

FONUA • TONGA EDITION

Protect Our *Land*

A free guide for Tongan families: before you
lease your 'api or estate, and how to grow
income while keeping your land

Crown land • estates (tofi'a) • allotments ('api) • leases
with Tonga contacts for help

Blake Soifua • Projects Possible

@projectspossible • pasifikaplanning.com • Free to share



BEFORE YOU BEGIN

Mālō e lelei

Our land holds our names, our graves, our gardens and our stories. It came to us from those before, and it is meant to go to those who come after.

This guide is for families who have been offered a lease, or who might be one day. It explains, in plain words, what to check before signing, how land and leasing work in Tonga, and the many ways families earn from their land while keeping it.

Leases are not bad. Many families earn good, steady income from fair leases. But a long lease, like 20, 50 or 99 years, can outlive the people who sign it. That is why it deserves time, care and the whole family's voice.

How to use this guide

- ◆ **Short on time?** Read “Someone offered us a lease” (page 7) and use the one-page **Lease Check** (page 30).
- ◆ **Need help?** Section 4, “**Where to go for help**”, lists offices in Tonga. Every website was checked to load in October 2026.
- ◆ **Print it, share it, read it aloud** at your family or village meeting.

TONGA

Fonua

land

TONGA

‘Api

allotment

TONGA

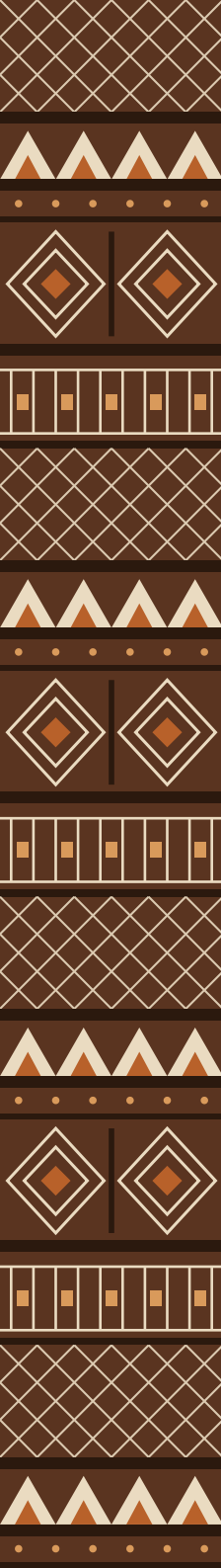
Tofi’a

hereditary estate

Please note: General information, not legal advice. Talk to your land board 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 99-year lease is about four generations

In Tonga, leases of up to 99 years are possible in some cases, with Cabinet consent (tax allotments are limited to 20 years). If a lease is 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.

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 family, with the allotment holder and heirs had a real say, including women, young people and members overseas? Record it in writing.

7 Independent advice

Get advice from someone who works **only for your family**: your land board, the public solicitor or legal aid, 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 overseas (a video call works). 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 a translation into your language if you need one.

4 Check with your land board

Ask the official land office whether this lease is allowed, what the usual rent is, and what steps are required (see Section 4).

5 Get free legal help

Contact legal aid or the public solicitor, or 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 27).

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

Papers only in English

Or only in a language some owners can't read well. 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 our family and our land office have checked it.” That is your right.

Questions to ask the investor

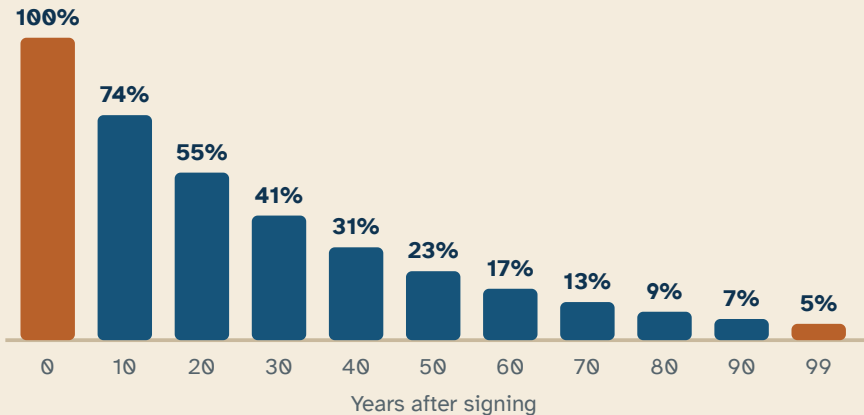
Write down the answers, the date, and who answered. A good partner will answer clearly.

- 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?

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 (owners or the land board for them).

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 a lease at the official land registry, so it is legally recognised and protected.

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 land office or legal aid to explain it. There is no shame in asking. The people who wrote it should be able to explain it simply.

Deciding together

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

Who must agree?

In Tonga, leases are granted by the Minister of Lands with Cabinet consent. Ask the Ministry exactly who must agree for your 'api or estate. Ask your land office exactly who must sign.

Include everyone

Women, young people, people with disabilities and family overseas 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

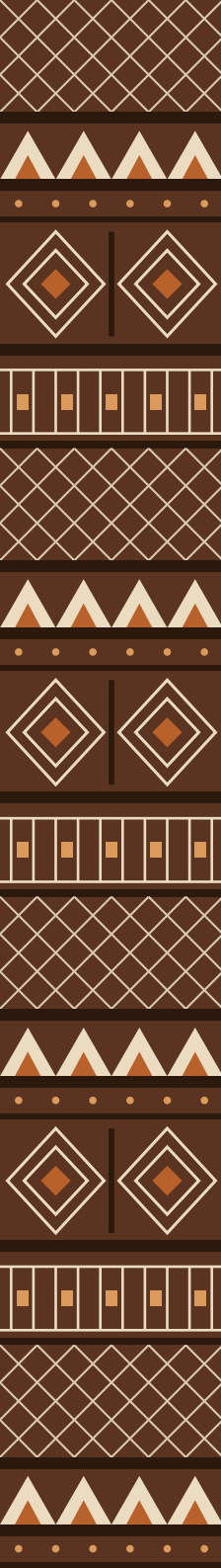
Agree how rent will be shared or used (school fees, a church, a family fund) before the money comes.

Use an interpreter

If the offer is in English, ask for the lease to be read and explained in your language.

It's okay to say no

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

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2

How land works in Tonga

In Tonga, all land belongs to the Crown and cannot be sold. Here is a short, sourced summary of how it works.

Laws change. Where we are not sure, we say “check with...”. Sources are listed on the page and at the back.

Tonga

Fonua

No sale

Constitution: land cannot be sold

≤ 99 yrs

leases need Cabinet consent

Register

every lease with the Minister of Lands

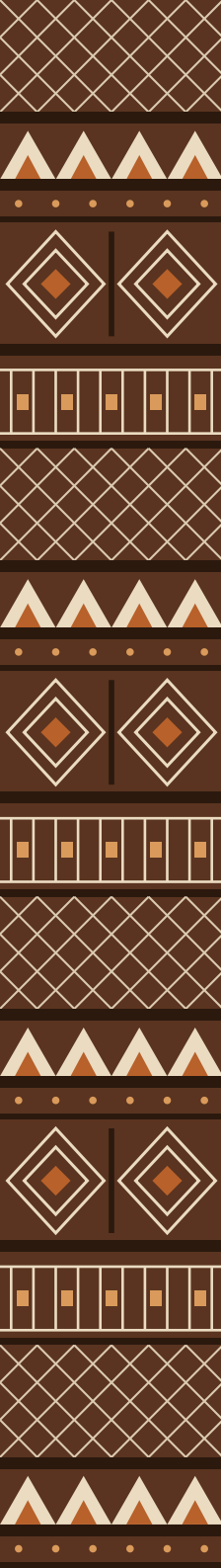
In Tonga, all land belongs to the Crown and is held as estates by nobles and as allotments ('api) by Tongan men under the Land Act. **Clause 104 of the Constitution** says land cannot be sold. It can only be **leased** or mortgaged.

Leases need the consent of **Cabinet** for terms of up to 99 years, and the **Privy Council** for longer terms (Constitution clauses 105 and 114). Under **clause 110**, every lease must be **registered** with the Minister of Lands. Under **section 19 of the Land Act**, the Minister grants leases with Cabinet consent.

- ◆ Before anything is signed, ask the Ministry of Lands whether a lease over your 'api or estate is allowed, and what rent is usual.
- ◆ Hereditary estates and town allotments can be leased for up to 99 years with Cabinet consent. Leases of tax allotments ('api tukuha) are shorter, up to 20 years. Check with the Ministry.
- ◆ Disputes over land go to the **Land Court**.
- ◆ Women's and heirs' rights under the Land Act are complex. Get advice on your family's situation.

Check with: **Ministry of Lands and Natural Resources**, Vuna Road, Nuku'alofa
 • +676 740 1301 • enquire@lands.gov.to • www.lands.gov.to

Sources: Constitution of Tonga cl 104, 105, 110, 114; Land Act s 19 via SPC PAFNet.

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3

Keep the land, grow the income

Leasing is only one option. Families across Tonga and the Pacific earn from their land while keeping it in their hands.

Ideas to talk about as a family, with places to start.

WHAT GROWS HERE

Crops and products with good demand

Many families already grow these. Better quality, processing and steady buyers can turn them into reliable income, with no lease needed.

TONGA

Kava (yaqona, ‘ava)

High value. Quality and drying matter, and buyers ask about variety and age. Kava export rules differ by country.

TONGA

Vanilla

Needs hand pollination and careful curing. Small plots can earn well.

GROWS ACROSS TONGA

Coconut

Virgin coconut oil, copra, coir, sugar and water. Old palms can be replanted in stages.

TONGA

Taro & root crops

Strong demand from families overseas. Frozen and processed taro can be exported.

GROWS ACROSS TONGA

Breadfruit

Flour and chips are gluten free. A tree crop that keeps giving for decades.

Before you plant: ask your agriculture office which crops suit your soil, island and climate, and which buyers are active. Planting a mix of crops spreads the risk from cyclones, pests and price drops.

ADD VALUE

Make it, brand it, sell it

Selling raw crops earns the least. Each step you add (drying, pressing, packing, a label with your village story) keeps more money in the family.

Value-added ideas

Coconut oil and soap, vanilla extract, cocoa nibs and chocolate, breadfruit flour, dried fruit, kava powder, tapa, mats and carvings.

Tell your story

“Grown on our family ‘api in Vava‘u” sells. Use a simple logo, photos of the land (not of people without permission) and honest labels.

Sell to the diaspora

Families overseas want home products. Use Facebook, Instagram, WhatsApp or a simple website, and relatives abroad as agents.

Start small, keep records

Test one product. Write down costs and sales. Grow once people come back for more.

Export and biosecurity: food, plants, seeds, wood and animal products need permits, and some are not allowed at all. Ask your **home biosecurity office** for an export certificate (contacts in Section 4). Check the rules of the **buying country** too: New Zealand (mpi.govt.nz), the United States (aphis.usda.gov) and Australia (Department of Agriculture’s BICON import database). Kava rules in particular change, so always check first.

Homestays and cultural tourism

Visitors want what money can't build: real village life, food from the 'umu, stories, weaving, fishing and church on Sunday.

Homestays & fale stays

A few simple rooms or fale, clean bathrooms, safe water and good food. Families can share the work and the income.

Experiences

Cooking classes, weaving, reef walks, guided hikes, planting a tree, or a day on the farm. These can be sold without building anything.

Licences & standards

You may need a licence, registration or declaration to host paying guests. See "Tourism or homestay" in Section 4.

Protect what is sacred

Agree as a family which places, stories and days are not for visitors. Write your village rules down for guests.

Keep control: you can work with a tour company *without* leasing your land, through a booking or commission agreement for a year or two. Review it before renewing.

Ask for a fairer lease

1 Shorter terms

Say 20 to 30 years with an option to renew on new terms, instead of 99 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.

Co-ops and certification

Co-operatives

Families pool crops to sell in bigger amounts, share a dryer or a truck, and bargain for better prices. Ask about co-operative support (see Section 4).

Producer groups

Even an informal group of farmers can share training, buyers and transport.

Organic certification

Many Pacific farms already use no chemicals. The Pacific Organic Standard and participatory guarantee systems (PGS) help small farmers get recognised. See **POETCom**.

Fair trade

Fairtrade certification can earn a better price and a premium for community projects. Usually done through a co-op. See **fairtradeanz.org**.

Grants, loans and support

Help changes often, so ask what is open now. Have a simple plan ready: what you will grow or make, how much it costs and who will buy it.

Development banks

National development banks lend to farmers and small businesses, often for longer terms (see Section 4).

Microfinance

Small loans for women and families, often in groups, e.g. **SPBD** in Samoa, Tonga, Fiji and Vanuatu.

Agriculture ministries

May offer seedlings, planting material, tools, training and extension officers.

Small business offices

Business training, mentoring and sometimes grants for small enterprises.

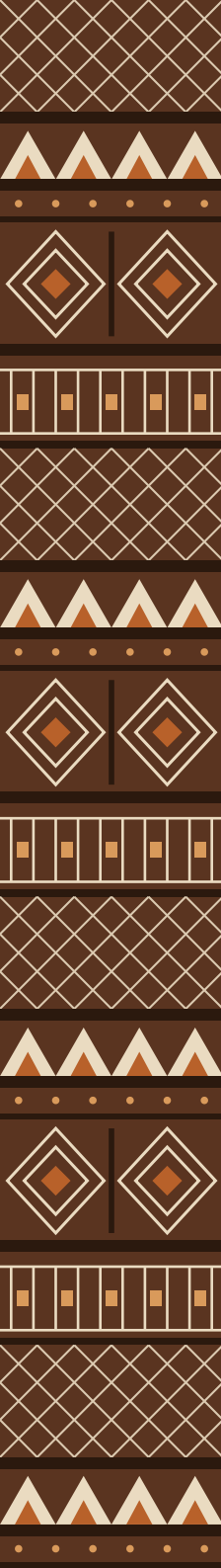
Regional programmes

SPC, Pacific Islands Trade & Invest, IFAD and FAO run programmes for farmers and exporters (page 26).

Church & community

Church groups, NGOs and the diaspora often fund village projects. Ask, and report back on results.

Careful with loans secured on land. If a loan is secured on a lease and isn't repaid, the lender may take the lease. Get advice first.

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4

Where to go for help

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

Every website was checked to load in October 2026. Phone numbers and offices are shown only where the official website lists them. If a number doesn’t work, use the website.

Tonga

I NEED HELP WITH

Is this lease offer fair?

Ministry of Lands & Natural Resources

Vuna Road, Nuku'alofa • +676 740 1301 •
enquire@lands.gov.to • lands.gov.to

I NEED HELP WITH

Free legal help

Legal aid

We could not confirm a free legal-aid service for land matters. The **Family Protection Legal Aid Centre** (next to the Magistrates' Court, Fasi) may help or refer you. Ask the Ministry of Lands too.

I NEED HELP WITH

Register or check a lease

Ministry of Lands & Natural Resources

All leases must be registered with the Minister of Lands • lands.gov.to

I NEED HELP WITH

Family / clan land dispute

Land Court

Hears land disputes. Decisions are published by the Attorney General's Office • ago.gov.to

Before you call or visit: have your lease, title or land reference number ready. Write down the date, the name of the person you spoke to, and what they said, and keep it in your land folder.

Tonga

I NEED HELP WITH

Start a farm or business

Ministry of Agriculture, Food & Forests

Advice, planting material and extension • maff.gov.to

Business Registries Office

Latai Estate, Fasi moe Afi • +676 7400 104 •

businessregistries.gov.to

I NEED HELP WITH

Export permits

MAFF Quarantine

Export inspection and certificates • maff.gov.to

I NEED HELP WITH

Loans & grants

Tonga Development Bank

Farm and small business loans • tdb.to

SPBD Tonga

(676) 844 0400 / 27 087

I NEED HELP WITH

Tourism or homestay licence

Tonga Tourism

Visitor accommodation information •

tongatourism.travel

Business licences

Business Registries Office •

businessregistries.gov.to

Investing with a partner? Invest Tonga explains the steps for foreign investors, which helps you know what they must do: investtonga.gov.to.

Regional help

SPC (Pacific Community)

Land, agriculture, biosecurity and fisheries science for the region.

spc.int

Pacific Islands Forum Secretariat

Suva · +679 331 2600 · Regional policy and trade.

forumsec.org

Pacific Islands Trade & Invest

Helps Pacific businesses export to Australia, NZ, Asia, Europe and the US.

pacifictradeinvest.com

POETCom

Pacific Organic Standard and participatory guarantee systems.

organicpasifika.net

Fairtrade Australia & NZ

Fairtrade certification for Pacific producers.

fairtradeanz.org

IFAD

UN fund investing in small farmers and rural families.

ifad.org

FAO Asia-Pacific

Food and agriculture programmes · FAO-RAP@fao.org

fao.org/asiapacific

SPBD Microfinance

Small loans for women, including in Tonga.

spbdmicrofinance.com

Regional bodies usually work through governments and organisations, not individual families. Start with your **national** office, then ask about regional programmes.

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 Ministry of Lands registration 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 Land board letters

All letters and emails to and from the land office, court or 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.

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_Lot12-Faleolo_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, island, district

Holder / heirs / family

Registry or lease number

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)

Land office 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 4).

- ☐ 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 our **land board or land office**.
- ☐ 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 land board or a lawyer before signing.

A note for the diaspora

Whether you are in Auckland, Brisbane, Salt Lake, Los Angeles or Honolulu, you can protect home land from far away.

You are an owner too

In most places, family members overseas keep their rights in family land. 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. 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

Mālō ‘aupito

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 land board or a lawyer before signing. Information was checked in October 2026, but laws and contacts change. Please confirm with the official office.

Sources & notes

Tonga land

Constitution of Tonga cl 104, 105, 110, 114 (constituteproject.org); Land Act s 19 (SPC PAFPNNet); Ministry of Lands and Natural Resources, lands.gov.to.

Help contacts

lands.gov.to; ago.gov.to; maff.gov.to; businessregistries.gov.to; tdb.to; tongatourism.travel; investtonga.gov.to.

Regional

spc.int; forumsec.org; pacifictradeinvest.com; organicpasifika.net; fairtradeanz.org; ifad.org; fao.org; spbdmicrofinance.com.

Websites and contact details were checked in October 2026. Some government sites were not loading at the time and are named without links. The rent example is an illustration only. Free to share; please don't sell it.