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

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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 Voevae
- 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 01st 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