
State and Public Land Management – a Pacific Perspective

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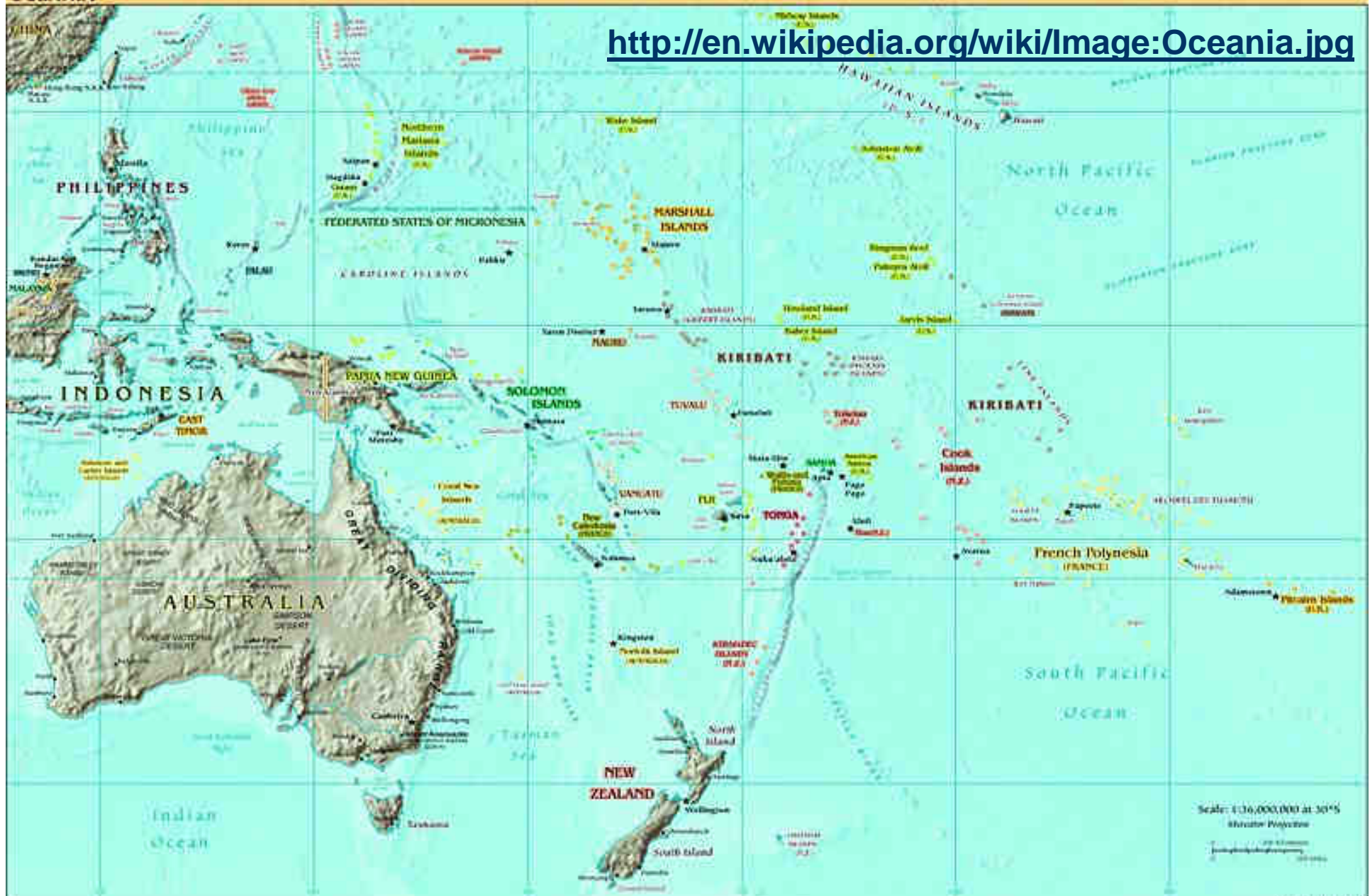


FIG/FAO International Seminar on State & Public Land Management
VERONA, ITALY, 9-10 SEPTEMBER 2008

Greetings from the South Pacific

OCEANIA

<http://en.wikipedia.org/wiki/Image:Oceania.jpg>



Overview of Presentation

- Background ~ the South Pacific
- FAO/USP Land Governance Seminar
 - ~ State/Public Land Management
 - Objectives of Seminar
 - Review one Presentation – Kiribati
 - Issues Identified
 - Resolutions of Seminar
- Some Closing Remarks

Background: Challenges for Developing Sustainable Societies in the Pacific region

- climate change ~ sea level rise; increased frequency of hurricanes; tsunami
- urbanization ~ unemployment; land for housing; utilities & infrastructure – informal settlements
- health ~ facilities inadequate
- education & training ~ overcrowded schools; lack of trained surveyors



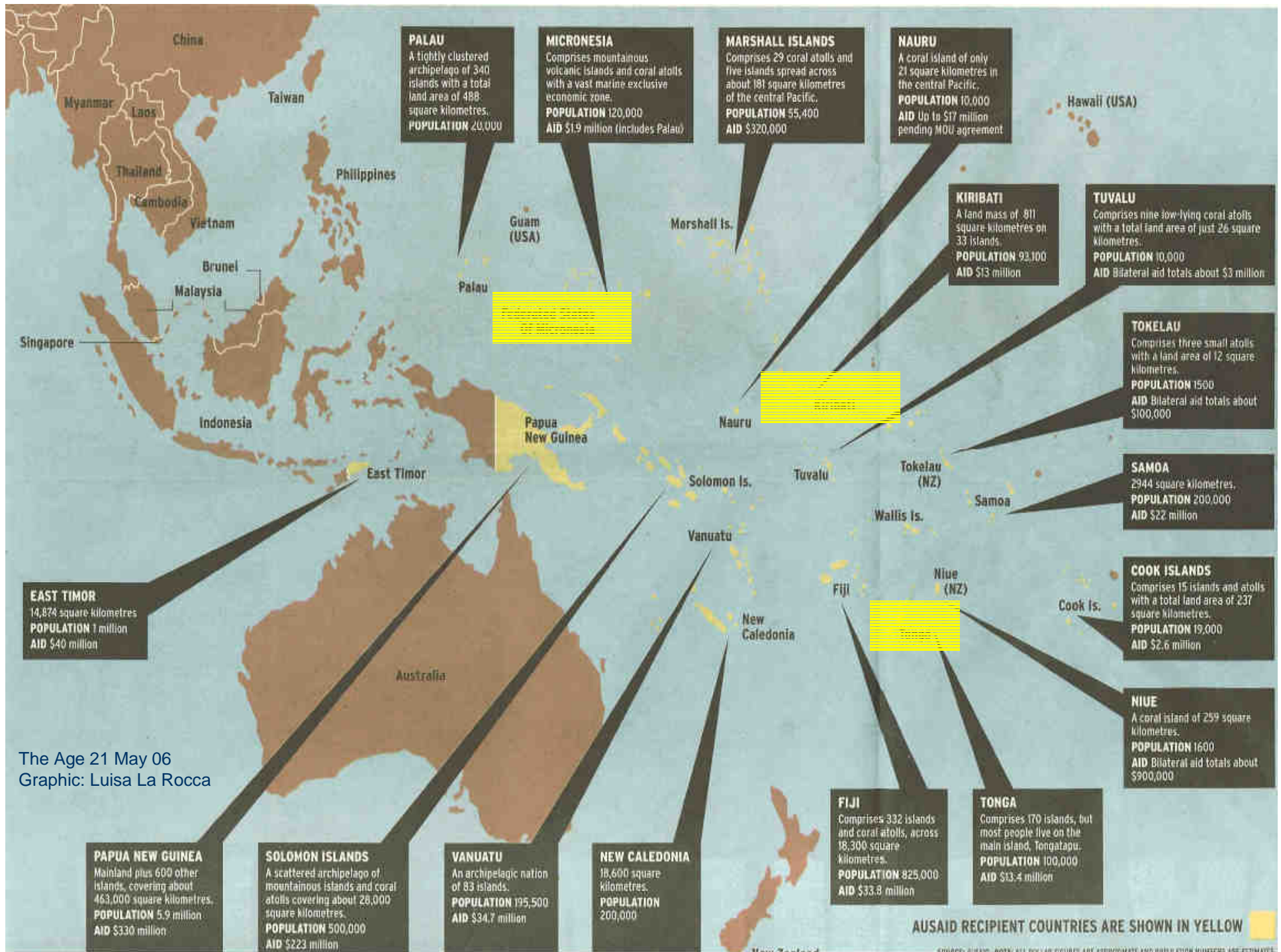
TABLE 2.1 – DISTRIBUTION OF LAND BY SYSTEM OF TENURE IN THE PACIFIC REGION

	Public ^a	Freehold ^b	Customary
Cook Islands	Some	Little	95%
East Timor ^c	Some	Some	Most
Fiji	4%	8%	88%
Federated States of Micronesia	35%	<1%	65%
Kiribati	50%	<5%	>45%
Marshall Islands	<1%	0%	>99%
Nauru	<10%	0%	>90%
Niue	15%	0%	98.5%
Palau	Most	Some	Some
Papua New Guinea	2.5%	0.5%	97%
Samoa	15%	4%	81%
Solomon Islands	8%	5%	87%
Tokelau	1%	1%	98%
Tonga	100%	0%	0%
Tuvalu	5%	<0.1%	95%
Vanuatu	2%	0%	98%

^a Includes Crown land and land owned by provincial and local governments.

^b Includes land that is not strictly freehold, but similar in characteristics, such as the 'perpetual estates' found in Solomon Islands.

^c East Timor does not as yet have a separate legal category of 'customary land', even though most of its rural land remains under customary forms of authority.

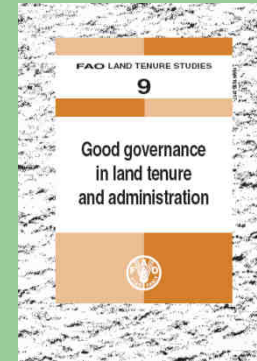


The Age 21 May 06
Graphic: Luisa La Rocca

SOURCE: AUSAID. BOTH ALL DOLLAR FIGURES ARE APPROXIMATE AND POPULATION NUMBERS ARE ESTIMATES.

Land Governance Seminar ~ State & Public Land Management : Objectives

1. to review existing land governance practices in the Pacific region
2. to launch and disseminate FAO materials in Good Governance in Land Tenure and Administration
3. to promote and disseminate information and materials developed by current land governance projects and programmes in the region
4. to identify other resources on land governance, that can be accessed by Pacific Island countries



Land Governance Seminar ~ State & Public Land Management : Kiribati Country Report

Presented

by

Tebutonga Ereata

Surveyor-General

&

**Director of Environment, Lands and Agriculture
Development**

Suva Fiji July 2008

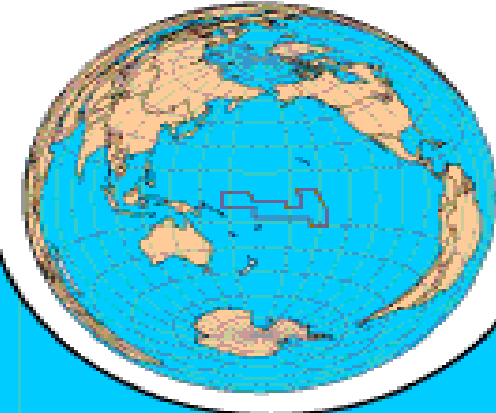
Outline of Presentation

- Brief overview of Kiribati situation & land administration systems
- Criteria and Indicators of good governance in land administration
 - Policy framework on land tenure and land rights
 - Legal systems for land rights registration and public access
 - Administrative services on land rights and information system
 - Development/Enforcement & Acquisition/Eviction process
 - Recognised title over customary properties on a formal underlying land title

Our Islands

(total land area 11.5 sq km – population 40,310)

Kiribati

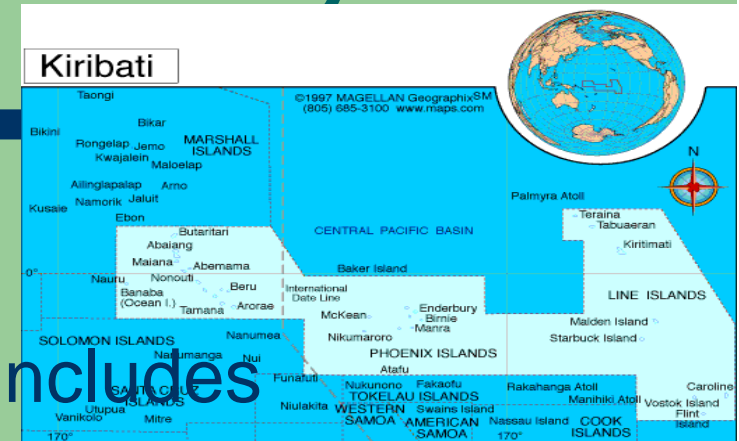


South Tarawa Atoll

(total land area 11.5 sq km – population 40,310)
foreground shows Government fish ponds on reclaimed land)



Kiribati - Land Administration Systems



- 37% is customary owned land, includes all land in the Gilbert group
- 63% is State owned, including all islands in the Phoenix and Line group
- Population: 92533 (2005 census), 43% live in the urban capital South Tarawa
- Betio town in South Tarawa has population density of 8,620 persons/sqkm

Land Administration Systems.....

- Government leases on customary native land for 99 yr terms for public infrastructure
- Airfields, schools, hospitals, govt employees housing, offices and ground water reserves
- \$2million in rental is spend annually by Government

1. Policy Framework

- Reversion of surplus lease lands to landowners
- Landowners consent to development
- Landowners given priorities for development on Government leases
- Selection priorities given to landowners for housing plots on state lands

2. Legal System for Registration and Public Access

- Registration of title carried out in 1920's
- Enactment of *Native Lands Commission Ordinance*
- Ordinance provides for the determination of ownership and legalisation and registration of the titles determined – importantly provides for security and indefeasibility of the title
- Shortfalls of the registration system due to inadequate description of the land registered
- Increasing land cases over boundary disputes

3. Administrative Services and Information System

- Establishment of the Kiribati Land Information System in 1998
- The system will compliment the current registration system and hard volumes of land title registers
- The Courts plays an important role in the title registration process and adjudications of land disputes – title or boundary disputes

4. Development/Enforcement & Acquisition and Eviction Processes

- *Land Planning Act* provides for designation for
 - land use, development approval process and enforcement
- Title to occupy any land should be secured before any development approval is granted
- Options to access land –
 - sublease with Government,
 - direct lease arrangement with landowners or
 - negotiating purchase of a plot from landowners
- Issue of expired subleases requesting Government for renewal and landowners wanting to move onto their own lands to reside on

4. Development/Enforcement & Acquisition and eviction processes

- *State Lands Acquisition of Land Act* – provides for the fair processes and conditions which Government may take as a last resort to compulsorily acquire any land for public purposes
- *Squatters Recovery of Land Act* – basically the Act streamlined the current lengthy court processes for eviction

Summary & Resolutions of the *Land Governance Seminar for the Pacific* ~ Issues Identified

We highlighted the need for further work relating to:

1. The avoidance and resolution of land disputes;
2. Integrated management of land and marine resources;
3. Managing pressures on customary land;
4. Ensuring that customary land holders have ready access to independent advice and information on options for commercial or other development of their land
5. Ensuring that customary land holders receive an equitable return through transparent and accountable arrangements, when they make land available (through leases, trusts etc.) for commercial and public purposes;
6. Managing, acquiring, and allocating public lands;

Summary & Resolutions of the *Land Governance Seminar for the Pacific* ~ Issues Identified

7. Managing informal settlements and finding mechanisms to formalise access to urban land;
8. Supporting and providing safeguards for vulnerable individuals and groups;
9. Dealing with issues relating to absentee holders of land rights;
10. The use of land to alleviate poverty and promote food security;
11. Ensuring accessibility of transparent land information to stakeholders;
12. Reviewing, where appropriate, legislation pertaining to the use and management of customary land;

Summary & Resolutions of the *Land Governance Seminar for the Pacific* ~ Issues Identified

13. Improving linkages and engagement between good land policy and land administration practice;
14. Improving land valuation, methodology and practices;
15. Supporting the development of land policy, legislative and organisational frameworks for the improved administration of customary lands and
16. Increasing capacity and accountability of land managers, land administrators and stakeholders.

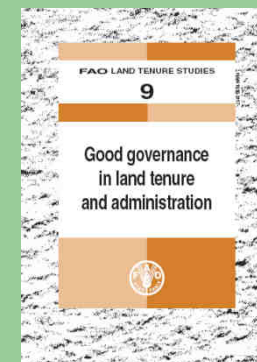
Summary & Resolutions of the *Land Governance Seminar for the Region*

The Seminar

- Brought together land specialists, both government and non-government, from throughout the Pacific Region, Australia and New Zealand.
- Noted that the UN, FAO and WB have identified that equitable land rights and the efficient administration and development of land is fundamental to the reduction of poverty, improving safeguards for vulnerable members of society, such as women, the urban poor and minority groups, and sustainable development.
- Reviewed existing governance (formal and informal) practices pertaining to the administration, management, and development of land in the Pacific region.

Summary & Resolutions of the *Land Governance Seminar for the Pacific*

- Launched and disseminated FAO materials on Good Governance in Land Tenure and Administration (www.fao.org/NR/lten/abst/lten_071101_en.htm) and on the Management of State/Public Lands. Work done on the latter will be further addressed in a joint Asia-Pacific regional meeting with FIG in Vietnam in 2009.
- Promoted and disseminated information and materials developed by current projects and programmes of various agencies in the region that support the Good Governance in Land theme of this seminar – such as the Secretariat of the South Pacific Community (SPC), the Pacific Island Forum Secretariat (PIFS), the AusAID Pacific Land Program (www.ausaid.gov.au/publications/pubout.cfm?ID=3363_9223_6836_1452_8140), and the University of the South Pacific.



Summary & Resolutions of the *Land Governance Seminar for the Pacific*

- Identified other resources pertaining to good governance practices in land tenure, land administration, and land management, particularly those from donor and development agencies, which will be accessible by Pacific Island countries (via the USP Land Management website: www.usp.ac.fj/landmgmt/)
- Was informed by case studies, presentations, and country reports, highlighting issues, experiences, and potential for ways forward. Proceedings will be made available via the USP LMD website: www.usp.ac.fj/landmgmt/.

Summary & Resolutions of the *Land Governance Seminar for the Pacific*

We acknowledge

- Both the similarities and the uniqueness of the land tenure and administration systems of the Pacific Island Countries.
- That Good Land Governance should be a primary objective of national governments. Aid agencies, regional organisations, and multilateral bodies should seek to support governments in achieving this objective.
- That whilst the principles of Good Governance are largely universal, their application to land tenure and land administration are issues for engagement at a national level.

Recommendations of the *Land Governance Seminar for the Pacific*

- That funding agencies support grass roots initiatives around the Pacific that address the work identified at this seminar.
- That governments, institutions, and agencies put in place mechanisms to assist in meeting the needs outlined above.
- That existing institutions and agencies recognise, support, and implement means to develop capacity building, exchange of knowledge and experiences.
- That information be disseminated on leasehold and management frameworks that enable stakeholders to participate, as desired, in economic and social development.

Some Closing Remarks

- **Assistance needed to conserve and better manage our lands with their fragile environment and scarce resources, and develop sustainable societies**
 - need advice and resources (staffing, equipment, funding) to support ongoing development of our land management (and particularly, geomatics program) program at USP
 - need advice and resources to support the ongoing training of existing surveying professionals in the region
 - need your support for the newly established regional association of land professionals in the small island nations of the South Pacific - *PILPA*
 - provide resources & assisting with CPD workshops in region
 - lobbying governments to recognize role of surveyors in managing our lands and developing sustainable societies in the region, and thus provide support needed for the surveyors

Land Governance Seminar ~ State & Public Land Management: Participants



Thank you for your attention



Acknowledgements

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 - UN FAO
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 - Pacific Islands Forum Secretariat
 - Secretariat of the Pacific Community
 - University of the South Pacific
 - University of Technology Sydney - Property Rights Research Group