

FANUA • AMERICAN SAMOA EDITION

Protect Our *Land*

A free guide for families in American Samoa
and abroad: before you lease communal land,
and how to keep it in the family

Communal land • matai & sa'o • Land Commission • leases up
to 55 years
with American Samoa contacts for help

Blake Soifua • Projects Possible

@projectspossible • pasifikaplanning.com • Free to share



BEFORE YOU BEGIN

Talofa

Our land holds our families, our matai titles, our graves and our stories. It came to us from our ancestors, and it is meant to go to the generations who come after.

American Samoa is a US territory, but our land works differently. Most of it is **communal family land** under the pule of the sa'o, and the law strictly limits who can own it. Still, a **55-year lease** outlives most people who sign it, and land can slip away through papers the family never discussed.

This guide explains how land and leases work in American Samoa, what to check before anyone signs, the red flags, and where to get help.

How to use this guide

- ◆ **Short on time?** Read “Someone offered us a lease” (page 7) and use the one-page **Lease Check** (page 29).
- ◆ **Living in Hawai‘i, California, Utah or Washington?** Read Section 2 and the note for family abroad at the back.
- ◆ **Print it, share it, read it aloud** at your family meeting.

SAMOAN

Talofa

hello

SAMOAN

Fa’afetai tele lava

thank you very much

SAMOAN

Pule

authority over family land

Please note: General information, not legal advice. Talk to the Territorial Registrar, the Office of the Attorney General or a lawyer before signing. Laws, fees and contacts change. Always check with the official office.

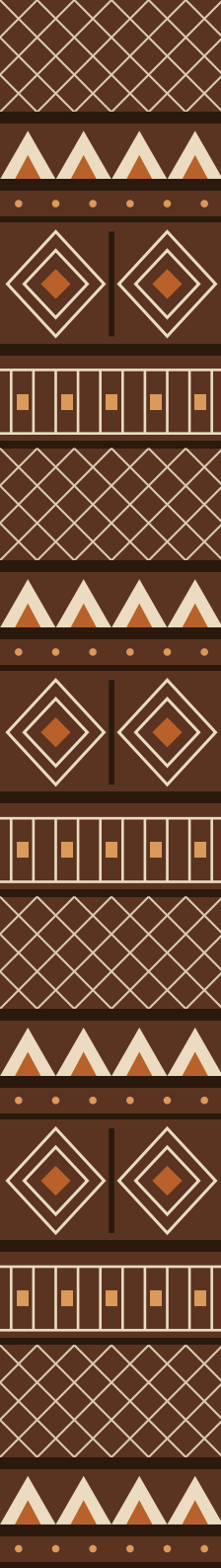
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1

Before you sign a long lease

A lease is a promise that lasts longer than most of us will. It is worth slowing down for.

“We do not inherit the land from our ancestors; we hold it for our grandchildren.”

A saying shared across many cultures

WHY IT MATTERS

A 55-year lease is about two to three generations

In American Samoa, communal (native) land can be leased for up to **55 years**, with the Governor's approval. That is long enough that the people who get the land back may be your grandchildren or great-grandchildren.

Year 0



You sign

Year 20



Your children

Year 40



Grandchildren

Year 55



The lease ends

Money today, land tomorrow

Some offers pay a large sum now. Ask what the land will be worth to your family in 20, 40 and 55 years, not only this year.

The land may come back changed

Buildings, cleared forest, fill, or pollution can stay after a lease ends. The lease should say who fixes what.

The investor can change

Unless the lease stops it, the lease can be sold or passed on to people you have never met.

Families grow

A family of 20 today may be 200 later. Think about where your children will live, farm and be buried.

This is not about fear. A **fair** lease can be a blessing. The goal is to understand the deal fully, decide together, and get it in writing.

THE CHECKLIST

Eight things to check before you sign

1 Who gets the land back, and in what state?

The lease should say the land returns to your family, and in what condition: cleared of rubbish, chemicals and dangerous buildings.

2 Buildings and improvements at the end

Who owns houses, hotels, roads or crops when the lease ends? Do you have to pay for them? Can the investor remove them, or must they leave them?

3 Selling or subletting without you

Can the investor **assign** (sell) the lease or **sublease** it to someone else? Ask for a clause that needs your written consent first.

4 Rent reviews and inflation

Fixed rent loses value every year. Ask for rent reviews every few years, linked to market value or the cost of living.

5 Premium or yearly rent?

A **premium** is a one-off payment at the start. **Annual rent** keeps coming. Know how much of each, and who receives them.

6 The whole family agrees

Has the whole 'āiga, with the sa'o had a real say, including women, young people and members in Hawai'i and the US? Record it in writing.

7 Independent advice

Get advice from someone who works **only for your family**: the Territorial Registrar, the Attorney General's office, or your own lawyer. Not the investor's lawyer.

8 Everything in writing, copies kept

Promises made out loud are not in the lease. Get the full lease in writing and signed, with a copy for the family. Keep copies in more than one safe place.

Someone offered us a lease: what now?

1 Don't sign on the spot

A fair offer will still be there next week. Say: “Thank you. Our family needs time to talk and get advice.”

2 Gather the family

Call a proper meeting of all owners or their representatives. Include elders, women, youth and family in Hawai'i and the US (by video call). Write down who came and what was agreed.

3 Get a copy to keep

Ask for the full draft lease, maps and plans, in writing. Ask for it to be explained in Samoan, and take your time.

4 Check with the Territorial Registrar

Ask the Territorial Registrar what approvals are needed (Section 3).

5 Get your own legal help

A lawyer who works only for your family (see the Bar Association).

6 Compare offers

Ask what similar land earns. Look at other options too: farming, a homestay, a shorter lease or a joint venture.

7 Negotiate

Every clause can be discussed: the term, rent reviews, jobs for family, return of the land. Ask for changes in writing.

8 Sign only when you are sure

Everyone who must sign has read it or had it explained. Keep a signed copy in your family land folder (page 25).

WATCH OUT

Red flags

If you see one of these, stop and get advice before you go any further.

Pressure to sign fast

“Sign today or the deal is gone.”

Real partners give you time to get advice.

Cash upfront to one person

Money or gifts given to one matai, one relative or one ‘representative’ before the family has agreed.

Papers only in English

With no explanation in Samoan for elders who need it. Everyone signing should understand every page.

No copy left with you

If they take the papers away after you sign, you have no proof of what you agreed. Always keep a copy.

Middlemen and ‘fixers’

Someone says they represent the family but is paid by the investor. Ask who pays them.

Promises not in the lease

“Of course we’ll hire your sons.” If a promise matters, it must be written into the lease.

If you feel pressured, you can simply say: “We will not sign anything until the whole family has met and a lawyer has checked it.” That is your right.

Questions to ask the investor

Write down the answers, the date, and who answered. A good partner will answer clearly.

- 1 Who exactly are you? Can we see your company registration?
- 2 What will you build or grow, and on how much of the land?
- 3 Why do you need this many years?
- 4 How much is the rent, how often is it paid, and when will it go up?
- 5 Is there a premium? Who receives it?
- 6 Who can you sell or sublease the lease to? Will you need our written consent?
- 7 What happens to the buildings when the lease ends?
- 8 How will you protect water, reefs, forest, graves and sacred places?
- 9 How many jobs and training places for our family, in writing?
- 10 What happens if you stop paying or leave?
- 11 Will you pay for our independent legal advice?
- 12 Can we see a lease you made with another family, and speak to them?

Red flags in American Samoa

If you see one of these, slow down, talk as a family, and get your own advice.

The sa'o signing without the family

Samoaan custom expects the sa'o to consult the family before conveying communal land. Courts have said they can't always enforce that, so the family must speak up early.

A lease with no Governor's approval

A provisional lease of native land has **no validity** until the Governor approves it in writing.

Over 55 years, or for timber and minerals

Native land leases can't exceed **55 years**, and can't be for working minerals or cutting timber.

Land "registered" without notice

A proposed land registration must be posted for **60 days**. If you don't object in time, you may lose the chance later.

Selling to someone not eligible

Communal land can't be alienated to someone with less than one-half Samoaan blood (with narrow exceptions). Deals that ignore this can be void.

An unused lease

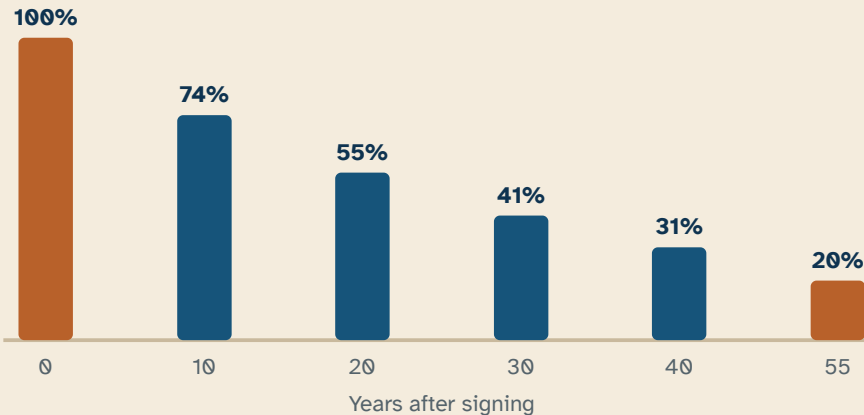
A lessee must occupy or farm at least **1/10 of the land within 2 years**. If not, or after 5 years of non-use, the Governor may cancel the lease.

Sources: A.S.C.A. §§ 37.0103, 37.0204, 37.0221 and case notes (asbar.org); Vaimaona v. Tuitasi, 18 A.S.R.2d 88.

AN ILLUSTRATION, NOT A PREDICTION

How a fixed rent shrinks over 55 years

Imagine a lease where the rent is **fixed** and never goes up, while prices rise **3% a year**. The bars show what that same rent can buy, as a **percentage of what it buys today**.



74%

after 10 years

41%

after 30 years

20%

after 55 years: about
one-fifth

What helps: rent reviews every 3 to 5 years, linked to the market value of the land or the cost of living; a share of income from the business; and a shorter term with an option to renew.

How we worked it out: 100% divided by 1.03 for each year. Real inflation goes up and down, and is sometimes higher than 3%. This simple example only shows the idea.

Glossary: lease words in plain English

Lease

A written agreement that lets someone use your land for a set time, in return for rent. The land stays yours.

Term

How long the lease lasts, for example 30 years.

Premium

A one-off sum paid at the start of a lease, separate from yearly rent.

Rent review

A set time when the rent is checked and changed, for example every 5 years.

Assignment

When the tenant sells or hands the whole lease to someone else.

Consent

Formal permission, best given in writing.

Lessor / Lessee

Lessor: the side giving the lease (the family, through the sa'o). Lessee: the side getting it (the tenant or investor).

Renewal / option to renew

A right to extend the lease when it ends. Check who has the choice, and on what rent.

Annual rent

Money paid every year for the use of the land.

Inflation

Prices rising over time, so the same money buys less each year.

Sublease

When the tenant rents out part or all of the land to another person.

Covenant / clause

A promise or rule written into the lease, such as "keep the land clean".

Glossary (continued)

Improvements

Things added to the land: houses, buildings, roads, fences, trees and crops.

Default / breach

When one side breaks a promise in the lease, such as not paying rent.

Customary land

Land held by families, clans or villages under custom, not bought and sold.

Registration

Registering a lease with the Territorial Registrar after the Governor's approval.

Mortgage

Using a lease or land as security for a loan. If the loan is not repaid, the bank may take the lease.

Independent advice

Advice from someone who works only for you, with no link to the investor.

Reversion / surrender

When the land goes back to the owners at the end, or early by agreement.

Forfeiture / termination

Ending the lease early because of a serious breach, following the steps in the lease.

Freehold

Land owned outright that can be bought and sold.

Survey plan

An official map showing the exact borders and size of the land.

Joint venture

When owners and an investor run a business together and share the profits.

Witness

A person who watches you sign and signs too. Ideally, someone the family trusts.

Don't understand a word in your lease? Circle it and ask the Territorial Registrar or a lawyer to explain it. There is no shame in asking. The people who wrote it should be able to explain it simply.

Ask for a fairer lease

1 Shorter terms

Say 20 to 30 years with an option to renew on new terms, instead of the full 55 years at once.

2 Regular rent reviews

Every 3 to 5 years, linked to market value or the cost of living.

3 A share of the income

A small percentage of turnover or profit, as well as the base rent.

4 Jobs and training, in writing

Set numbers of jobs, apprenticeships or supply contracts for the family.

5 Consent for any transfer

No assignment or sublease without the owners' written consent.

6 Return the land well

A plan and a bond (money held back) to clean up and restore the land.

7 Protect sacred places

Graves, churches, springs, reefs and tapu sites stay out of the lease.

8 Joint ventures

Owners put in the land as their share of a business and receive a share of the profits and a say in decisions. Get expert advice.

Deciding together

Land decisions belong to the family, not to one person. Our customs of talking together (family fono) are a strength here.

Who must agree?

In American Samoa, the sa'o holds pule over communal land, and native land leases need the Governor's written approval. Make sure the family is consulted first.

Include everyone

Women, young people, people with disabilities and family in Hawai'i and the US are owners too. Make sure they can speak and be heard.

Write it down

Keep minutes: the date, who was there, what was offered, what was decided, and who will act. Have them signed.

Share the benefits fairly

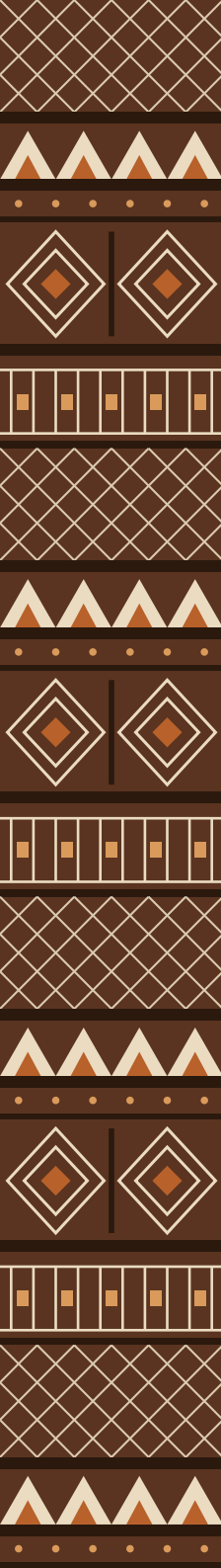
Agree how rent will be shared or used (school fees, a church, a family fund) before the money comes.

Use an interpreter

Ask for it to be explained in Samoan, and take your time.

It's okay to say no

"No", "not yet" or "only for a shorter time" are all respectful answers.

A decorative vertical border on the left side of the page, featuring a repeating pattern of traditional Samoan motifs. The motifs include a diamond lattice, a row of triangles, a row of dots, and a row of squares, all in white and orange on a dark brown background.

2

How land works in American Samoa

Communal and individually owned land, who can own it, the sa'o, leases, the Land Commission and the courts.

Every fact here comes from an official or legal source, listed on the page and at the back. Where we could not verify something, we say so or leave it out.

Communal & individual land

Fanua

~90%

communally owned

55 yrs

max native land lease

½

Samoan blood rule

About **90%** of the land in American Samoa is **communally owned** by families and about 3% is individually owned (the rest includes government land).

- ◆ **Communal (native) land** belongs to the family, with the **sa'o** (senior matai) holding pule over it.
- ◆ **Individually owned land** is recognised by the courts. **Freehold land** means land in court grants made before 1900.
- ◆ Land titles are registered with the **Territorial Registrar**, the official registry of all instruments affecting land, matai titles, court grants and leases.

US territory, Samoan land: the Constitution of American Samoa protects the land laws. A change in the law on land alienation must be approved by two successive legislatures by a two-thirds vote and by the Governor.

Sources: Lago v. Mageo, 4 A.S.R. (US territory; asbar.org Real Property notes); ASCC Combined Research & Extension Plan of Work 2022–26 (USDA NIFA); A.S.C.A. § 37.0201 and Reviser's Comment (Const. Art. I s 3); legalaffairs.as.gov, Public Records.

Who can own land

Tulafono

- ◆ It is prohibited to alienate (sell, give or exchange) any land, except freehold land, to anyone with **less than one-half native (Samoan) blood**.
- ◆ For **communal land** the rule is stricter: a person with any non-native blood can receive it only if they were born in American Samoa, descend from a Samoan family, live with Samoans as a Samoan, have lived there more than five years, and declare the intent to make it their home for life.
- ◆ Courts have read “Samoan” to include people from (Western) Samoa, not only American Samoans.
- ◆ Children of two parents who both have non-native blood can’t inherit land unless they are at least one-half native.

These rules are detailed and have exceptions. Ask the Office of the Attorney General or a lawyer about any specific case.

Sources: A.S.C.A. § 37.0204 and case notes (asbar.org Code Annotated); Craddick v. Territorial Registrar (1979).

The sa'ō, matai & pule

Pule

- ◆ The sa'ō of the family holds **pule**, the authority to manage, assign and protect communal land for the family's benefit.
- ◆ The sa'ō should not act arbitrarily, and should ordinarily **consult the family**, especially members directly affected, before major land decisions.
- ◆ The appeals court has said Samoan custom requires family consultation before a sa'ō conveys communal land, but the court can't make that a legal condition unless the Fono passes a law. **So speak up early.**
- ◆ To register communal land, the survey must be requested by the **senior matai**. A family with a vacant title must choose a senior matai first.

Family tip: agree as an 'āiga how land decisions are made, and write it down in your family records.

Sources: Vaimaona v. Tuitasi, 18 A.S.R.2d 88; 7 A.S.R.3d 214; Faleafine v. Suapilimai, 7 A.S.R.2d 108 (asbar.org).

Leasing native land

Lisi

1. **Provisional agreement** with full terms, and a plan showing where the land is.
 2. **Land Commission review:** instruments needing the Governor's approval go to the Commission's secretary for study and recommendations.
 3. **Governor's approval** in writing. Without it, the lease has **no validity**.
 4. **Final lease** deposited within **2 months**, confirmed by the Governor and registered.
- ◆ Maximum term: **55 years**. Not for minerals or timber.
 - ◆ The lessee must occupy or farm at least **1/10** of the land within 2 years, or the Governor may cancel and the land returns to the family.

The Land Commission has 5 members: a chair experienced in real estate, the Territorial Registrar (secretary), and the 3 district governors. Its duty includes preventing "improvident alienations" of communal land.

Sources: A.S.C.A. §§ 37.0202, 37.0203, 37.0221 (FAOLEX ams51552; asbar.org).

DISPUTES

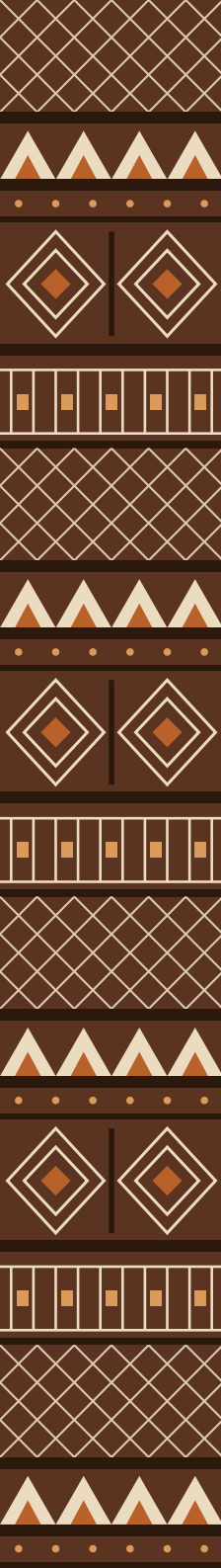
Registration & the Land and Titles Division

Faamasinoga

- ◆ A proposed land registration is posted for **60 days** at the Fagatogo courthouse and in two public places in or near the village. Anyone can file an adverse claim.
- ◆ Title can't be registered while there are conflicting claims.
- ◆ The **Land and Titles Division** of the High Court has exclusive jurisdiction over land and matai title disputes. Land cases are heard by a justice and 2 associate judges; matai cases by a justice and 4.
- ◆ Before a communal land case goes ahead, a **certificate of irreconcilable dispute** from the Secretary of Samoan Affairs is normally needed.

Watch the notices: check the courthouse board and your village notices, especially if family members live off-island.

Sources: A.S.C.A. §§ 37.0101–37.0104, 3.0208, 3.0240, 43.0302 and case notes; Meredith v. Koko (asbar.org).

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3

Where to go for help

The most important part of this guide: “I need help with X, so go to Y.”

Contacts were checked on each organisation’s own website in October 2026. Where we could not confirm a detail, it is marked **unconfirmed**. If a number doesn’t work, ask at the office or try again later.

American Samoa

I NEED HELP WITH

**Land & lease
registration,
records, the
Land
Commission**

Territorial Registrar (Dept of Legal Affairs)

(684) 633-4868 · P.O. Box 7, Pago Pago, AS 96799 ·
info@la.as.gov · legalaffairs.as.gov

I NEED HELP WITH

**Government
legal matters**

Office of the Attorney General

AG's Office, GHC Reid Bldg, Fagatogo · (684) 633-
4163 · P.O. Box 7, Pago Pago · info@la.as.gov ·
legalaffairs.as.gov

I NEED HELP WITH

**Land & matai
title cases**

High Court of American Samoa, Land and Titles Division

P.O. Box 309, Pago Pago, AS 96799 · Clerk's Office
(684) 633-4131 · HCourt@samoatelco.com · as listed
on asbar.org/the-court (the Court has no website of
its own that we could find)

Before you call: have the land name, village, any survey, the lease offer and the
sa'o's name ready.

American Samoa

I NEED HELP WITH

Find a lawyer

American Samoa Bar Association

P.O. Box 23, Pago Pago, AS 96799 · asbar.org · Also hosts the American Samoa Code and case law online

I NEED HELP WITH

Legal aid

American Samoa Legal Aid

aslegalaid.org · Lists local legal help. Its own phone and email were **not shown on its site; unconfirmed**.

I NEED HELP WITH

**Certificate of
irreconcilable
dispute**

Office of Samoan Affairs

633-5201 (listed by aslegalaid.org; **unconfirmed** on an official site)

I NEED HELP WITH

**Investors &
business**

Department of Commerce

(684) 633-5155 · info@doc.as · doc.as.gov

I NEED HELP WITH

**Approval of
leases**

Office of the Governor

633-4116 (listed by aslegalaid.org; **unconfirmed**)

Your family land folder

If the papers are lost, the family can lose its proof. Keep one folder for each piece of land.

1 The lease

Every page, signed, plus any changes (variations) and renewals.

2 Title or land record

Registration certificate, land register extract or Territorial Registrar and survey numbers.

3 Survey map

The official plan showing borders and size.

4 Rent receipts

Every payment: date, amount and who received it.

5 Family / clan agreements

Meeting minutes, consent forms and agreements on sharing rent.

6 Official letters

All letters and emails to and from the Territorial Registrar, the Governor's office, the court or the investor.

7 Owner IDs & family tree

A list of owners and heirs, with ID copies and contact details.

8 Photos of the land

Dated photos of boundaries, buildings and the land's condition at the start.

Prove your family's connection *Gafa*

Land and title cases come down to proof: who held the land, and how you connect to them.

1 • Certificates

Birth and death certificates for each generation, from American Samoa, Samoa or the US mainland.

2 • Gafa

Write down the family genealogy and the matai titles, with who used which land.

3 • Registry papers

Keep copies of every registered survey, title, lease and court decision.

4 • Family decisions

Keep notes of family meetings with the sa'o about land, with names and dates.

Write it down now, while elders can still tell the story: names, lines, boundaries, graves and the history of each piece of land.

Sources: A.S.C.A. §§ 37.0101–37.0104; legalaffairs.as.gov.

Scan it, store it, share it

1 • Scan with your phone

Use a free scanning app, the “Scan documents” option in iPhone Notes, or the scan button in the Google Drive app. Scan every page, flat and in good light.

2 • Store it privately

Keep a private shared folder in Google Drive or iCloud. Share it only with trusted family, never publicly.

3 • Name files clearly

Year-month-day, then land, then document: **2026-10-14_Village-Land_Lease-signed.pdf**

4 • Two or more keepers

Give access to at least two trusted people, one at home and one overseas, so the papers survive any one loss.

Originals: keep them dry in a sealed waterproof bag, in a cyclone-safe and flood-safe place, off the floor. Make copies before lending papers to anyone.

Key dates tracker

Date	Land / lease	What happens
Start date		
Rent review 1		
Rent review 2		
Renewal deadline		
End date		

FILL IN & KEEP

Our Land Record

Name of land / plot

Village, district, island

Family / sa'o / matai title

Registrar or survey no.

Size (hectares / acres)

Survey plan number

The lease

Lessee (tenant) name

Their contact

Start date

End date

Rent amount & how often

Rent review dates

Premium paid? To whom?

Who receives the rent

Our people

Folder keeper 1 (home)

Folder keeper 2 (overseas)

Territorial Registrar contact

Lawyer / legal aid contact

Where the originals are kept

Notes

Lease Check

Tick every box **before** anyone signs. If you can't tick one, stop and ask for help (Section 3).

- ☐ We have **not** been rushed. We took time to think and talk.
- ☐ The **whole family** (all owners or their representatives) has met and agreed, and it is written down.
- ☐ We have a **full written copy** of the lease, in a language we understand.
- ☐ We checked with **the Territorial Registrar**.
- ☐ We got **independent legal advice** (not the investor's lawyer).
- ☐ We know **how long** the lease is, and when it ends or can be renewed.
- ☐ The rent has **reviews** at least every 3 to 5 years.
- ☐ We know about any **premium**, and who receives the money.
- ☐ The tenant **cannot sell or sublease** without our written consent.
- ☐ It says what happens to **buildings** and the **land's condition** at the end.
- ☐ **Sacred places**, graves and water are protected.
- ☐ Promises (jobs, roads, school fees) are **written in the lease**.
- ☐ We will **keep copies** in our land folder, held by two or more people.

General information, not legal advice. Talk to the Territorial Registrar or a lawyer before signing.

A note for the diaspora

Whether you are in Auckland, Brisbane, Honolulu, California or Utah, you can protect home land from far away.

You are an owner too

Living off-island does not by itself end your place in the ‘āiga. But stay in touch, and watch for 60-day registration notices. Stay in touch and stay informed.

Join by video

Ask for family meetings by video call, so you can hear and speak. Ask for minutes.

Help read the papers

If you read English well, help elders understand, in Samoan. But leave the decisions to the family.

Fund advice, not pressure

Offer to pay for independent legal advice or a valuation, rather than pushing for one choice.

Be a buyer

Buy family products, and help with online sales, shipping and marketing abroad.

Be a keeper

Hold a copy of the land folder safely overseas.

THANK YOU

Fa‘afetai tele lava

Our land is not only something we own. It is who we are. Take your time, talk together, ask questions, and choose what is best for the generations still to come.

This guide is free. Please **print it, share it, and read it aloud** at your family, church and village meetings.



Free planning tools
pasifikaplanning.com



Follow
[@projectspossible](https://twitter.com/projectspossible)

Blake Soifua · Projects Possible

General information, not legal advice. Talk to the Territorial Registrar or a lawyer before signing. Information was checked in October 2026, but laws and contacts change. Please confirm with the official office.

Sources & notes

Land law

A.S.C.A. Title 37, Chs 1–2: §§ 37.0101–37.0120, 37.0201–37.0230, with case notes (asbar.org Code Annotated; FAOLEX ams51551, ams51552).

Courts

A.S.C.A. §§ 3.0208, 3.0240, 43.0302; Vaimaona v. Tuitasi 18 A.S.R.2d 88; 7 A.S.R.3d 214; Meredith v. Koko; Faleafine v. Suapilimai (asbar.org).

Land share

American Samoa Community College, Combined Research & Extension Plan of Work 2022–26 (USDA NIFA).

Help contacts

legalaaffairs.as.gov; asbar.org/the-court; asbar.org/contact-us; aslegalaid.org; doc.as.gov (checked Oct 2026).

Websites and contact details were checked in October 2026. Where an official site did not list a contact, it is marked unconfirmed. The rent example is an illustration only. Points we could not verify from an official source are marked or left out. Free to share; please don't sell it.