



XXVII FIG CONGRESS

11-15 SEPTEMBER 2022
Warsaw, Poland

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How to Remedy the Problems Generated by Undivided Real Estate Inheritance to Improve Land and Property Management: the Case of French Polynesia (11426)

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Pacific Ocean

UNITED STATES

Sargasso Sea

Gulf of Mexico

MEXICO

CUBA

HAITI

PR (US)

GUATEMALA

NICARAGUA

Caribbean Sea

VENEZUELA

COLOMBIA

GUYANA

SURINAME

ECUADOR

PERU

BRAZIL

BOLIVIA

PARAGUAY

CHILE

URUGUAY

ARGENTINA

Philippine Sea

PHILIPPINES

Sulawesi Sea

INDONESIA

PAPUA NEW GUINEA

Timor Sea

Arafura Sea

Coral Sea

AUSTRALIA

Great Australian Bight

Tasman Sea

NEW ZEALAND

French Polynesia



French Polynesia

Polynésie Française



MARQUESAS ISLANDS

ÎLES MARQUISES

Hatutu
Elao
Nuku Hiva
Uahuka
Uapou
Hiva'oa
Tahuata
Motane
Fatu Hiva

TUAMOTU ARCHIPEL

ARCHIPELAGO DES TUAMOTU

DISAPPOINTMENT ISLANDS
ÎLES DU DÉSAPPOINTEMENT

Tepoto
Napuka
Pukapuka
Takaroa
Takapoto
Fangatau
Fakahina
Matahiva
Tikehau
Rangiroa
Arutua
Kaukura
Toau
Niau
Fakarava
Hitu
Tepoko
Marutea
Tahanea
Motutunga
Haraiki
Hikueru
Tauere
Tatakoto
Amanu
Hao
Akiaki
Vahitahi
Pukarua
Reao
Nengonengo
Manuhangi
Ahunui
Paraoa
Vairaatea
Nukutavake
Pinaki

LEeward GROUP

ÎLES SOUS-LE-VENT

Bellingshausen
Fenua Ura
Mopelia
Maupiti
Tahaa
Raiatea
Tupai
Bora Bora
Huahine
Tetiaroa
Maiao
MOOREA
TAHITI
Mehetia

SOCIETY ISLANDS

ÎLES DE LA SOCIÉTÉ

Maria
Rurutu
Rimatara

AUSTRAL ISLANDS

ÎLES AUSTRALES

Tubai
Raivavae

ACTAEON GROUPE

ISLANDS ACTÉON

Tureia
Tenararo
Vahanga
Maturei Vavao
Marutea
Maria

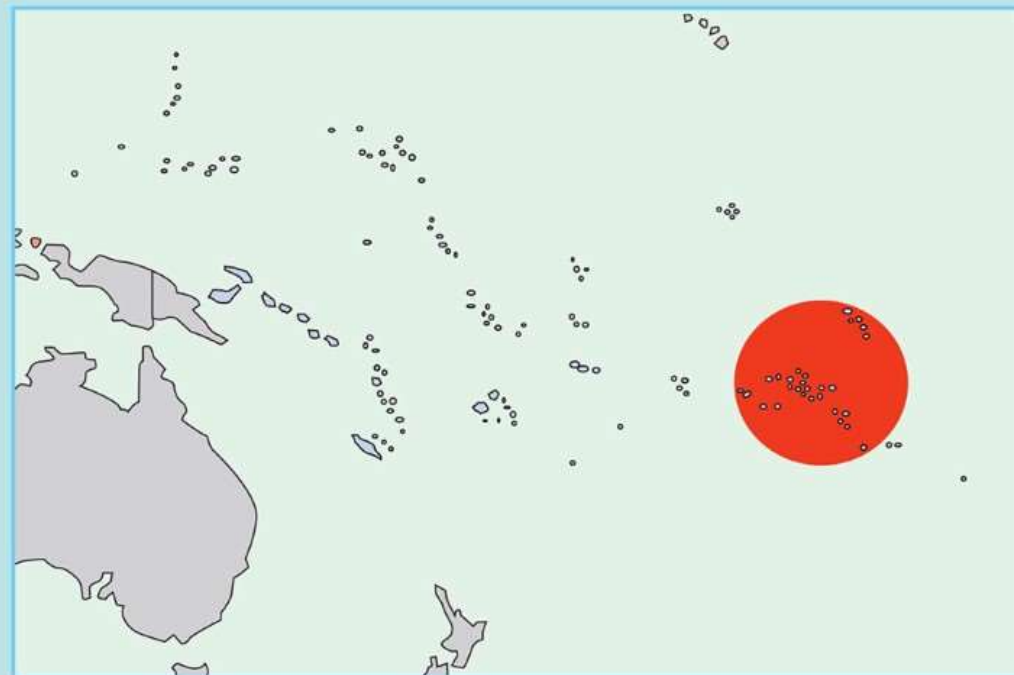
GAMBIER ISLANDS

ÎLES GAMBIER

Morane
Mangareva
Temoe

Rapa
Marotiri

0 Kilometres 500



Land Context in French Polynesia

- A culture and ancestral customs;
- A visceral attachment to the land;
- 80% of the land in joint ownership;
- A contradiction in the population's mind / Everyone wants to keep the land in joint ownership without sharing except that everyone wants to be the owner of his own land



Undivided Real Estate Inheritance

- Blockage of land for the economic development of the country as well as for individuals, as $\frac{3}{4}$ of undivided rights are required for the sale of land;
- Difficulty to know the owners as well as the land itself.
 - Identification of lands and heirs - incomplete real estate file - Origin of the right in 1852 for the oldest
 - Identification of owners - problem of the civil status of oral tradition: change of name, adoption without formalism...



How to handle the situation

Offering tools:

- To get out of Undivided Real Estate Inheritance;
- To manage Undivided Real Estate Inheritance.



Different proposals

Strengthening of the profession of probate genealogists

Strengthening the profession of notaries and surveyors with the contribution of the dematerialization of acts

Encourage the declaration of inheritance and transmission of patrimony by tax incentives

Strengthen the legal tools by a land code - extreme complication of the law due to the superposition of different sources between national law (French republic) and the law of the country (territorial autonomy)



Creation of a public interest grouping

- To draft a proposal for a law creating a Public Interest Group (GIP) for the reconstitution of property titles in French Polynesia,
- The objective of the GIP will be to facilitate the work of research for the establishment of title deeds,
- The GIP will accelerate the titling process of the Polynesians and at the same time, it will divert it from the legal system,
- Free titling process (supported by the country).



Creation of an act of notoriety titling

- The purpose of this title deed will be to title the undivided inheritors, without having recourse to a judicial procedure, but under the responsibility of a ministerial officer.
- Taking into account the conditions required to establish the act of notoriety title and the publicity measures of which it will be the object, it will constitute a non contestable right title.



Creation of the social trust as one of the methods of managing undivided interests

To establish a trust law specific to French Polynesia, one of the specificities of which will be to be open-ended.

To provide that the trust may manage a set of assets, rights or securities, present or future, without limitation.



Creation of a land information portal

Contribution of all the actors of the land (notary, surveyor, court decisions, land registry administration, local authorities....),

Publication of all professional acts (land plan acts, easement plan, cadastral plan, alignment);

Urban development and planning documents;

Single source of land information.



Rechercher une adresse

Mes Cartes

Une fois la carte centrée, saisissez un nom et cliquez sur **Ajouter** (+).
Étoile (☆) vous permet de définir la carte **par défaut** au chargement initial.

Nouveau +

Bora-Bora ☆ 🗄️

Nouveau ☆ 🗄️

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- Données
- Dossiers
- Parcelle
- Point
- DVF
- PPM
- Dessin
- Importer
- Partager





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Thank you for your attention



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