



NATIONAL LAND SUMMIT 2019

ISSUES, MAIN POINTS AND RESOLUTIONS



Customary Land is important to our customary landowners ("owners"), those that want to use customary land ("users"), and the State agencies that administer and regulate use and access to customary land ("regulators"). A consultative process was established for each party to participate and make contributions towards policy, law and administration of customary land in Papua New Guinea, with the intention to develop a policy, legal and administrative framework facilitating efficient utilisation of customary land for the benefit, first and foremost, of the customary land owners.

Dialogue has been involved and extensive, culminating in the three (3) day May 1-3 National Lands Summit 2019. We are happy to witness the discussion and receive the resolutions by all participants in the form of these 17 resolutions, which were first validated before being adopted;

Issues	Main Points	Adopted Resolutions
1. Landowner Identification	<ul style="list-style-type: none"> There should not be one single process for identifying landowners. 	<ul style="list-style-type: none"> Establishing a structured process for the identification of customary landowners is critical for the successful mobilisation of customary land for development. The legal and administrative framework for land owner identification should be flexible and allow for the use of existing social structures, traditional decision-making structures and administrative processes such as village courts, village councillors, land courts and NID.
2. Incorporated Land Group (ILGs)	<ul style="list-style-type: none"> There is no clear consensus on the usefulness of the ILG as a vehicle for mobilising customary land for development. 	<ul style="list-style-type: none"> The relevance of the ILG as a vehicle for mobilising customary land for development needs to be reviewed with the view to amend or repeal or repeal the ILG Act.
3. Voluntary Customary Land Registration (VCLR)	<ul style="list-style-type: none"> The VCLR process is long, costly and titles not bankable. 	<ul style="list-style-type: none"> The relevance of the VCLR process as a legal framework for mobilising customary land for development needs to be reviewed with the view to amend or repeal.
4. Benefit Sharing	<ul style="list-style-type: none"> A structured benefit sharing arrangement for incomes generated from the mobilisation of customary land for development is required. 	<ul style="list-style-type: none"> Develop a legal framework that guides the mobilisation of customary land for development and the distribution of the proceeds from the development.
5. Improving Efficiency in land administration within DLPP	<ul style="list-style-type: none"> Land is fundamental to nation building and yet is poorly understood and managed in PNG. Reforms into the systems and processes of land administration within the Department of Lands and Physical Planning (DLPP) is fundamental for the effective administration of land in the country. 	<ul style="list-style-type: none"> Elevate the status of the role of land in nation building by exploring options to elevate the status of the Department of Lands and Physical Planning to Central Agency level and establishing an independent agency to administer customary land. Reforms into the systems and processes of land administration within the DLPP must complement efforts to reform customary land tenure with the view to ensure credibility in the systems and processes that will facilitate and administer customary land.
6. Land Dispute Resolution	<ul style="list-style-type: none"> The systems and process for land dispute resolution requires a major overhaul because inefficiency in the systems and processes of land dispute settlement mechanism is frustrating customary land development. 	<ul style="list-style-type: none"> Review the systems and processes of land disputes settlement with the view to introduce efficiency as an integral part of customary land tenure reforms.
7. Improving Customary Land Registration	<ul style="list-style-type: none"> A new agency fully responsible for the administer of customaryland is required. 	<ul style="list-style-type: none"> Establish a new agency to administer customary land in PNG.
8. Special Agriculture Business Lease (SABLs)	<ul style="list-style-type: none"> SABL remains an issue that needs policy clarity and decision. 	<ul style="list-style-type: none"> Resolving the SABL issue in the light of the Commission of Inquiry will buy credibility to the customary land tenure reforms. Hence, a clear policy on the future of SABLs and what to do with the existing SABL titles is required. Furthermore, review the relevance of the SABL process within the context of the land tenure reforms.
9. Freehold Titles	<ul style="list-style-type: none"> There is increasing cases of abuse of freehold titles and the financial sector refusing to accept freehold titles a collateral for Mortgage. 	<ul style="list-style-type: none"> Reviewing the relevance of the Land Tenure Conversion Act within the spirit of the reforms to customary land tenure.
10. Conflicting land use and titles/ licences over the same piece of land	<ul style="list-style-type: none"> Issuance of conflicting land titles and or licence over the same parcel of land affecting the same people is a growing concern. 	<ul style="list-style-type: none"> Review the legal and administrative processes for the plan, use and grant of titles and or licenses with the view to have the systems and processes synchronised and harmonised.
11. Underwater lease/water ways	<ul style="list-style-type: none"> There is conflicting understanding and the application of law and processes dealing with the various rights (ownership, use and access rights) over under water leases and resources therein and water ways in PNG. 	<ul style="list-style-type: none"> Establish a process for policy dialogue and debate on the legal and customary interpretations and their applications with the view to develop clear policy, legal and administrative frameworks.
12. Integrating traditional urban villages into town planning/ Urban growth and expansion	<ul style="list-style-type: none"> The idea of integrating urban villages into urban planning is critical for the development of viable towns and cities in PNG. 	<ul style="list-style-type: none"> Establish policy and legal pathways for the integration of urban villages into towns and cities and as an integral part of customary land mobilisation.
13. Land Compensation	<ul style="list-style-type: none"> Land compensation claims cuts across alienated land, customary land used by utility service providers and the State, and land accessed by resource project developers. 	<ul style="list-style-type: none"> Establish a process for policy debate with the view to establish legal and administrative pathways for addressing each of these issues as part of customary land tenure reforms.
14. Legal vs Customary Rights ownership	<ul style="list-style-type: none"> Lack of proper land tenure administration and harmonisation of laws causing conflicts in rights and interest as to ownership, possession and use of land. 	<ul style="list-style-type: none"> Establish a clear policy dialogue process for public debate on the need for clarity and the harmonisation of laws dealing with legal vs customary ownership rights over minerals, Oil & Gas, sea, water ways (river systems), and alienated (State or Mission) owned land as a complementary process for the effective mobilisation of customary land for development.
15. Bankability of land titles	<ul style="list-style-type: none"> Security of land tenure with the view to ensure land titles are bankable is fundamental. 	<ul style="list-style-type: none"> Reforms into customary land must ensure security of tenure and bankability of titles
16. Economies of scale is fundamental	<ul style="list-style-type: none"> Absence of trunk infrastructure and high cost of developing trunk infrastructure. 	<ul style="list-style-type: none"> Reforms to customary land tenure must ensure scale land is mobilised for development given the high cost of trunk and infrastructure and complementary investments critical for making a project viable.
17. Complementary Policies	<ul style="list-style-type: none"> Need for incentivising the private sector to undertake investment in land. 	<ul style="list-style-type: none"> Complementary policies such as the introduction of a Tax Credit Scheme to scale projects such as the development of satellite and or major townships on customary land in cases where there are no trunk infrastructures should be considered.

The issues, main findings and resolutions will inform and guide the Government of Papua New Guinea to undertake policy, legal, and administrative reforms. This will encompass a whole of Government approach, involving several government departments and agencies: Department of National Planning and Monitoring, Department of Treasury, Department of Justice and Attorney General, Lands and Physical Planning and the National Research Institute. This will encompass a whole of Government approach, involving several government departments and agencies: Department of National Planning and Monitoring, Department of Treasury, Department of Justice and Attorney General, Lands and Physical Planning and the National Research Institute.

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