

**STATEMENT BY HON. SAMUEL MANETOALI, MINISTER FOR LANDS, HOUSING AND
SURVEY IN RESPONSE TO THE MOTION BY HON. ISAAC INOKE TOSIKA ON FRIDAY 26
JUNE 2009**

Mr. Speaker, first of all I would like to thank the Leader of Opposition for giving me the opportunity first. Thank you.

Mr. Speaker, I rise to contribute to the debate on the motion by the Hon. Leader of Independent Group, the Member of Parliament for West Honiara. Mr. Speaker, the motion has been set out in today's order paper which you have read out as well as the Member for West Honiara hence I need not go through the wordings of the motion.

First and for most, Mr. Speaker, I thank the Hon. Leader of the Independent Group for bringing this very important issue before Parliament. On behalf of the government, I would like to assure the House that work is now being stepped up to address the very issues being raised here. I therefore hope that in our debate, we note with equal importance the need for this debate to be opened and contributing proactively to mapping a way forward with regards to solutions and support for the undertaking by the Ministry to address the very issues raised in this motion. I say so because the problems, issues, concerns and challenges that have become prevalent with regards to land administration and management have been problems, issues and concerns that successive governments, including CNURA are well aware of. They are not new but have been long outstanding issues that successive governments were faced with.

Sir, there has not been much in the way of concerted effort to address this nor the political will. In this regard, I wish to inform the House that in the assessment of the CNURA Government, aid assistance that was poured into Lands by our development partners have been too concentrated on technical issues and have not in any way address the administration's chronic problems, capacity building and such very lopsided. This will be rectified.

Sir, having said so, the enormity of this chronic problem its breadth and depth will require a total overhaul of the legislation, the processes and systems that are currently in existence, a task that will take time, commitment and political will. In this regard, Mr. Speaker, the government and administration through the Ministry of Lands, Housing and Survey, whilst it may not have the time to complete this work to a level where it can be sustainable, I can assure this House that it has the commitment and the political will to tackle the problem head on and has began the work.

Sir, the success, of course, will require the commitment and political will of successive governments and administration to maintain and sustain the work that the CNURA Government is now embarking on for the good of the country because of the importance of land to the development, peace, security and wellbeing of this nation. What reforms are carried out in this sector will have to contribute to nation building, national unity and peace?

Sir, the approach taken is two pronged:

1. processes systems etc supported by,
2. a parallel program to re-professionalize and reestablish the integrity and reputation of the administration and management of land and that of the Ministry to a level where it is able to sustainably deliver services and implement the priority programs of any government.

Sir, land issues have been the biggest barriers to major programs of successive governments including CNURA and policies with regards to decentralization economic development throughout the country.

Mr. Speaker, with regard to the current situation, may I remind all of us that the Lands and Tiles Act 1969, though not perfect and now needing review, has clear guidelines on matters raised herein, but failure of successive governments and administrations to enforce regulations provided in the act and the inadequacies to address the problems of today has over time created huge problems for development and the proper management and administration of crown land and has made customary landowners wary of letting their land available.

Some of these are mentioned in the motion by the hon. Leader of the Independent group. It is important that we, the leaders acknowledged that this situation has not encouraged investors both foreign and national to invest in projects and businesses that could and would diversify the economic base of Solomon Islands to raise the necessary capital to provide the services required by its ever growing population.

Mr. Speaker, you will note that land dealings on most alienated land in Solomon Islands are central to the work of the Department of Lands of the Ministry of Lands, Housing and Survey. The administration of most urban lands has been widely criticized by the urban population and recently was highlighted by the Auditor General's report as riddled with corrupt practices. This comes as no surprise as pressure for urban housing has continued to soar above the ability of the land administrators to meet the demand for land and housing. Without a proactive program by successive administrations to counter the ever increasing demand for urban land, officers working in the Ministry have continued to face the challenge of meeting the urban population's needs. This is not the case as we speak and the Ministry is now embarking on various proactive programs to address this.

Mr. Speaker, it is important to note with regard to land that the country's urban population has risen to a level that is becoming and sustainable if not arrested.

As experienced in Honiara, demand for land and Housing has seen squatters sprawling on the outskirts of Honiara overnight. The increase in demand is further exacerbated by the greatly increased rental rates in towns, especially Honiara. This increase of house rentals in Honiara has negatively impacted on the ability of not only civil servants but also investors and businesses to find sustainable land and accommodation. For instance with regards to government alone this area has taken the much needed funds for service delivery. Land reform will be needed both for the crown land and customary land to tackle these issues and the Ministry is working on both fronts.

Sir, land speculation by individuals who are taking advantage of the current situation is also becoming a problem. In other words, individuals spent time applying for a parcel of land and once they are in possession of the title, he/she then sells the parcel for 20 times the amount they bought from the Commissioner back to the government and others. The Land and Titles Act spells out clearly that these individuals are not allowed to resell the land as clearly spelt out in the grant instruments in most cases. To find ways to solve these issues we must not make any more excuses but boldly acknowledge that the administration is at fault when it knowingly or unknowingly went ahead and process the transfer of titles. The problems go on.

The government also relies heavily on the alienated land held by the Commissioner to fast track projects and investors establishment in the country. Without the luxury of having enough alienated land at its disposal, any government of the day will have difficulty in accessing readily available land. Customary land is held by resource owners who do not trust the government and the current system to allow or open up their land for development. Without land there can be no development. It is against this backdrop that the government has given the Law Reform Commission another reference in the task. This is to look into land reform and provide options to the government on the way ahead, either through legislation or governance reforms. The Land Reform Division is established to look into this area and to support the work of the Law Reform Commission.

Sir, with regard to the shortages of land, the Ministry is addressing this step by step working in close collaboration with the Attorney General's Chamber and the Registrar General's office. Through the direct land allocation policy, large areas of crown land have been allocated to individuals and companies and other entities. To date some of these lands have not been developed and left idle. It is the intention of the government to revisit this and where needed to re-enter the land to make it available for development within the time period allowed by law. It is also revisiting the direct allocation policy and working on a policy change with the objective of setting up systems and procedures for land administration that is affordable and considered in the

context of public sector reform and ultimately with the view for encompassing the national land asset for maximum benefit in a very transparent manner.

Mr. Speaker, land administration is the regulatory framework, institutional arrangement, systems and processes that encompass the determination, allocation, administration, and information concerning land. It includes the determination and conditions of approved usage of land, adjudication of rights and registration via titling the recording of land transactions and the estimation of value and taxes based on land and property, including the structures and improvements thereon. It is a very complex task and not an easy one. In relation to this, the government recognizes the importance of land and its administration and management as an economic driver and the source of revenue. Land also occupies a central place in the lives of our people and underpins both our culture and the national economy. In tacking this, the Ministry is looking into ways to avoid such allocation. It is now making an assessment of this land and should be able to come up with options for a way forward. It is important to mention that the Ministry is taking a people centered and holistic approach to address the core issues affecting registered, alienated and customary land with regard to land allocation. This work involves the full utilization of registered land, the opening up of customary land for economic development and the formulation of a responsible and relevant action plan for the solutions of informal settlement. This work will also have positive impact on other areas raised in this motion as all are linked.

Mr. Speaker, the ineffective systems of registration, management and revenue collection. I have dealt with ineffective systems of registration and management. With regards to revenue collection, the ministries revenue collection has now improved and within the next three months, all dues owed to the government will be collected. Those not paying their dues and those who have not fulfilled their part of the conditions in the grant instrument under the fixed term estate will be dealt with under the Land and Titles Act, 1969. The Ministry is working on this and using several approaches to ensure all dues are collected including home delivery of invoices. This is being dealt with in two stages. Stage 1 is to deal with what is now due to the government and the next step will be a site visit to each parcel to ascertain what development is on the land and how many properties or structures to ensure the government gets what it should get and working out a longer term solution to this problem. Furthermore, the schedule prescribed fees which are now more than 30 years are being reviewed with the view to increasing fees to reflect how many resources it cost the government to provide these services. The Ministry is addressing these and working on it. It is also the intention of the Ministry and as per law that any land not developed in the given time will go through the forfeiture process and any land required for public purpose will also be dealt with under law with the view to making this become available under public tender.

On issues causing conflict and disharmony in communities in Honiara and throughout Guadalcanal Province, the Ministry will be working closely with the Commission of Inquiry into Land Dealings in Guadalcanal on this matter. It is the intention of the government through the Ministry of Lands, Housing and Survey that the findings of this Commission will provide the information needed for policy options for government to consider. With regards to technical assistance, the Ministry is working on the realignment of this assistance to what the Ministry will need. This realignment will be about targeted capability strengthening. It is discussing with willing partners and is requesting an approach where technical experts are carefully selected for their specific knowledge and their understanding of the skills in building capabilities and confidence and professional levels of their counterparts singly or in groups, in particular competencies that have been identified as critical for the future performance of the officer and the Ministry. The officers through this exercise must have confidence in their own capability to work effectively. It is hoped that the government in this instance will be able to obtain a reading or an assessment of the strength and weakness of that assistance from a Solomon Islands' perspective. This will allow us to have a baseline from which to assess the progressive achievement of such assistance and will also allow us to begin to focus an appropriate withdrawal time for technical assistance. This is to avoid what was the experience in the Ministry with regards to technical and aid that was poured into the Ministry so far with little improvement.

Sir, with regard to the undeveloped fix term estates, the Ministry is now going through its records and has embarked on putting together a full list of those individuals or companies that have been

granted fix term estate but have not developed this. Once the list is completed, site inspections done, the Ministry will be working closely with the Attorney's General's Chamber and the Registrar of Title with a view to re-entering these undeveloped lands. Once this is done it will then turn its attention to others who have fixed term estate titles and have not developed it and those who may have more than one. Once the data is completed site visits will be done to ascertain what development there is. All these work will be done within the bounds of law and therefore will take time. It is only then that the issue of subdivision raised herein can be done.

The Commissioner of Lands can use processes open to it under law such as surrender, forfeiture, process or re-enter, etc for public purpose before it can carry out any actions as alluded to here at all times working within the principles of natural justice to all. Whilst some of these people may have resided in these areas for a lot time, since the fixed term estate has been given to someone else as present they are squatters.

On the conversion of the Temporary Occupation Licenses to Fixed Term Estate, I am pleased to inform the House that the pilot area for this program has been completed and offer now given to TOL holders. The program is now moving on to other settlements. This work is not without its problems. There are those to whom the offer was made and to date have not responded and those who could not afford to pay and those who have paid and those who are paying installments. So, yes this work although taking a lot time is moving forward now.

Mr. Speaker, with regard to lack of appropriate town and country planning, this is an area that has been neglected and is one that will be the subject of request for technical assistance and is a priority program of the Ministry. As a result of another policy decision in the past but previous government, the division was dismantled and deployed to the provinces and it is only now that it is realized that the foreign advice on this should never have been implemented. The Ministry is addressing this and also a lesson to the country that not all foreign advice is good and should be effective. The onus will be on us to assess advice given.

Mr. Speaker, with regard to independent and parcel tender processes within the Ministry, let me assure the House that one of the options that the Ministry will be looking into is to reintroduce the tendering system with regard to land allocation. The success of this system and one suggested in the motion will be dependent on the successful re-professionalizing of the Ministry's capacity in terms of technical staff resources and funds to allow for town and country planning taking its proper course. It will also require the re-establishment of the Site Development Fund.

Mr. Speaker, to conclude, the broader land reform policy objectives of the work now embarked upon are covered under but not limited to the following and may provide policy options and solutions to the problems at hand:-

1. first establish proper procedures for administration of all public or state owned lands in the country;
2. provide security in customary land tenure,
3. open up customary land for economic development,
4. convert temporary occupation licenses into fixed term estate,
5. ensure maximum economic use of most alienated land,
6. bringing tribes and tribal land into governance for purposes of administering both customary and crown or alienated land,
7. make legislative provisions for the legal recognition of tribal lands and tribes in the manner in which they administer and manage the resources in the tribal communities,
8. make provisions for assessment of titles of tribal lands to tribes and tribes traditional authorities and the legal recognition of these as competent authorities for purposes of administration of the use of tribal land,
9. develop policy guidelines for the return of certain alienated lands to original owners under the resettlement scheme of the original landowners,
10. initiate work on the revision and amendment of the Land and Titles Act to bring it up to date with present changes in the country.

Under these objectives various programs and activities are being mapped out and implemented. This will not be an easy task but one that is now set in motion given the seriousness of the problems to be addressed, including the crisis that the country has gone through with regards to land, its allocations, use, ownership and so on.

In conclusion, Mr. Speaker, I thank the Honorable Leader of the Independent group for his insights and the motion here raised and assured the House that these issues are being dealt with as we speak. I have every confidence in my Ministry of Lands, Housing and Survey under my leadership with the support of my officials that these issues are being addressed.

Mr Speaker, in view of what the government is doing, the motion is really not necessary. The CNURA Government is already addressing this issue and so we will endeavor to help our people to ensure they are taken care of.

Sir, with those I beg to take my seat.