

WHAT IS LAND REGISTRATION?

Land registration is a process facilitated by governments to convert customary land into a commodity so that it can be traded. Once land has been commoditised, corporations can take over control and eventually, force people off the land. This process sits within a framework where government policy sees foreign direct investment and export orientated growth as aims without considering who benefits and who losses out.

Land Registration first fixes the boundaries between clan lands, which historically were often fluid and subject to change, it then takes the private information on where those boundaries are and makes it public. This is done through a process of surveying and mapping.

The process then goes further to identify the current custodians of the land, and records those details and also makes them publicly available. Using Incorporated Land Groups, a few nominated people are given the right to make decisions that bind the whole group.

The land is still 'customary land' but the historical protections are removed and this can be exploited by outsiders to remove the rights of the customary landholders or to move them off the land completely. The State suddenly takes a position of power over its people.

Once land is registered any dealings and disputes are subject to written laws, not customary law. This disempowers local

FURTHER READING

Land Registration: Too Dangerous to Touch
Available at <http://actnowpng.org/publications/reports>

Papua New Guinea's Real Economy
Available at <http://actnowpng.org/blog/blog-entry-papua-new-guineas-real-economy>

Framework for Assessing Compensation for the Wrongful Loss of Customary Land
Available at <http://actnowpng.org/publications/reports>

people by moving dispute settlement into the formal court process, far from local communities and with paid lawyers and laws written in a 'foreign language'.

Land registration also opens the door to corruption and illegal land deals, which are huge problems in PNG. The Department of Lands has been described by its own Minister as the most corrupt government department and there are numerous examples of collusion between public servants and corporations to grant unlawful access to both urban and rural land. The most egregious example is the SABL land grab involving more than 5 million hectares of customary land.

Land registration is based on the concept of "OWNERSHIP" by one person or group whereas with customary land we traditionally only have the concept of CUSTODIANSHIP OR 'CUSTODIAN OWNERSHIP' for the collective benefit of present and future generations. The Constitutional Planning Committee (CPC) specifically warned against the dangers of introducing concepts of ownership in its deliberations on customary land. Because of the dangers it saw as inherent in any land registration schemes, the CPC favored 'registration' only in very particular circumstances, where it would allow customary landowners to take back control of alienated plantation land or collectively organise and work their own land.

CUSTOMARY LAND LIES

Unlocking the truth about land registration

Customary land is intrinsic to the way of life and wellbeing of the seven million people in Papua New Guinea who live in vibrant rural communities on their own land.

Customary land provides 85% of the population of Papua New Guinea with food, housing and cash incomes and provides employment for over a million people

Customary land supports a huge economy worth an estimated K40 billion a year. This is more than five times the total value generated by the minerals, forestry and oil palm sectors.

Yet most of what we read and hear about customary land in the media paints a very different picture. This is because what is written is based on ideology not facts. That ideology wants to take customary land and put it into corporate hands; which will benefit the companies but disadvantage rural people.

This ideology has developed a series of myths that have been repeated so many times and are so rarely challenged they are now regarded as truths.

It is the duty of journalists and the media to challenge those myths and not to simply keep repeating them as if they are facts.

MYTHS ABOUT CUSTOMARY LAND

MYTH: Customary land is idle, undeveloped and is a wasted resource

The truth is customary land sustains the lives of 7 million people providing them with food, shelter and community. It also sustains a vibrant economy in garden foods, bush materials and handicrafts.

Taken together, customary land sustains an economy that is worth K40 billion a year to the people of Papua New Guinea. This 'hidden' economy is much larger than the 'formal' export economy.

MYTH: Customary land is an obstacle to development

Development in terms of decent health and education services, good communications networks and infrastructure is not reaching rural communities because of government corruption and mismanagement, it has nothing to do with customary land.

Indeed, customary land is the only thing saving rural communities from starvation and death.

MYTH: Customary land isolates people from development

People in rural areas are isolated from development because government revenues are wasted or stolen. There is too much money spent on infrastructure in Port Moresby to the detriment of rural people and it is estimated half the government's annual budget is stolen.

MYTH: Logging, oil palm, tuna canneries and other large-scale industries bring development

We know this is not true. You just have to visit the centres of our oil palm, logging and mining industries to see that the same promises of 'development' that are still being made today have proven to be false time and time again.

MYTH: Customary land is an asset with no value

Just because there is no market in customary land and valuers find it hard to put a price on it does not mean customary land has no value. Customary land can be valued economically for all the goods and services it currently provides

MYTH: Customary landholders must be empowered to develop [i.e. register and trade] their land

Rural people are already empowered and are living off their land. Decent agricultural extension services and better transport infrastructure are what they need so they can get even greater profits from their land.

MYTH: Land registration protects customary land

Customary land is safe and secure. Customary land cannot be sold and cannot be used as collateral for loans. Decisions can only be made by consensus by the whole landholding group. Incorporated Land Groups and Voluntary Land Registration takes power and control away from the group and gives it to selected individuals who can then sell or lease the land or give it to the banks.

FACTS ABOUT CUSTOMARY LAND

- Customary land is the biggest economic asset in Papua New Guinea.
- Customary land supports an economy worth K40 billion a year.
- Customary land supports 1 million families every day and provides at least 1 million adults with a job.
- Customary land is most productive and profitable if left in community hands
- The only thing saving people in rural areas from real poverty, hunger, starvation and death is THEIR land!
- Customary land is a safety net in times of natural disasters or economic hardship, and provides medicines and social security for the elderly.
- Customary land promotes social cohesion, a sense of self and community and makes people strong and self-reliant. Customary land supports an egalitarian and fair society where resources are shared.
- Land registration is the first step to land alienation and dispossession – land registration makes customary land unsafe and insecure.
- The best pathway for improving the lives of rural people is to ensure the protection of customary land and to provide good agriculture extension services.
- Land registration is ideologically driven by those who want to take control of customary land away from rural communities.