



The University of the South Pacific
EXTENSION SERVICES

ASSIGNMENT RETURN FORM

GRADE/MARKS

■ PART 1 (to be completed by the student and attached to the top of each assignment sent to the USP Centre: PLEASE PRINT.)

COURSE : SE 103 ASSIGNMENT NO: 15

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DATE YOU ARE POSTING THIS TO USP CENTRE:
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If you need more space for writing, and especially if you are late with this assignment, use the back of this form to write to your USP Centre or your Tutor. Add your comments or give reasons for being late with the assignment.

■ PART 2 (to be completed by USP Staff)

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Date received from student by USP Centre

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ASSIGNMENT 15

LAND REFORM: WHAT CAN BE IMPROVED AND HOW?

In the Solomon Islands land reform is necessary, however, in my opinion any reformation must be conducive to the traditional tenure system and the development of the country. In other words land policy must be designed to cater not only for investment undertakings, but also for individual and family units in the village in customary land, base on the principle that land family should have enough to eat and live so that its children can be healthy to work and produce.

Therefore, some important areas that need improvement are as follows -:

- (a) Customary land
- (b) Alienated land.
- (c) Court System
- (d) Investment development. policy.

Customary land.

The main cause of land disputes is centred on the fact that customary land boundaries are not recorded, and that landowners are unsure of themselves about their members of tribes, lines and families. Therefore, there is a need for genealogies, tribes and boundaries of all customary land to be recorded at the expenses of the government, and that such records to be kept by the Registrar of Titles and recognise by the courts.

Alienated Land.

This category of land is the product of the waste land regulation in 1900 when large proportion of customary land were declared crown land by the colonial government and subsequently leased to planters and traders on 75 years term under development conditions.

Most of the lease holders have been found not living anymore in the country and the properties have returned to bush.

The properties should be inspected by the appropriate authority which is responsible for land use development and if found that the conditions of lease is not adhered to, they should be returned to the original landowners free of charge. The landowners should be identified by making claims to the Commissioner of land who should take into consideration the development of the land when it is returned.

Court System.

The court system have been found ineffective to land disputes because of the followings:-

- (i) Rural people can not afford to meet court fees.
- (ii) The people in the court being foreign to the traditional system can not make fair and honest decisions.
- (iii) The hearings is carried out in not free traditional ways that no time to argue cases and come to compromise decisions.

Therefore, the informal system through the chiefs and landowners should be recognised as the body to deal with any land disputes, and only complicate cases to be referred to the formal system.

INVESTMENT DEVELOPMENT POLICY.

Land is the main consideration factor in any investment development proposals. Because of ignorance and lack of trust in the government and investors by the landowners, land disputes have been used as a scape goat to deter developments in customary land.

One way to alleviate this problem would be for the government to be a third party in any investment projects in customary land. The role of the government would be to attend to the areas of management and commercial investment of the project, using its services such as the co-operative and business decisions.

Also the government should assist customary landowners to register their land and lease to government and foreign investors, for example customary land in Honiara would be an ideal scheme for such a

ASSIGNMENT 10.LAND REGISTRATION: MAKING SURE WHO HAS WHAT RIGHTS OVER WHICH LAND.HOW CUSTOMARY LAND CAN BE REGISTERED IN THE SOLOMONS.

In the Solomon Islands when the need to acquire customary land arises, the Commissioner of Lands will appoint any officer he thinks fit, to act as his agent in acquiring the customary land.

For purposes of information, the copies of the letter of appointment and Public Notices are sent to the Government Agent or Clerk to Province for posting in convenient places for members of the public to see and understand.

The acquisition officer should make sure that the Public Notices of his appointment are posted in villages near to the land to be acquired, on the land itself if convenient, and in other places he considers necessary.

He should also find out as much as possible about the land to be acquired, find out if there have been court cases about the land and if so get copies of the decisions.

At his first meeting with the people, the acquisition officer does the followings -:

- (a) Find out the landowners and if there are disputes as to who really are the landowners, decide whom to take at that stage.
- (b) Landowners he has decided will have a chance to object and present their case in the second hearing.
- (c) explain purpose of acquisition.
- (d) Find out views of landowners.
- (e) inspect the land with landowners in the presence of a witness either by walking around the boundary or showing plan of the land.
- (f) Arrange second meeting.

He must then give as much publicity of the second meeting as possible and necessary, giving at least two weeks interval between the first meeting and the second meeting.

If there are no claims or objections to the agreement signed in the first meeting then the acquisition officer should note the fact down. If there are claims and objections, he must hear and record all claims and decide according to the stories, witnesses and information presented in the hearing, who is the rightful landowner or landowners.

Having identified and recorded the rightful landowner, he should also explain to the losers that ^{they} may appeal against his decision to the Magistrate Court within 3 months the conclusion of this hearing.

Unless the land acquired is owned solely by one man, a statutory declaration is needed to be signed by the trustees in front of the acquisition officer or a magistrate.

Statutory declarations are needed only for leases where the land is to be registered in the names of joint owners.

At the conclusion of the acquisition all documents are returned to the commissioner of lands, who checks, and if found everything is in order, he completes an application form to the Registrar of Titles for the land to be registered.

On receiving the application form, the Registrar of Titles check through the documents and notes of hearing from the acquisition officer against the Act and the records that he has, and if found in order he proceeds to register the land. The registration fee at the moment is \$25.

The effectiveness of the registration system is that --

- (a) Eliminates land disputes.
- (b) Attains security for economic development purposes.
- (c) Attains security in the title for loan purposes.
- (d) It acts as a honesty check over who actually owns the land under the traditional system.
- (e) It keeps records of land.

The registration system could be improved as follows:-

- (a) To encourage some form of group land boundaries.
- (b) To help the chiefs in recording of genealogy or (the line) and such records are kept by both the chief and the Registrar of Title.
- (c) Government to give powers to the chief and custom leaders to do their own recording work which should be recognised.
- (d) Land registration should not be on individual basis except if somebody buys a piece of land from the clan who owns the land and this must be recorded clearly.

Row. Row

Long assignment is being typed and will be sent to you in good time before the exam.

Michael

Michael
Secret.

It's very good.

Row