

Fiji REDD+ Study Tour May 11 – 19, 2013

Introduction

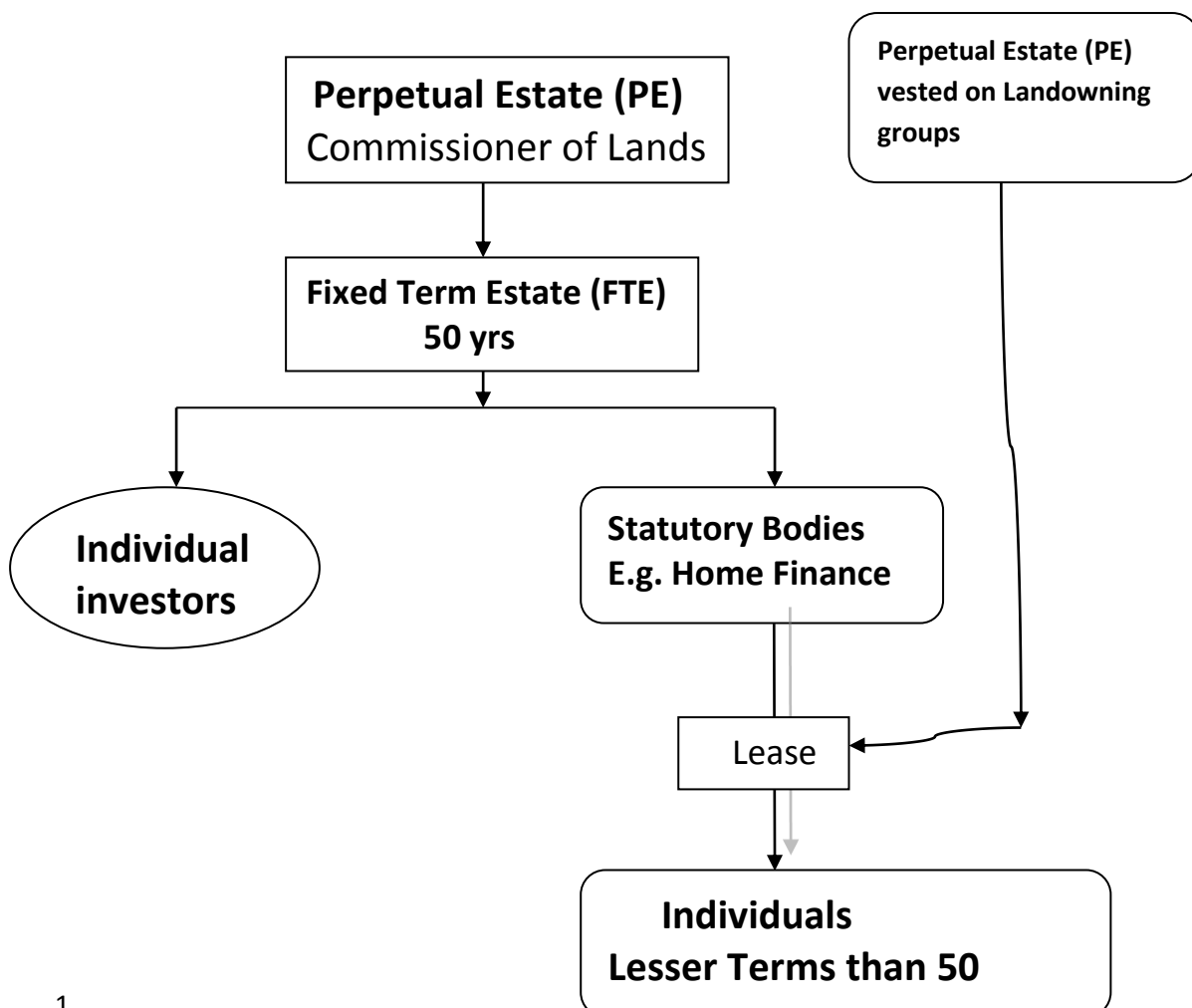
A forest carbon right is the legal right of a person in relation to forest over which he has control or owns, to exploit the economic benefits of (1) the carbon stored in the forest; and (2) sequestering carbon in the forest.

Nearly 85% of the land in Solomon Islands is owned by indigenous landowning groups under customary tenure. Approximately 95% of customary land is forested. Much of this land is unregistered and to this day is protected through lack of provision of legal mechanism to register customary land for private purpose.

Under the legal system prevailing in Solomon Islands, the Commissioner of lands holds the perpetual Estate Title or is the owner of all registered land and gives to an owner of a registered land a Fixed Term Estate. The FTE holder can then offer to a developer a grant of profit if they want to harvest the forest and in consequence, would own forest carbon rights in relation to that forest.

Below is a framework of the lease system that exist under the LTA 1969

Lease arrangement as provided in the Land and Titles Act 1969



However, there is no clear guideline provided for customary land except that it protects customary from foreign ownership and provides that investors can only hold leases, or fixed term estate. In the Land and Titles Act, current customary usage of a land is emphasised to determine the ownership but does not clearly define the ownership of resources or forest on the land.

Currently, under Land and Titles Act, government provides for itself and its agent the province to acquire land from customary Tenure using Section V of the Land Titles Act. The provision is provided under **acquisition process** to eventually acquire the land provided under this section. Whenever the government wants to build Clinics, Schools, hospitals and other public purposes, it normally uses the process as provided for under this section.

The question is whether the interest for registration of land for carbon rights can be seen as public purpose to qualify for the application of this provision. Until there is a law provided for individual tribal owners to register their land for development purposes, I do not see us going much further in registering customary land.

Another provision in terms of registration of customary land is the application of the Protected Areas Act. This is a good legal provision for involving unregistered customary land for REDD+ activities. Lessons learned from the current case studies in Choiseul are an important move in the right direction especially with finding the right legal mechanism to engage customary land tenure systems.

Lesson learned from the trip to Fiji

Theme: Increasing awareness of the potential national level REDD+ architecture, how this can be developed and what challenges need to be overcome.

There were many things that I have learnt through the study tour. The tour itself is an adventure and one that will remain with me for the remainder of my life. All the fun and getting to know each other and also all the effort in trying to absorb and understand how Fiji has developed its REDD+ policies is worthy.

Specific Land issues that needs to be considered

1. All customary land owners have agreed that when it comes to commercial development TLTB will be their sole representative and protector in many senses.
2. Institutionalising of this right has ensured that Landowners always have the best deals and outcome in any development
3. TLTB as an institution was the first focal point for the SPC group to do their initial research on the tribes and clans that own that piece of land the forest sits in.
4. After having known the information SPC parties were able to identify the village and the people. This means that through proper records identification of the owners of forested land would be quicker and cuts back on cost over time.

5. Landowners are the owners of forest carbon and that fact is never been shaky for the Fijians since landowning clans have already been identified earlier.
6. Their engagement with the customary landowners was direct and intensive; information is not wasted on individuals who were not part of the land owning group.
7. TLTB has always acted as the guardian of the landowning groups; therefore the issue with Carbon Cowboys can be avoided in Fiji.

General observation

1. They do have the advantage of being close to the SPC and therefore have an open relationship with SPC group when it comes to Agriculture, forest and now carbon preservation.
2. It seems that all government ministries have a good working relationship and always open up to each other for help and assistance.
3. All stakeholders involved in drawing up policies have shown a very high level of understanding on the issue and therefore helps to push the process quicker.
4. Structural setups – positions were created within the line ministries for quick processing of REDD+ related activities.

Recommendations:

1. Landowners give their consent in the form of power of attorney to a third party, most suitably a national institution.
2. Institutionalising land rights and eventual rights to carbon ownership is one way of dealing with carbon in customary land. Fiji has done it and it seems to be working quite well.
3. Benefits landowners obtain from forest by products needs to be deal with at the institution level.
4. Those legal frameworks make it clear in their provisions that landowners also owned rights to carbon from the forest.
5. As a way forward to protect our landowners from forest carbon authority must be given to a single body that acts on behalf of the landowning groups, this is a special arrangement for REDD+ activities.

General recommendations

6. Amend all relevant laws to provide an easy path through to REDD+ preparedness
7. Move focal point to Ministry of Forestry from current
8. Appoint a full time REDD+ office to man the office.
9. Work closely with SPC and seek their technical advice more often.
10. Ministries need to work closely together and be open with each other to avoid duplication and time wasting.

Below I have provided a possible way forward in terms of how to record and register customary land for REDD+ activities.

Recording Process as provided for under the customary land recording Act 1994, prepared for REDD+ projects on customary land in Solomon Islands.

- 1. Area identified for REDD+ project**
- 2. Fill up an application form for recording**
- 3. Declaration by Minister – to declare the area is a recording area for REDD+ projects**
- 4. Awareness about the process and the impact of the process on the current status of Land**
- 5. Sketch a map of the land and the main features of the boundaries**
- 6. Provide a Draft Family tree for prove**
- 7. Submit to House of chiefs**
 - 7.1 Verification of tribes by House of Chiefs.
 - 7.2 Confirmation of a tribal land.
- 8. Training workshop on the requirements of recording**
- 9. Recording**
 - 9.1 Settlement – reconciliation programs involving Family trees compilation etc
 - 9.2 Formation of Trust board authorities to deal on behalf of the tribe
 - 9.3 Sketching and marking on a paper of boundary.
- 10. House of Chief's final approval**
- 11. Submission of recorded information to the MOLHS**
- 12. Three months' Notice**
- 13. Issuance of Certificate of Customary land ownership**
- 14. Survey of Boundary**
 - 14.1 Use of GPS not any other forms of survey.
- 15. Registration**
 - 15.1 Submission of Information

15.2 Trust board must be registered

15.3 Land to be registered in the name of the tribe

16. MOU between tribal group and the REDD+Taskforce for the transfer of power of Attorney over the tribal land

Conclusion

There is huge potential for the country in terms of financial and sustainable forest management under REDD+ activities if we all can work together at least for once in a life time. Our generations have mismanagement, the resources we had, for example the hardwood forest, without lack of proper management we have lost millions of dollars that could have assist us to lift our standard of living. Learning from our recent past we must not follow the same pathway but learn and must learn quickly. We must act now before it's too late, before the power of money takes control and nobody will listen to good management practices anymore.