

Secure Land Tenure in the South Pacific Region – Developing the Toolkit

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Key words: *South Pacific, Property Rights, Stakeholder Analysis, 4R's, Power & Stake Modelling, Analytical Hierarchy Process.*

SUMMARY

After introducing the spiritual, social, environmental, and economic context of land in the South Pacific Region (where 83-100% of land is vested in the *customary* owners), this paper investigates the challenges of implementing land reform for secure access in the region.

The Pacific Umbrella Initiative (Boydell and McIntyre 2004) was taken to the World Summit on Sustainable Development – the enabling initiative provided for an evolution (and further research investigation) of land tenure conflict transformation work initially developed by the Food and Agriculture Organisation of the United Nations. The catalyst was the 2002 FAO/USP/RICS Foundation South Pacific Land Tenure Conflict Symposium which provided a benchmark for further development. Subsequent themes investigated include gender, tourism on native land, natural resources (forestry), trusteeship, absenteeism, urbanization, property rights, valuation and the wider development of property theory in the region.

The process of developing a relevant regional toolkit stems from the need to deconstruct the nature of social, environmental and especially economic based conflicts which impact on land. A range of participatory approaches are adopted to support a sustainable livelihoods approach – which also allow for an investigation of the five components of capital (Human Capital, Natural Capital, Social Capital, Physical Capital and Financial Capital) (DFID 2005). Over the last seven and a half years, the Department of Land Management at the University of the South Pacific has been actively involved in developing, testing and applying a range of methodologies, which are introduced in anticipation of further discussion at the Expert Group Meeting on Secure Land Tenure.

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1. INTRODUCTION

The interrelationship of humankind, spirituality and the land underpins Pacific society. Pacific Small Island Developing States (SIDS) recognise the clash between indigenous values and commercialism (Boydell and Holzknecht 2003). This is grounded on the different value system of indigenous peoples who see their relationship as coming from the land rather than owning it as a commodity; the central concept of stewardship endures, as the majority of the land (83%-100%) in Pacific Island countries was never alienated under colonisation.

There is significant rhetoric that Land is an issue in the Pacific – a focus of conflict. However, the issue is in our respective understanding of what land represents or, more correctly, what property rights represent within differing societal realities. It is important to keep in mind that different societies / cultures see land differently. This explains why ‘land policy’ has been such a vexing issue to donor communities.

There is a growing realisation that current Pacific lifestyles are not sustainable – there is a need for alternative livelihoods beyond subsistence agriculture for rural dwellers. Customary landowners recognise the inevitability of change, realising that if they sit back they will either be overrun or left behind by the globalisation process. There is an increasing move towards individualism and the ‘me’ generation, so social systems need to be put in place to ensure that we do not have losers.

The customary concept of subsistence lifestyle can work counterproductively – take for example the Solomon Islands view that kin can have access to plentiful land for subsistence crops (taro, dalo and sweet potato), but there is a negative reaction to planting commercial crops which is taken as individualism and contrary to subsistence principles. Such an approach results in land being utilised for the lowest economic common denominator, stifling entrepreneurial spirit and economic development.

With a continuation of current policies, there is concern that plural systems and land market distortions will prevail, causing increasing wealth differentials compounded by rural-urban drift. Corruption, extra-legal systems and cumbersome structures will endure.

There is a widespread lack of understanding of customary ‘ownership’ (stewardship) and property rights, leading to conflicts between formal and informal institutional arrangements over land. Many people remain unaware of their basic human rights, let alone issues relating to access rights to land. There is a need to reconcile the economic, social and environmental aspects of sustainable development.

Whilst some argue that individual title is the essential ingredient of economic growth, commoditisation of property rights is achievable through innovative leasehold tenures. Many have confused commoditisation of land with a perceived need for individual freehold ownership, but outright fee simple ownership is not the only way to liberate access to, and security in, land.

Coherent policy advice (prescription and prediction) requires a clear understanding of the *purpose* of land in a particular setting. Calls for policies predicated on a western vision of ownership and control, that is *this is mine* (and thus I can do with it as I wish), must be understood as arising from a very specific context. Caution is required before advancing prescriptions of a particular world view that, while perhaps common in one part of the world, need not be accepted in others. The issue of land policy cannot be reduced to mere instrumentalism drawing on a particular world view of the meaning of *efficiency* or *productivity* or even of *rationality* (Bromley 2001). If prescribed externally, donors run the inevitable risk of loading policy with their own presumptions about universalism. And that is when well meaning intervention (and advice) becomes the more serious problem.

High Level Land Policy Goals

The shared **high level land policy goals in the Pacific Region** are:

- resolving how to liberate the economic and social value of property rights in land whilst maintaining traditional values and the customary connection to land in the Pacific; and,
- achieving economic development that improves the sustainable livelihoods and wellbeing of people and communities.

Policy Issues

The above goals lead to confusion, and policy tension, over the role of land as a resource or as security. It raises the question, “where does land fit in?” Is it *really* the major constraint to economic growth and development, and if so what aspect of land? From an economic perspective, land acts as an input to production and as a potential source of collateral and investment security.

2. WHAT ARE WE DEALING WITH

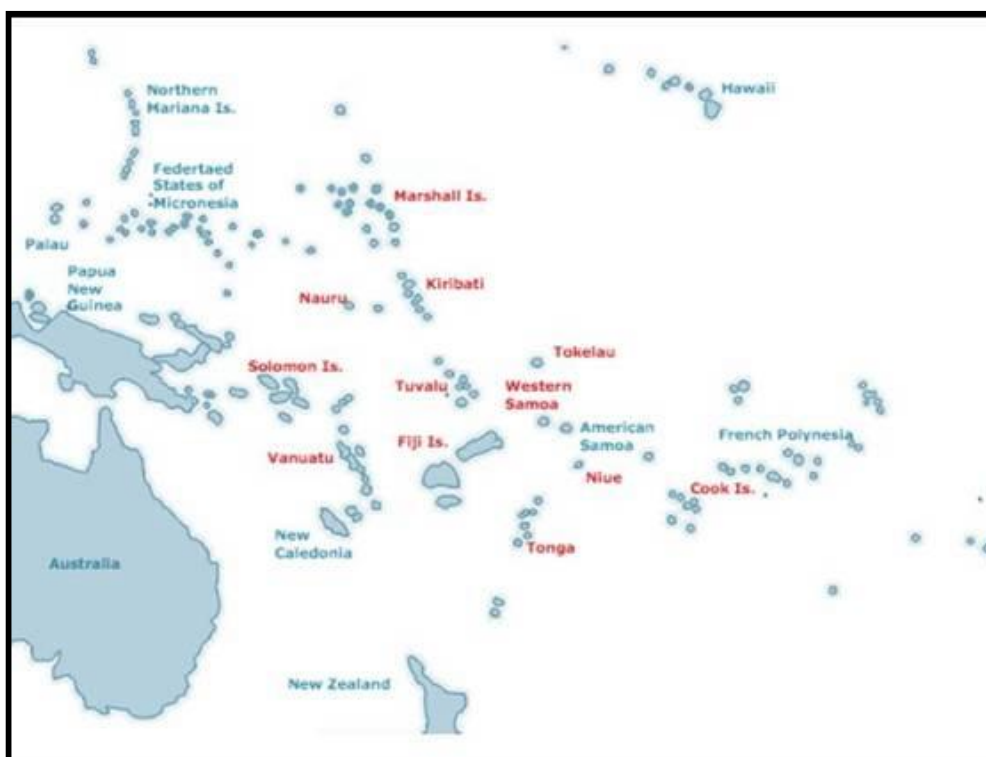
2.1 The Pacific Islands in Context

Before discussing property rights issues in the region, it will help to contextualise the Pacific Island nations (see Map 1) and their sustainable development challenges. The Pacific Island Countries and Territories (PICs) comprise 12 nations to 22 nations depending on the definition of various regional organisations.¹ The Pacific islands region is unique because of the combination of geographical, biological, sociological and economic characteristics (Miles 1999). The region occupies a vast 30 million km² of the Pacific Ocean. The 22 countries and territories comprise some 550,000 km² of land with 7.5 million inhabitants. Notably, if the largest landmass, Papua New Guinea, is excluded from the summation, the remaining 21 nations comprise 87,587 km², with a total population of 2.7 million. The region comprises

¹ The University of the South Pacific (USP) incorporates twelve Pacific Island Nations, the Pacific Island Forum Secretariat (PIFS) incorporate 16 members including Australia and New Zealand, whereas the South Pacific Geoscience Commission (SOPAC) has a membership of 19 Pacific Island Countries/Territories. The South Pacific Games (SPG 2003) in Fiji included 22, encompassing the full width of the Pacific Ocean, with an administrative responsibility for one-seventh of the earth's surface (i.e. double that of the USA and almost triple the area of Australia).

three sub regional groupings: Micronesia, Polynesia and Melanesia, with a diversity of people and cultures - over 2,000 different languages are spoken across the region.

The common characteristics of the region include remoteness and geographic isolation; environmental fragility; rapid population growth; limited land resources; poorly functioning and immature land markets; land access issues, with 83-100% remaining vested in the indigenous owners; informal housing; dependency on marine resources; (relative) poverty; limited diversification; limited capacity; and, vulnerability to critical environmental, ecological, and economic risks (Boydell 2004a).



2.2 Challenges of Implementing Land Reform for Secure Access in the Pacific Region

The commoditisation of land requires markets to be efficient, equitable, environmentally sustainable and compatible, grounded in efficient and updated land management systems that clearly indicate the property rights, obligations and responsibilities of all parties / beneficiaries. The following items require consideration:

2.2.1 Complexity - Land policy reform issues are complex, country-specific, long-term and often controversial in nature – challenging stakes in the status quo, thus leaders need vision and wisdom that transcends party politicking and racial intransigence. No one solution is universally applicable, and there are no total solutions to land problems. It is an evolutionary process, requiring careful sequencing of reforms.

- 2.2.2 Supportive - Land reform needs support at highest level to implement policy changes. Governments have been unable to improve the efficiency of land registration systems because of institutional, human capital, technical, economic constraints and a lack of political will.
- 2.2.3 Accommodating - Land reform needs to accommodate economic aspirations whilst respecting non-economic social, cultural, religious and environmental values. Where this is not managed carefully, there will be inevitable calls for the nationalisation of land, or demands for redress by returning land to its 'previous' customary owners. Such typical reactions to land policy reform cause concern to investors by increasing risk and uncertainty in the property sector, which can negate the anticipated economic growth potential in the short term.
- 2.2.4 There is no property in nature - The caveat to land policy is the risk of envisioning an implicit end state that becomes the norm against which region-specific problems are diagnosed - which diagnosis then provides the basis for a 'policy prescription'. Embedded in every policy prescription ('do this') is also a prediction ('and that will happen'). We must keep in mind that different societies/cultures see land differently. This means that land is not land is not land.... Land is only what people see in it and make of it. Just as there is no property in nature, it follows that from an economic and social perspective there is no such thing as land - there is only land tenure, and within land tenure there are only property rights.
- 2.2.5 Political governance issues are seen as a constraint - there is a perception that when it comes to policy change political leaders often take the 'do no harm' policy line. This results in inaction in order to avoid conflict. Any legislative or policy changes will have impacts and there will be losers even where the greater good is being pursued.
- 2.2.6 Political will - How do you build the political will and vision for long-term improvement in land tenure systems?
- 2.2.7 Need for different frameworks for different land uses - Should we look at land issues through two 'windows' - land for sustainable livelihood in rural areas and land for economic development, which includes land for public use.
- 2.2.8 Sharing benefits fairly (distributive justice) - Transparency and accountability is essential at all levels to manage income distribution from selling or leasing land. This applies as much at village level as it does at national or urban level.
- 2.2.9 Process matters - The process involves several steps: hold discussions to reach consensus, develop policy, develop legislation and implement it, then regularly monitor and evaluate how it is implemented.
- 2.2.10 Identification of correct priorities - Run with pilot studies to test policy incrementally (adaptive strategy) rather than leading straight into sweeping structural reform.
- 2.2.11 Putting communities at the centre - The priorities are to see the community as the centre of development and labour supply, rather than as the recipient of it or as blockers to development.
- 2.2.12 Education and information - People at all levels need to be educated about what their existing property rights are and what any policy changes will mean.

- 2.2.13 Getting the balance right - When land is the only source of security for some people there are still many issues to be resolved regarding its commodification versus its cultural value.
- 2.2.14 Assessing costs and benefits - What will the social costs of change to land tenure arrangements be? Conversely, what are the social and economic costs of making no change?
- 2.2.15 Customary tenure and individual rights - How can we harmonise customary tenure with individual rights? What would a system of formal and informal titles look like?
- 2.2.16 Quantity versus quality - There are examples where some customary owners have a large quantity of land but it is not always quality land (for productive purposes).

3. PLANNING FOR SUSTAINABLE COMMUNITY LIFESTYLES – LAND ISSUES CASE STUDIES

This Pacific Umbrella Initiative (Boydell and McIntyre 2004) was taken to the World Summit on Sustainable Development – the enabling initiative provided for an evolution (and further research investigation) of land tenure conflict transformation work initially developed by the Food and Agriculture Organisation of the United Nations. The catalyst was the 2002 FAO/USP/RICS Foundation South Pacific Land Tenure Conflict Symposium which provided a benchmark for further development. Subsequent themes investigated include gender, tourism on native land, natural resources (forestry), trusteeship, absenteeism, urbanization, property rights, valuation and the wider development of property theory in the region.

- 3.1 **Gender:** Despite the well meaning inroads of CEDAW and evidence that within the political science area of the University (Anderson 2005) that there is an improved awareness of human rights and gender issues, the reality in a rural context is somewhat different. In undertaking an investigation of rural Indo-Fijian Hindu women's access to land the Anupam Sharma found it challenging to get beyond women's significant lack of awareness of their basic human rights, let alone their appreciation of secure access to land and land rights (Sharma 2002). A follow up study from an indigenous perspective by Silvia Talikai highlighted greater equality of land rights tempered by male dominated Methodism (Takilai 2004). It is important to highlight the critical role that women in the region have played in the process of land conflict. During the Bougainville crisis, the women in a matrilineal society were able to move between camps at night to assist in proctoring peace, whereas their male counterparts would have been shot (Momis 2001).
- 3.2 **Tourism:** Tourism is seen as a key income generator by several Pacific governments. However, it is not without its challenges as resource owners perceive that they are receiving a poor deal in respect of their land rights, whilst the majority of the economic benefits (as well as the financial risks) are taken by overseas investors and hotel chains. The RICS Foundation sponsored Timoci Waqaisavou's near complete doctoral research investigating Tourism on Native Land. This research highlights the general dissatisfaction that indigenous landowners have in respect to their land being utilised as a tourism resource.

- 3.3 **Natural Resources (Forestry):** Research Modelling Land Tenure Conflict Transformation in Fiji's Forest Management has been undertaken by Radhika Murti as part of the Planning for Sustainable Community Lifestyles initiative. The core challenge to investigating the conflicts surrounding the Drawa pilot sustainable forest management team, and the Sovi Basin initiative with Conservation International, has been developing appropriate models to deconstruct the conflicts (Murti and Boydell 2005). A discussion on these follows below.
- 3.4 **Trusteeship:** At a time when Fiji is questioning the direction of the Native Land Trust Board (NLTB), after over sixty years of operation, other Pacific countries see the Trust model as having significant potential in liberating access to land and stimulating economic development through clearly defined property rights. Nowhere is this more apparent than in the Solomon Islands (Rukia 2005). Circumstances were different when the colonial administration instigated the NLTB, but there is no denying that it has ensured that the superior property rights have remained vested in the customary 'owners'. The trust structure allows the Board to act without recourse to their beneficiaries, although in practice the stakeholders are usually consulted. The NLTB have recently made the significant step of appointing a female Indo-Fijian property manager to foster improved relations with a predominantly Indo-Fijian rural tenant base. Whilst this may appear a minor reform, it is politically and socially significant.
- 3.5 **Absenteeism:** Absenteeism continues to limit economic development and is a risk to the establishment and enforcement of leasehold structures. This results from non-resident kin continuing to influence control over land resources 'back home', reinforced by economic dependency of the family on remittances. Whilst legislation is in place in several countries to counter such influences (based on length of absence), successive attempts to limit non-resident rights have proven difficult to put into practice (Crocombe 2001). Nowhere is the issue of absentee landowners so clearly demonstrated than in the Polynesian raised atoll of Niue, with 93% of Niueans residing overseas (Levi and Boydell 2003).
- 3.6 **Urbanisation (and informal settlements):** A combination of urban drift, expiration of farming leases, unsustainable wages, and a lack of both adequate available shelter and land has resulted in a housing and shelter crisis in Fiji – replicating similar challenges of urban drift in other Pacific Island countries. This has resulted in social, environmental, technical, and financial problems in all aspects of life. It is associated with the global trend of urbanisation, which brings an increasing number of people into urban centres with aspirations of employment, higher wages and associated improved health care and educational opportunities (Boydell 2004b).
- 3.7 **Property Rights:** The issues surrounding property rights are fundamental to understanding land tenure conflicts. This comes through strongly in the Terms of Reference for this Expert Group Meeting (Augustinus *et al.* 2005). It is considered essential to deconstruct these to be able to properly understand them from the perspective of each stakeholder. These are summarised in Table 1 below:

| Right | Explanation |
|--|--|
| Direct use | Rights to plant, harvest, build, access and similar, maybe shared rights |
| Indirect economic gain | Such as rights to tribute or rental income |
| Control | Conditions of direct/indirect use, held by persons other than the user |
| Transfer | Effective power to transmit rights-by will, sale, mortgage, gift, or other conveyance |
| Residual rights | Remaining rights at the end of a term (such as lease, death, eviction), includes reversionary rights |
| Rights of identification (symbolic rights) | Associated with psychological or social aspects with no direct economic or material function |
| Duration | Length of time property right is held, indicating profits and/or savings |
| Flexibility | Right should cater for modifications and alterations |
| Exclusivity | Inverse of the number of people with shared or similar rights, more relevant to water property |
| Quality of title | Level of security that is available as tenure shifts from the optimum of notional freehold |
| Divisibility | Property right can be shared over territories, according to season, etc. |
| Access | Entry/ admission onto the land |
| Withdrawal (extraction) | Extraction of resources by owner despite leasing property |
| Management | Be able to make decisions on how and by whom a thing shall be used |
| Exclusion | Disallowing others from entry and use of resources |
| Alienation | Transfer of an interest (right) in property to another, in perpetuity |
| Usufruct rights | Collection of fruits or produce |
| Chiefly Rights | Inherited by a headman in communal ownership (tribe, clan, village) |

Table 1: Property Rights Summarised (adapted from (Boydell 2005) summarised from: (Crocombe 1975); (Payne 1997); (Rigsby 1998); (Sheehan and Small 2002); (World Bank 2003); and, (Power 2003)

3.8 Valuation and Land Taxation: is another perennial land reform initiative that has the potential to make land more productive, thus stimulating economic growth. Governments cannot afford to let people hold land that they do not use. Whilst various systems have been adopted with differing success in Tonga, Kiribati, Tuvalu and Fiji the

benefits of shifting taxation from the product to the productive potential of the land are not in dispute; the more productive the land the lower the relative tax burden. Abdul Hassan has investigated the vertical inequity of the Unimproved Capital Value approach applied to land in urbanised areas (Hassan 2005). There is a need for significant further research to develop hybrid valuation models for the Pacific to balance and appropriately reconcile the economic, social and environmental values surrounding the property rights detailed in 3.7 above. The need for Sustainable Development Indicators (including information about tenure, value and use of land), as a prerequisite for both developing (with a focus on pro poor land management) and developed countries (with a focus on the improvement of the performance of the government) was emphasized at the FIG 2005 Working Week (van der Molen 2005).

3.9 Property Theory: There is a broad need for a systematic re-appraisal of the very fundamentals of property in a manner that will facilitate appropriate regional solutions. To be effective, local property institutions will need to respect local culture and tradition, as well as incorporate elements that recognise the needs and dignity of persons beyond the confines of the tribal owners. It is only in this way that the broader level of co-operation that is nascent within Western commerce and culture may be made available to customary people. Part of this exploration of property necessarily includes investigations into regional issues and their solutions. It is only by reflecting on particular cases that the essential and universal aspects of property may be abstracted. In this way the meta-consideration of cultural responses to the problem of property may yield an understanding of property that can then be redeployed to refine existing property institutions. Implicit within this methodological approach is the recognition that the Western institution of property is as much in need of refinement as any customary approach (Boydell and Small 2001; Boydell and Small 2003).

4. DEVELOPING THE TOOLKIT

4.1 Finding Appropriate Methodological Approaches to Land Tenure Challenges

The process of developing a relevant regional toolkit stems from the need to deconstruct the nature of social, environmental and especially economic based conflicts which impact on land. A range of participatory approaches are adopted to support a sustainable livelihoods approach – which also allow for an investigation of the five components of capital (Human Capital, Natural Capital, Social Capital, Physical Capital and Financial Capital) (DFID 2005). Over the last seven and a half years, the Department of Land Management at the University of the South Pacific has been actively involved in developing, testing and applying a range of methodologies, which are summarised below:

4.1.1 Anthropological and Sociological Enquiry: As an explorative approach to developing grounded theory on land issues in the region researchers have found ‘gaps’ in their respective literature reviews and established conceptual frameworks as a core methodology, with appropriate case study and fieldwork data collection to ensure credibility, transferability, dependability and confirmability of data analysis. Data based on in-depth in village case studies and semi-structured interviews was analysed

using QSR Nudist and N5 (Richards and Richards 2002). The approach has worked well in building theory grounded on credible, transferable, dependable and confirmable field data, especially in gender and tourism resource case studies.

- 4.1.2 Genealogies: Land ownership details were recorded for the first time in the Solomon Islands by Alec Rukia, the Secretary for Tribal Lands, in August 2005 (Rukia 2005). This is part of the AusAID funded Solomon Islands Institutional Strengthening Project (SIISLAP), under the coordination of Rod Little, the SIISLAP team leader. There are plans to trial and integrate Mike Barry's innovative Talking Titler software (Barry 2005), which has already been beta-tested in developing country situations (Barry and Khan 2005) in the early stages of the project in the Aluta Basin, East Malaita.
- 4.1.3 Stakeholder Analysis: Identifying all the parties involved in land related conflict is a critical, but often overlooked, stage in conflict transformation. A six step approach to stakeholder analysis has been tested (IIED 2005):
- Develop purpose and procedures of analysis and initial understanding of the system;
 - Identify key stakeholders;
 - Investigate stakeholders' interests, characteristics and circumstances;
 - Identify patterns and contexts of interaction between stakeholders;
 - Assess stakeholders' power and potential roles; and,
 - Assess options and use the findings to make progress.

As is explained below, this analysis is complementary to the other modelling adopted. Like other tools, the usefulness and strength of stakeholder power analysis depends on the way it is used. It can be carried out by individual analysts, multi-stakeholder processes, or some intermediate between these two ends of the spectrum. Stakeholder power analysis can be used progressively to empower important but marginalised groups, and to improve policies and institutions. But it should be recognised that the techniques can also be used more cynically by some - to work out who should be manipulated, undermined or disposed of.

- 4.1.4 4R's Framework: is a participatory tool to investigate the balance of *Rights, Responsibilities, Returns/Revenues* within and between stakeholder groups, whilst analysing the status of stakeholders' mutual *Relationships* (quality, type and formality). The 4R's can be interrogated from documents (policies/projects), reality (case study/field work) and future expectations (desired or negotiated outputs). The model was evolved by IIED (International Institute for Environment and Development) around 1995 (IIED/Dubois 2005) and has been applied and developed further by practitioners in 7 African countries and Brazil, notably by Olivier Dubois (Dubois 1998). The Drawa and Sovi Basin case studies in Fiji are the first time that the framework has been evolved and applied in the Pacific (Murti and Boydell 2005).

| 4Rs' | Objective | Method | Analysis |
|-------------------------|---|----------------------------|---|
| Rights | Verification of the 18 property rights summarised in Table 1 | Semi-structured Interviews | Verification table |
| Responsibilities | Verification of responsibilities: economic, environmental, social | Semi-structured Interviews | Verification table, supported by AHP in EC2000 |
| Revenues | Verifying direct/indirect and monetary/other revenues | Semi-structured Interviews | Verification table |
| Relationships | Establishing inter-stakeholder relationships | Semi-structured Interviews | Walker/Daniels & Vodoz models via AHP in EC2000 |

Table 2: Objectives, data collection, and analysis methods for each 'R'

The research aims to integrate several conflict transformation models. Inter-stakeholder as well as intra-stakeholder relationships play a major role in conflict situations. Models to assist in the analysis of power and relationship issues are developed below. They build on the earlier work of Ricardo Ramírez (Ramírez 2002).

- 4.1.5 Dual Concern modelling: Negotiation strategies are largely dependent upon how each stakeholder balances concerns for both themselves and other parties (Walker and Daniels 1996), as shown in Figure 1.

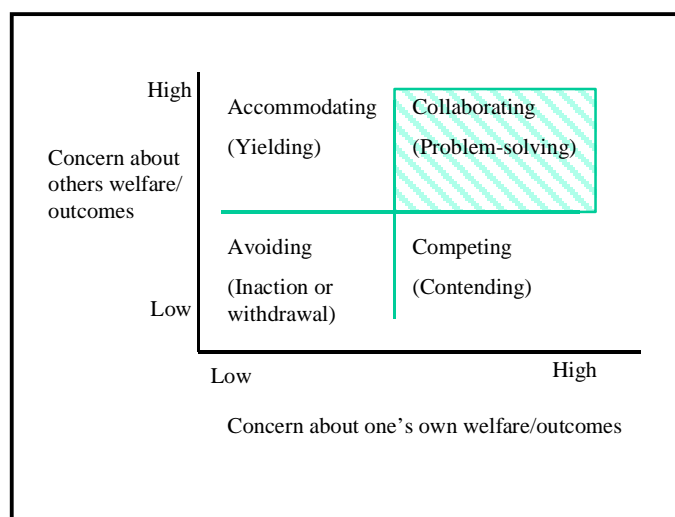


Figure 1: Walker & Daniels Dual Concern Model

Each stakeholder's regard for their own concern in relation to others' concerns can be graphed along axes in order to establish their attitude towards the resolution of conflict (accommodating, collaborating, avoiding, and competing).

- 4.1.6 **Power & Relationship modelling:** The Vodoz (1994) model analyses consensus-reaching through negotiation between stakeholders with disparate values in situations where stakes/interests are less important than positions. Such an approach emphasises the need to consider interests over positions in a collaborative negotiation context. Vodoz highlighted that collaboration is rarely achieved in situations where the importance of the relationship between stakeholders is less important than the stakes or power retention, or a combination of the two (Vodoz 1994). The area within the triangle is the zone where a consensus is achievable, even if the stakeholder values diverge (see Figure 2).

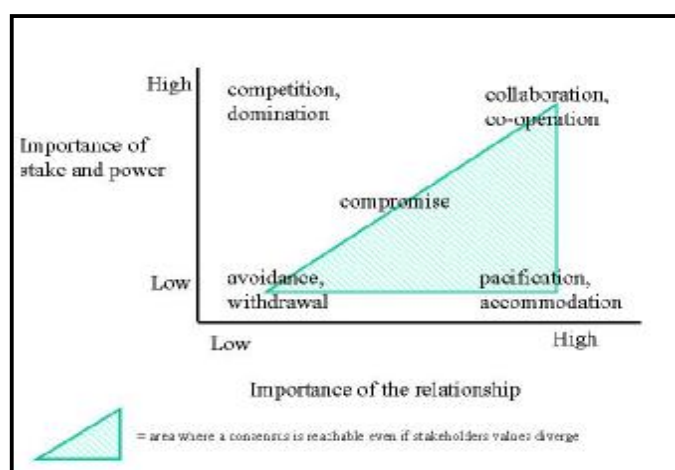


Figure 0: Vodoz Stake & Power versus Relationship Model

- 4.1.7 **Analytical Hierarchy Process:** Multi-objective decision making by stakeholders, using Analytical Hierarchical Process (AHP) principles, has been modelled using Expert Choice 2000 software (EC2000 2002). The AHP was selected as it decomposes complex problems into a “multi-level hierarchic structure of objectives, criteria, sub criteria, and alternatives”, where each level has an impact on the levels above and below (Saaty 1988). Once hierarchies are established, weighting is assigned to each element within a level in the hierarchy according to the contribution it makes to the succeeding level, in comparison to contributions of all other elements of that level, allowing for *pair-wise* comparison.

5. SOME CONCLUSIONS AND DIRECTIONS

5.1 The Story So Far

The work undertaken thus far supports the notion that *analytical tools*, rather than *historical rules*, should be developed to continually monitor land tenure conflict situations to identify when transformative intervention is likely to be accepted by the multiple parties often involved in the conflict situation.

These case studies and the tools that have been developed to analyse them comprise a work in progress – such is the evolution of land tenure itself. The commoditisation of land requires markets to be efficient, equitable, environmentally sustainable and compatible, grounded in efficient and updated land management systems that clearly indicate the property rights, obligations and responsibilities of all parties / beneficiaries.

Identifying and developing appropriate tools is a critical stage in the analytical framework and considered relevant for presentation (and hopefully ensuing discussion) in its own right. The value of developing and applying such tools will not be able to be qualified or quantified for decades, or indeed generations, if as part of the development process they assist the stakeholders in better understanding their respective rights and relationships with one another.

5.2 The Way Forward

Education is needed to overcome the lack of understanding (and acceptance) of various stakeholders property rights and respective 4R's. It is essential to educate both lessors and lessees to create better understanding of lease terms, property rights, obligations and responsibilities – especially termination / reversion issues, and the need for equitable rental payments and reviews. The chain of property rights, and the protection of the State to ensure legal enforcement of these rights, is essential in allowing land to serve its economic goal, whilst incorporating and respecting customary rights.

The interference of the current research and fieldwork will potentially serve to minimise much of the conflict, which is often grounded in the misunderstandings of the rights, responsibilities, revenues, and relationships of, and between, the respective stakeholders. Thus, the issues and approaches presented in this paper represent an important starting point in a much bigger process.

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BIOGRAPHICAL NOTES

Spike Boydell PhD FRICS is a Chartered Surveyor with a background in valuation, environmental issues, land tenure, and sustainable development. As Associate Professor and Head of the Department of Land Management and Development (1998-2005) at the University of the South Pacific, based in Suva, Fiji, he has provided academic teaching, research, consultancy and professional liaison leadership in property valuation, land management and environmental issues. With a strong emphasis on the 'three pillars' of sustainable development, the Department of Land Management and Development is involved in all aspects environmental, economic, geographic, legal, spatial and social information for prudent decision-making by regional governments, organizations and individuals in the South Pacific Region. Spike is a UN Visiting Expert in Land Tenure and RICS International Native Title Spokesperson. In 2006, he is relocating to Australia to take up the post of Professor of the Built Environment at the University of Technology Sydney. He will be retaining a research cluster specializing on land tenure and property rights.

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