DCC Government to settle the issue of easy access to land for development once and for all. This is the summit to do it.

I wish you well in your deliberations and look forward to a successful outcome.

Thank you for Listening.