

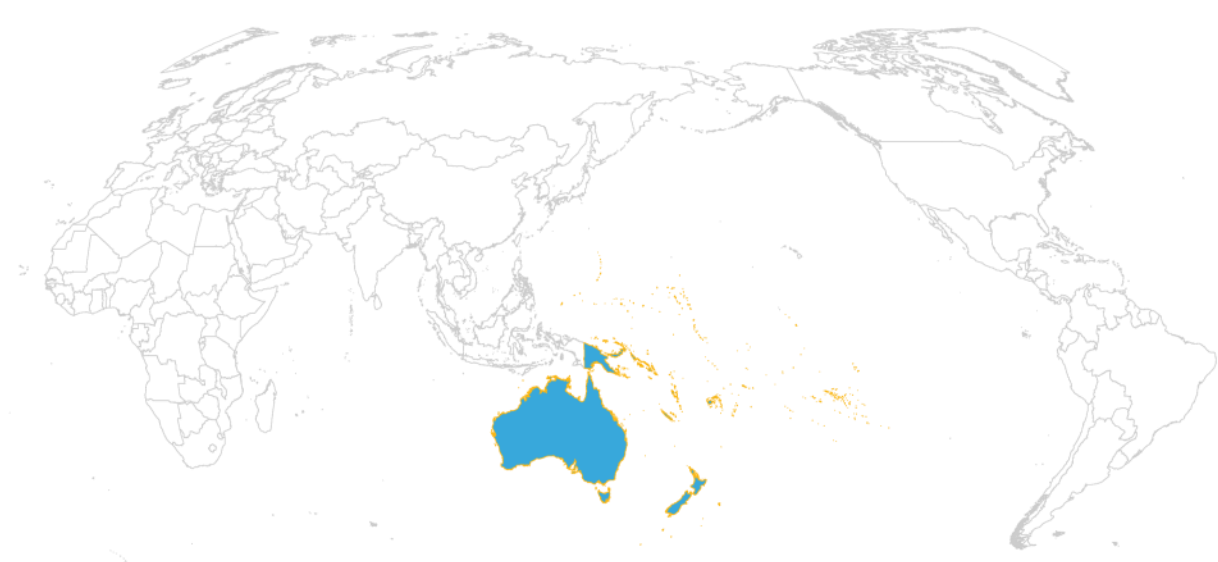
Estimating National Percentages of Indigenous and Community Lands
'Methods and Findings for Oceania'

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This document details the findings of the literature reviews used to estimate the area of community lands in Oceania (formally recognized/acknowledged by government or not).

General Notes:

1. **Baseline country area data.** The total country area excludes major inland water bodies. The data source used is the [World Bank Land area table](#).
2. **Indigenous and community lands combined.** No distinction is made between community lands as customarily held by Indigenous Peoples (self-identification) or the customary lands of other communities in the final estimates. However, when disaggregated data are available, these are presented in the country notes.
3. **Area estimates of indigenous and community lands are conservative.** The estimates are based on information found in literature reviews and from personal communication. Area estimates are often available for formally recognized indigenous and community lands only. Estimates of not formally recognized land areas (i.e., not acknowledged by government) are often partial or non-existent. In such cases, the best information available is recorded, such as the number of formal land petitions requesting demarcation and titling.

4. **Percentages of the country area apply strictly to lands:** Many coastal and lakeside Indigenous Peoples and communities claim rights to adjacent foreshore and waters. These are not included.
5. **Plural sources of findings.** Literature review research of the assessor may lead to different estimations from different sources. Space only allows most recent sources accessed to be recorded in country notes.
1. **Information is under periodic review.** Findings are current as of the date in the heading of this document. Dated additions and adjustments will be made periodically.
2. **Estimates are presented per country.** They are detailed below along with relevant notes. Countries are sorted alphabetically by country name. Only countries that have been assessed or where some partial information has been found are presented.
3. **Indigenous Peoples of Oceania** are considered to be the Polynesian, Melanesian and Micronesian inhabiting the islands prior to the European colonial expansion in the Pacific. Although several of these former colonies have now gained independence and have formed locally controlled nation-states, various peoples self-identify as Indigenous where the islands are still under external administration (Guam, Marshall Islands, etc.). For purposes of simplification, all customary land controlled by Pacific Islanders (traditional inhabitants) is considered Indigenous lands, even if the country has acquired independence.

Contents

COUNTRY BY COUNTRY DETAILED ESTIMATES	3
American Samoa (U.S.)	3
Australia.....	3
Cook Islands.....	3
Fiji.....	4
Kiribati.....	4
Marshall Islands.....	4
Micronesia (Federated States of).....	4
Nauru.....	4
New Caledonia (France).....	5
New Zealand.....	5
Niue.....	5
Norfolk Island (Australia).....	5
Palau.....	5
Papua New Guinea.....	5
Pitcairn (UK).....	6
Samoa.....	6
Solomon Islands.....	6
Tokelau (New Zealand).....	6
Tonga.....	7
Tuvalu.....	7
Vanuatu.....	7

COUNTRY BY COUNTRY DETAILED ESTIMATES

AMERICAN SAMOA (U.S.)

A large majority of American Samoa land is customary land (80–90%).

Source: Don Paterson, 2012, Overview of Land Systems in English-speaking Island Countries of the South Pacific, Law and Culture 2012: Pacific Law and NZ/Aotearoa Conference. Available at [http://www.paclii.org/law-and-culture/An overview of Land Systems in English speaking Island countries of the South Pacific_Power Point.pdf](http://www.paclii.org/law-and-culture/An%20overview%20of%20Land%20Systems%20in%20English%20speaking%20Island%20countries%20of%20the%20South%20Pacific_Power%20Point.pdf)

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

AUSTRALIA

Indigenous land rights in Australia are recognized in Australia through a complex matrix of land and management rights recognized at the state or federal levels. For simplification purpose, the Australia's Indigenous land and forest estate (2020) aggregates them in broad categories: Indigenous owned lands (134 Mha), Indigenous managed lands (141 Mha), Indigenous co-managed lands (33 Mha) and other special rights which include Native Title Rights and Indigenous Land Use Agreements (337 Mha). Due to substantial overlaps between these land categories, which are not exclusive, the total area of land in the Indigenous estate in Australia as at 2016 was 438 million hectares (57% of the country land area).

In addition, as of January 2014, 89.5 Mha of Registered and Unregistered Native Claims were still waiting for a court decision by the National Native Title Tribunal (covering 35.15% of Australia landmass). Some of these claims may overlap other existing land rights, which has not been assessed here. Note that, these numbers should be seen as a baseline, as registers do not show where there may ultimately be a claim or determination in the future.

Sources:

Jacobsen, Rohan, Claire Howell, and Steve Read. 2020. Australia's Indigenous land and forest estate: Separate reporting of Indigenous ownership, management, and other special rights. Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), Canberra, December 13, 2020. Available at:

<https://www.agriculture.gov.au/abares/forestsaustralia/publications/indigenous-estate-report>

National Native Title Tribunal, 2024. Register of Native Title Claims geospatial layers. <http://www.nntt.gov.au/assistance/Geospatial/Pages/DataDownload.aspx>

COOK ISLANDS

The Crown formally recognizes and protects rights of traditional landowners through legislation. The Cook Islands Act prohibits alienation of customary land, whether to Cook Islanders or others. Customary lands account for 95% of the country land area, the rest is shared between public land (most) and little freehold lands.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

FIJI

In Fiji, customary tenure is formally recognized and protected. Customary lands cover 88% of the country land area, the rest being public land (4%) and freehold land (8%).

When the islands of Fiji were ceded to Britain in 1874, all lands not occupied by Fijians were acquired by the Crown, and the lands sold by Fijians prior to this time were granted freehold title. Since then, the Fijians have been prohibited from selling their land other than to the Crown.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra,

A.C.T.: AusAID. Available at: <http://www2.kobe->

[u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

KIRIBATI

Official figures state that 37 % of Kiribati's land area is under customary land ownership, the remaining being state land. See Kiribati Trade Policy Framework 2017-2027, available at:

<https://mcic.gov.ki/wp-content/uploads/2018/12/Kiribati-Trade-Policy-Framework.pdf>

MARSHALL ISLANDS

Marshall Islands have a constitutional recognition and protection of customary authority over customary land. They cover 99% of the country land area, the rest being public land.

It is likely that there is no state-owned land and that all land in the Marshall Islands is indigenously owned, with ownership usually governed by customary practices, at the exception of the atoll of Likiep.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra,

A.C.T.: AusAID. Available at: <http://www2.kobe->

[u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

MICRONESIA (FEDERATED STATES OF)

Customary land is formally recognized and protected by the Constitutions of the 4 provinces of the Federated States of Micronesia. They cover 65% of the country land area, the rest being public land (35%) and freehold lands (less than 1%). Customary land is held by traditional landowners, and most of this land is registered with rights of title similar to freehold.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra,

A.C.T.: AusAID. Available at: <http://www2.kobe->

[u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

NAURU

The legislation of the country recognizes and protects customary land tenure. Customary lands cover more than 90% of the country land area, the rest being public land.

The sale of land has been prohibited in Nauru since colonial times, and thus there is no history of land alienation in the country. Still, a small amount of land has been alienated to the Government.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra,

A.C.T.: AusAID. Available at: <http://www2.kobe->

[u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

NEW CALEDONIA (FRANCE)

The Agency for Rural Development and Land Management (ADARAF) is responsible for the land reform emerging from land and identity claims expressed in the 1970's by the Kanaks, New Caledonia Indigenous Peoples. To date, the agency has recognized 0.496 Mha of customary land (27.19% of the country land area) and has 0.013 Mha of "land reserve" to answer future claims.

Source: ADRAF website, accessed 2015.10.28.

http://www.adraf.nc/index.php?option=com_content&view=article&id=58&Itemid=78

NEW ZEALAND

As of September 2009, the Māori Land Court had recognized 1.47 Mha of indigenous lands in New Zealand. These include freehold titles as well as customary lands. Thus, formally recognized lands cover 5.5% of New Zealand land mass.

Source: Maori Land Court website, accessed 2015.10.28.

<http://www.justice.govt.nz/courts/maori-land-court>

NIUE

The Crown formally recognizes and protects rights of traditional landowners through legislation. Customary lands cover 98.5% of the country land area.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: [http://www2.kobe-](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

[u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

NORFOLK ISLAND (AUSTRALIA)

There is no customary land in Norfolk Island, as no Indigenous Peoples were present when the Europeans settled.

Source: Don Paterson, 2012, Overview of Land Systems in English-speaking Island Countries of the South Pacific, Law and Culture 2012: Pacific Law and NZ/Aotearoa Conference. Available at [http://www.paclii.org/law-and-culture/An overview of Land Systems in English speaking Island countries of the South Pacific_Power Point.pdf](http://www.paclii.org/law-and-culture/An%20overview%20of%20Land%20Systems%20in%20English%20speaking%20Island%20countries%20of%20the%20South%20Pacific%20Power%20Point.pdf).

PALAU

The German rule of the country encouraged individual occupation and ownership of the land, a trend that continues today. 20 000 land titles are estimated to exist on the island, some of which are clan or community titles to land, but many others are individual titles. Land that was not occupied or cultivated by Palauans during colonial times have been converted to public lands, and much of this land is now being disputed by the traditional owners.

There are some customary land in Palau, but most of the country's area is public lands, with some freehold lands.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: [http://www2.kobe-](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

[u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf](http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf)

PAPUA NEW GUINEA

Customary lands are formally recognized as owned by Indigenous Peoples and local communities in Papua New Guinea. They cover 97% of the country land area, the rest being public land (2.5%) and freehold land (0.5%).

Sources:

Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf

Rights and Resources Initiative, 2023, Who Owns the World's Land? Global State of Indigenous, Afro-Descendant, and Local Community Land Rights Recognition from 2015–2020. Second Edition. Washington, DC: RRI. Available at: https://rightsandresources.org/wp-content/uploads/WhoOwns-the-Worlds-Land_Final-EN.pdf

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

PITCAIRN (UK)

There is no customary land in the Pitcairn Islands, as no Indigenous Peoples were present when the Europeans settled.

Source: Don Paterson, 2012, Overview of Land Systems in English-speaking Island Countries of the South Pacific, Law and Culture 2012: Pacific Law and NZ/Aotearoa Conference. Available at [http://www.paclii.org/law-and-culture/An overview of Land Systems in English speaking Island countries of the South Pacific_Power Point.pdf](http://www.paclii.org/law-and-culture/An%20overview%20of%20Land%20Systems%20in%20English%20speaking%20Island%20countries%20of%20the%20South%20Pacific_Power%20Point.pdf).

SAMOA

According to Samoa's agricultural census of 2019, land tenure in the country is divided as follows: 87.8% is customary land, 7.0% is freehold land, and 5.2% is public and other land.

These official figures are slightly higher than the estimates provided by AusAID (2008) and previously used on LandMark, stating that the Constitution of Samoa formally recognizes and protects customary land tenure, and prohibits further alienation of customary land than the 19% of the country land area that had already been converted to freehold (4%) or public land (15%) by the time the country achieved independence (1962).

Sources:

Samoa Bureau of Statistics, 2021, Samoa Agriculture Census 2019, available at: https://www.sbs.gov.ws/images/sbs-documents/Economics/SAMOA-AGRICULTURE-CENSUS/SAMOA_AGRICULTURE_CENSUS_2019.pdf

Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf

SOLOMON ISLANDS

According to Official data, around 87% of all land in the Solomon Islands is customarily owned, 9% is owned by the government, 2% belongs to individual Solomon Islanders and the remaining 2% is leased to foreigners. See Solomon Islands Government, 2016, National Development Strategy 2016 to 2035: Improving the Social and Economic Livelihoods of all Solomon Islanders. Available at: <https://www.adb.org/sites/default/files/linked-documents/cobp-sol-2017-2019-ld-01.pdf>

TOKELAU (NEW ZEALAND)

The Crown formally recognizes and protects rights of traditional landowners through legislation. The Tokelau Amendment Act of 1967 prohibits alienation and disposition of Tokelauans' land, except to the Crown or among themselves and in accordance with custom. Customary lands cover 98% of the country land area, the rest being equally shared between public land and freehold lands (1% each).

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

TONGA

The Constitution of 1875 transferred all the ownership of the land in the country to the King Tupou I, whose dynasty is still ruling Tonga. This marked the end of traditional land tenure systems. Thus, there is no more customary land in the country, all of its land mass being public land.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf

TUVALU

The Crown formally recognizes and protects rights of traditional landowners through legislation. Customary lands account for 95% of the country land area, the rest being mostly public land (5%) with less than 0.1% freehold lands.

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.

VANUATU

The Constitution adopted at independence affirms the principle that all land is owned by the indigenous customary owners and their descendants (98% of the country land area), although the Government is also entitled to own land (2% of Vanuatu land area).

Source: Australian Agency for International Development, 2008, Making Land Work. Canberra, A.C.T.: AusAID. Available at: http://www2.kobe-u.ac.jp/~alexroni/TR2014%20readings/2014_7/MakingLandWork_VolumeOne_Bookmarked.pdf

As customary tenure is extensively protected in the constitution or by law, we may consider that all customary lands are formally recognized in the country.