



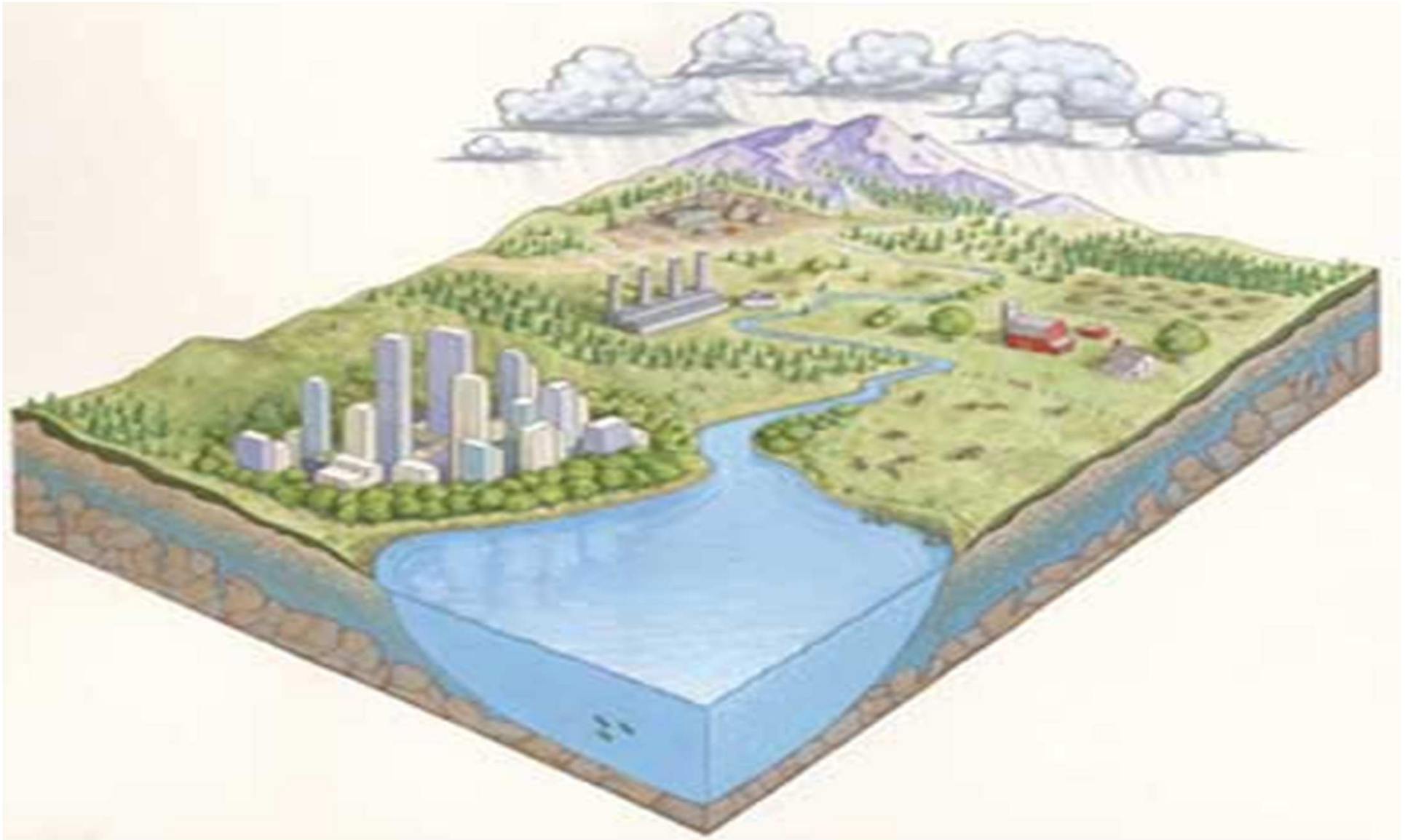
# FIG Pacific Small Island Development States

Land administration and management for  
customary rights and tenure

Williams P GANILEO



# Policies and practices for responsible governance



## Background

- A. A brief discussions on the Informal system of land administration for both Patrilineal and matrilineal Land tenure systems
- B. A summary of the formal systems of land Administration in Vanuatu
- C. Assessment of both informal and formal land administration and management for customary rights and tenure
- D. The current systems in place for the administration and management of customary rights and tenure
- E. Vanuatu's future in Land administration and Management for customary rights and tenure

## Matrilineal vs Patrilineal

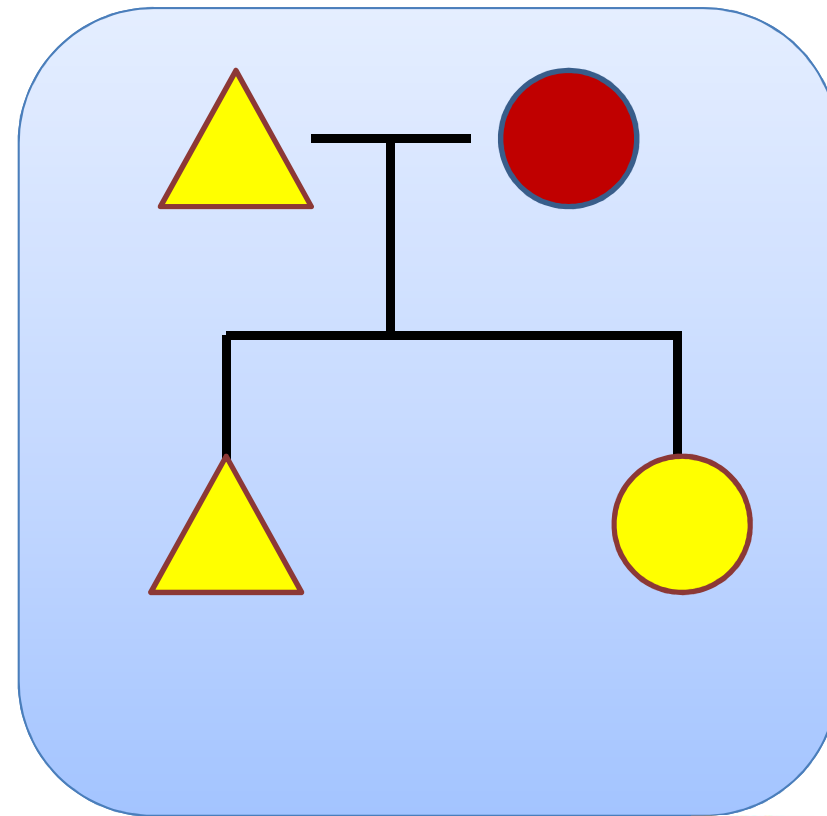
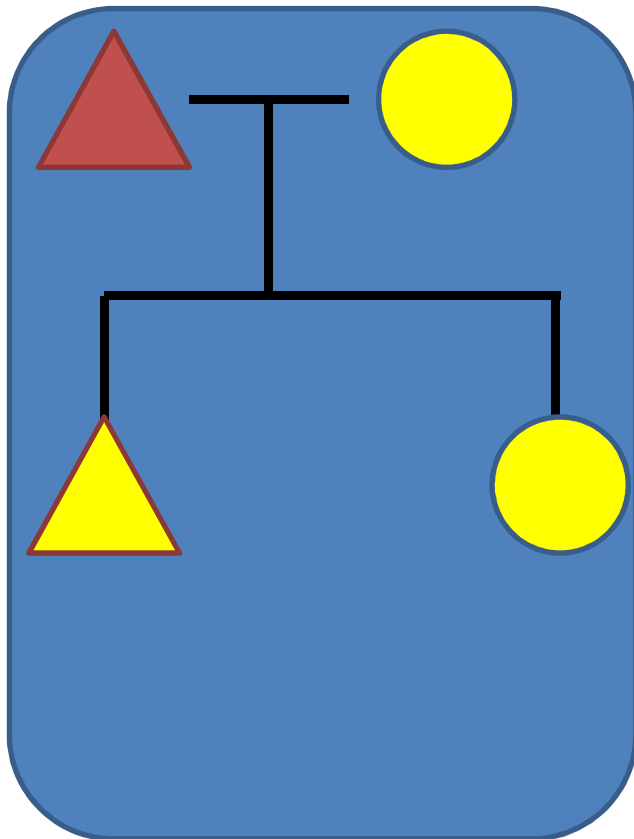


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## The Patrilineal System

- A land boundary with land marks and place names that show that the land belongs to the tribe
- Everyone has equal rights to land
- The first born to a father will always be given a title to lead the tribe. Others will follow.
- Unlike the matrilineal system, there is a cross over of power from Father to Son who are both from two different tribes
- Ownership and rights are now with those marrying into the tribe. Very much contested
- Management and administration of land rights to tenure seems to be very flexible because the male power is dominant

## The Matrilineal System

- A land boundary with land marks and place names that show that the land belongs to the tribe (mini tribal lands exist also)
- This is a Unique Boundary that has a TOTEM god attached to it
- The totem is passed onto the children of the male members as children born to the sister takes that of the father's lineage
- *bwarun bwatun vanua, talu, higao, uma, tagarona, bwatleona, iboina, gaina, ulina, sarana, sorina, manuna, igena, vwavwanhao*
- Female members with their children will return to their land after their father dies
- Decisions on the rights, benefits and use of land is made by the most highest chief with his supporting chiefs
- Decisions are collective by both female and male
- Everyone has rights to tenure in the long term



## A summary of the formal systems of land Administration in Vanuatu

- An application for rural land is being filled out with a project proposal, a custom owner declaration form and minutes of the meeting held between the applicant and the tribe to formalise the start of negotiations.
- A Land Management Planning Committee (LMPC) Meeting is convened to decide on the fate of the proposal
- LMPC approves, rejects or defers the application
- A negotiators certificate is granted for the proposed developer
- Negotiations begins after the certificate is granted for a period of 12 months to make sure that all parties are sure of the project development aims. Term can be determined others 50-75 years.
- Survey the land, prepare lease papers, valuation of site, premiums calculated based on project type.
- All instruments checked and approved
- Premiums paid to customary owners
- Proper filing of instruments in a safe and secured system

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## A summary of the formal systems of land Management in Vanuatu

- That the lease is in compliant with the conditions agreed upon at the time of signing the lease, transfers, mortgages and fees paid
- That the required measurements to the lease type is accurately done, and in accordance to other environmental and acts of parliament
- Every 5 years, a valuation is done on all properties and updated daily
- A land use compliant audit is carried on use status
- Land rent is paid to the government each year
- Daily updating of the e-registry , e-survey, e –planning, e-control, saperion system and the SOLA systems
- New policy initiatives



# The Land Lease Audit - **WHAT FOUND**

## Non Compliance with the Land Lease Act

- Major breaches: non payment of rent (8%), unauthorised land use (7%)
- {~30% of rents unpaid in Van – VTU 42m outstanding over last 3 yrs}
- Breaches were relatively minor compared to other Acts

## Probable Non Compliance with other Acts

Act	<b>MAJOR</b> breaches
<i>Foreshore</i>	5%
<i>Environment</i>	5%
<i>Physical Planning,</i>	1%
<i>Health</i>	11%

(other Depts not involved)



## Assessment of both informal and formal land administration and management for customary rights and tenure

- Land Sector Framework
- Mama Graon Program
- Under the reform programs, there has been legislative reviews. Acts amended, new policies and regulations passed to assist government to allow reasonable Governance to date
- The government tend to use the office of the, Great Council of Chiefs, Malvatumauri to advice on customary issues
- A land tribunal unit within the Ministry of Justice is mandated to see that disputes over land is negotiated and agreed based on customs
- November parliament to see several acts to parliament amalgamated into one huge document if the law is passed
- More security to access land will be built into the laws now and into the future
- A note is taken here that patrilineal systems seems to lease their lands more than the matrilineal
- CAPACITY BUILDING, KNOWLEDGE SHARING, SUSTAINABILITY



## The current systems in place for the administration and management of customary rights and tenure

- The proper ways to follow through to obtain a rural or urban lease
- Acts of parliament that guide to execute instruments at the desire if the clients
- Acts provides for surveying, registration, transfer, surrender a title, mortgage etc
- That a 6% of the transfer amount should be paid to the land owner for every consents signed
- A valuation system, a registration system, a planning system, A DCDP system, a secure data storage system, soon to have the SOLA system
- A land tribunal system to sort out issues of land disputes
- An enforcement system that allows Government to forfeit any titles that are not compliant to Government legislations
- A GIS system,
- A land title enquiry system

## Vanuatu's future in Land administration and Management for customary rights and tenure

- In 2006 Land Summit, 20 resolutions were passed. These 20 resolutions fell under Ownership, Fair Dealings and Sustainable Development
- A new custom owner land act
- A mediation process for disputed lands
- 75% of tribal members to sign the application to allow a fair shares of resources into the tribe
- At least 75% will sign consents to transfer for standard lease and strata
- A 6% of the transfer amount is paid to the land owning group for every consents signed
- Better valuation standards
- A safer storage system
- A better land management solutions system (SOLA)
- A real time access to information over the counter and the net
- A fair sharing of resources to all members



<b>Vision</b>	<b>A Prosperous, Equitable and Sustainable Land Sector for Vanuatu</b>				
<b>Mission</b>	<b>To provide an enabling environment for multi-stakeholder participation in the effective use, management and stewardship of Vanuatu's land resources</b>				
<b>Themes</b>	<b>Enhancing the governance of land</b>	<b>Engaging customary groups</b>	<b>Improving the delivery of land services</b>	<b>Creating a productive and sustainable sector</b>	<b>Ensuring access and tenure security for all groups</b>
<b>Strategies</b>	<ul style="list-style-type: none"> <li>•Ensure accountable, transparent and fair dealings in land</li> <li>•Encourage sector-wide oversight of land governance system</li> </ul>	<ul style="list-style-type: none"> <li>•Build civil society capacity to contribute to sector development</li> <li>•Increase support for community awareness and engagement</li> </ul>	<ul style="list-style-type: none"> <li>•Strengthen agencies to use resources properly</li> <li>•Improve coordination within land sector and delivery capacity</li> </ul>	<ul style="list-style-type: none"> <li>•Strengthen land management</li> <li>•Foster land market development</li> <li>•Support sustainable development practices</li> </ul>	<ul style="list-style-type: none"> <li>•Facilitate better access to land</li> <li>•Strengthen local-based dispute resolution</li> <li>•Strengthen land tenure security</li> </ul>
<b>Policy and Activity Agenda</b>	<ul style="list-style-type: none"> <li>•Land law reform</li> <li>•Land and environmental policy development</li> <li>•Land governance system</li> </ul>	<ul style="list-style-type: none"> <li>•Community awareness and engagement</li> <li>•Community boundary mapping</li> <li>•Community relations and structures</li> </ul>	<ul style="list-style-type: none"> <li>•Efficient and effective enabling services</li> <li>•Service culture and performance</li> <li>•Information technology and management</li> <li>•Infrastructure and civil works</li> </ul>	<ul style="list-style-type: none"> <li>•Land market development</li> <li>•Physical planning and development</li> <li>•Sustainable land and environmental management</li> </ul>	<ul style="list-style-type: none"> <li>•Clarify and strengthen land rights</li> <li>•Land and resource dispute resolution</li> <li>•Protect vulnerable groups</li> <li>•Social, gender and youth assessments</li> </ul>



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