

## **Summary of Outcomes for the Pacific Regional Symposium on Land and Property Rights in the South Pacific Held at Heritage Park Hotel, 5 – 7 August 2014**

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These 3 days have been proven resourceful, timely and generated interactive and interesting discussions on themes of climate change, land resource compensation, property trusts and lease structures, and emerging property rights in carbon.

### **HBA**

We acknowledge Mike's innovative HBA approach which helped us to think critically in better understanding and addressing these complex issues or Wicked Problems as we say in HBA.

**Tuesday (5/8/14)**

### **Self-determination and cultural plurality of Register - Customary and State / Crown Land**

- ✓ appreciate the fact that property rights as in plurality of register are complex and have seen the need to seek a more hybrid of equitable land compensation arrangement between customary individualistic and western materialistic models;

### **Climate change and land issues in Pacific Region**

- ✓ Climate change is impacting both customary and state owned land in the Pacific.
- ✓ Land laws have never accommodated climate change as an issue – disposition on land caused by climate change is not easy to compensate (plot of land A&B);
- ✓ Need that planning schemes or land use plans should allow adjustments within reasonable time frame to cater for impacts of climate change;
- ✓ Similarly planning processes and development application process to incorporate assessment of climate change issues – process to include technical inputs from other experts (transdisciplinary approach);
- ✓ interesting discussions on compensation aspect of human settlements directly affected or are going to be affected by climate change – HBA Reflections – who is responsible for who and who is responsible for what?; state driven solutions?;

**Wednesday (6/8/14)**

### **Land Resources compensation – getting the best deal for customary land owners**

- ✓ the sharing of benefits from exploitation of land-based resources inside customary land may be looked at the option pricing theory in determining synergistic (marriage) value;
- ✓ this illustrated in the case of Mining and compensation
- ✓ Other examples pointed to the need for strengthening capacity & empowerment for resource owners to better negotiate for their resources;
  - availing or providing professional and independent advice;
  - letting them know how much their resources are worth;
  - getting them organized – Native Trust Board – have legal representation

### **Land compensation case study (Tina Hydro Project)**

- ✓ Land compensation arrangement for Tina Hydro Project;

- ✓ BOOT (Build, Own, Operate and Transfer) for big infrastructure project – which involves series of land transaction and acquisition that are to be tested;
- ✓ Discussions – Government having 50% equity or participatory involvement with the Land Owners in joint company holding PE to the site;
- ✓ Benefits of shares (payment / royalty) in the infrastructure project;
- ✓ Recommends - Limited provisions legal in land compensation prompt drafting of new legislations to ensure due diligence in the process;

#### **Land Policy Intervention (Vanuatu)**

- ✓ land reform intervention for customary land which Solomon Islands to learn from;
- ✓ Land reform will take time - anticipate short, medium, long term strategies;
- ✓ Approach on national consensus (through national summit) - they all accept the common problems and devise solutions;
- ✓ Model encourages customary land owners to invite development rather than imposed on them;
- ✓ Local customary owners design how they want their land are going to be developed;

Thursday (7/8/14)

#### **Using property trusts and lease to support customary land compensation**

- ✓ property trust / leases should not be a problem but part of the solution;
- ✓ Native Land Trust as in the examples of Fiji and Australia is a good model for representing landowners to communicate and meet requirements of western land tenure arrangements;
- ✓ Trust has its share of problem but at least landowners are at the vantage point and there is a level playing field;
- ✓ HBA reflections help to address the possible solutions to trust and lease problems

#### **Carbon property rights**

- ✓ virtual property rights was created due to respond to problems with carbon emission;
- ✓ There are six areas relevant to Sequestration of Carbon Emission
- ✓ Need to see an appropriate constitutional framework for Carbon Property rights
- ✓ Market for carbon trade is continuing to grow and there is a need for a balance in policy on re-afforestation
- ✓ Caution – there maybe unexpected consequences in reforestation and carbon trade

#### **Empowering the Ministry of Lands / (other stakeholders) – The Next Step forward**

- ✓ The need for Ministry of Lands to be empowered plus other stakeholders
- ✓ Refer to closing speech for Next Step Forward

[ENDS]