

**THEME: SUSTAINABLE ISLANDS – SUSTAINABLE STRATEGIES**

**TOPIC: HO'OHANOHANO (Social Equity & Heritage)**

**ISLANDS OF THE WORLD XI**

**Sustainable Islands – Sustainable Strategies**

**July 2006, Maui Island, Hawaii, U.S.A.**

**THE NEED TO REVIEW LAND USE IN THE COOK ISLANDS**

**AND THE POTENTIAL FOR COMMUNITY VISIONING**

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**KEY WORDS: LAND USE, DECISION MAKING COMMUNITY VISIONING**

**ABSTRACT BEGINS:**

Formerly, the traditional leaders of the Cook Islands *maori* (indigenous) people gathered at their *koutu* (meeting place) to settle land disputes. They were expected to look after the long-term welfare of their clan or village, set a good example, and to do all they could to maintain its power and prestige.

In the early 1900's, the customary land holdings of the Cook Islands were investigated and the Land Court system was set up to record the ancient system of land tenure. No freehold land was identified; all land was held in common. The new Land Court system enabled the creation of leases, usually from the indigenous landowners to foreigners, as the only form of alienation. Much of the authority of the leaders in the sharing of tribal land has been assumed by the Land Court. Many developers, especially foreigners, have complained that the prevailing customary land ownership in the Pacific has hindered development and investment.

In 2004, the Cook Islands Government introduced the Unit Titles Act, which was the biggest change to land tenure for 100 years. Traditional leaders pressed for changes that would lessen its impact. They succeeded because the Act passed retained leasehold, rather than freehold tenure for unit titles. Another crucial gain was a height restriction. But changes to the Property Law Amendment Act are causing concern.

Traditional leaders would rather act proactively than constantly react to issues that arise. This requires them to articulate their vision, to consider how to use diminishing land and to ensure that their express wishes are followed. Traditional leaders need to use all the available tools, become conversant with development issues, and ensure that their society develops in an equitable and

sustainable way. The community visioning project in Palau may provide a suitable example of how to do this.

**ABSTRACT ENDS**

***SUBMISSION OF ABSTRACT BY 1 MARCH 2006***

***SUBMISSION OF FULL TEXT BY 1 JUNE 2006***

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