

Recognition of Customary Land in the Solomon Islands: Status, Issues and Options



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Cover page photo: Woman indicates customary land boundary near Auki, Malaita. (Photographer: Abel, Solomon Islands)

Recognition of Customary Land in the Solomon Islands: Status, Issues and Options.

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Abstract

There are demands from a range of government and community stakeholders for recording customary land and its ownership in the Solomon Islands. It is apparent that the existing acts and procedures are inadequate for recording or enabling efficient registration of customary land. New legislation may be necessary or amendments to the existing *Land and Titles Act* could possibly better facilitate registration, and permit 'whole of land' administration under one act. What is important to consider is an appropriate form of recognition and recording.

The Tribal Lands Unit within the Ministry of Lands, Housing and Survey has responsibility for customary land recording, but is inadequately resourced to cope with the current and anticipated demands. Activities in an ongoing Australian project could support the unit in finalising procedures for recording and the formal recognition by government of land boundaries and custodianship, which could in itself have major social and economic benefits.

A pilot project underway in the Auluta Basin has begun to demonstrate and define procedures for establishing boundaries of customary land, and confirming ownership claims through formalising processes of recording genealogies. These procedures need to be tested in areas with different traditions of custodianship to refine a functional process. The procedures will be essential steps towards formal registration of customary titles under existing law, should landowners wish to proceed to that.

Formal *recognition* by Government of agreed customary land boundaries and associated traditional owners may be sufficient for economic purposes, without the need to proceed to *registration*. An appropriate objective now would be to design an agreed form of recording customary land and its custodians that may be held in either a provincial or national register.

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Acronyms

AusAID	Australian Agency for International Development
FTE	Fixed Term Estate
LR	Land Reference
MoLHS	Ministry of Lands, Housing and Surveys
PNG	Papua new Guinea
PE	Perpetual Estate
RAMSI	Regional Assistance Mission to the Solomon Islands
SIISLAP	Solomon Islands Institutional Strengthening of Land Administration Project
TLU	Tribal Lands Unit

Introduction—Agency and Project Roles

The former Department of Lands and Surveys and now, Ministry of Lands, housing and Survey (MoLHS), is the Solomon Islands Government agency with responsibility for land administration. An Australian development assistance project, the Solomon Islands Institutional Strengthening of Lands Department Project (SIISLAP) has been working closely to support and build both agency and individual staff members' capacities since 1998.

A state of crisis that began in the Solomon Islands in mid-1999 formally ceased in October 2000. Even though overt fighting had stopped, tensions remained with skirmishes and lawlessness that continued and in some areas accelerated until the Regional Assistance Mission to the Solomon Islands (RAMSI) intervention in July 2003. Throughout that time there remained almost no government services and the Australian project was reduced to maintaining basic support to land administration procedures.

After the RAMSI intervention SIISLAP was expanded. The strengthening project is now nearing its completion and has during its implementation streamlined many operating procedures and has increased skill capacity, enabling effective land administration procedures and processes in MoLHS. Land survey, recording and registration protocols have been established and applied to alienated land—government and privately owned—but generally not to customary land.

SIISLAP customary land review

The information presented here was derived from a review of customary land in the Solomon Islands undertaken for the Australian project at the end of 2005. The objective of that review was to provide an overview of the situation regarding the registration of customary land. This included identification and discussion of key issues, community needs, current community demands, and to identify and discuss options for meeting these needs. In addition, the aim of the review was to provide a possible framework for advancing options that were identified as receiving community support that could be trialed or initiated by MoLHS with project assistance. The review outcomes were intended to inform government, academic and community stakeholders attending future workshops or meetings in the Solomon Islands or elsewhere in Melanesia.

The new Director of Land Reform and Commissioner of Lands, who was appointed with the establishment of a new government in the Solomon Islands in 2006, is taking charge of drafting new legislation to cover traditionally owned land. Issues relating to the registration of such land are similar to alienated land and regardless of the form of land administrative legislation and the principles advocated here will continue to remain relevant.

Although the review was intended to provide information that could form a useful basis for subsequent recording and processing for formal registration, there was no intention to expedite or appear to force the registration of land under traditional or customary custodianship (from here on such land will be referred to as 'customary land').

Taking a Technical Approach

During the period of civil tension, issues of land and custodianship gained currency, and uncertainties relating to land ownership were acknowledged as having the potential to cause dispute. Commencing in that period and continuing since the RAMSI intervention in 2003, there have been increasing demands from various landholding groups, for the recording of customary land and its ownership. There was an expectation that MoLHS could facilitate a process that is more transparent and more closely aligned to contemporary formal land registration, than to the traditional recording carried out by tribal chiefs or clan (or *lain*) leaders. After 2003 the MoLHS Tribal Lands Unit (TLU) began to receive about 15 enquiries a week relating to land recording or registration from individuals and representatives of tribal and clan groups through to household-level land custodians. Many of these requests were for formal recording of customary land but did not proceed when it became apparent to the traditional custodians that the land would become 'government-controlled'.

Consistent with their defined mandates, MoLHS and SIISLAP have taken a physical and technical land-centred approach, and continue to apply such a technical approach rather than seek to extend their operations into the socioeconomic aspects of customary land supervision that fall outside those mandates. Their approach encompasses identification of particular parcels of land and the systematic recording of land attributes, including boundaries and custodians. The key role for the project in relation to customary land has been to support MoLHS with the technical recording and registering of traditionally owned land, as demanded by the custodians. This would also be expected of any subsequent donor-supported program that followed SIISLAP, or worked in the Solomon Islands and other countries in Melanesia.

Principle of Good Governance—Ensuring Equity

There has been strong support for MoLHS from the Australian project as they have a strong focus on achieving good governance in land administration. Consistent with the constitutional and basic human rights principles under which the project operates, similar 'good governance' policies need to be advocated in activities that support customary land recording. These policies include transparency, and equitable access and opportunity. A policy of ensuring equity is very important in this sector, as perceived inequities over land have been seen as a cause of conflict (Sullivan and Hegarty 2005), and opportunities for unfair practices exist

that could further disadvantage the poorest members or groups within societies.

Following a piecemeal approach to recording for instance, could disadvantage groups within a geographic locality that choose not to participate in recording their land, or that delay such recording until all other land in the locality has been claimed. Without advocacy and sensitive awareness or educational programs that accompany the use of comprehensive approaches, it is possible larger and more powerful tribes and clans could encroach on the land of weaker groups in asserting their claims. It is essential that all shared boundaries are agreed by both (or all) contiguous groups.

To ensure fairness and equity, a structured or formalised approach to recording customary land has continued to be advocated by project advisers working with MoLHS, so methods could be tested, and eventually standard procedures be developed. SIISLAP acknowledges that prior awareness and educational programs are an essential part of any program to recognise and record customary land.

Using Existing Legislation and Procedures

MoLHS and SIISLAP undertook pilot work in customary land recording with the view that it was preferable to use existing legislation and regulations if possible, rather than advocate new legislation, given that long delays would be inherent in that approach. If new legislation is to be drafted it should benefit from the lessons that have emerged from the pilot applications within the project. Preliminary and pilot activities in SIISLAP that relate to customary land recording, and examples of registration of customary lands that have already occurred, demonstrate that the existing legislation and procedures can be used, but that they are unwieldy, impracticable for use as a standard process, and less efficient than is either possible or necessary.

To demonstrate procedures for recording customary land boundaries and ensure recognition by government of its ownership, the initial role of MoLHS was to demonstrate what is possible under either the *Land and Titles Act* or *Customary Land Records Act* (see below), and to recommend any necessary amendments to these Acts following experience with pilot applications. For that purpose, and for the TLU to attempt to meet the steady demand for information about customary land recording, a pilot project was established in the Auluta Basin area of East Malaita—in the most highly and densely populated Province of Solomon Islands.

The pilot or demonstration project is being managed by the Secretary (and only staff member) of the unit, working with local community leaders and Provincial Government officers from Malaita. Procedures or regulations are being followed where they exist, or applications are being trialed that

can establish effective operational procedures or tools for the recording of customary land.

Legislation Relating to Land

The Solomon Islands Constitution makes reference to land. It stipulates that perpetual interest in land is vested in Solomon Islanders. It acknowledges customary land rights and interests and specifies that insofar as is practicable, any compulsory alienation of customary land will be for a fixed term.

Two pieces of legislation relate to registration of customary land. The *Land and Titles Act 1969*, last amended in 1988, deals with all registered land. The *Customary Land Records Act*, passed in 1992, was being considered for review when SIISLAP commenced in 1998, but has not been revisited since then. It is possible this latter Act may be replaced with legislation currently being considered.

Land and Titles Act 1969

This Act mandates tenure requirements, processes of recording and registration, ownership rights, 'secondary' rights and titling on all registered land. The Act also deals with leases, compulsory acquisition (of customary or alienated land), land allocation, forfeiture, transfer and subdivision.

Customary Land Records Act 1992

This allows the recording of customary land in a Provincial register and requires a formalised approach for information collection under guidelines in the Act. Furthermore, land ownership and rights must be noted, as well as local acknowledgement and acceptance of the boundaries by neighbouring landowners. The bundle of rights that customary owners specify is recorded rather than mandated by the legislation. There is no formal registration of title by the Registrar General and the nature of the Provincial register is not defined.

Under the Act, the general recording process comprises a set of activities that must be undertaken by the tribe or clan registering its customary land including that the:

- owner group genealogy must be determined back to the 'discoverer' or first user;
- primary and secondary inheritance or conferred rights must be specified;
- boundaries for primary and secondary rights must be defined by the land-owning group and surveyed by MoLHS surveyors;
- ownership, representatives and their manner of appointment must be noted;

- checks must be made on any pending court cases relating to the land; and
- notices and maps must be posted for a prescribed 3-month period.

Following the completion of these procedures, the land ownership, secondary rights and boundaries are to be recorded in an official register held by the respective Provincial Government.

The *Customary Land Records Act* has not been used, and no land has been formally recorded under the Act. Past attempts to use the Act indicate that it is poorly understood, and that activities such as completing genealogies and documenting explicit usufruct or secondary rights are beyond the capacities of most landowning groups. It is apparent that the current acts and procedures:

- are not adequate to cope with the current demand for recording of customary land, and such demand is likely to increase;
- are inadequate to permit efficient registration of such land;
- were not designed to record land with recognised group custodianship in a national register; and
- do not readily accept as an entity for custodianship, or registration, a traditional tribe or clan, with large or incompletely known membership.

The *Customary Land Records Act* is weak in part because its objectives are unclear. It remains poorly understood by bureaucrats, lawyers and communities, and therefore has never been used to register land. Recent attempts to register small parcels of customary land for resource developments suggests however that with minor amendments the Land Titles Act it could facilitate such recording and registration. Importantly, use of that existing and widely used Act would permit 'whole of land' administration under one act.

The TLU, as the unit within MoLHS which has responsibility for customary land recording, is inadequately resourced for the task, and falls short of being able to meet current demand. Although the current project can facilitate the work of the TLU during the remainder of its input, additional MoLHS staff and equipment will be necessary to sustain the operations of the unit. In addition, should there be an increasing demand in the Solomon Islands to record and register customary land, using the Land and Titles Act, or a new Act yet to be legislated, minor amendments to the administration process will be needed.

MoLHS Customary Land Recording as a Pilot Program

There has been no wholly successful donor or multilateral funding agency program that has supported the registration of customary land. AusAID and/or World Bank supported projects in Thailand, Laos, Indonesia and the Philippines have provided lessons on recording land occupied by traditional custodians (Lyons 2001), but these lessons are generally not directly applicable to Melanesia. In this sense SIISLAP support for MoLHS in its recording customary land is certainly a pilot for a national approach to recording customary land, and may be a pilot for such approaches elsewhere in Melanesia.

It is therefore appropriate to develop support in stages, and to maintain awareness and educational programs that can forestall potential concerns about registration (and transactability) of customary land.

Focus on Recording Rather than Registration

Lessons learned from registration of customary land and the Auluta pilot application undertaken with project support indicates that emphasis at this time should be placed on formal recording based on land unit custodianship and land use (usufruct). This is essential for registration, and should customary landowners wish to subsequently proceed to formal registration, the recording will be an essential first step. Formal recording alone however should provide confidence to potential investors or users that the land boundaries and ownership have been accepted by neighbouring groups, chiefs or other traditional land arbiters, and Provincial Governments.

In defining approaches and regulatory problems, the first stage of any technical or program support should focus on developing procedures for *formal recording and recognition* (by government) of land boundaries and custodianship, which in itself can have major social and economic benefits. The pilot/demonstration project in the Auluta Basin which is supported by SIISLAP should continue, if necessary beyond the SIISLAP time-frame, as it is developing and reporting replicable procedures to establish the boundaries of customary land, and confirming ownership (or custodian group membership) claims through systematising processes of recording genealogies. Once systematic processes have been defined in the Auluta Basin pilot, they should be trialed in another location, with different land-use pressures, and in both matrilineal and patrilineal traditional custodianship transfer systems.

Background to Review of Customary Land

Summary information on the status of customary (or traditionally owned) land in the Solomon Islands was collated for SIISLAP (Little 2005). Historically prior to British colonisation, all land in the Solomon Islands was under customary ownership or tribal land. With colonisation, the European perception of land ownership was applied and related to their experience in England as to whether land was 'settled' or used. However, in Solomon Islands, traditional subsistence land use cycles involve shifting cultivation that includes a period of fallow or resting of the garden plots. These fallow periods permit the re-establishment of land fertility after a gardening cycle and commonly involve the regrowth of woody shrubs or even forest that may extend over decades. Hence foreign observers and colonial administrators incorrectly perceived such fallow land as unused and as not being 'settled'.

By virtue of colonial influences in Solomon Islands, some of the traditionally owned land has become alienated through conquest or acquisition (voluntarily or compulsorily). Long-term observers such as Larmour (1979, 2002), and Crocombe (1971, 2005) have detailed changes in the definitions of land and its tenure. A common European definition around the beginning of the twentieth century applied to 'wasteland'—land not occupied, used or obviously claimed by indigenous people. In areas of demand for settlement or plantation agriculture, such land was commonly alienated from traditional custodianship on the assumption that those who may have a claim would come forward—an assumption held despite the likely lack of awareness by dispersed and isolated communities that their land was the subject of colonialist interest.

The administrative determination of the colonial government resulted in rapid formal alienation and registration of numerous parcels of 'wasteland' of particular interest to the colonial power. Various land commissions in the Solomon Islands later rejected the concept of wastelands, even if the concept of 'fallow' as an active land use was not made explicit. Remaining land was accepted as being under traditional or customary custodianship or tenure, and alienation of customary land by colonial settlement or later sale became rare. About 80 per cent of land in the Solomon Islands currently remains under customary tenure.

Traditional norms or laws have not been as well documented but it is known that customs vary throughout the country and have changed over time. The principal customs with respect to land tenure involve:

- birth inheritance;
- in many areas, rights to assign tribal land or arbitrate over land disputes by tribal chiefs or recognised 'land chiefs';
- land use rights related to marriage;

- other usufruct rights and their conditions; and
- exchanges within or between clans or tribes that include the transfer of land custodianship.

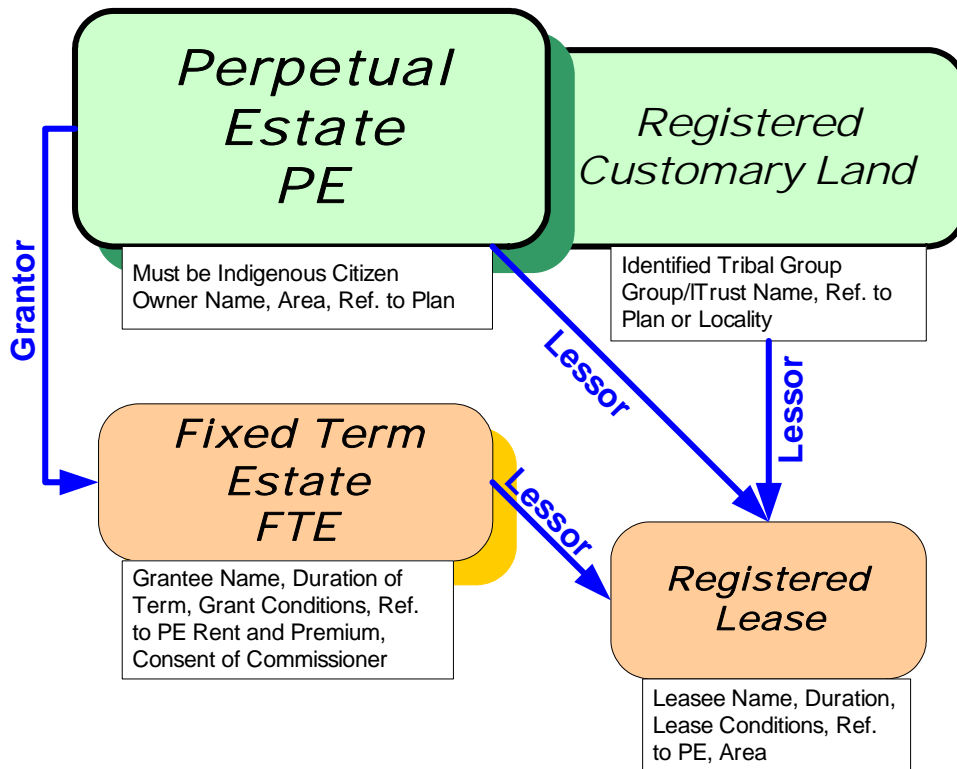
More attention has been focused on the issue of recognition of customary land boundaries and custodians over recent years as populations have increased and land has become perceived as scarce in parts of the Solomon Islands. In addition, increasing demand for land-linked resources such as timber and minerals has afforded economic values that have impact on issues of land. In recognition of such factors the last four governments have had a policy that underutilised alienated land should be returned to its traditional owners. It is timely for MoLHS and its supporting institutional supporting project SIISLAP to review the contemporary situation relating to the administration of customary land.

Effective land administration procedures and processes are now in place in the Solomon Islands, and land survey, recording and registration protocols have been established. These processes have been applied to alienated land—government and privately owned—but generally not to customary land. There is now widespread but as yet unquantified demand from many parts of the country, for processes to recognise and record customary land and its traditional owners.

Land Registration in the Solomon Islands

This was described by Little (2005) and is summarised here and in Figure 1. Records held by MoLHS and updated with SIISLAP support indicate that about 13 per cent of land in the Solomon Islands is alienated—held under government or private ownership—and 87 per cent remains as customary land, held under traditional tenure arrangements. The alienated land is generally registered land that has been acquired by governments or individuals through purchase, compulsory acquisition or by default through occupation. Only a small proportion of all the land that has been registered to date, notes the owner as being a specific community or tribe. Registered land is recorded under a created title, and administered under the *Lands and Titles Act*.

Figure 1: Registered land types.



Source: Little (2005)

Perpetual Estate

Perpetual Estate (PE) is similar to freehold title where the owner has exclusivity with respect to a right to dispose of the land. Only Solomon Islands citizens can hold PE. Most PE land parcels are held by the Commissioner of Lands for the Solomon Islands Government. Where land is defined as traditionally owned, or in circumstances where alienated land is returned to traditional owners, PE is the instrument of ownership, and some PE land parcels have been registered under the *Land and Titles Act* and returned to tribal groups.

Fixed Term Estate

Fixed Term Estates (FTEs) are long-term leases normally covering a period of 50 years. Following Independence in 1978, all previously foreign-owned lands were bought under FTE, and terms and conditions were prescribed in the amended *Land and Titles Act*. The FTEs allocated for particular purposes contain specific conditions stated in the Deed of Grant. For residential parcels for instance, the normal conditions are that:

- The land cannot be subdivided or transferred without the consent of the Commissioner of Lands.
- The land cannot be sold within five years of the grant date.

- A house (specifications apply) must be constructed within two years.
- Other clauses on land use apply.

Registered Customary Land

Some customary land parcels, of varying areas, have been registered under the name of a specific tribe (approximately 90 instances are known to date). These titles are all PE parcels. Most of this land has come from the return of previously alienated land now not used for the intended purpose (e.g. former plantations now disused) and has been returned, with ownership registered to the original landholders. Some further land was alienated from customary land, with the permission of the land holders, to individuals or corporations, and registered without caveats or covenants to indicate the origin or purpose of alienation. If such land is no longer required, Solomon Islands Government policy is to return the land to its traditional owners. The normal process for registering customary land under the *Land and Titles Act* is for a National or Provincial Government nominated Land Acquisition Officer to record the land boundaries and landowners, to acquire the land as government-owned land, then to reassign a PE lease to the landowners.

Leases

Leases for specific purposes and durations may be formally registered with the Office of the Registrar General. Full information on holders, purposes and conditions is included in lease documents, and can be accessed by the public.

Land References

Land References (LR) are records created when MoLHS receives a request to survey land. Once the survey is completed the land parcel number is linked to the LR number. These references are generated for every survey, and subsequent subdivisions will be recorded as plots under the original reference. While most relate to urban land, some were created for isolated parcels for services, or more extensive areas to be used as agricultural plantation land, in rural areas. Many rural LR were recorded during and in the years shortly after the colonial administration, and so are of historic interest in terms of customary ownership. Each land parcel had an individual owner or group owner listed, and there have been instances of customary land owners making an enquiry in MoLHS as 'claimants' of such land, which they believed had been registered.

The LR records would be a useful resource for the correlation of land and owners at the time of the survey, and for tying-in genealogies. All the records are held by MoLHS with the Registrar of Titles as a 'first registration', and surveyed parcels are recorded on cadastral maps held by the Registrar of Titles.

Customary Land Review Methodology

The review was not structured in a highly formal way but was implemented to collect information on the drivers and demands for customary land recording. Specific issues that it was designed to address included: why communities might want to register title; what their expectations are from this registration; and what the contentious issues are in relation to registration.

The methodology has involved literature searches and review of legislation and regulations as well as discussions with key local and regional stakeholders. These discussions included an informal seminar in mid-October 2005 (attended by the Permanent Secretary and 12 MoLHS and SIISLAP staff) and a Melanesian land administration workshop on regional perspectives on land administration that was convened in Honiara in early September 2005, to share experiences and lessons on land registration issues, and to strengthen a networking capacity within Melanesian Spearhead countries. Views on recognition and recording of customary land were also noted at a subsequent workshop in Gizo, Western Province, in December 2005 and at later discussions in Vanuatu in 2006. In addition opportunistic discussions were held with other stakeholders. These included discussions with: provincial facilitators and baseline study coordinators in the Australian Community Sector Program (which continued work commenced under the Community Peace and Restoration Fund that included customary land awareness workshops to support the TLU); Department of Agriculture and Livestock staff; a rural livelihoods project design team; staff from Gold Ridge mine; non-government organisation representatives; and as opportunities occurred, with members of groups interested in recording their customary land.

Melanesian land administration workshop outcomes

A workshop held in September 2005 drew participants from land administration agencies, land tribunals and academic institutions from Fiji, PNG and Vanuatu, as well as senior staff from MoLHS, at the workshop held in September 2005.

The outcomes of that workshop informed the customary lands review, and obviated the need to repeat basic information gathering. The workshop also referred back to previous regional meetings that had developed policies for land administration in the Pacific. Lessons derived from the workshop and models from other Melanesian countries can inform practice in the Solomon Islands, and these are discussed below.

Administration through MoLHS Tribal Lands Unit

The TLU of the MoLHS comprises one person—the Secretary—although the current staffing establishment allows for two more positions filled by land

recorders. The low staffing establishment level is indicative of a long-standing perception that there was no strong demand for, and possibly even antagonism towards, the registration of tribal or customary land. That is reflected in the paucity of resources and relative importance the Solomon Islands Government has placed on customary land recording. The Secretary of the TLU is highly skilled and motivated despite the lack of direction or resources, and has initiated a number of activities and studies including a weekly Solomon Islands Broadcasting Commission radio program dealing with land issues.

The TLU has maintained a record of enquiries since February 2004. In general a representative of a group interested in recording their customary land makes a personal enquiry at the TLU. All enquiries to other sections of MoLHS relating to customary land registration are referred to the TLU.

Since the register was established, enquiries or preliminary applications to register customary land have been constant at 10 to 15 per week. These enquiries come from Eastern and Central Guadalcanal, Malaita, Makira, Central and Western Province and East Rennell. The sizes of the landowning groups range from 15 to 20 people (comprising three or four related families in Central Province for instance) to more than 100 people (from tribes/clans in Malaita for example).

There has only been one enquiry related to a specific economic development. This was for a proposed tourism venture adjacent to the World Heritage Site on the Rennell Island. While other groups anticipate that there may be future economic benefits in being able to demonstrate security of tenure through recognition of their customary custodianship, most requests for registration of customary land are for social benefits—the formal recognition of boundaries and custodianship, by neighbours and by government.

Perceptions Regarding Registration of Customary Land

Traditional Tenure

The traditional importance of customary land to Melanesian societies has been documented extensively (see for example Boydell 2002, Crocombe 1971, 2005, Smiley 2006) and was summarised by Little (2005). Land, language and family relationships define Melanesian cultural groups, and land remains an integral part of all Solomon Islands community identification. The key issues fundamental to any discussion of formal recognition and recording of customary land and are further summarised here.

At the broadest level throughout Melanesia including in the Solomon Islands, associated families identify themselves as members of a major landowning group known as a tribe or clan. Such tribes (where that term is

used) are generally subdivided into clans, in some cases into subclans, then lines (*lain*) and families.

Traditionally a hierarchy of land recording and land rights allocation operated. Tribal chiefs, 'land chiefs' or clan leaders maintained oral records (rarely written) of land tenure for their groups. They also allocated land use rights to lines and families, within tribal/clan land. The tenure record was commonly oral—in some instances preserved through stories—not a document repository, but was information derived from traditional culture and its associated laws, and was understood by the landowning group. Except where land was taken by force, disputes over claims to land were settled by the leader of each level of the hierarchy, or referred upward to the next level.

Tribes or clans remain as landowning groups, but increasingly economic decisions, or decisions relating to land use for productive purposes are taken by family groups, not by the larger entities (lines, clans or tribes). Within the group-owned land those that have been allocated land use rights are custodians, not private owners. In many instances their rights persist only for the family head's lifetime, and land rights may be re-allocated in the next generation. In all instances, for customary land, although individuals and families have exclusive use rights, and transfers or leases may be possible under legislation, in effect no individual can alienate that land from group ownership beyond about a single generation. Even where individuals may wish to do so, the group's collective rights to maintain ownership of their own traditional land prevail. Individuals may effectively 'lease out' rights to their allocated traditional land, but over time (inter-generationally) such transferred rights have not been accepted by the landowning group, and any ongoing rights to use of such land normally requires re-negotiation.

The reasons given for wanting to record (or register) customary land are very locally-specific. In general registration for very small/individual titles is for commercial reasons. More widely the issue is to record (or register) recognised clan land 'ownership' as a social identifier, under conditions of tension as protection against other possible claimants encroaching, or against claims from neighbouring clans. This is likely to become more important as populations grow—that is it can be anticipated in all but the 'Polynesian' areas of the Solomon Islands. Formal recording, and the inherent process in that of 'recognition'—having neighbours and local government accept the records, is likely to be more important than registering.

If there are economic expectations they are generally still to be realised, although the tenure security that would allow leases or signed agreements, through having a recognised land (ownership) record, is likely to satisfy many potential developers in rural areas.

Perceived Concerns over Tenure Recording

A clear lesson from elsewhere in Melanesia is that any activities directed towards customary land registration should be preceded by well designed and culturally appropriate education and awareness programs. As has been noted in many sectors other than land administration (commonly for instance in environmental management) facts are less important than perceptions in establishing public opinion. Perceptions relating to the intentions of outside agencies involved in land transaction administration in the early 1990s generated unrest leading to a week of riots and street demonstrations in Port Moresby, PNG, following the announcement of a World Bank supported 'land mobilisation program' in that country. The program was cancelled. This concern still exists however, as the following quote from the *National*, PNG newspaper of 25th August 2005 demonstrates:

Governments, banks and investors have been urged to allay fears on the proposed customary land registration and relax their harsh lending policies to make money available for the development of such land ... a non-governmental advocate ... made the call ... He said the real motive of the proposed legislation to register customary land is 'to allow those who can make quick money from another person's land'. ... 'If land registration is pushed through with such rush without debate and proper observance of parliamentary procedures ... it will be the black day for Papua New Guinea'.

There are public figures in the Solomon Islands who are opposed to the registration of customary land under the existing legislation. In most cases the reasons relate to mistrust of the land administration system, and an expressed fear that registered land may be subjected to sale or transfer without the knowledge of the landowning group.

It is likely that if the question were posed bluntly that a majority of the Solomon Islands population would express opposition to registering customary land, simply because if you do not understand something it is sensible to be against it. Without awareness and education it would be unwise to attempt to record or register customary land on any systematic basis, under either existing or planned legislation. However, MoLHS must be able to respond to demands for recording or registering title from legitimate custodians.

Matters of ownership/dispute within clan/tribal land should be settled by the landowning group, but it is important to realise that such disputes could become major problems and lead to pockets of reactivated civil unrest. Well defined systems of recording land boundaries and owning group membership can forestall such disputes.

Recording Rights and Conditions

The *Land and Titles Act*, Section 6 allows for caveats to be included on titles. In addition the registration file allows for descriptions, notations, and for covenants or conditions to be included on the title. Careful use of these provisions could ensure that trustees are defined by positions in an organisation rather than listed as an individual, and landowning groups

could constrain the actions of their trustees, for instance to prevent: the sale or transfer of the land without permission of the majority ownership; transfer except by fixed term lease; or to specify certain land uses; and to ensure that agreed usufruct rights or secondary or conferred rights of users who are not by tradition members of the landowning group are acknowledged and upheld. The constitution of a landowning group could also be included as an attachment to the title, to govern the land use.

Principles for Recording Customary Land

At the regional perspectives workshop in 2005 and endorsed at a Vanuatu meeting in 2006, there was agreement for previous policies and the fundamental pillars that support the mandates of regional land studies and land law centres. Key principles that have been stated over several years and that remain relevant are:

- That Melanesian customary land ownership should continue to remain with tribal/clan owners.
- That land within tribal/clan boundaries should be more simply able to be transferred or brought into commercial use, for a limited time period, through (saleable) lease arrangements.

It was also accepted that there is a need to record tribal/clan boundaries for both economic and cultural reasons, but that groups may wish to simply record their existing tribal/clan land ownership without articulating those reasons.

Many Solomon Islanders involved in the review discussions noted a tendency for groups to have moved from mountainous areas towards the coast over recent years, to access canoe transport, and an associated tendency for younger group members not to walk into the more remote margins of their traditional land. As a result the more remote margins, especially rugged upland periphery of many tribal/clan areas are no longer visited and known, so it is becoming imperative to capture the memory of older tribal/clan members who are aware of and can confirm the locations of those remote outer boundaries.

Lessons from Pilots, Cases and Melanesian Land Administration Workshop

Fiji

With astute foresight some 130 years ago, the colonial administration in Fiji recorded contemporary tribal land ownership and recorded the names of the landowning groups. Subsequently all native Fijian births have been recorded within the genealogical framework founded at that time, so all native Fijians know their own tribal/clan land inheritance, and the boundaries of all tribal lands are recognised.

Land transactions within that framework are managed by a Native Lands Trust, with a governing Board, and until the last two decades when the developing cash economy introduced new pressures on land transactability, land disputes were normally settled by the Trust or the Board. It is possible within the framework for customary land to be leased for economic benefit.

The Fiji model provides useful lessons, but such a 'blanket' application to fix ownership at a single time-point would require commitment to a national approach, or a province/island-wide approach. If a similar approach to classifying tribal land were recommended nationally, but recording and registration applied in a piecemeal fashion, or on a demand basis, there would be a high likelihood that larger stronger tribes/clans would claim neighbouring land, and smaller weaker groups would be disadvantaged by the loss of at least part of their lands. Any intention to follow the Fiji model would require clear political will and a massive public awareness/educational program in advance.

Vanuatu

The Government of Vanuatu, at Independence in 1980 declared all other land, apart from a small amount of land retained and used as government-owned, to be customary-owned land. The Department of Lands registers title on request for any land for which there is no dispute, and has registered parcels of customary (clan) land with multiple (but not necessarily inclusive) owners. Numerous leases are registered on customary land, but for many parcels of customary land still used primarily for subsistence activities, there are ownership or boundary disputes, so the land is not registered.

A Government Land Tribunal Office provides capacity building, training and active support to regional non-government Land Tribunals. These units operate at clan land level, to define boundaries and identify the landowners, in preparation for land registration.

Papua New Guinea

PNG has a range of legislation to cover the registration of both alienated land and customary land, including registration of group ownership. The issues of land problems have been addressed by numerous researchers and planners, and much has been written on these issues (Duncan 2002; Fingleton 2004, 2005; Hughes 2003, 2004a, 2004b; Gosarevski et al. 2004a, 2004b).

A major problem creating land disputes in PNG is that almost all requests to register customary land ownership have been in response to natural resource developments—mainly mining, forestry and agriculture. Best practice methodologies in social mapping have been developed in PNG by practitioners such as Fingleton, Filer, and Burton, working in forestry or mining developments, and if they were freely available for publication or

public discussion they might provide valuable lessons for other applications in Melanesia – some have been applied recently by resource managers to the Gold Ridge mining development in Guadalcanal Province. In general however these studies have involved land or resource claimants identifying their various land boundaries, or land parcels. This is a difficult and resource-demanding land administrative approach, where iterative progress can be achieved by considering separate parcels of land, and having the custodians of each parcel recognised and recorded.

There is however no systematic requirement, and no approved or legally mandated method applied in PNG (where new processes are being advocated by researchers from the National Research Institute, led by Charles Yala), as all such work has been undertaken for particular mining, forestry, or agricultural development, focused on achieving the key result of identifying the proper landowners with who the company must negotiate. The reports have been paid for by the development proponents, and remain owned by the companies. Government agencies have not attempted to set regulations or direct the methodologies. Perhaps most importantly all such work has been undertaken in situations where there were identified economic benefits, so the anticipated economic value of the land was high, and disputes were inevitable. A key lesson for the Solomon Islands would be to encourage customary owners to record land boundaries and owner groups before there is development pressure on the land.

Key outcomes from consultations

The outcomes of the September 2005 Melanesian land administration workshop were endorsed and expanded by MoLHS in October 2005. It was clear that there are strong similarities in what is possible—and in some instances necessary—across the Melanesian countries, and that all can learn something from what the others have done. The outcomes were:

- It was noted that land administration in Melanesia is different from the formal systems on which they are modelled and systems have to accommodate cultural, colonial and historical influences.
- Landowners in Melanesia prefer land tenure systems that (initially at least) recognise the tribal/clan/family custodianship of land and the cultural norms with respect to land allocation and use.
- Currently most people want safeguards that reflect traditional norms and protect the disadvantaged (through lack of education, experience, and wealth) for instance by mandating that land may only be temporarily alienated by way of fixed-term lease to outsiders, providing specific caveats relevant to a particular group or area.
- People generally recognise the increasing need for national legislation to underpin land tenure and that tenure modes and acceptable practice may change over time.
- It is widely reported that in Melanesia in general the administration of alienated (registered) land has not been handled well.

- There is a lack of public confidence in land administration agencies, lack of faith in legislation and the governments' commitments to uphold the law, a lack of awareness of legislation, line agencies and how they operate and a general lack of communication on land issues.
- There is a lack of capacity to manage and administer Land. It was acknowledged that any proposed models or schemes are doomed to failure without credible agencies and policies.
- To move forward Land Administration agencies need public confidence, transparency, technical competency, forward looking policies and political support.
- There has been very little interaction between land administration officers of the countries comprising Melanesia. Many have voiced a view that this networking should be formalised and strengthened.
- In the Solomon Islands, land unit demarcation for larger custodian groups has been defined by oral (and only in a few cases written) evidence and that commonly topographic features define the extent of custodianship.
- Land unit custodianship can be traced back to the first 'discoverer' of that unit. The origins of land custodians may or may not be from some other place on which they may have cultural (rather than occupation) rights.
- The discoverer is the starting point for the definition of genealogical trees that determine primary rights.
- Secondary and usufruct rights can be documented and in most case mapped, and can be recorded as 'covenants' or caveats on land records – within the framework of existing legislation.
- There is some confusion over the various terminologies used in public policy, legislation, perception and by developers or investors, for instance primary owner, land/property rights, registration, recording, boundaries. Numerous terms were identified that required consistent definition and existing glossaries (many written from a European or Asian perspective) do not provide immediate resolution. SIISLAP is developing a glossary of terms relevant to issues of customary land in Melanesia.
- It has been demonstrated in the Solomon Islands (for instance in Isabel, Western and Malaita Provinces) that it is possible to decentralise aspects of land administration, with benefits to the province.
- Despite the preference for traditional land models there is strong acceptance of the need for flexibility to allow for people (clans or units) to seek wealth and security from the land asset.
- There has been recognition that many of the touted 'land disputes' and or 'land issues' are intra-land units between families, individuals or over authority of chiefs or leaders, and not inter-land units that is between

neighbouring custodians. Disputes arise most frequently over resource exploitation (and the economic rewards of that) within a definable land unit.

- The lack of trust in customary owner group 'trustees' is evident—the lack of trust in current vehicles of ownership is clear. Some see the desire to maintain the fuzziness of current land recording/recognition is a security by default—the 'trustees' cannot easily sell, give away, or exploit land and resources that are not well defined.
- The term 'land registration' is perceived differently by different groups, countries, academics—in fact the term is often misused or abused to support particular individuals' propositions.
- There has been acceptance that what many individuals and custodian groups are seeking in the first instance is formal 'recognition' of their property rights, not necessarily formal registration, especially if this implies a perceived change in tenure.
- A definition accepted as a starting point was that *formal recognition* is not necessarily legal registration but implies recording of land rights, extents, usage and custom under accepted government practices.
- Where a right to claim ownership is challenged, formal recording or registration may be a path to recognition of customary land custodianship.
- A systematic approach to land recognition allows for optimal resource use in a large program but ignores the fact that the need and priority for land recognition will vary widely. The 'initialisation' and 'time' factors in the draft land recognition framework will be dictated by several factors, some of which may be outside of the control of the land group or the Solomon Island Government.
- Fiji experience and recent PNG court findings suggest a date must be selected on which existing clan boundary lines are 'frozen' and recorded. If the process of recording is piecemeal, there is potential for the most disadvantaged groups to be further disadvantaged.

Case Examples of Customary Land Recording in Solomon Islands

Customary land has been registered by landholders in order to define and record their lands, mutate individual parcels for developers or families, or to bring the land within publicly identifiable family or clan ownership. These 'alienations' were carried out under the *Land and Titles Act* and the process has been demonstrated to be tortuous and time consuming, and to involve the government through the Commissioner of Lands, compulsory acquisition of the land, and subsequent granting of the PE back to the landholder group.

Landholder groups must be recognised as an entity to register their land, and although a customarily accepted tribe or clan can be regarded as an entity, such groups to date have had difficulty in identifying 'trustees' or

'representatives' that have majority acceptance and trust. The entities are normally locally formed associations, charitable trusts, businesses or associations developed previously for other purposes. Many of these vehicles of ownership were originally constructed as a mechanism to deal with the sale of resource rights to loggers or agricultural developers, and there are concerns about their abilities and acceptance as representatives of landowning groups.

Customary Land Registration as PE—FAMOA

One case example is the Fauro–Mono Association (FAMOA) in the Shortland Islands, Western Province. In the late 1990s FAMOA approached the national government to convert unused Temporary Occupation Licenses (TOLs) and some contiguous registered private land to government land. The large parcel of land was then converted to PE, and transferred to FAMOA through its FAMOA Trust Board Incorporated. The Board paid the government \$SBD1 000 for each parcel of converted land. FAMOA established a (dubious) claim to both land and subsurface minerals, then undertook large-scale subdivision, and allocated each family in the landowner group a plot of land. That transfer to families has been as FTE. Plots of land have been registered, commencing in 1988, with registration continuing into 2004.

Land Transfer to Provincial Government—Isabel

Extensive plantation land in Isabel, formerly managed by Levers to extract copra and coconut oil, was abandoned in the late 1990s. The Buala Conference in 2000 returned that land to the Isabel Provincial Government, where it incurs costs as well as bringing potential benefits.

The Provincial Government has a policy of returning land it does not require for its immediate purposes to its customary owners but not all land has yet been returned. For returned land that was previously registered, the registration remains, and the land has been transferred as PE to the trustees of the land owning group. Parcels of land that had been alienated, but not registered, have been transferred back as customary land. No formal record is held by MoLHS for this land.

Genealogical Recording for Land Registration—Choiseul

The Luru Land Conference (encompassing all Choiseul land owners, and some Vella Lavella landowners related by marriage) was established in the early 1980s with an ultimate objective of defining customary land boundaries down to line or family level. The Conference convenes annually, to collate genealogies. Genealogical recording has traced back to 26 men who were the original 'discoverers' of all the island land, and some records go back through 17 generations. Transfers for compensation or other payments have been noted. Tribal groups have begun to define and record land boundaries based on oral tradition. They have not yet subdivided the

land nor registered it. The Conference has been successful in using the traditional chiefly systems to arbitrate in land disputes.

Lauru Land Conference members were watching the outcomes of the Auluta Basin pilot, to consider using similar processes to define customary land boundaries, and were involved in customary land discussions in Gizo in December 2005. Similar processes to record genealogies to identify customary land boundaries are being followed at Ari Ari in Malaita.

MoLHS Customary Land Recording as a Pilot Program

There has been no wholly successful donor or multilateral funding agency program that has supported the registration of customary land (Crocombe 2005). AusAID and/or World Bank supported projects in Thailand, Laos, Indonesia and the Philippines have provided lessons on recording land occupied by traditional custodians (Lyons 2001), but these lessons are generally not directly applicable to Melanesia. In this sense SIISLAP support for MoLHS in its recording customary land is certainly a pilot for a national approach to recording customary land and may be a pilot for such approaches elsewhere in Melanesia.

It is therefore appropriate to develop project support in stages, and to maintain awareness and educational programs that can forestall potential concerns about registration (and transactability) of customary land.

Auluta Basin Pilot of Recording Methodology

The Secretary of the MoLHS TLU has been working with communities in the Auluta Basin in East Malaita, to trial and demonstrate a method for the recording of customary land boundaries and landowners. The origin of the activity was a request from the Department of Agriculture and Livestock for MoLHS to acquire and register land in the Basin for oilpalm development. Agronomists considered this to be a suitable area for a potential development in oilpalm planting, and the establishment of an oilpalm industry, so they agreed to provide some funding support to the TLU.

There was a demonstrated need to pilot a methodology for the registration of customary land, so the Department of Agriculture and Livestock request and support enabled the TLU to take a systematic approach to developing and demonstrating a recording process. The program commenced with initial consultative workshops with all land owning groups in the Basin in early 2004, which were supported and facilitated by the Community Peace and Restoration Fund.

Although the Department of Agriculture and Livestock had classified the Auluta Basin as suitable for oilpalm development there were no active proposals to initiate such activity, and local landowners had not been approached by any intending 'developers' so they had no economic expectations. Landowners in the area were nevertheless enthusiastic to

record their tribal land boundaries, as they perceived social benefits from this. Malaita is densely populated, and people perceive that pressure on accessible garden land will increase, and could lead to disputes. They therefore wish to define their boundaries and record ownership now, to forestall future disputes.

There was no indication at the outset of whether the legislative vehicle should be the *Customary Land Records Act* or the *Land and Titles Act*, so a process was developed for recording that would meet the requirements of either Act, should landowning groups later wish to proceed to formal registration. There are therefore requirements to define land boundaries, and to obtain signed agreement on those boundaries with adjacent landowning groups. There are also requirements to demonstrate traditional custodianship by tracing genealogical links from the 'discoverer' of the land, and so to identify all inheriting members of the group.

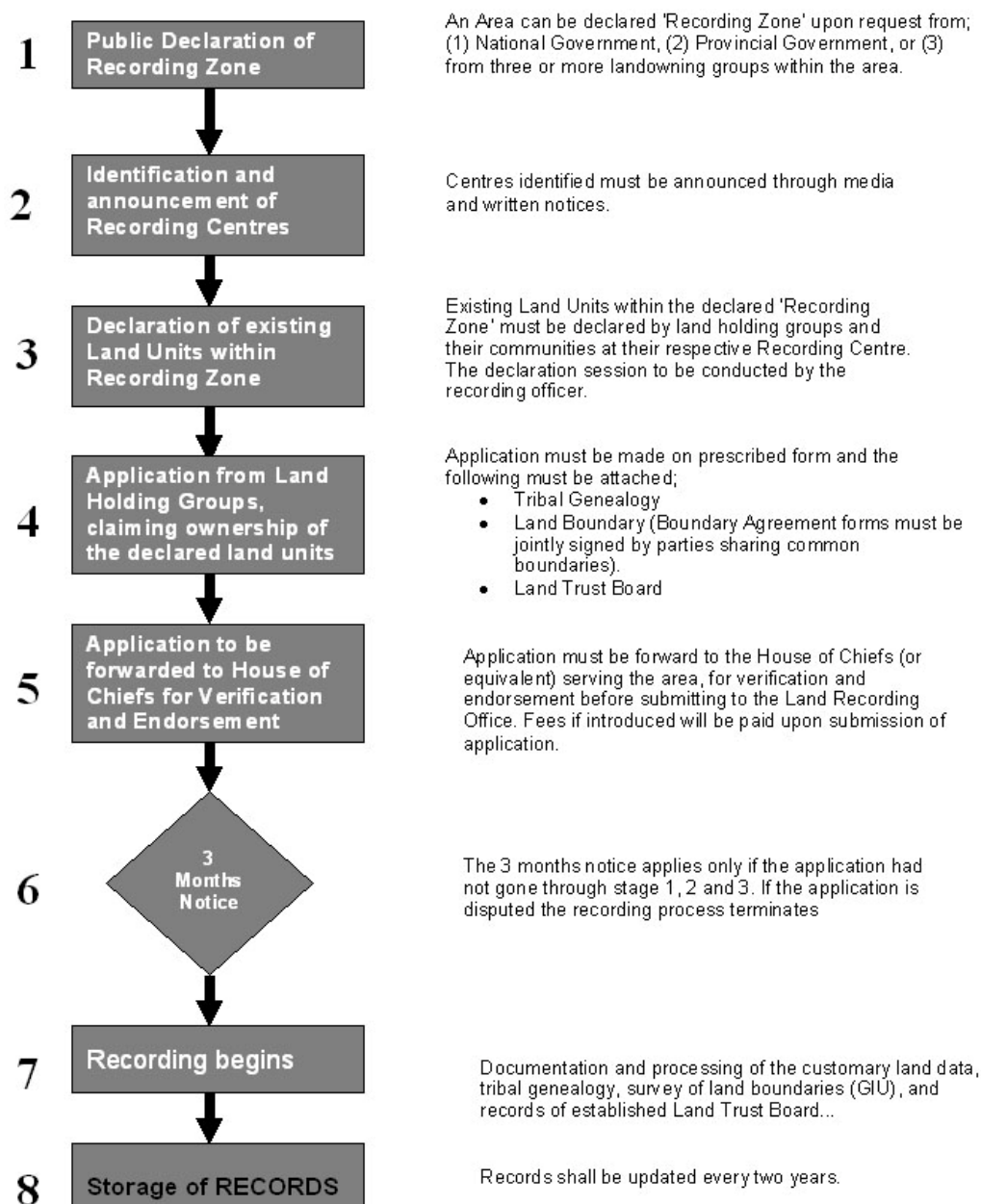
The pilot program has been in operation since early 2004. All landowning tribes in the designated Basin area have participated, with only one small subgroup requesting a delay to recording while they resolved an internal claimant dispute. To date all have agreed to negotiate boundaries if there were conflicts between neighbouring tribes, and the few apparent boundary disputes have been settled by the groups through compensation exchanges. Tribal boundaries have been agreed and signed off. A House of Chiefs system operates in this part of East Malaita, and these traditional chiefs and land chiefs have been fully involved in the process, and have acted as arbiters, then endorsed the boundary agreements, consistent with traditional cultural norms. All landowning groups have constructed their genealogies and these are being endorsed by traditional chiefs. The generic process appears to be replicable, with minor variations in the endorsement process that will depend on varying local cultural traditions. That assumption was discussed among traditional land custodians in Western Province in late 2005, and consensus was that this is the case, in principle.

The process that has been trialed in the Auluta Basis is functional, but it is time-consuming. The implications for province-wide or nation-wide recording are that at least three teams of two people each would be needed for several years to meet current demands for recording and registration. The process has been protracted both because it is needed to be developed, and because of the consultative nature of the boundary negotiations and genealogy construction. The TLU estimates that the process, now defined, would be expected to take about six months for most local landowning groups to complete, in areas where there was a demand for recording customary land. The TLU is needed to advise on and facilitate the process, but their input would be anticipated to be much less in future applications. The process that is summarised below needs to be trialed in at least one other area, with different cultural norms, preferably next in a matrilineal area, and modified as necessary following that 'verification' trial.

Pilot Recording Process

The customary land recording and formal recognition process developed from the Auluta Basin trial can be summarised in seven steps, as shown in Figure 2.

Figure 2: Customary Land Recording Process.



Source: Tribal Lands Unit, Department of Lands and Surveys, Honiara.

A form, available from the TLU must be completed, and supporting material attached to complete the process for any area nominated for recording.

The steps (using the TLU form on which the basic land description and tribe/clan name are noted) are:

1. Declaration of the area to be recorded. The criteria for declaration are a request by any one of the following:
 - National Government;
 - Provincial Government; and
 - three or more land owning groups.
2. Declaration of existing land units (registered or recorded land) within the recording zone.
3. A completed application from the land custodial groups claiming ownership of the declared land units. The application form must be accompanied by:
 - tribal/group genealogy;
 - agreed land boundaries, including signed boundary agreements with all adjacent neighbours; and
 - identified land trust board, which must comprise at least ten members of whom at least two must be women.
4. The completed application must be forwarded to the House of Chiefs (or other relevant traditional land arbitration body) for verification and endorsement.
5. Three months public notice and display of the application. This can be waived or the time abbreviated if Step 3 has involved public meetings and workshops with full stakeholder participation, or in cases of emergency demand.
6. Recording by official agency. Currently National or Provincial Land Acquisition Officers are nominated by the respective level of government, but it is anticipated that if the process receives government endorsement, this recording will not be necessary, or the Land Acquisition Officer may simply acquire the completed record. The Geographic Information Unit of MoLHS records the land boundaries.
7. 'Registration' in a provincial and/or national records storage. The nature of this storage facility or database has not yet been determined, and SIISLAP will need to continue to work with the TLU to define an appropriate form of 'register' or records storage.

If *registration* under the *Land and Titles Act*, rather than *formal recognition* is requested now or at some future time, the landowning group will be required to establish a constitution and to notify trustees. The constitution will then need to contain all caveats and covenants that the

owners want on their land, including clarification of usufruct rights, as well as defining the roles, obligations and operating constraints on the trustees.

Proposed Systematic Framework for Recording

A consistent issue with current proposals, activities and research is being able to assess and compare models or concepts. SIISLAP has advocated taking a framework (or systems-based) approach to customary land recording and assessment in their support of the TLU. The concept of the framework is based on a generic model which is independent of the type (tenure) of land. This draft framework (which is not included here, but has been described in project documentation transferred to MoLHS as part of the capacity-building project) draws on experience in other countries where land registration has been proposed as part of customary land recording, or for agrarian reform programs, or in tenure conversion for the development of settlement areas.

The framework will need further refinement and development as recognition and recording of customary custodianship progresses. The concept is for a systematic methodological approach designed to reduce uncertainty, while enabling sufficient flexibility to address the essential social and traditional organisational aspects of tribal land issues, in logical stages.

The framework matrix includes the aspects of progress towards registration, the responsibilities of the interested parties and Solomon Islands government agencies, the requirements for policy and legislation, and cost and resource requirements. The framework can act as a focus for discussions and consultations. As the framework is refined and evolves to inform standard process, it will provide a logical basis for determination where disputes arise, and will identify the mechanisms needed to address those disputes.

Recognition, Recording and Registration

Land legislation in the Solomon Islands, like that in most countries, is directed towards formal registration of land parcels. For the majority of land this has resulted in the land administration agency MoLHS dealing mainly with the small proportion of alienated land, and virtually ignoring customary land. There are fundamental differences between registration and recording (Little 2005).

Registration implies recognition and protection under a recognised statute. Regulations govern how and what is registered. It also implies safe storage of title documentation with a statutory agency, and widespread public awareness and information and transaction medium access. A registered document is held by the government on behalf of the entity—normally the document has been checked for correctness, uniqueness and to ensure it is in a standard form according to law. Under formal land

tenure systems, registration means a land title that includes the definition of the location of the land, its boundaries, its area and its neighbours. The land title may contain additional information relating to constraints on ownership and usage conditions. A land title is a legal instrument that reflects the bundle of rights on or over the land, and identifies who holds the rights. Alienated land (that is land that has been removed from traditional customary tenure) in the Solomon Islands is registered under statute in this way.

Recording is information transfer to a storage format undertaken under either informal or formal guidelines. Recording does not imply universal or local recognition of the information. Recording of land information is a prerequisite to registration, but can lead to registration only if the data matches the content and form specified in legislation.

For many communities in the Solomon Islands there is a desire to have their customary land ownership rights recognised and recorded, but not necessarily to proceed to registration at this time. Recording should however be undertaken in a way that will allow for subsequent registration without the need for further information collection, so recording now could be a sufficient precursor to registration later. That is especially important if new land legislation is introduced, so the recognition and recording activities are documented, and can be followed-up under any new legislation.

Under the *Customary Land Records Act* there are statutory requirements for negotiation and agreement over land boundary definition, and for customary custodianship to be verified through tracing genealogies back to the land's 'discoverer'. It can be anticipated that any future regulations or modifications to the legislation relating to customary land registration will require similar formal land and ownership records. Consequently any recording process for customary ownership should be based on these existing formal requirements.

Focus on Recording rather than Registration—A Way Forward for Customary Land Administration

Lessons from customary land that has been registered, and the pilot application undertaken with project support, indicate that emphasis at this time should be placed on formal recording based on land unit custodianship and land use (usufruct). This is essential for registration, and should customary landowners wish to proceed subsequently to formal registration, the recording will be an essential first step.

Formal and recognised recording alone however should provide confidence to potential investors or users that the land boundaries and ownership have been accepted by neighbouring groups, chiefs or other traditional land arbiters, and provincial governments, and that there is no anticipated basis for disputes over land title.

It is important that the first stage of the support should focus on developing procedures for formal recording and recognition (by government) of land boundaries and custodianship, which in itself can have major social and economic benefits. The pilot/demonstration project in the Auluta Basin currently supported by SIISLAP should continue, as it is developing and reporting replicable procedures to establish the boundaries of customary land, and to confirm ownership (or custodian group membership) claims through systematising processes of recording genealogies.

Summary and Conclusions

Registration of customary land, or recording and storing information that can facilitate later registration, is a major land administration responsibility and there is a demonstrated need for MoLHS to take more comprehensive action to direct additional resources towards the recording of customary land. Demand is increasing; customary land occupies 87 per cent of the country, and is the base for all rural livelihoods. Concern over land issues remains a potential trigger for conflict.

A worthwhile objective for the remainder of the project, and for TLU action after that, would be to record for formal recognition all customary land for which there are requests, and where the conditions required by the demonstrated process can be met. Formal recognition would require the establishment of an appropriate archive (or register) but would not depend on any immediate legislative change. Importantly this could demonstrate that a logical, structured and technical approach to the recording and recognition of customary land and its ownership is both feasible and effective. As in a formal register, the land titles archive could contain additional information relating to constraints on ownership and usage conditions. In the future registration of customary land may follow from this process.

The Solomon Islands pilot, in the Auluta Basin can provide useful simple lessons for land administration programs that must deal increasingly with customary land in the Pacific. Appropriate local networks such as the Melanesian Land Network should also provide opportunities for sharing information through the region, and enable the development of systematic frameworks that can address customary land recognition and recording in ways that minimise potential for later disputes.

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