

# Access to Land Cook Islands

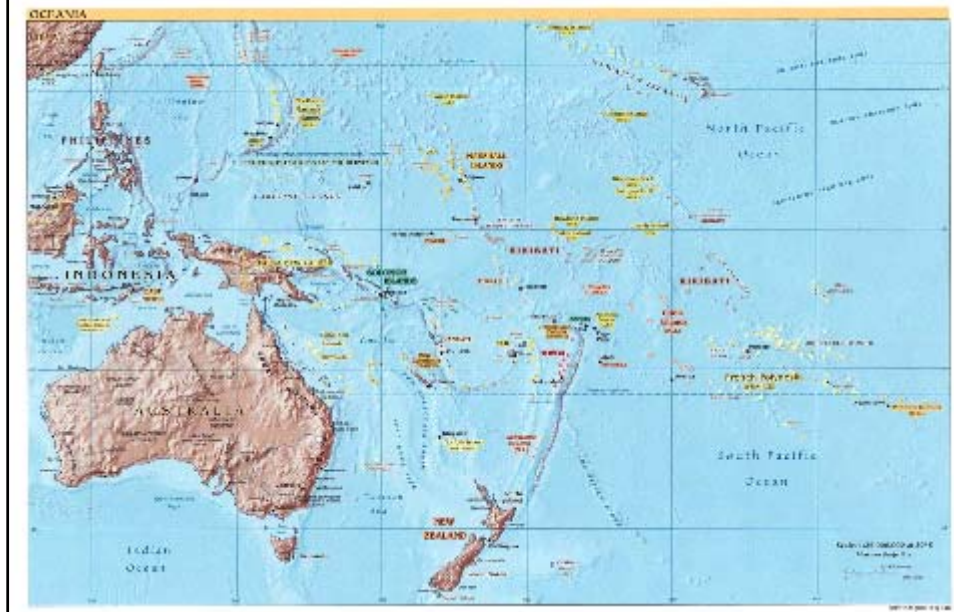
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## Greetings from the Pacific Region



## Outline

- Historical Background
- Customary Land Tenure
- Alienation of Customary Land
- Land Tenure
- Land Survey Records
- Land Subdivision
- Commercial Land Leases & Development (Tourism)
- Absentee Land Ownership
- Conclusion

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## Historical Background

- British Protectorate – 1890 NZ Administration
- Comprises of 15 small islands in the South Pacific
- Dominion of NZ Boundaries Act 1900
- EEZ 2.2 million km<sup>2</sup>
- Land mass 240km<sup>2</sup>
- Population 19,500 (Census 2006)

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## Customary Land Tenure (CLT)

- Mangaia and Pukapuka Island Communities elected their own Customary Land Tenure
- Carried out by Traditional Leaders (Aronga Mana)
- Retained CLT system by word-of-mouth only
- System is yet put to test for Security of Bank Loans

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## Alienation of Customary Land

- Sale of Land prohibited by law
- Alienation by Leasehold Tenure only – for security
- Term of Leasehold not exceeding 60 years
- Other Customary Land:
  - Right of Occupation

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## Land Tenure

- Characterized by Succession Order
- Land vested in the Crown – under Customary Ownership
- Every Cook Islander is a Landowner

## Land Survey Records

- Established October 1899
- Over 100 year old land survey records
- Chief Surveyors Office as Custodian of records
- No Survey Acts and Legislation

## Land Subdivision

- No Land Subdivision Legislation
- No Town Planning Legislation
- Housing Lots are sometimes too small or large
- Better coordinated provision for access roads, easements and extension to Public Utilities
- Smart Sanitation Systems considered to alleviate contaminant pollutants

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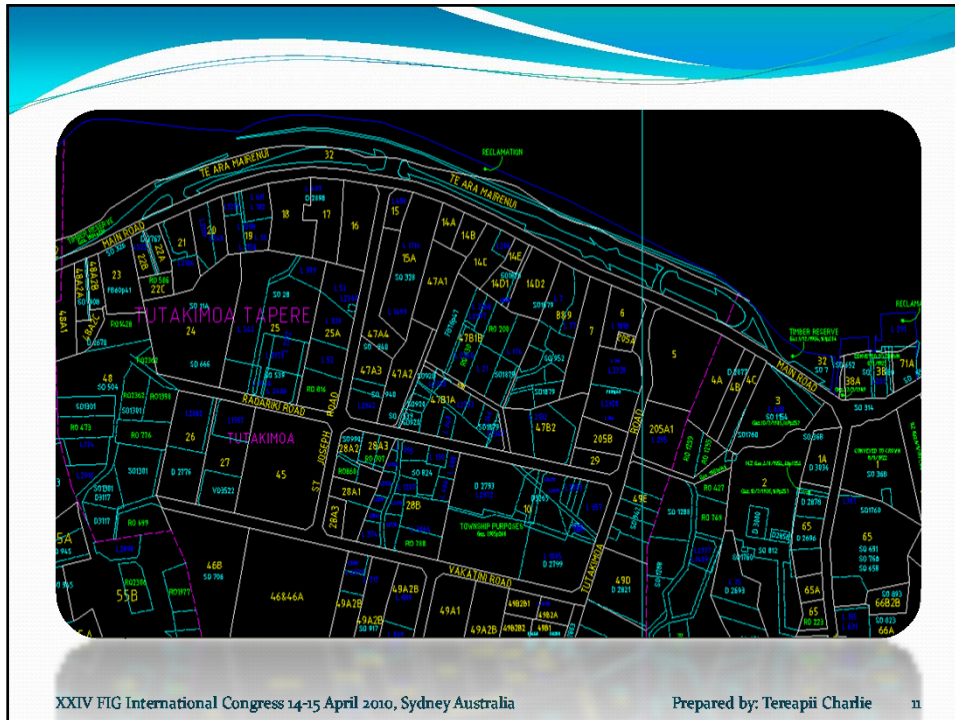
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## Commercial Land Leases and Development (Tourism)

- Opening of Rarotonga International Airport by Queen Elizabeth II, Jan 1974
- Development of Tourist accommodations along Rarotonga coastal areas
- Tourism replaces Agriculture as '**Backbone**' of National Economy
- Commercial Land Leases not exceeding 60 years with stipulated conditions

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## Absentee Land Ownership

- Approx 80% of Cook Islanders live abroad
- Most hold Legal and Customary Rights
- Some Absentee Land Right problems due to erroneous decisions by Appellate Court 1957

➔ **Land Court Reform is recommended**

## Conclusion

- Land Court Reform is recommended
- Survey Act and Legislation to be put in place
- Town Planning and Land Subdivision Legislation recommended
- Customary Land Tenure on Mangaia and Pukapuka to be retained
- Commercial Lease with benefits accruing to be shared equally

**“KIA ORANA E KIA MANUIA”**