

**Land Issues and Priorities for Small  
Pacific Island Countries  
including  
Sea Level Rise**

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**OUTLINE**

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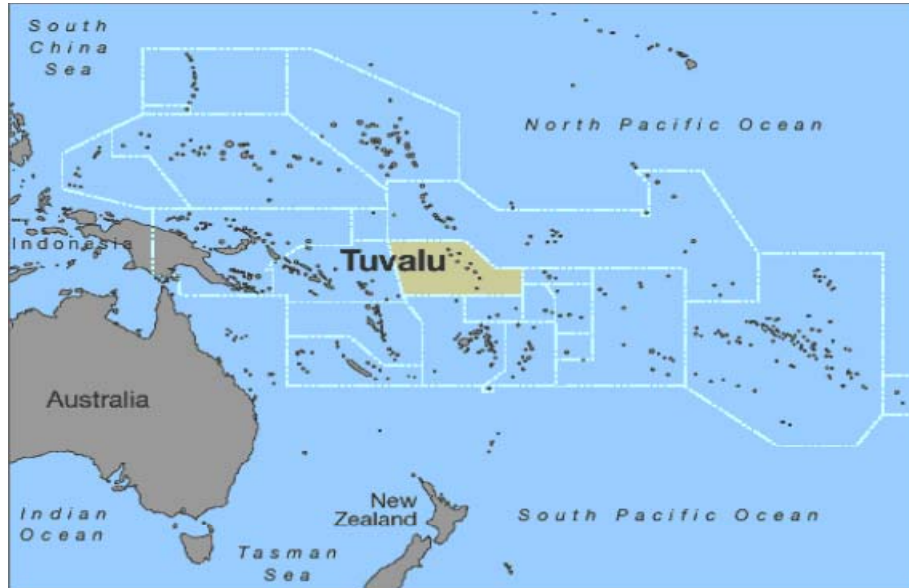
## 1. Introduction

- During Colonial days, the Government of Britain extended her control over the Gilbert (now Kiribati) and Ellice (now Tuvalu) Islands where;
  - she accepted the ownership of land were to remain with the indigenous people
  - she established the institutions and laws to deal with land matters
  - these were to remedy violence normally associated with traditional systems of land tenure
  - such undertaking is alien to the indigenous people.

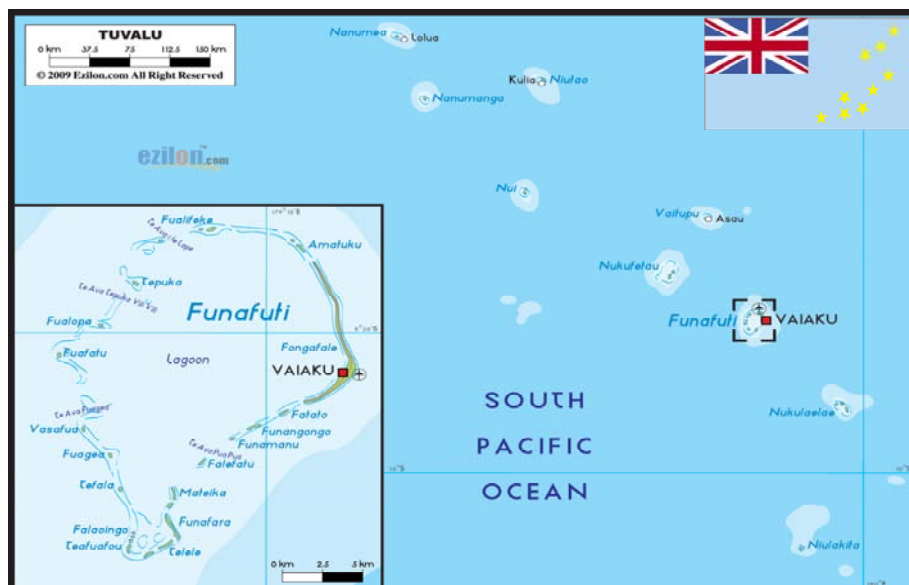
## 1. Introduction (cont'd)

- Land is own by our people and it is very important;
  - To understand the rights that attached to it, and
  - It is a mother to us and a source of livelihood and sustenance, and
  - It is a commodity that is so precious and expensive
- Therefore, it must be properly;
  - Managed with all the rights attached to it, and
  - Preserved for future needs without compromising

## 2. Tuvalu Map in the Pacific Region



## 2.1 Tuvalu Islands Map



## 2.2 Funafuti Map – The Capital



## 3. The Institutions and Laws dealing with land matters

- Early stages of GEIC, Resident Commissioner had authority to resolve land disputes
  - The Native Land Commission Ordinance enacted in 1922
    - One of its purpose, when established is to resolve land disputes
    - The establishment of Lands Court 1941
  - The first Native Lands Act was enacted in 1957
    - The establishment of Lands Court Appeals Panel 1957
  - The Revised Native Lands Act was enacted in 1978
    - Empowered LC & LCAP to adjudicate on land matters in accordance with the Lands Code provisions

## 4. Major causes of disputes leading to conflict

- The customary Land Tenure System
  - The three major concepts
    - E.g. *Kaitasi, Kai Tokotasi and Vaevae*
- Equal in land rights
  - Easily develop arguments between family members
    - E.g. unequal distribution of annual land rentals
- The contradiction of existing land laws with current practice
  - The Lands Code governing native land rights in July 01<sup>st</sup> 1962
    - E.g. Population increase, social & economic development infrastructure etc
- The management and use of customary land
  - Restriction of alienation of native land
    - E.g. s.5 of NLA - native land shall not be alienated whether by sale, lease, gift, will ...
- The disrespect of gender equality
  - Male is more recognized than female
    - E.g. s.9 (i) of the Lands Code

## 5. The Case Study on Funafuti

- The Tuvalu National Provident Fund New Project 2009
  - The main objective of the project is to:
    - Provide socioeconomic benefits for the people
  - Three major issues surfaced up including;
    - Ownership
      - E.g. no proper consultation process
    - Public access
      - E.g. emergency call like fire etc
    - Inconveniency
      - Neighborhood movement etc

## 5.1 Ownership



## 5.2 Public Access



### 5.3 Neighborhood Inconvenient



### 5.4 Access to Land (Outer island)



## 6. FINDINGS

- Ignorance of the presence of one of the key stakeholders at the initial stage of project, e.g. landowner
- No proper consultation process taken at the initial stage of the project, e.g. local authority
- Developer triggered off its development without further considering the social and economic impacts, e.g. public access;
- Difficulties were faced by the neighborhoods for their convenience, e.g. neighborhoods movement etc; and
- No proper measures that provide guidance for infrastructure development, e.g. town planning schemes and so forth.

## 7. Recommendations

- Ask for donor's support in terms of:-
  - Capacity buildings such as;
    - Human resource development
      - E.g. Provide scholarship opportunity to acquire relevant qualification
    - Funding and technical assistance
      - E.g. National Land Summit
- Urgent review of land related laws in order to incorporate the modern and advance technology development to enable the:-
  - Reflection of the viability of land marketing in the national and regional levels,
  - Attraction of foreign investors and tourism industry on to our shore, and
  - Respecting of gender equality that may reflect UN contexts
- Consider and adapt UN Conventions – CRC, CEDAW etc



## 8. Conclusions

- To develop a sound and concrete measure that enable to underpin the entire roles of public and private sectors in land matters
  - E.g. National level consultation process
- To acquire efficient and effective management of land that enable to deliver its high quality of services to the community, local and national levels
  - E.g. Acquiring relevant qualification from recognized institution
- To consider the viability of land marketing approaches and principles that are now practicing at the regional level
  - E.g. Introducing new methods such as real estate management
- To encourage foreign investors onto our shores by reviewing our existing institutions and laws dealing with land matters
  - E.g. review existing land laws to enable to reflects the approaches and methods practicing in the regional level, and
- To convince our politicians in adapting and adopting regional and international contexts in terms of land management systems
  - E.g. Incorporate regional and international approaches such as Torrens System

THANK YOU VERY MUCH FOR  
  
YOUR PATIENCE