

CUSTOMARY LAND REGISTRATION TOO DANGEROUS TO TOUCH

1. Land is a Critical Issue

Land is a critical issue in Papua New Guinea and protection of all land is supposed to be guaranteed in the Constitution.

The Constitutional Planning Committee said:

- i) It is important we protect customary land rights to help build an equal/fair society;
- ii) Land rights and use of natural resources should be about TRUSTEESHIP rather than OWNERSHIP;
- iii) The use of land should be “strictly controlled” with only very limited interests allowed for foreign citizens.

2. Why Customary Land is Important

Customary land is not owned by individuals but held by families or clans in trust for future generations.

Customary land is our most important economic and social asset. This land not only feeds 7 million people every day, it also provides the materials for our homes, the means to earn cash incomes, and a social safety net.

In total, customary land supports an economy that is worth around K40 billion a year.

There are also very strong spiritual bonds that exist between people and their land and it sustains our cultural identity.

Customary land unites communities and makes people independent and strong.

3. What is Land Registration?

Land registration is a process, facilitated by governments, to convert customary land into a commodity so it can be traded and corporations can profit and people can be forced off their land.

Land registration is part of a government agenda that promotes foreign ownership and export growth without considering who benefits and who loses out.

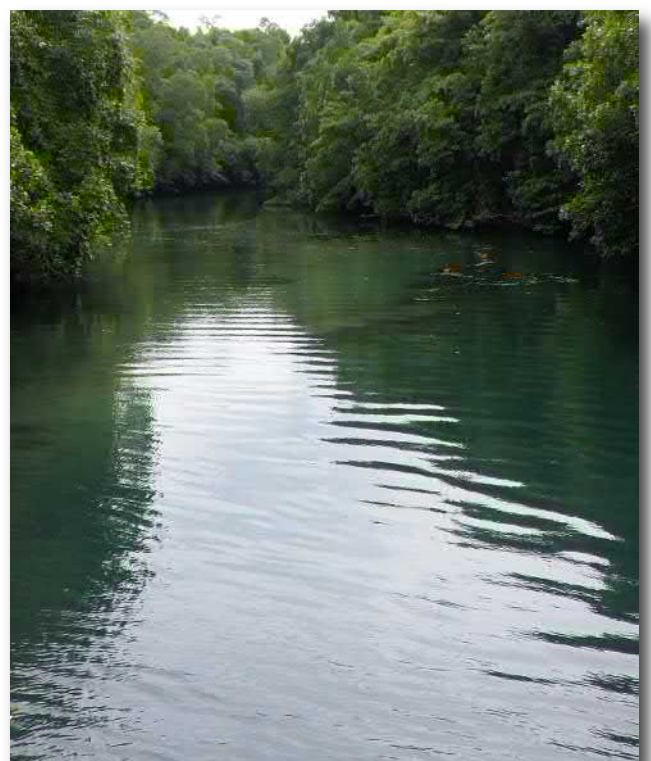
Land registration involves fixing the boundaries between clan lands; making the information on where those boundaries are public; and identifying and recording the current custodians of the land.

Once customary land is registered:

- i) It can be traded, bought and sold just like store goods;
- ii) Disputes are dealt with through formal court process;
- iii) The door is opened to corruption and illegal land deals (like the huge SABL land grab);
- iv) We lose the concept of custodianship or trusteeship and clan or community control and replace them with “OUTRIGHT OWNERSHIP” by one person or group.

4. Why is Land Registration Dangerous?

A. Land registration defeats all the National Goals in our Constitution. It makes people poorer, weak and dependent, and increases inequality and gender and social division while destroying our environment, culture and identity.



B. Land registration does not make economic sense for local people because their livelihoods and local economy largely depend on selling garden produce and cash crops planted on traditional land. It is estimated the real value of customary land when left in community hands is up to K40,000 per hectare per year.

C. Land registration will exacerbate land shortages amidst a rapidly growing rural population. Our communities are growing fast, making it even more important customary land stays in community hands.

D. Land registration destroys our rich culture. Our 'Melanesian Ways' and our 'PNG Ways', depend on our relationship with our land and nature. Land Registration cuts the link between people and their land, and undermines our culture and spirituality.

E. Land registration has led to corruption and mismanagement. It is well documented how big a problem corruption is in PNG and there are many examples of corrupt land deals. The State cannot be trusted to administer customary land.

5. The Way Forward on Land

Any government policies that advocate loss of land are fundamentally opposed to the rights and interests of rural people and the preservation of our own unique culture. The most pressing land issue that needs to be dealt with is the problem of maladministration, fraud and corruption in the existing management of State land and natural resources. The Government must:

1. Make the *National Goals and Directive Principles* in The Constitution justifiable, as proposed in 1985 in the *General Constitutional Review*.
2. Repeal the *Land Act* and the *Land Registration (Customary Land) Act* and dissolve the Department of Lands so we can start again to build a modern, effective system of land administration.

3. Recognise informal or customary leases which embody customary values and are often used where schools or churches are established on customary land. These are a better alternative to formal 'western-style' leases.

4. Enact new legislation that:

- Confirms customary land cannot be alienated; and
- Completely decentralizes all land administration and front-line adjudication to the Provinces and ensures proper resourcing.

5. Adequately resource Customary land adjudication.

6. Abolish the concept of Special Agriculture Business Leases.

7. Abolish both the National Housing Commission and the National Housing Estates Limited and establish a new, transparent and publicly accountable body to manage state housing and other State land and land assets.



Industries like coffee can support communities without requiring land registration