Housing, Land and Property Mapping Project

Solomon Islands

**Background**

The following fact sheet and research memo have been developed to provide quick and key information of the legal and procedural context relating to Housing, Land and Property (HLP) within the target country. They are intended to inform programming and emergency responses, especially those involving shelter interventions. A rapid understanding of the tenure landscape in each country context can assist in delivering stronger and more equitable responses, however these documents are not intended to be legal advice.

The HLP mapping project has been undertaken by Allens lawyers, using templates developed by the Australian Red Cross (ARC) and the International Federation of the Red Cross and Red Crescent Societies (IFRC). All of the research has gone through a verification process with in country lawyers and/or country experts.

**Document Change Management**

These documents are intended to be used and updated as necessary to ensure that they are always providing the most current and relevant information. We would appreciate ongoing feedback and updates from those working in country, in response or preparedness.

If you would like to make any changes to the document, please submit to the document manager Leeanne Marshall via the below table.

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Housing, Land and Property Law in Solomon Islands

**1 Key laws and actors**

|  |  |
| --- | --- |
| [Laws](#Laws) | The main laws governing land and housing are the [*Constitution*](http://www.paclii.org/sb/legis/consol_act/c1978167/), the [*Land and Titles Act*](http://www.paclii.org/sb/legis/consol_act/lata143/), and the [*Customary Land Records Act*](http://www.paclii.org/sb/legis/consol_act/clra249/). |
| [Key government actors](#Actors) | The [Ministry of Lands, Housing and Survey](http://www.lands.gov.sb/) is responsible for land administration. The Ministry is made up of seven divisions, including the Land Administration and Management Group, the Government Housing Division and the Land Reform Division. The Ministry also contains the Land Board, which has power to make decisions relating to the allocation of interests in registered land.  There is a Land Register, which is maintained by the Register of Titles. This falls under the Ministry of Justice and Legal Affairs.  The [Solomon Islands National Disaster Management Office](http://www.ndmo.gov.sb/) chairs the National Disaster Operations Committee (***N-DOC***). The Ministry of Infrastructure Development chairs the Infrastructure Committee within the N-DOC. |
| [Shelter cluster](#Shelter_Cluster) | A shelter cluster was first established in 2009 and was used in response to 2014 flooding. In 2017, as part of a review into the National Disaster Risk Management Plan, it was proposed to replace this system with a Shelter Sub-Committee, established under the Infrastructure Committee which forms part of the N-DOC. |

**2** [**Common types of tenure**](#Common_Types_of_Tenure)

Land in the Solomon Islands falls into two categories: customary land and registered land, which is also known as alienated land. Around 87% of land in Solomon Islands is customary land. Registered land is most common in urban areas, whereas customary land is more common outside these areas. The table below summarises the most common types of tenure in the Solomon Islands.

|  |  |  |  |
| --- | --- | --- | --- |
| **Tenure** | **Commonly Registered?** | **Key Features** | **Title document** |
| [Public land](#Public_land) | Yes | Land owned by the government. | Registered via Torrens system |
| [Perpetual estate](#Perpetual_Estate) | Yes | Only available to Solomon Islanders (or prescribed persons). Can be subject to the payment of rent or the performance of obligations. An interest can only be transferred to a non-Solomon Islander for a period of 75 years or less. | Registered via Torrens system |
| [Fixed Term Estate](#Fixed_Term_Estate) | Yes | A right to occupy and use land for a prescribed period. For non-Solomon Islanders, the period cannot exceed 75 years, and in practice is normally 50 years. | Registered via Torrens system |
| [Lease](#Lease) | Yes | May be granted by the owner of a perpetual or fixed term estate. Various requirements to maintain land and buildings are implied into leases by the *Land and Titles Act.*  Leases need to be registered if they are in writing and for a period greater than two years. Shorter and less formal leases (called periodic tenancies) cannot be registered, but are deemed to be an "overriding interest" of the owner of the estate | Registered via Torrens system |
| [Temporary Occupation Licence](#Temporary_Occupation_Licence) | Yes | Issued by the Commissioner, these licences, when used, require the lawful owner of land to give up their occupation rights in favour of the occupier. | Licence |
| [Customary Land Rights](#Customary_Land) | No | Ownership of customary land is typically the purview of tribes or clans rather than individuals. Customary land ownership is expressly recognised in the Constitution, and tenure is secured by the *Land and Titles Act*.  This land is managed in accordance with customary usage rather than a Torrens system, and transactions involving the land are only valid to the extent they comply with customary usage. This customary law is flexible and varied.  Customary land tenure is relatively secure because of the constitutional and statutory recognition. Border disputes are common, however, due to lack of registration and recording. | No title documents |

**3** [**Security of tenure of vulnerable groups**](#Security_of_Tenure)

|  |  |
| --- | --- |
| [Women](#Women) | Women have formally equal rights to own property under Solomon Islands law. However, customary law is based on male control and land disputes are generally litigated by men. Customs that require women to defer to men on land matters, combined with inequalities in education and authority, contribute to a practical reality that women's land rights are often disregarded. |
| [Minority groups](#Minority_groups) | Under the Constitution, only Solomon Islanders can own perpetual estates. No further information has been identified indicating how minority groups use land in practice. |
| [Informal settlements](#Informal_Settlements) | Informal settlements are a feature of the Solomon Islands landscape. Residents of informal settlements generally have no tenure security and no legal right to live or work on the land they occupy. The Temporary Occupation Licence system is generally thought to be ineffective. Adverse possession is possible in the Solomon Islands, but not for the customary or public land that makes up the bulk of land in the country. |
| [Landless people](#Landless_People) | Landless people and squatters account for a significant and increasing percentage of the Solomon Islands population. They generally suffer from inadequate drainage and sanitation services. People displaced by natural disasters generally do not have rights to land or housing. |

**4** [**Eviction, expropriation and relocation**](#Eviction_Expropriation_Relocation)

|  |  |
| --- | --- |
| [Eviction](#Eviction) | The Constitution forbids compulsorily taking possession of land except with compensation and for a public purpose. Despite these protections, the civil war from 1999 to 2003 saw many thousands of settlers evicted from rural areas. |
| [Expropriation](#Expropriation) | The Minister for Land can acquire land for public purposes. This power is limited by the Constitution, which prohibits compulsory acquisition except when necessary or expedient in the interests of defence, public safety or public health, among others.  The constitution would likely permit the acquisition of land in response to a natural disaster, but the government has shown itself to be generally reluctant to take action that has a potential to lead to civil unrest. |
| [Relocation](#Relocation) | There are no specific laws governing relocations after a natural disaster. Relocation efforts in the past have been based on local planning schemes or the creation of new subdivisions on public land. |

**Disaster Law Housing, Land and**

**Property Mapping Project**

Solomon Islands

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**Disclaimer**

This report is the result of a desktop review of publically available information. This report is not legal advice.

1. Introduction
   1. Overview

The Red Cross Red Crescent aims to respond to disasters as rapidly and effectively as possible, by mobilising its resources (people, money and other assets) and using its network in a coordinated manner so that the initial effects are countered and the needs of the affected communities are met.

The Australian Red Cross (***ARC***) is a key Partner National Society, supporting  the International Federation of Red Cross and Red Crescent Societies (**IFRC**) response to natural disasters in the Asia-Pacific.

The Red Cross Red Crescent has identified that better knowledge of local housing, land and property laws in the Asia-Pacific is vital to ensuring that emergency shelter is delivered efficiently and equitably in the aftermath of natural disasters.

Australian Red Cross, with technical support and initial research from IFRC, has provided the research template to which this memorandum responds. This memorandum comprises three main sections.

* The first section, '[common types of tenure](#Common_Types_of_Tenure)', provides an overview of the different types of housing and land tenure in Solomon Islands. It outlines the methods used to create and transfer tenure, and analyses the degree of security of tenure afforded by each form of tenure.
* The second section, '[security of tenure of vulnerable groups](#Security_of_Tenure)', considers whether, and to what extent, certain groups face legal barriers to owning or accessing land and housing. This section focuses on women, minority groups and landless people.
* The third section, '[eviction, expropriation and relocation](#Eviction_Expropriation_Relocation)', considers Solomon Islands' statutory and case law which governs, or is applicable to, forced evictions, compulsory acquisition of land and relocations. This section also considers whether compensation is available in these situations.
  1. Background information on Solomon Islands

Solomon Islands is a scattered archipelago of more than 900 mountainous islands and low lying coral atolls.[[1]](#footnote-1) Of these islands, only 347 are inhabited, the total population being approximately 635,000 people.[[2]](#footnote-2) The six largest islands are:[[3]](#footnote-3)

* + 1. Choiseul;
    2. Guadalcanal;
    3. Malaita;
    4. New Georgia;
    5. San Cristobal; and
    6. Santa Isabel.

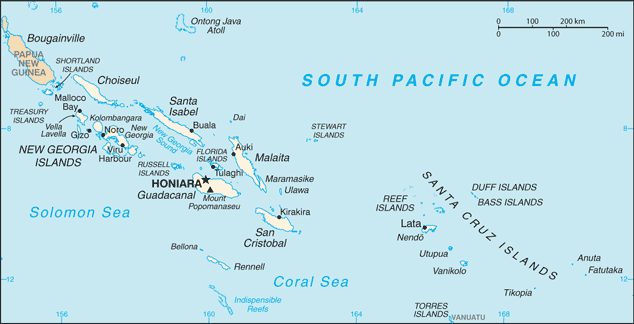


Figure 1: Map of Solomon Islands  
(Map from: Central Intelligence Agency, Solomon Islands <https://www.cia.gov/library/publications/the-world-factbook/geos/bp.html>)

There are 65 vernacular languages and dialects in Solomon Islands, reflecting the variation in tradition and custom which can occur within Melanesian countries. For example, within Solomon Islands, the land system in Guadalcanal is matrilineal, whereas in Malaita and Choiseul it is patrilineal.[[4]](#footnote-4)

There are five major geographical categories of land in Solomon Islands:[[5]](#footnote-5)

* + 1. flat narrow coastal belts;
    2. fresh and saltwater swamp lands;
    3. dry coastal plains;
    4. foothills and mountainous ranges (ranges below 3,000 ft); and
    5. precipitous mountains (ranges above 3,000 ft).

Of the land mass, 90% is made up of foothills and mountains covered in rain forests. Approximately 2% of the land is used for permanent crops and pasture and 1% is considered arable.[[6]](#footnote-6)

1. Common Types of Land Tenure
   1. Tenure types
      1. **What are the key pieces of legislation governing housing, land, building and planning? Please provide links to copies of the legislation**.

The key legislation impacting on land law and tenure in Solomon Islands is the:

* + 1. [*Constitution of Solomon Islands 1978*](http://www.paclii.org/sb/legis/consol_act/c1978167/)(the ***Constitution***);
    2. [*Land and Titles Act*](http://www.paclii.org/sb/legis/consol_act/lata143/)(Cap.133); and
    3. [*Customary Land Records Act*](http://www.paclii.org/sb/legis/consol_act/clra249/)(Cap.132).

Other legislation related to land use and ownership includes the:

* + 1. [*Forest Resources and Timber Utilisation Act*](http://www.paclii.org/sb/legis/consol_act/fratua427/)(Cap.40);
    2. [*Mines and Minerals Act*](http://www.paclii.org/sb/legis/consol_act/mama175/)(Cap.42);
    3. [*River Waters Act*](http://www.paclii.org/sb/legis/consol_act/rwa168/)(Cap.135);
    4. [*Town and Country Planning Act*](http://www.paclii.org/sb/legis/consol_act/tacpa293/)(Cap.154); and
    5. [*Land Surveys Act*](http://www.paclii.org/sb/legis/consol_act/lsa170/)(Cap.134)*.*[[7]](#footnote-7)
    6. **What types of tenure exist?**

In Solomon Islands, land is registered and administered in accordance with the *Land and Titles Act*. This Act sets the framework for interests in land, and defines 'land' as follows:[[8]](#footnote-8)

"land" includes land covered by water, all things growing on land and buildings and other things permanently fixed to land but does not include any minerals (including oils and gases) or any substances in or under land which are of a kind ordinarily worked for removal by underground or surface working.

The *Constitution* draws a distinction between 'customary land' and 'non-customary land' (that is, land that has ceased to be customary and has been registered).[[9]](#footnote-9) Non-customary land is sometimes referred to as 'alienated land'. Customary land tenure accounts for the majority of landholding in Solomon Islands.[[10]](#footnote-10) Solomon Islands' land tenure systems are distributed in the table on the following page.[[11]](#footnote-11)

|  |  |
| --- | --- |
| **System of Tenure** | **Percentage Distribution** |
| Customary land | 87% |
| Public (crown) land | 8% |
| Perpetual / Fixed-term estates | 5% |

**Public land** is land that is registered as a perpetual estate and owned by the Solomon Islands Government.[[12]](#footnote-12)

The Registrar of Titles maintains a land register for **perpetual estates** (including public land) and a register for **fixed-term estates** and **leases.**[[13]](#footnote-13) Temporary tenure in the form of a **licence to occupy** also exists.

Being a 'Solomon Islander' is an important concept in Solomon Islands land law. Solomon Islander is defined as a person born in Solomon Islands who has two grand-parents who were members of a group, tribe or line indigenous to Solomon Islands.[[14]](#footnote-14)

On 31 December 1977, legislation automatically converted all land interests that were vested in a non-Solomon Islander for a period of more than 75 years into fixed interests of 75 years. This was done in order to bring the various types of land tenure issued prior to independence into line with the current estate model.

The table below summarises the main forms of tenure in the Solomon Islands.

| Tenure type | Description |
| --- | --- |
| Perpetual Estate | The right to hold or acquire a perpetual interest in land is recognised by the *Constitution*. Ownership of a perpetual interest in land is restricted to:[[15]](#footnote-15)   * + 1. a Solomon Islander; or     2. a person prescribed by Parliament.[[16]](#footnote-16)   A perpetual interest in land confers on its owner the right to occupy, use and enjoy (in perpetuity) the land and its produce, subject to the payment of any rent and the performance of any legally prescribed obligations.[[17]](#footnote-17) |
| Fixed Term Estate | Fixed term estates can be granted in any public land by the Land Board.[[18]](#footnote-18) A fixed term interest in land confers on its owner the right to occupy, use and enjoy the land and its produce for a period of time, subject to the payment of any rent and the performance of any legally prescribed obligations.[[19]](#footnote-19)  Fixed term estates may be granted to both Solomon Islanders (for a period not exceeding 99 years),[[20]](#footnote-20) and non-Solomon Islanders (for a period not exceeding 75 years).[[21]](#footnote-21) In practice, fixed term estates are usually granted for a period of 50 years.[[22]](#footnote-22) |
| Lease | The owner of a perpetual or fixed-term estate (other than the government) may lease the estate (or part of it) to any person for a definite term.[[23]](#footnote-23)  Leases granted to non-Solomon Islanders must be for a period of less than 75 years and must be consented to by the Commissioner of Lands.[[24]](#footnote-24) To provide consent, the Commissioner must be satisfied that:[[25]](#footnote-25)  the proposed lessee is of good repute and has the capacity and ability to use and maintain and, where applicable, develop the land in accordance with the development and town and country planning provisions applicable to the land and in a manner consistent with the promotion of the public benefit.  An estate owner holds their interest in the estate subject to a lease.[[26]](#footnote-26) The *Land and Titles Act* imposes various implied terms and obligations on lessees and lessors of land (such as the payment of rent and the requirement to maintain the land and buildings in good repair).[[27]](#footnote-27) |
| Temporary Occupation Licence | Temporary occupation licences were introduced in the 1970s in an attempt to control illegal settlement growth within urban centres.[[28]](#footnote-28) These licences are issued by the Commissioner when the Commission is of the 'opinion that the temporary occupation and use of any land is required for any public purpose'.[[29]](#footnote-29) Licences can be issued for up to three years and require the lawful owner of the land to give up their rights in favour of the temporary occupier. The Commissioner is required to pay rent to the lawful owner of the land for the term of the licence.[[30]](#footnote-30)  In 2010, the Ministry published a policy intention to convert all temporary occupation licences in the city of Honiara to fixed-term estates with leases of 50 years by 2020. Despite this announcement and the preparation of a draft work plan, progress has been hampered by a lack of funds and skilled planners.[[31]](#footnote-31) The role of temporary occupation licences in informal settlement is explained further in section [2.4](#Sec_2_4) below. |
| Customary Land | Customary land is all land which is not non-customary land and is discussed in more detail in section [2.3](#Customary_ownership) below. | |

Strata title (land tenure that allows for horizontal subdivision of lots or the individual ownership of units in a building or complex) is not currently recognised in Solomon Islands. In 2016 the Ministry published a white paper into strata title, which considered its suitability for Solomon Islands. The paper recommended the introduction of strata title for public land, with the potential for expanding the concept to other registered land at a later date.[[32]](#footnote-32) In April 2016, the Ministry advised that it hoped that a Strata Titles Bill would be ready for consideration by the National Parliament in early 2017.[[33]](#footnote-33) At the date of this memorandum, a Bill has been drafted and is due to be considered by the National Parliament in 2017.[[34]](#footnote-34)

In recent years a few apartment complexes have been constructed in Honiara. The absence of strata or community title legislation in Solomon Islands means that units in such complexes cannot be individually sold, and instead have to be rented out.[[35]](#footnote-35)

* + 1. **Which, if any, of these types of tenure provide a high degree of security of tenure?**

Perpetual estates, fixed term estates and registerable leases provide a high degree of security of tenure that ensures the right to occupancy, use and enjoyment of the land. Registration of an estate or lease vests in the owner the rights to the land. These rights are indefeasible except as provided for under the *Land and Titles Act*.[[36]](#footnote-36)

Leases shorter than two years also provide strong security of tenure as, even though they do not need to be registered on the land register, they are considered to be an 'overriding interest' that any registered interest is subject to.[[37]](#footnote-37)

However, the Commissioner has the right, subject to notice provisions,[[38]](#footnote-38) to forfeit an owners' estate if the owner fails to pay rent or perform any obligation required in relation to the estate.[[39]](#footnote-39) In the event of an estate being forfeited, leases on the register are determined (ended).[[40]](#footnote-40) Owners, lessees and chargees of estates may apply to the High Court for relief against forfeiture.[[41]](#footnote-41)

Temporary occupancy licences provide limited security of tenure in part because of their short duration (less than three years) and their historically weak administration.[[42]](#footnote-42)

Customary land is quite secure in the sense that it is Constitutionally protected and only able to be alienated in certain circumstances. However, because of the lack of recording and registration of customary land, disputes over boundaries between neighbouring tribes and clans are common.

* + 1. **How does tenure differ between urban and rural areas? If possible, please provide statistics about the prevalence of each type of tenure in urban and rural areas.**

Honiara, Solomon Islands' main urban centre, is built on alienated perpetual or fixed term estate land – that is, non-customary land.[[43]](#footnote-43) Tenure based in customary law predominates outside of the main urban centres.

The *Land and Titles Act* provides that the Commissioner may designate any area of land as 'town land'.[[44]](#footnote-44) Such a designation does not impact tenure directly but influences how frequently the Commissioner may revise the rent for estates. For estate land designated as 'town land' the Commissioner may revise the rent no more frequently than every seven years.[[45]](#footnote-45)

* + 1. **What are the main government and non-government bodies (eg, representative bodies) which administer or deal with housing, land and property?**

The key institution for the administration of land law in Solomon Islands is the Ministry for Lands, Housing and Survey (***Ministry***). The Ministry comprises seven divisions, including the:[[46]](#footnote-46)

* + 1. Land Administration and Management Group, which is responsible for the core land administration function and processes;
    2. Government Housing Division, which has the mandate of managing government housing assets; and
    3. Land Reform Division, which provides advice and consultation regarding land reform matters and is responsible for implementing customary land reform programs.

In an effort to increase transparency and improve the efficiency and fairness in the land allocation process, the National Parliament, in 2014, enacted legislation that restructured the Ministry.[[47]](#footnote-47) A principal effect of this legislation was the establishment of a Land Board.

The Land Board is comprised of 17 members and has the power to make all decisions relating to allocation of interests in registered land in Solomon Islands, including the power to:[[48]](#footnote-48)

* + 1. grant and transfer fixed term estates;
    2. set land premiums and rentals;
    3. decide whether to allocate interests in land (including perpetual estates) by direct allocation or by ballot or auction; and
    4. grant temporary occupation licences.

The Land Register is maintained by the Registrar of Titles office, which falls under the Ministry of Justice and Legal Affairs.

In a disaster context, the Secretariat of the National Disaster Council, the Solomon Islands National Disaster Management Office chairs the National Disaster Operations Committee (***N-DOC***).[[49]](#footnote-49) The N-DOC includes an Infrastructure Committee chaired by the Ministry of Infrastructure Development. This Infrastructure Committee includes a shelter sub-committee.

* 1. Documenting Tenure
     1. **What statutory instruments or legal documents (eg, title deed or leases) are used to create or transfer tenure?**
     2. **What non-legal documents or actions (eg, verbal agreements or handshakes) are used to create or transfer tenure?**

| Tenure type | Requirements for registration or dealing with tenure |
| --- | --- |
| Perpetual Estate | Every grant and transfer of a perpetual estate under the *Land and Titles Act* must be registered.[[50]](#footnote-50) Registration is by way of a Torrens style system,[[51]](#footnote-51) where on registration, an owner's rights are not liable to be defeated (except as provided for under the *Land and Titles Act*) and are free from all other interests and claims, except for a lease, charge or other encumbrance shown or referred to on the register or implied by law.[[52]](#footnote-52)  Perpetual estate owners may only transfer an interest in land for a term of 75 years or more to a Solomon Islander.[[53]](#footnote-53) An owner can transfer an interest in land to a non-Solomon Islander if the prescribed statutory requirements are met, including:[[54]](#footnote-54)   * + 1. the term is less than 75 years; and     2. the owner obtains written consent from the Commissioner of Lands.   Public land is managed by the State and can be transferred and sold.[[55]](#footnote-55) An owner may transfer their perpetual estate to any person eligible to hold a perpetual estate.[[56]](#footnote-56) |
| Fixed Term Estate | Every grant and transfer of a fixed term estate under the *Land and Titles Act* must be registered.[[57]](#footnote-57)  Fixed term estates can be transferred subject to the same conditions that apply to perpetual estates. |
| Lease | Solomon Islands law provides for three types of lease:   * + 1. lease for a period greater than two years, which must be in writing and registered on the register;[[58]](#footnote-58)     2. lease for a period less than two years; and     3. lease with no specified term or that are not in writing (periodic tenancy).[[59]](#footnote-59)   Leases of less than two years duration, and periodic tenancies, are not capable of registration.[[60]](#footnote-60) Nevertheless, both are deemed to be an 'overriding interest' of the owner of an estate.[[61]](#footnote-61)  The period of a periodic tenancy is determined by reference to the period for which rent is payable. The tenancy may be terminated by either party giving notice to the other, the length of which must be not less than the period of the tenancy.[[62]](#footnote-62)  Subject to the terms of the lease, the owner of a registered lease may:   * + 1. sublease the lease for any period which is less than the remainder period of the lease;[[63]](#footnote-63) and     2. transfer the lease.[[64]](#footnote-64) |

* 1. Customary ownership
     1. **Is customary ownership of land legally recognised? If so, what is the basis for legal recognition?**
     2. **What are the sources of customary rules?**

Customary land ownership is expressly recognised by the *Constitution*.[[65]](#footnote-65) The principal legislation dealing with customary land is the:

* + 1. *Land and Titles Act*; and
    2. *Customary Land Records Act*.

Although customary ownership of land is legally recognised in the *Land and Titles Act*, it is not regulated by a Torrens type system but instead is managed in accordance with the applicable current customary usage.[[66]](#footnote-66) 'Current customary usage' is often referred to as 'kastom' in the Solomon Islands language, *Pijin*.[[67]](#footnote-67)

Customary land is defined in the *Land and Titles Act* as:[[68]](#footnote-68)

Any land (not being registered land, other than land registered as customary land…) lawfully owned, used or occupied by a person or community in accordance with current customary usage, and shall include any land deemed to be customary land by…the repealed Act;

Part XXVI of the *Land and Titles Act* deals with customary land. Section 239(1) provides that:

The manner of holding, occupying, using, enjoying and disposing of customary land shall be in accordance with the current customary usage applicable thereto, and all questions relating thereto shall be determined accordingly.

The references to, and definitions of, customary land in the *Land and Titles Act* underscore the flexibility and absence of codification of customary land law. Jennifer Corrin notes that customary usage is not a universally accepted body of rules or practice and that customary law is, by its very nature, flexible and varied.[[69]](#footnote-69) The potential for 'current customary usage' to change over time is recognised in its definition in the *Land and Titles Act*:[[70]](#footnote-70)

usage of Solomon Islanders obtaining in relation to the matter in question at the time when that question arises, regardless of whether that usage has obtained from time immemorial or any lesser period;

The boundaries of customary lands are generally only recorded by oral tradition and marked by natural features such as rivers, mountains, rocks, trees or shrines.[[71]](#footnote-71) However, the *Customary Land Records Act* does provide a process for recording boundaries in writing. The process for the recording of customary land is outlined in [section 2.3(d)(ii)](#Sec_2_3_d_ii) below.

Section 239(2) of the *Land and Titles Act* provides that a court ascertaining current customary usage may 'refer to any books, treatises, reports (whether published or not), or other works of reference, and may accept any matter or thing stated therein as prima facie evidence of the usage in question unless and until the contrary is proved.'

* + 1. **What are the customary rules governing housing, land and property?**
       1. **Dealing with customary land**

Every transaction affecting interests in customary land must be in accordance with the 'current customary usage applicable to the land concerned.' Whether or not a transaction has occurred is therefore dependent on proof of the relevant customary usage.[[72]](#footnote-72)

No person other than a Solomon Islander may hold or enjoy an interest in, over or affecting customary land. Any agreement or arrangement made or entered into that is contrary to this position is void and of no effect.[[73]](#footnote-73)

Customary land is generally held communally by a clan or tribe, rather than individually. On this basis, it is said that 'individuals do not own customary land. They have the right only to use it because of their membership by birth to a tribe, clan or lineage.'[[74]](#footnote-74)

If customary land is registered, up to five named trustees may hold the registered title to land on behalf of a customary group.[[75]](#footnote-75) However, this process has reportedly led to widespread abuse by trustees who have made agreements relating to customary land and have taken the proceeds from these agreements without proper consultation or sharing of the proceeds with the wider landowning group.[[76]](#footnote-76)

Whilst all members of a tribe or clan are responsible for the use of customary land, it is usually the chiefs, heads of family or 'big men' that take the leading role in managing customary land.[[77]](#footnote-77)

Ownership rights to customary land were originally established through first occupation. In modern times, the primary means of acquiring customary land is through inheritance as the successor in the line to the original discoverer and occupier of the land.

Variations exist between clans as to who is entitled to succeed to ownership. Some groups recognise patrilineal succession (father's interest), others matrilineal (mother's interest) and others bilineal (both mother's and father's interests).[[78]](#footnote-78) Of the nine provinces making up Solomon Islands, five (Guadalcanal, Isabel, Makira, Central, and Western) practice a matrilineal land tenure system.[[79]](#footnote-79)

Other (traditional) methods for acquiring customary ownership of land include:[[80]](#footnote-80)

* + 1. compensation following murder or other atrocity;
    2. reward for bravery or other notable service;
    3. custom purchases from true land owners; and
    4. marriage.

Under the *Land and Titles Act*, customary land may only be transferred to a non-Solomon Islander if that person acquires or becomes entitled to enjoy an interest in the land by virtue of marriage to a Solomon Islander or inheritance, and is entitled to the interest in customary land through that avenue according to current customary usage.[[81]](#footnote-81)

* + - 1. **Disputes over customary land**

Disputes over customary land must first be adjudicated by local chiefs before the matter can be referred to the courts.[[82]](#footnote-82) The appeal process flows through a series of courts up to the Court of Appeal.[[83]](#footnote-83)

***Local chiefs***. The role of chiefs in land disputes is important as chiefs are commonly considered to possess the genealogical knowledge necessary to make a determination. Chiefly structures vary throughout the country. In general, 'tribal chiefs', rather than 'village chiefs', sit in the various chiefly structures. Each chiefly structure is generally headed by a single 'paramount chief', who is elected by his fellow chiefs and is supported by an executive committee. When dealing with land disputes, a number of chiefly structures have been observed to adopt procedures from Western judicial systems and Christian doctrine.[[84]](#footnote-84)

***Local Courts***. Local Courts are presided over by lay decision makers. The rules of evidence do not apply and legal practitioners are prohibited from appearing in Local Courts.[[85]](#footnote-85) Local courts have exclusive jurisdiction to deal with all proceedings of a civil nature arising in connection with customary land, other than:

* + - 1. matters expressly excluded by the *Land and Titles Act*; and
      2. questions as to whether land is or is not customary land.[[86]](#footnote-86)

Resolution of disputes in the Local Courts is complicated by a variety of factors, including difficulties with identifying 'chiefs' due to differences in custom, refusal to accept decisions of the Local Court, and the lack of operation of the courts due to inadequate resourcing (with a resultant backlog of cases to be heard).[[87]](#footnote-87)

***Customary Land Appeal Court***. The Customary Land Appeal Court (***CLAC***) occupies a distinct position in that it deals with matters of custom, but its procedure is that of a formal court.[[88]](#footnote-88) There are nine CLACs, one for each province. Representation by a legal practitioner is prohibited in this court.[[89]](#footnote-89)

***High Court and Court of Appeal***. Appeal from the CLAC to the common law courts can only be made on the ground of an error of law or a failure to comply with a procedural requirement (that is, not on matters of custom).[[90]](#footnote-90) Leave is required to appeal a decision of the High Court to the Court of Appeal.[[91]](#footnote-91)

Disputes over leases fall within the jurisdiction of the High Court and the Court of Appeal.[[92]](#footnote-92)

* + 1. **What is the relationship between traditional legal ownership and customary ownership of land? Does the former override the latter?**
       1. **Interaction between customary land and non-customary land**

Customary land ownership Fstructures sit alongside, but are separate from, formal legal ownership and apart from transactions permitted by customary usage between Solomon Islanders, the only allowable dealings with customary land are:

* + 1. compulsory acquisitions for public purposes (see section 4.1 below); and
    2. sale or lease to the Commissioner of Lands or a Provincial Assembly.[[93]](#footnote-93)

There is some debate over whether a licence allowing non-Solomon Islanders to use customary land is permitted by law, given that only Solomon Islanders are permitted to own an 'interest' in customary land. It is unclear whether a licence can be regarded as an interest in land, and in practice, customary land holders do grant licences to non-Solomon Islanders.[[94]](#footnote-94)

While the formal (non-customary) sale or transfer of customary land to persons other than the State is prohibited, it is possible for customary landowners to indirectly lease their land to non-Solomon Islanders if the land is first converted to a registered perpetual estate.

* + - 1. **Recording and registration of customary land**

The *Customary Land Records Act* provides that any customary land holding group or person who claims an interest in customary land may apply to the Land Record Office for the recording of customary land rights and the demarcation of the boundaries of such land.[[95]](#footnote-95) Prior to the late 1990s, the Central Land Record Office existed to record customary land details. However, this office was destroyed in the late 1990s during 'the tensions'. Only one area is Solomon Islands has been recorded under the *Customary Land Records Act* since the tensions: land in the Aluta Palm Oil project area in Malaita.[[96]](#footnote-96)

The Ministry has proposed to establish a new Central Land Record Office to implement the *Customary Land Records Act*;[[97]](#footnote-97) however, as at the date of this memorandum the Office has not been re-established. One recording project was carried out in 2007, but it was not in full compliance with the Act.[[98]](#footnote-98) In February 2017, steps were underway to start the recording process in Malaita, Choiseul, Guadalcanal and Temotu.[[99]](#footnote-99)

Among other things, the statutory process for recording customary land involves:

* + 1. public notification of the application;
    2. walking of the boundary of the land by surveyors and the claimant group;
    3. consultations with any groups claiming secondary rights; and
    4. the recording of prescribed information including the recognised name of the customary land holding group claiming the land rights, the genealogy of the group showing the basis for membership of the customary land holding group, land boundaries and the primary and secondary rights claimed.[[100]](#footnote-100)

Corrin notes:[[101]](#footnote-101)

There seems to be a general misunderstanding about the processes under the [Customary Land Records] Act. It does not result in registration, but only in 'recording'. This 'record' does not confer any formal title on any individual or group, but rather identifies the leaders with authority to deal with the land and delineates agreed boundaries and tribal links. … The Act does give an option for the representatives identified under the recording process to apply for the recorded land to be registered, but this then leads back to the *Land and Titles Act* under which the only way to register land is by a process of alienation. … The lack of an avenue for customary communities to formalise their land tenure in a way that is accepted under the formal law is a significant problem. It often prevents them from enforcing their rights against other communities and outsiders.

Once the record is finalised by the National Recorder, the primary rights of the recorded land holding group are not liable to be defeated except as provided under the *Customary Land Records Act* and are held free from all other interests and claims whatsoever (but subject to the interests and conditions shown on the Record).[[102]](#footnote-102)

Once the land holding group is recorded with the Land Record Office, the group may apply to the Registry of Titles to have their rights registered[[103]](#footnote-103) (registration of customary land is not mandatory). Corrin notes that the result of the registration of customary land under the *Land and Titles Act* is that the land is no longer classified as customary land, but then as a perpetual estate under section 109 of the *Land and Titles Act*.[[104]](#footnote-104)

According to at least one academic, there is a lack of clarity regarding the operation of legislation governing land tenure, with the resulting uncertainty giving rise to 'a culture of disputing land "ownership" and boundaries'.[[105]](#footnote-105) This uncertainty may contribute to a reluctance to register customary land — AusAID reported in 2008 that only 0.2% of customary land in Solomon Islands had been registered.[[106]](#footnote-106)

* + - 1. **Customary land and disaster policy**

In its National Adaptation Programmes of Action framework (***NAPA***), the Solomon Islands' Ministry of Environment, Conservation and Meteorology acknowledged the importance of 'effective land administration that delivers secure title to productive land in a timely and efficient manner',[[107]](#footnote-107) largely in the face of climate change and rising sea levels. Maintaining formal records and maps of land boundaries is also seen as central to reducing conflict over customary land.[[108]](#footnote-108)

In the NAPA, the Ministry identified that land tenure has 'implications for dealing with and managing the effects of climate change… a critical issue when considering relocation and resettlements schemes'.[[109]](#footnote-109) In order to make land available and stimulate the economy, the Ministry proposed to bring the customary tenure onto the mainstream market 'by providing security of title for land owning groups under a new law' which balances traditional institutions with government administration.[[110]](#footnote-110) As at the date of this research note, no new laws appear to have been enacted to effect this goal.

* 1. Informal settlements
     1. **What are the locations and boundaries of informal settlements?**

Informal settlements are clustered around the major urban centres and are a permanent feature of the Solomon Islands landscape. Twenty per cent of the country's population currently live in urban and semi-urban areas which are predominately built on public land.

The population of the major urban centres is set out in the table below.[[111]](#footnote-111)

| **Urban Centre** | **Population** | **Percentage of Total Population** |
| --- | --- | --- |
| Honiara | 64,609 | 13% |
| Tandai | 10,837 | 2% |
| Auki | 5,105 | 1% |
| Malango | 4,636 | 0.9% |
| Gizo | 3,547 | 0.7% |
| Noro | 3,365 | 0.7% |

Studies of Honiara and Gizo, conducted by the United Nations Human Settlements Programme in 2012, found that 35% of Honiara's total population and 51% of Gizo's total population reside in informal settlements.[[112]](#footnote-112)

In Honiara, 30 informal settlements are located within the town boundary (on public land), six of which have encroached on customary land.[[113]](#footnote-113) In Gizo, residents of informal settlements concentrate in four major locations, within and on the edge of public land.[[114]](#footnote-114) The trend of informal settlements is said to be in part due to natural disasters, rising sea levels, population pressures, and water and agriculture difficulties.[[115]](#footnote-115)

* + 1. **What kinds of tenure arrangements are in place in informal settlements?**

Most residents of informal settlements in Honiara lack any tenure security and often have no legal right to reside or work on the public land they occupy.[[116]](#footnote-116)

As identified in section 2.1 above, in the 1970s, the Solomon Islands government introduced a temporary occupation licence for State land to attempt to control illegal settlement growth within urban centres. These licences permitted the construction of a temporary house while the resident was waiting for a formal subdivided plot. However, this system has broken down and is considered to be ineffective.[[117]](#footnote-117) A 2006 survey of households in Temporary Housing Areas under the temporary occupation licence scheme noted that only 10 out of 3,000 households had a valid temporary occupation licence.[[118]](#footnote-118)

Following the displacement of people in Honiara by Cyclone Ita in 2014, the government attempted to create a new housing subdivision for the displaced people in an area not at risk of flooding. The task of finding secure land for resettlement purposes is complex, as land is scarce and tenure can be uncertain, due to disputes regarding the alienation of land during the time of the British Protectorate and intra-clan access disputes in relation to customary land. Illegal squatting may be a more economically rational option for many displaced persons, as even if secure tenure in the form of an estate is available, the costs of registration, annual land rental and council rates may be beyond the means of many people.[[119]](#footnote-119)

1. Security of Tenure of Vulnerable Groups
   1. Women
      1. **Can women legally own, rent or inherit land and housing?**
      2. **In practice, do they? If not, why not?**

Solomon Islands law accords women equal legal rights, including the right to own property;[[120]](#footnote-120) however, 'customary law is based on male domination and, even in those parts of the Solomon Islands where title to land descends through matrilineal lines, land disputes are generally litigated by men'.[[121]](#footnote-121) This conflict between law and custom is heightened by the fact that 87% of land is customary land. In 2010, the Land Registry estimated that, of the 5% of registered, non-public land, only 2% of land titles are registered to women, with 73% registered to men and 25% registered jointly between men and women.[[122]](#footnote-122) A report by the International Finance Corporation found that women's land rights are frequently over-ridden and women are victims of non-transparent land allocation processes.[[123]](#footnote-123)

In 2014, the Solomon Islands government reported that there were over 91,000 households, 16% of which were headed by women (largely when there was no male spouse present).[[124]](#footnote-124) However, as mentioned in section [2.3(c)(ii)](#Sec_2_3_c_ii) above, customary land disputes in Solomon Islands are initially submitted to chiefs for resolution. The chiefs are male, and generally any witnesses and parties to the dispute are senior male leaders (although there may be a very small number of women leaders involved). It has been suggested that the adversarial nature of the court system, regular comparison of land disputes to warfare and the fact that decision makers at every level of adjudication are likely to be male are impediments to the involvement of women in land disputes.[[125]](#footnote-125)

For example, in Guadalcanal males are generally appointed spokespersons for land-related matters, or if the decision affects an entire landowning group, the decision is made through a group of chiefs and elders.[[126]](#footnote-126) It has been said that the lack of access to education, as well as customs that women must not talk about land and must stand behind men when dealing with land, have meant that women do not manage land relations, even in the State legal system.[[127]](#footnote-127)

In the past, women's knowledge of genealogies was highly respected in land matters; however, today any influence is informal (eg, through household conversations). This change has been linked to attempts to reconcile customary land tenure with the State legal system (the latter of which does not recognise 'behind the scenes' opportunities women previously had to influence decision making), and women do not have the education, authority or confidence to speak openly in the State legal system.[[128]](#footnote-128)

With the ongoing trend towards urbanisation in Guadalcanal, subdivided land may increasingly be held by families and handed down from father to son rather than held by a tribe and handed down the matrilineal line.[[129]](#footnote-129) While non-Solomon Islanders do not generally have any access rights to customary land, intermarriage may provide some access. For example, should a migrant male marry a Guadalcanal woman, their children will have customary land rights through their mother's tribe. However, if a migrant woman marries a Guadalcanal man, the children's future rights will be determined through traditional dealings by the father (such as the exchange of goods and feasting).[[130]](#footnote-130)

* 1. Indigenous groups
     1. **Is indigenous customary ownership (or custodianship) of land legally recognised?**
     2. **Does customary ownership provide indigenous people with a high degree of security of tenure?**
     3. **If not, what are the barriers to indigenous people owning and/or living on their land?**

After achieving independence, the government introduced compulsory tenure conversion that applied to estates held by Solomon Islanders and foreigners.[[131]](#footnote-131) As noted above in sections 2.3(c), customary land is not considered alienable and only Solomon Islanders are able to be granted perpetual estates, demonstrating the effort of the government to keep land ownership rights with indigenous Solomon Islands people.

* 1. Minority groups
     1. **Can minority groups (ie, ethnic minorities, immigrants, stateless people) legally own and/or rent land and housing?**
     2. **If so, are they subject to special conditions or restrictions?**

Solomon Islands is 95.3% Melanesian, 3.1% Polynesian, 1.2% Micronesian and 0.3% 'other';[[132]](#footnote-132) however, Solomon Islanders often associate first with their family, clan, or tribe rather than as Solomon Islanders or Melanesians more generally. This ethnic diversity played a significant part in the Solomon Islands' civil 'tensions' at the turn of the 21st century.

As discussed above, only Solomon Islanders can own perpetual estates. No information has been identified to indicate how minority groups' ability to rent or own land occurs in practice.

* 1. Landless People and Squatters
     1. **Do landless people/squatters have rights to land and/or housing (eg, adverse possession)? If so, are those rights respected?**

Landless people and squatters account for a significant and increasing percentage of the population.[[133]](#footnote-133) Squatter settlement infrastructure is usually lacking, with services such as drainage, sanitation and road access in Honiara settlements reported to be largely inadequate.[[134]](#footnote-134) People have been rendered landless after being displaced by natural disasters.[[135]](#footnote-135) Generally, displaced people do not have rights to land or housing, and squatter settlements are often unwanted.[[136]](#footnote-136) Politicians and public servants reportedly have little interest in enforcing resettlement due to the risk of civil unrest or loss of political support.[[137]](#footnote-137)

Adverse possession is formally recognised in Solomon Islands. Sections 224 and 225 of the *Land and Titles Act* provide for acquisition of an estate or registered lease by peaceful, overt and uninterrupted adverse possession for a period of 12 years. However, these provisions do not apply to customary land, or to an estate or lease vested in or owned by the Commissioner of Lands or a local authority.[[138]](#footnote-138) The extent of customary and public land in Solomon Islands means that there is limited opportunity to acquire land through adverse possession.

The process for making an adverse possession claim is prescribed under section 225 of the *Land and Titles Act*. A successful application will result in the High Court issuing an order for the claimant to be registered as the owner.[[139]](#footnote-139)

1. Eviction, Expropriation and Relocation
   1. Eviction
      1. **Are there laws or regulations prohibiting forced evictions?**
      2. **In practice, are those laws adhered to?**

The *Constitution* prohibits compulsorily taking possession of or compulsorily acquiring an interest in property except where such acquisition is made for a public purpose and is accompanied by reasonable compensation.[[140]](#footnote-140)

Despite the legal protections available, just before and during the civil war (1999-2003), the Guadalcanal Revolutionary Army forcibly evicted many migrant settlers on Guadalcanal, most of whom were Solomon Islanders from Malaita. By the end of 1999, an estimated 24,000 settlers had been evicted from rural areas, along with a further 10,000 from Honiara itself. A perceived lack of action by the Solomon Islands Government to resolve the problem lead to further civil unrest.[[141]](#footnote-141) It was reported in 2016 that the government has never forcibly removed people from squatter settlements in Honiara.[[142]](#footnote-142)

Solomon Islands has ratified the International Covenant on Economic, Social and Cultural Rights and is therefore bound to Article 11(1) that recognises the human right to an adequate standard of living, including adequate housing.[[143]](#footnote-143) However, a right to adequate housing has not been recognised in the *Constitution*.

* 1. Expropriation
     1. **Are there laws or regulations permitting the government to expropriate land?**

The Minister for Lands has the power to declare that any land is required for a 'public purpose'.[[144]](#footnote-144) There is no definition of 'public purpose' and the decision to take the land may be appealed to the High Court.[[145]](#footnote-145)

Section 8(1)(a) of the *Constitution* limits the Minister's power by prohibiting compulsory acquisitions of land except where (among other things):

* + 1. the taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town or country planning or the development or utilisation of any property in such a manner as to promote the public benefit; and
    2. there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property.

This provision appears likely to permit a compulsory acquisition of land following a natural disaster (eg, where such acquisition is necessary to ensure the health or safety of the public). However, given the length of time involved in such a process (eg, due to appeal rights) and the history of reluctance by the Government to take action which has the potential to cause civil unrest, the compulsory acquisition process appears likely to have little utility where a rapid reactionary response to a natural disaster is required.

* + 1. **If so, are those laws or regulations applicable in the context of a disaster?**

During or in the immediate aftermath of a disaster, it seems more likely that the Government would rely on the powers given to the National Disaster Council under the *National Disaster Council Act* to requisition property and to require people to give reasonable assistance to anyone seriously affected by disaster.[[146]](#footnote-146)

* 1. Relocation
     1. **Are there laws or regulations governing relocations?**
     2. **Are there any other laws or regulations (ie, human rights instruments) that are applicable to relocations?**

There are no specific laws governing relocations of people following a natural disaster. Despite this, plans are underway to relocate Taro Island, the 500 person capital of Choiseul province, due to fears over climate change induced sea level rise.[[147]](#footnote-147) A Choiseul Bay Local Planning Scheme showing the layout of a new township on the mainland adjacent to Taro Island was approved in 2016.[[148]](#footnote-148)

Some attempts have been made to create new land subdivisions on public land and use long-term leases to provide secure housing for displaced persons.[[149]](#footnote-149)

In 2014 the Ministry created a new land subdivision in East Honiara as it was one of the remaining city areas owned by the government located in an area which was not at risk from flooding. However, the number of leases granted to flood victims fell very short of demand and was impacted by delays. Because of the delays, successful applicants were prevented from taking up their leases by squatters who had moved onto the allocated land in the interim.[[150]](#footnote-150)

* 1. Compensation for expropriation and relocation
     1. **Are there laws or regulations providing compensation for people who are relocated, forcibly evicted, or whose land is expropriated?**
     2. **In practice, are these laws or regulations adhered to?**

A compensation claim may be lodged by any person who claims to be entitled to an interest which, by reason of the Minister's declaration of acquisition, ceases to exist. However, this claim may be rejected, or a lesser amount of compensation offered. There is no automatic right to compensation if land is compulsorily acquired. Compensation claims that are rejected by the Commissioner, or with which the claimant is dissatisfied, are subject to appeal to the High Court.[[151]](#footnote-151) In 2008, AusAID reported that compulsory acquisition was not normally applied, with land instead being accessed by negotiated purchase or lease.[[152]](#footnote-152)

* 1. Shelter cluster
     1. **Is there an active shelter cluster in the country?**
     2. **If not, has the shelter cluster been activated during any previous disasters?**

A shelter cluster was first established in 2009 in response to the 2007 earthquake and tsunami. The shelter cluster was used in response to 2014 flooding.

In 2017, as part of a review into the National Disaster Risk Management Plan, it was proposed to replace the shelter cluster system with a Shelter Sub-Committee, established under the Infrastructure Committee which forms part of the National Disaster Operations Committee.[[153]](#footnote-153)

1. Scott Leckie (ed), *Housing, Land and Property Rights in Post Conflict United Nations an Other Peace Operations: A Comparative Survey and Proposal for Reform* (February 2009) Cambridge University Press <<http://assets.cambridge.org/97805218/88233/frontmatter/9780521888233_frontmatter.pdf>>. [↑](#footnote-ref-1)
2. Central Intelligence Agency, *CIA World Factbook – Solomon Islands* (July 2016) <<https://www.cia.gov/library/publications/the-world-factbook/geos/bp.html>>. [↑](#footnote-ref-2)
3. Craig Corona, 'Private Lands Conservation in the Solomon Islands', (2004) *Natural Resources Law Center, University of Colorado School of Law* <<http://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=1169&context=books_reports_studies>>. [↑](#footnote-ref-3)
4. Jennifer Corrin, 'Customary Land in Solomon Islands: A Victim of Legal Pluralism' in Anthony Angelo and Yves-Louis Sage (ed) *Droit Froncier Et Gouvernance Judiciarire Dans Le Pacifique: Land Law and Governance in the South Pacific* (2011) <<http://www.victoria.ac.nz/law/research/publications/about-nzacl/publications/special-issues/hors-serie-volume-xii,-2011/Corrin.pdf>>. [↑](#footnote-ref-4)
5. Craig Corona, 'Private Lands Conservation in the Solomon Islands', (2004) *Natural Resources Law Center, University of Colorado School of Law.* [↑](#footnote-ref-5)
6. Ibid. [↑](#footnote-ref-6)
7. Solomon Islands legislation was consolidated in 1996. The 'Cap' reference numbers refer to the chapter the piece of legislation falls in the consolidated version. At the date of this memorandum, the *Town and Country Planning Act* and the *Land Surveys Act* were proposed to be renamed as the *Planning and Development Act* and *Land Surveyors Act* once proposed amending legislation had been passed. [↑](#footnote-ref-7)
8. *Land and Titles Act* s2. An unresolved point of contention in this definition relates to whether the definition includes ownership of areas below the high water mark. Two directly contradictory decisions have been handed down by the High Court on this issue. See *Allardyce Lumber Company Ltd v Laore* [1990] SBHC 46 and *Combined Fera Group v Attorney General* [1997] SBHC 55. [↑](#footnote-ref-8)
9. *Constitution of Solomon Islands 1978* ss 111, 112 <<http://www.paclii.org/sb/legis/consol_act/c1978167/>>. [↑](#footnote-ref-9)
10. Sue Farran, 'Navigating Between Traditional land tenure and introduced land laws in Pacific Island States', (2011) 64 *Journal of Legal Pluralism* <<http://commission-on-legal-pluralism.com/volumes/64/farran-art.pdf>>. [↑](#footnote-ref-10)
11. Australian Agency for International Development (AusAID), (2008) *Making Land Work: Volume One - Reconciling Customary Land and Development in the Pacific* 1 <<http://dfat.gov.au/about-us/publications/Documents/MLW_VolumeOne_Bookmarked.pdf>>. [↑](#footnote-ref-11)
12. *Land and Titles Act* ss 2, 24, 102. [↑](#footnote-ref-12)
13. *Land and Titles Act*, s 88(1). [↑](#footnote-ref-13)
14. *Land and Titles Act* s 2. [↑](#footnote-ref-14)
15. *Constitution of Solomon Islands 1978* s 110 <<http://www.paclii.org/sb/legis/consol_act/c1978167/>>. [↑](#footnote-ref-15)
16. The class of persons prescribed by parliament to hold or acquire a perpetual interest in land is listed in the *Land and Titles Act* s 112(4). [↑](#footnote-ref-16)
17. *Land and Titles Act* s 112(1). [↑](#footnote-ref-17)
18. *Land and Titles Act* s 132(1)(b). [↑](#footnote-ref-18)
19. *Land and Titles Act* s 113(1). [↑](#footnote-ref-19)
20. *Land and Titles Act* s 132(1)(b). [↑](#footnote-ref-20)
21. *Land and Titles Act* s 101(2). [↑](#footnote-ref-21)
22. Solomon Islands Government, Ministry of Lands, Housing and Survey, (2016) *White Paper: Strata Title in Solomon Islands* <<http://www.lands.gov.sb/resources/ministry-documents/spc-dfat-input.html?layout=columns>>. [↑](#footnote-ref-22)
23. *Land and Titles Act* s 143(1). [↑](#footnote-ref-23)
24. *Land and Titles Act* s 143(2). [↑](#footnote-ref-24)
25. *Land and Titles Act* s 144(1). [↑](#footnote-ref-25)
26. *Land and Titles* Act s 114. [↑](#footnote-ref-26)
27. *Land and Titles Act* ss 147–8. [↑](#footnote-ref-27)
28. *Australian Agency for International Development (AusAID), 'Making Land Work: Volume Two - Informal Land Systems within Urban Settlements in Honiara and Port Moresby' (2008) Department of Foreign Affairs and Trade 2* <<http://dfat.gov.au/about-us/publications/Documents/MLW_VolumeTwo_CaseStudy_5.pdf>>*; United Nation Human Settlements Programme (UN-Habitat) 'Solomon Islands: Honiara Urban Profile' (2012) UN-Habitat Urban Profiles*. [↑](#footnote-ref-28)
29. *Land and Titles Act s* 82(1). [↑](#footnote-ref-29)
30. *Land and Titles Act* ss 82(1)–(2). [↑](#footnote-ref-30)
31. United Nation Human Settlements Programme (UN-Habitat) 'Solomon Islands: Honiara Urban Profile'(2012) *UN-Habitat Urban Profiles*. [↑](#footnote-ref-31)
32. Solomon Islands Government, Ministry of Lands, Housing and Survey, (2016) *White Paper: Strata Title in Solomon Islands* <<http://www.lands.gov.sb/resources/ministry-documents/spc-dfat-input.html?layout=columns>>. [↑](#footnote-ref-32)
33. Solomon Islands Government, Ministry of Lands, Housing and Survey, (2016) *Media Release: Strata on the Way* <<http://www.lands.gov.sb/media-releases/32-strata-title-on-the-way.html>>. [↑](#footnote-ref-33)
34. Email from Alan McNeil, Chief Technical Advisor at the Solomon Islands Ministry of Lands, Housing and Survey, to Mark Leersnyder, 19 February 2017. [↑](#footnote-ref-34)
35. Ministry of Lands, Housing and Survey, 'Strata Title on the Way' (Media release) , <<http://www.lands.gov.sb/media-releases/32-strata-title-on-the-way.htm>l>. [↑](#footnote-ref-35)
36. *Land and Titles Act* s 109. [↑](#footnote-ref-36)
37. *Land and Titles Act* s 114. [↑](#footnote-ref-37)
38. *Land and Titles Act* s 138. [↑](#footnote-ref-38)
39. *Land and Titles Act* s 136. [↑](#footnote-ref-39)
40. *Land and Titles Act* s 137. [↑](#footnote-ref-40)
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