

FENUA • TOKELAU EDITION

Protect Our *Land*

A free guide for Tokelauan families at home and abroad: before anyone agrees to use family land, and how to keep it in the kāiga

Customary land • Taupulega • no transfer to non-Tokelauans
with Tokelau contacts for help

Blake Soifua • Projects Possible

@projectspossible • pasifikaplanning.com • Free to share



BEFORE YOU BEGIN

Mālo ni

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

In Tokelau, all land is under the control of the **Taupulega** of each village, and customary land is held by the custom of the village. The Constitution says land can't be transferred to anyone who isn't Tokelauan. But land can still be used, shared or promised in ways the family never discussed, and most of our people now live in Aotearoa.

This guide explains how land works in Tokelau, what to check before anyone agrees to anything, 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 26).
- ◆ **Living in Aotearoa or Australia?** Read Section 2 and the note for family abroad at the back.
- ◆ **Print it, share it, read it aloud** at your family meeting.

TOKELAUAN

Mālo ni

hello

TOKELAUAN

**Fakafetai lahi
lele**

thank you

TOKELAUAN

Taupulega

village council of elders

Please note: General information, not legal advice. Talk to your village Taupulega office or a lawyer before agreeing to anything. Laws, fees and contacts change. Always check with the official office.

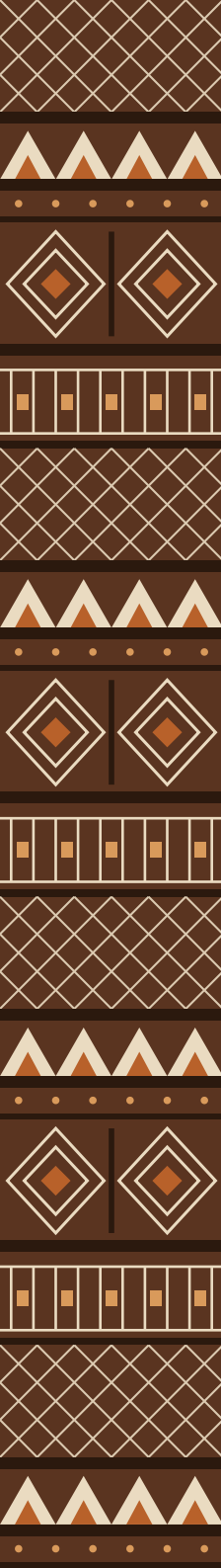
Contents

1	Before you sign	4
	Why it matters & the checklist	5
	Someone offered us a lease: what now?	7
	Red flags & questions to ask	8
	How fixed rent shrinks	11
	Glossary & fairer leases	12

2	How land works in Tokelau	16
	Customary land & the Taupulega	17
	Land for public projects	18
	Who decides land matters	19

3	Where to go for help	20
	Tokelau contacts	21

+	Keep it safe & tools	22
	Your family land folder	22
	Our Land Record (fill in)	25
	Lease Check (print)	26
	For family in NZ & Australia	27
	Sources	29



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 99-year lease is about four generations

We found no maximum lease term in Tokelau's current law. If a lease were signed today for 99 years, the people who get the land back may be your great-great-grandchildren. Most of the people in the room when it is signed will never see it end.



Money today, land tomorrow

Some offers pay a large sum now. Ask what the land will be worth to your family in 20, 50 and 99 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 kāiga, with the elders had a real say, including women, young people and members in NZ & Australia? Record it in writing.

7 Independent advice

Get advice from someone who works **only for your family**: your village Taupulega, 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 NZ & Australia (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 Tokelauan, and take your time.

4 Check with your village Taupulega

Ask your Taupulega office what the village process is (Section 3).

5 Get your own legal help

A lawyer who works only for your family.

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 22).

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 elder, one relative or one ‘representative’ before the family has agreed.

Papers only in English

With no explanation in Tokelauan 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 Tokelau

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

A deal with someone who isn't Tokelauan

The Constitution says **no land or interest in land** may be transferred to a person who isn't Tokelauan.

Going around the Taupulega

All land is under the control of the **Taupulega**. Any arrangement that skips the village process is a warning sign.

Land “needed” for a project

Land for a national purpose needs agreement between the Government and the village, and the village must negotiate with the landowners.

Use without compensation

If owners don't consent, land may be used for a national or village purpose only after the owners first receive appropriate compensation.

Taking it to court

Customary land matters are dealt with by the Taupulega, not the courts. Don't be told otherwise without checking.

Family abroad left out

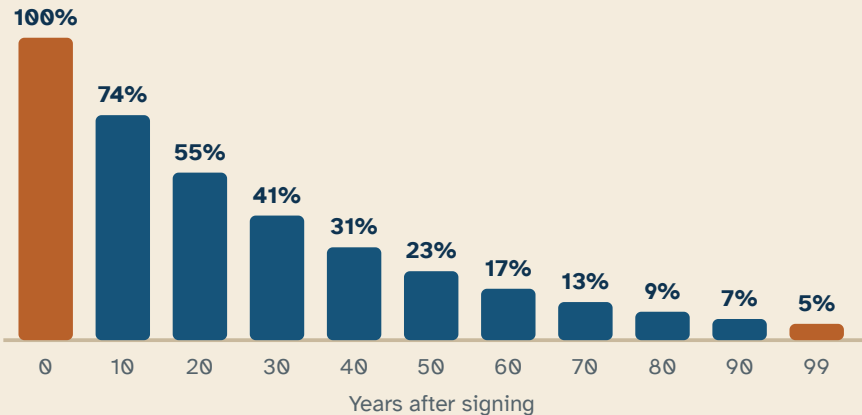
Many family members live overseas. Make sure they hear about any land decision before it is made.

Sources: Constitution of Tokelau, Art 15 (tokelau.org.nz summary); Tokelau: A History of Government; Angelo, Tokelau Judicial Activity (USP).

AN ILLUSTRATION, NOT A PREDICTION

How a fixed rent shrinks over 99 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

23%

after 50 years

5%

after 99 years: about
one-twentieth

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, by village custom). 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

Recording an agreement with the Taupulega.

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 your village Taupulega 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 one very long arrangement 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 meeting) are a strength here.

Who must agree?

In Tokelau, all land is under the control of the Taupulega, and land can't be transferred to anyone who isn't Tokelauan.

Include everyone

Women, young people, people with disabilities and family in NZ & Australia 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

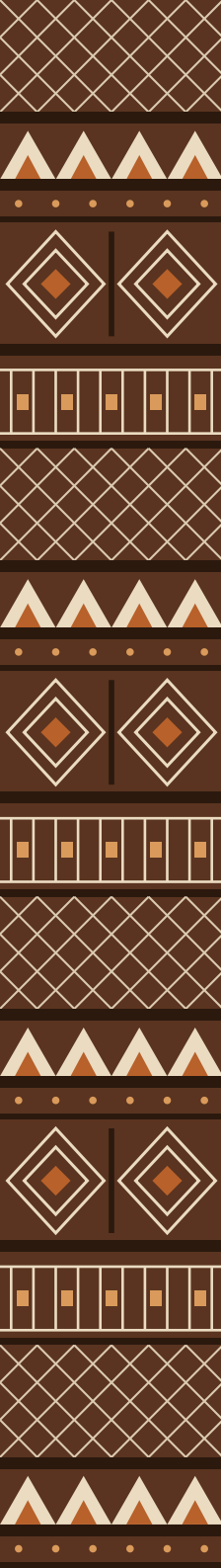
Agree how rent will be shared or used (school fees, a church, a family fund) before the money comes.

Use an interpreter

Ask for it to be explained in Tokelauan, 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 series of repeating geometric patterns in white and orange on a dark brown background. The patterns include diamond shapes, triangles, and squares.

2

How land works in Tokelau

Customary land, the Taupulega, special land and the rules against transfers to non-Tokelauans.

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.

Customary land & the Taupulega *Fenua*

3

villages, each with a Taupulega

Custom

governs customary land

No transfer

to non-Tokelauans

- ◆ All land is under the control of the **Taupulega**, unless the Constitution or a General Fono Rule says otherwise.
- ◆ **Customary land** is land held by the custom of the village.
- ◆ **Special land** is land that is not customary land. Ownership of special land is decided by the High Court.
- ◆ No land or interest in land may be transferred to a person who isn't Tokelauan.

Back in village hands: the General Fono's own land rules, now Article 15 of the Constitution, vest full control in the villages and keep the ban on transfers to non-Tokelauans.

Sources: Constitution of Tokelau, Art 15 (summary on tokelau.org.nz); Tokelau: A History of Government (tokelau.org.nz).

Land for village or national use *Fakatau*

- ◆ If land is needed for a **national purpose**, the Government of Tokelau and the village must agree.
- ◆ For a national or village purpose, the village must **negotiate with the landowners** to buy or use the land.
- ◆ If the owners don't consent, the land may be used only after they first receive **appropriate compensation** from the village.

Family tip: keep a written record of any agreement about your land, who agreed, and what the family was promised.

Sources: Constitution of Tokelau, Art 15(6)–(8).

DISPUTES

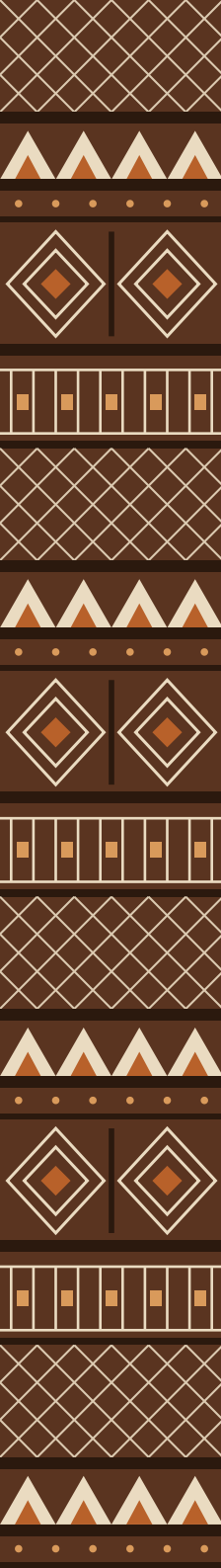
Who decides land matters

Taupulega

- ◆ Land matters are dealt with by the **Taupulega** in each village. The courts of Tokelau don't deal with customary land.
- ◆ The local judges, the Commissioners, are designated by each Taupulega and appointed by the General Fono for three years.
- ◆ The history of land law in Tokelau has always protected land from outsiders: an 1896 regulation banned sales to non-natives, and the rule continues today.

Living away? Stay in touch with your village Taupulega office so your family is heard.

Sources: Angelo, Tokelau Judicial Activity (USP); Summary of the Constitution of Tokelau; Tokelau: A History of Government.

A decorative vertical border on the left side of the page, featuring a series of repeating geometric patterns in white and orange on a dark brown background. The patterns include diamonds, triangles, and squares.

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.

Tokelau

I NEED HELP WITH

**Land in
Fakaofu**

Taupulega Office, Fakaofu

Coordinator • +690 731598 • hina.kele@gmail.com •
tokelau.org.nz

I NEED HELP WITH

**Land in
Nukunonu**

Taupulega Office, Nukunonu

General Manager • +690 4227 • t.pasilio@ota-nukunonu.org • tokelau.org.nz

I NEED HELP WITH

Land in Atafu

Taupulega Office, Atafu

Director • +690 22216 • mika.kalolo@tokelau.org.nz •
tokelau.org.nz

I NEED HELP WITH

**National
government**

Government of Tokelau

General Manager National • tino.vitale@tokelau.org.nz •
tokelau.org.nz

I NEED HELP WITH

Legal help

Not found

We could not find a legal aid service for Tokelau on an official site. Family in Aotearoa can ask Community Law (communitylaw.org.nz) about NZ law only.

Note: the government website names a different Nukunonu manager on its directory page. Ask for the Taupulega office.

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 village and family land records.

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 Taupulega, the Government of Tokelau 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*

Customary land follows village custom. Proof of your family line and your land is what counts.

1 • Family line

Write down your family line and which land each branch holds.

2 • Land use

Note gardens, houses, graves and boundaries.

3 • Taupulega records

Keep copies of any Taupulega decision about your land.

4 • Family meetings

Keep notes of family meetings 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: Constitution of Tokelau, Art 15.

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: **2026-10-15_Family-Land_Agreement-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		

Our Land Record

Name of land / plot

Village, islet, land name

Kāiga / family line

Taupulega record

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)

Taupulega 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 **your village Taupulega**.
- ☐ 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 your village Taupulega or a lawyer before signing.

A note for the diaspora

Whether you are in Auckland, Brisbane, Aotearoa or Australia, you can protect home land from far away.

You are an owner too

Living away does not end your place in your kāiga. Stay in touch with your village. 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 Tokelauan. 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

Fakafetai lahi lele

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 your village Taupulega 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

Constitution of Tokelau, Art 15 (summary, tokelau.org.nz); Tokelau Amendment Act 1967 s 25 (historical, repealed 2007; legislation.govt.nz).

History & courts

Tokelau: A History of Government (tokelau.org.nz); A. Angelo, Tokelau Judicial Activity (USP).

Words

Massey University, Pacific greetings and phrases.

Help contacts

tokelau.org.nz Contact and Directory pages (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.