

On Friday 5th October 1979, your own constitution was signed and later came into effect on Wednesday 30th July 1980. The constitution provides for the basis for independence of Vanuatu. There is a constitution, there is independence.

Pursuant to Article 2 of the constitution, constitution is the supreme law of the Republic of Vanuatu. This supreme law includes matters of land in chapter 12 of the constitution

Land and identity to Land was one of the main reason for the independence of Vanuatu, so Indigenous citizen could have full rights of ownership over their customary land based on the rules of custom pursuant to Article 74 of the constitution.



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CUSTOM LAND MANAGEMENT OFFICE INFORMATION



Principle of the constitution on Land.

Chapter 12_Land

73: Land belongs to Custom owners.

All land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants.

74: Basis of ownership and use

The rules of custom shall form the basis of ownership and use of land in the Republic of Vanuatu.

75: Perpetual ownership

Only indigenous citizen of the Republic of Vanuatu who have acquired their land in accordance with a recognized system of land tenure shall have perpetual ownership of their land.

76: National Land law

Parliament, after consultation with the Malvatumaui council of chiefs, shall provide for the implementation of Article 73,74 and 75 in a National Land law and may make different provision for different categories of land, one of which shall be urban land.

77: Compensation

Parliament shall prescribe such criteria for the assessment of compensation and the manner of its payment as it deems appropriate to persons whose interests are adversely affected by legislation under this chapter.

78: Customary Institution to resolve land ownership and dispute.

- (1) Parliament by enactment shall formalize the recognition of appropriate customary institution or procedures to resolve land ownership or any dispute over custom land
- (2) Parliament may recognize an institution as a customary institution by enactment for the purpose of sub article (1)
- (3) Despite the provision of chapter 8 of the constitution, the final substantive decisions reached by customary institution or procedures in accordance with Article 74,after being recorded in writing, are binding in law and are not subject to appeal or any other form of review by any court of law.
- (4) Sub article (3) does not apply to any matter being referred to a court before the commencement of this amendment
- (5) Where consequent to the provisions of this chapter there is a dispute concerning the custom ownership of land the government may hold such land and manage it in the interests of disputing parties until the dispute is resolved.

79: Land Transaction

- (1) notwithstanding Article 73,74 and 75 land transaction between an indigenous citizen and either a non indigenous citizen or a non citizen shall only be permitted with the consent of government
- (2) The consent required under sub article (1) shall be given unless the transaction is prejudicial to the interest of
 - (a) the custom owners or owners of the land
 - (b) The indigenous citizen where he or she is no the custom owner
 - (c) The community in whose locality the land is situated or
 - (d) The Republic of Vanuatu

80: Government may own land

Notwithstanding Article 73and 74, the Government may own land acquired by it in the public interest

81: Redistribution of Land

- (1) notwithstanding Article 73 and 74, the government may buy land from custom owners for the purpose of transferring ownership of it to indigenous citizen or indigenous communities from over populated islands
- (2) When distributing land in accordance with sub article (1), the government shall give priority to ethnic,linguistic,customary and geographical ties.