The land belongs to the customary landowners before the colonial time in Papua New Guinea. But since the colonial time the land was given to the state. The land has portion numbers. We are applying for the portions. We have the documents and we’ve written a letter to the lands department and the former governor of NCD. We expected something from the government but nothing has been done. It is for the improvement of this community that we secure land to settle (resident of ATS settlement, January 2013).¹

In the year 2000, the United Nations General Assembly with all the world governments’ representatives agreed that by the year 2015 poverty levels must be decreased to the lowest levels. How do you achieve that with people who cannot afford to make their own living? To equip them to achieve this goal, there is nothing better than land itself. Once you get land and the title, they can mortgage it to get loans from the bank and do something to start building their level up (resident of ATS settlement, January 2013).

¹ In order to assist with the clarity of the argument of this chapter, I have edited, summarised and translated interview transcripts while maintaining the meaning of the interviews and context. Where a particular word or phrase is important for the argument, I have kept these in their original form.
Introduction

These statements were made by two leaders of local institutions in the Air Transport Squadron (ATS) settlement in Port Moresby, the capital of Papua New Guinea (PNG) (see Figure 4.1). They reflect the myriad actors, value systems and processes that migrant settlers residing in ‘informal’ or ‘illegal’ settlements in Port Moresby must engage with to secure and legitimise their ‘informal’ occupancy over land. They also reflect the intersections between customary and neoliberal state ideologies of land and property. Many residents of the ATS settlement moved there after being excluded from the expensive housing and property market in Port Moresby. Many cannot afford to return home or prefer to remain in the city closer to services. This chapter examines their collective strategies to secure land as actors who occupy a place at the centre of the political economy of land in the city. As the ‘illegal’ or ‘informal’ occupants of land, their tenure is challenged by customary landowners, the state and private holders of state leases.

The chapter aims to contribute to an understanding of two growing areas of concern for Melanesia, namely (1) the urbanisation process, and (2) emerging land dynamics arising from increasing internal migration and population mobility. It will contribute to an emerging body of literature that explores urban land dynamics arising from internal migration by examining the ways in which residents of urban settlements collectively act in relation to both customary landowners and the state in an urban Melanesian context.

Urbanisation in the Pacific is a challenge for development in the region. It is estimated that around 26 per cent of the region’s population live in urban areas (Numbasa and Koczberski 2012; see also Chapter 2, this volume). PNG’s urban population is around 13 per cent of its total population (GoPNG 2010; Jones 2011). It is estimated that up to 50 per cent of PNG’s urban population lives in informal settlements (Connell 2011; Jones 2011; Numbasa and Koczberski 2012). Central to challenges of urbanisation in Melanesia is the shortage of available land for development and housing (Kidu 2002; Connell 2011; Chand and Yala 2012; Numbasa and Koczberski 2012). Housing problems faced by city

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2 The Air Transport Squadron compound of the PNG Defence Force is adjacent to the settlement. The settlement is referred to interchangeably as the ‘Oro ATS’, ‘ATS’, ‘Oro’, or ‘Popondetta’ (the urban centre of Oro Province) settlement.
dwellers are often the result of a prohibitive combination of inadequate supply of formal housing, financial incapacity, and difficult legal and regulatory processes, leading many to take up residence in settlements. Pre-existing claims on settlement land mean that the threat of eviction is a major risk to settlers’ livelihoods and well-being.

Figure 4.1 Map of Port Moresby, 2013, showing location of ATS settlement.
Source: CartoGIS, The Australian National University.

Historical factors that shaped Port Moresby’s contemporary housing problems involved the spatial stratification of houses and residential areas around expatriate administrators, their national employees, low-cost housing, self-help housing for national workers, and settlement
schemes for incoming migrants. In this context, housing was usually provided by employers at a highly subsidised rate. The market price of existing formal residential housing was most often beyond the financial capacity of migrants (Langmore and Oram 1970; Oram 1976; Stretton 1979; Goddard 2005: 21–32; Numbasa and Koczberski 2012; Webster et al. 2016). Between 1985 and 2010, the increasing commercial value of land has meant that formal housing allocation has evolved into a high-priced market stimulated by broader economic activity in the extractive industry sector (Tables 4.1 and 4.2). Private companies and higher-level government positions continue to offer housing as an incentive to attract the most skilled Papua New Guineans, but for most Port Moresby residents, this situation means that housing is unaffordable. Moreover, the increased land value and high property prices have also attracted property developers interested in investing capital in the city, and this is seen in the increase in investment-style properties being advertised in the city (Rooney 2015) (Table 4.3).

Table 4.1 Weekly rental costs for two- and three-bedroom houses in different suburbs of Port Moresby (in PNG kina, at constant 2010 prices), 1985–2010.

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</thead>
<tbody>
<tr>
<td>Boroko, Korobosea,</td>
<td>3,346</td>
<td>2,796</td>
<td>2,603</td>
<td>1,785</td>
<td>950</td>
<td>4,000</td>
</tr>
<tr>
<td>Gordons, Gordons 5</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>797</td>
<td>1,048</td>
<td>651</td>
<td>470</td>
<td>380</td>
<td>650</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Average</td>
<td>1,779</td>
<td>1,934</td>
<td>1,281</td>
<td>906</td>
<td>691</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>June Valley, Ensisi,</td>
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<td></td>
<td></td>
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<tr>
<td>Morata, Rainbow</td>
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<tr>
<td>Estate</td>
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<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>608</td>
<td>517</td>
<td>325</td>
<td>282</td>
<td>380</td>
<td>550</td>
</tr>
<tr>
<td>Minimum</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Average</td>
<td>1,151</td>
<td>1,011</td>
<td>857</td>
<td>677</td>
<td>443</td>
<td>802</td>
</tr>
<tr>
<td>Downtown Port Moresby</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>n.a.</td>
<td>4,310</td>
<td>4,554</td>
<td>2,630</td>
<td>2,532</td>
<td>7,500</td>
</tr>
<tr>
<td>Minimum</td>
<td>n.a.</td>
<td>643</td>
<td>813</td>
<td>650</td>
<td>570</td>
<td>1,500</td>
</tr>
<tr>
<td>Average</td>
<td>n.a.</td>
<td>2,224</td>
<td>1,914</td>
<td>1,634</td>
<td>1,354</td>
<td>3,579</td>
</tr>
</tbody>
</table>

Source: Rooney 2015, based on Post-Courier newspaper advertisements published in June each year.
Table 4.2 Sale prices for two- and three-bedroom houses in different suburbs of Port Moresby (in PNG kina, at constant 2010 prices), 1985–2010.

<table>
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<tbody>
<tr>
<td>Boroko, Korobosea, Gordons, Gordons 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>760,393</td>
<td>671,023</td>
<td>487,976</td>
<td>657,511</td>
<td>443,166</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Minimum</td>
<td>425,820</td>
<td>326,192</td>
<td>146,393</td>
<td>65,751</td>
<td>341,871</td>
<td>380,000</td>
</tr>
<tr>
<td>Average</td>
<td>554,001</td>
<td>450,501</td>
<td>366,999</td>
<td>358,479</td>
<td>389,353</td>
<td>1,147,692</td>
</tr>
<tr>
<td>Hohola, Gerehu, Waigani, Tokarara, June Valley, Ensisi, Morata, Rainbow Estate</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>547,483</td>
<td>121,157</td>
<td>211,456</td>
<td>356,934</td>
<td>443,166</td>
<td>750,000</td>
</tr>
<tr>
<td>Minimum</td>
<td>91,247</td>
<td>116,497</td>
<td>32,532</td>
<td>56,358</td>
<td>291,223</td>
<td>175,000</td>
</tr>
<tr>
<td>Average</td>
<td>268,875</td>
<td>118,827</td>
<td>94,003</td>
<td>138,051</td>
<td>367,194</td>
<td>424,654</td>
</tr>
<tr>
<td>Downtown Port Moresby</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>669,146</td>
<td>1,048,473</td>
<td>1,138,612</td>
<td>1,221,092</td>
<td>1,202,879</td>
<td>4,000,000</td>
</tr>
<tr>
<td>Minimum</td>
<td>669,146</td>
<td>838,778</td>
<td>422,913</td>
<td>469,651</td>
<td>1,076,260</td>
<td>2,800,000</td>
</tr>
<tr>
<td>Average</td>
<td>669,146</td>
<td>996,049</td>
<td>817,941</td>
<td>653,989</td>
<td>1,139,569</td>
<td>3,100,000</td>
</tr>
</tbody>
</table>

Source: Rooney 2015, based on Post-Courier newspaper advertisements published in June each year.

Note: 2005 figures for Downtown Port Moresby derived from advertisements published in August 2005.

Table 4.3 Sale prices of investment-style properties (in PNG kina, at constant 2010 prices), 1985–2010.

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>1,520,786</td>
<td>2,562,933</td>
<td>341,583</td>
<td>4,320,786</td>
<td>1,899,282</td>
<td>7,500,000</td>
</tr>
<tr>
<td>Minimum</td>
<td>316,324</td>
<td>279,593</td>
<td>123,621</td>
<td>216,039</td>
<td>215,252</td>
<td>230,000</td>
</tr>
<tr>
<td>Average</td>
<td>809,927</td>
<td>1,149,437</td>
<td>214,710</td>
<td>1,129,823</td>
<td>700,360</td>
<td>1,825,654</td>
</tr>
</tbody>
</table>

Source: Rooney 2015, based on Post-Courier newspaper advertisements published in June each year.

Note: 2005 figures are derived from advertisements published in August 2005.

By opting to reside in informal and low-cost land tenure and housing arrangements, evoking their shared history and engaging with their intimate network of kinship relations, residents of informal settlements are able to reposition themselves from a point of being excluded from the prohibitively expensive land and housing market into one of inclusion—albeit contested—in a settlement context. This contested inclusion provides an illustration of Hall, Hirsch and Li’s (2011) framing of exclusion that focuses on access—rather than inclusion—as the opposite of exclusion. They argue that the exclusionary powers of force, regulation,
legitimation and markets work to exclude some while enabling others to have access to land. Thus, exclusion from expensive formal housing leads to people seeking inclusion in informal settlements, but this inclusion also comes at the expense of excluding others. In the face of threats by prior claimants to dispossess them of the land they currently possess, migrants residing in Port Moresby’s informal settlements need to legitimate their occupancy of the land or counter these threats by excluding others’ claims on, and access to, the same land. The collective strategies of residents of Port Moresby’s settlements demonstrate an inherent capacity to negotiate and create systems of land tenure and access that meet their needs (Hall et al. 2011: 8).

This contested inclusion also provides new insights into the discourse on urban land in Melanesia, which tends to focus on juxtaposing customary landowners with an array of ‘other’ actors whose counter-claims are the result of pre-colonial and colonial history, urbanisation, population growth and commercial interests. These actors include customary landowners, the state, property developers and migrants. A key challenge for policy makers, then, is negotiating with customary landowners to allow more of their land to be made available for urban development, while ensuring that their traditional rights are protected and that they benefit equitably from the use of their land (Barter 2002; Kidu 2002; Koczberski 2002; Nolan and Abani 2002; Pai and Sinne 2002; Chand and Yala 2008, 2012; GoPNG 2010; Jones 2011: 94; Numbasa and Koczberski 2012).

There is a growing body of Pacific literature that examines how migrant settlers engage with customary landowners in relation to accessing and maintaining tenure. In the context of Port Moresby, Chand and Yala (2008, 2012) have undertaken a study looking at informal arrangements for land access in settlements. Others have examined this issue in the oil palm growing regions of PNG and Solomon Islands, looking at the ways in which migrant settlers and customary landowners use adaptive strategies to create avenues for mutually beneficial land transactions (Koczberski and Curry 2004, 2005, 2009; Koczberski et al. 2009, 2012; Allen 2012; see also Chapter 5, this volume). Koczberski and Numbasa (2012) have looked at migrant access and maintenance of tenure in the urban setting of Wewak (PNG) (see also Chapter 5, this volume). Martin (2013) describes the shifting ways in which people in East New Britain (PNG) apply, in varying degrees, both custom and Western notions of exchange and reciprocity to land transactions. Thornton and colleagues
4. ‘THERE’S NOTHING BETTER THAN LAND’

(2013) examine social change and increasing urban landlessness in Samoa. Much of this literature focuses on relationships between migrant settlers and customary landowners, with less attention being paid to the ways in which migrant settlers engage with both customary landowners and state and legal processes. Through a gendered lens, and in the context of Solomon Islands, Monson (2010, 2012) explores the role of customary normative processes and legal and state systems of negotiating land and property in delimiting the ‘voices’ of important stakeholders, such as women, in land discourses relating to disputes between customary landowners and migrant settlers (see also Chapter 13, this volume).

In the introduction to this volume, the authors adopt a broader definition of alienation that situates customary landowners in both the Melanesian ideology of landownership as well as in formal legal contexts. This definition provides a frame for this chapter to discuss how migrants residing in Port Moresby’s informal settlements engage with both customary landowners and the state in Melanesian relational terms and formal legalised ways.

After describing the fieldwork and data, the chapter presents the nature of the contestation over the land that the ATS settlement. It then briefly maps the historical geography of the land area in this settlement to illustrate the multiple claims on it. It then examines various strategies that residents of this settlement deploy to secure their collective access to land. The conclusion discusses the key findings and policy implications.

**Fieldwork and Data**

The fieldwork for this research was conducted in the ATS settlement over the period from December 2012 to June 2013. The settlement is primarily made up of people who come from PNG’s Oro Province. During the fieldwork, over 50 formal interviews were conducted with members of the ATS community, key informants and representatives of local institutions. Interviews were also conducted with representatives of other institutions in Port Moresby such as international agencies, non-governmental organisations, the Governor of the National Capital District (NCD), and other residents of Port Moresby. Further data was obtained from the Department of Lands, the National Mapping Bureau, and media reports. A household socio-economic and demographic survey was conducted with 32 households from one particular ethnic group.
The interviewees were members of the household who knew detailed information about the household. The interviews were loosely structured and conducted as conversations lasting anywhere from 45 minutes to two hours. They focused on six themes: (1) household demographic data; (2) household characteristics; (3) incomes, employment and livelihoods; (4) accessing land in the settlement; (5) main risks or threats to livelihoods affecting the community; and (6) social relations within the settlement, in Port Moresby, in people’s village of origin and beyond. Apart from the formal interviews, I interacted socially and often, both with people I interviewed and with others, over the fieldwork period. I also draw on my experiences and observations as a long-term resident of Port Moresby to inform my insights and analysis.

Contested Urban Land

In January 2015, more than 18 months since I had completed my fieldwork in the settlement, the land there had escalated to become the subject of a national parliamentary debate. While this issue has attracted media attention for many years, recent developments in Port Moresby have intensified land debates. Developments include a rapidly increasing population, soaring property prices, increased traffic, and a multimillion dollar schedule of road and building construction to host the 2015 South Pacific Games and the 2018 Asia-Pacific Economic Cooperation meeting. In 2014, NCD Governor Powes Parkop announced in the media that the evictions of settlers would increase to make way for new roads (Martin 2014). In this context, in October 2014, and in response to questions about the status of land in the ATS area, the Minister for Lands is reported to have made the following statement on the floor of Parliament:

‘Let me give the status of land at ATS … The portions … 693 up to 698, all of them have titles to them. Leases have been given from 1964 up to 2008,’ Mr Allan said.

‘And our people out there are illegally living on these portions however, looking at time and some of these titles. Some title holders have taken time to develop and we will look at the issuance of these titles.’ (Anon. 2014a)
In November 2014, a Member of the Opposition, Sam Basil, posted a message to his Facebook page to say that he had presented a petition on the floor of Parliament on behalf of the residents of the ATS settlement. The petition asked the government to reconsider granting titles over the land portions in the area to a private company, and instead to consider granting the land to the residents for legal settlement (Basil 2014).

Around this time, customary landowners, who had long been raising the matter in the media, also challenged the residents of the ATS settlement:

- not to mislead the State on the initial arrangement for their permanent settlement.

Clan chairman and spokesman William Tokana said the State, especially Lands and Physical Planning Minister Benny Allan and Moresby Northeast MP Labi Amaiу should be properly briefed on the history of ATS and land portion 698.

He said this portion was handed over by the customary landowners to Oro settlers as a goodwill gesture through intervention by then prime minister Bill Skate and then NCD governor Philip Taku (Anon. 2014b).

In this statement, the clan spokesman clarified that the original arrangement by which land was allocated to Oro settlers involved only Portion 698. However, over time the settlement has extended well beyond the boundary of Portion 698 (see Figure 4.2), and the recent land contestation involves other parcels of land as well.

It is evident that the residents of the ATS settlement are situated at the frontier of Port Moresby’s expanding sprawl. Given their physical possession of the land, they are also at the centre of the contestation between the state, private leaseholders, and customary landowners. The escalation of the matter to the level of a parliamentary petition and debate, and the associated public discussion through the media, illustrates the highly contested commercial and moral values at stake. The rest of this chapter examines the multiple ways that residents of the settlement have gone about securing their tenure over the land.
History of Port Moresby Land

Customary Landowners

When I asked research participants the question, ‘Who are the customary landowners of this area?’, the general response was, ‘the Dubara clan (of Hanuabada)’. Understanding the contemporary issues that residents of the ATS settlement face thus requires situating them in the historical
context of land in Port Moresby. When the area was first visited by
Europeans in 1873, the largest indigenous settlement was called
Hanuabada (literally ‘Big Village’), which was actually made up of five
villages and two distinct ethnic groups—the Motu and the Koita (or
Koitapu [sic]) people (Belshaw 1957: 11–12; Oram 1976: 11; Groves
2011: 3–9). The villages were Hohodae (Koita), Poreporena (Motu),
Tanobada (Motu), Guriu (Koita) and Elevala (Motu) (Belshaw 1957;
Gregory 1980, 1982). While there are variations in the history of these
two groups of people, there is general consensus that the Motuans were
the original coastal people, while the Koita came from the hills inland,
but they have live together along the coastline of what is now Port
Moresby for generations. Reflecting this long and shared history, the Motu
and Koita people together are now known as the Motu Koitabu people
and live within and beyond the boundary of the city as it is known today.

Though culturally distinct, the two groups have similar forms of social
organisation (Belshaw 1957: 12; Oram 1976: 4). Each of the villages was
divided into named *iduhu*, which were the basic residential and social
units based on common descent. Each *iduhu* had several lines of houses
built over the sea. Houses on the left (or eastern) side were called *laurina*
and houses on the right (or western) side were called *idibana* (Belshaw
1957: 13). In Hohodae village, the main *iduhu* were known as Taurama,
Geakone and Dubara (ibid.: 13). The ‘Dubara clan’ that the ATS settlers
refer to consists of the descendants of the Dubara *iduhu* of Hohodae
village. Of importance for understanding the contemporary dynamics
of land in Port Moresby is the fact that *iduhu* may split for a number
of reasons, such as conflict or marriage, and an affected person or group
may move and reside elsewhere (Belshaw 1957: 13; Bramell 1960;
Groves 2011: 24–5). This means that ‘clans’ may have several branches
residing in different areas, but with land claims similar to those held by
their Hanuabada-based kin (Belshaw 1957; Oram 1976; Goddard 2005;
Groves 2011). Furthermore, although the inheritance of land in Motu
Koitabu tradition is theoretically patrilineal, land may be transferred to
or through women in certain circumstances and within local customs and
practices (Belshaw 1957: 27–30; Bramell 1960).
Commoditisation of Land

Europeans started buying land from indigenous people in 1884, when the southern part of the island of New Guinea was declared a Protectorate of the British government (Oram 1976: 22). The Administration began buying land for Crown purposes, and by 1889, as part of planning the town of Port Moresby, land was being bought, surveyed and divided into quarter-acre blocks, then subdivided into sections and allotments (ibid.: 1976: 25–6). Over the period from 1883 to 1974, increasing tracts of Motu and Koita land were bought. The legal framework evolved to accommodate the Administration’s increasing need for land. The initial policy was that Europeans were only allowed to buy ‘waste and vacant’ land, provided this did not impede the access rights of the indigenous population (ibid.: 24). By 1906, the Land Ordinance was enacted, giving the Administration powers to compulsorily buy land for public purposes (ibid.: 25). In 1956, a proposal that all Port Moresby land should be purchased did not succeed, although the Administration insisted that indigenous landholders had a ‘moral obligation to make their land available for development’ (ibid.: 175). By 1974, only one fifth of the land within the Port Moresby town boundaries remained under customary tenure.

Indigenous landowners increasingly showed signs of resentment and reluctance to sell their land, and by the 1960s, land shortage was evident. The threat to their subsistence livelihoods as a result of loss of land remains a key issue for indigenous people. As time progressed, there was increasing awareness of the long-term value of land as a means of earning cash returns (Oram 1976: 177). However, by the 1960s, the area where the ATS settlement is located was all Crown land (ibid.: 178), and by the 1980s, all the land portions in the area had been purchased by private leaseholders (see Figure 4.2).

Land Groups Incorporation Act

While this history shows that land in Port Moresby has been gradually subsumed into a commoditised market and transacted under conveyancing laws for over 100 years, increasingly marginalised customary landowners continue to assert their claims through legal instruments such as the Land Groups Incorporation Act (LGIA). The LGIA was enacted at the time of Independence in order to legalise notions of indigenous land management (Filer 2007). However, despite the noble intention to incorporate customary groups into formal land tenure regimes in order
for them to realise the economic benefits of their land, the LGIA has been problematic in its application (Filer 1997, 2006, 2007; Jorgensen 2007). Such attempts to use formal legal frameworks to integrate customary land into modern economic and legal systems are discussed by McDonnell (2013), in the broader Pacific context, as instances of the ‘cultural power of law’ in redefining cultural and customary identities. In 2009, the LGIA was amended to enable more stringent requirements to be imposed on group membership, land boundaries, areas of dispute, management committees, annual general meetings (with 60 per cent quorums), bank accounts, registers of members and codes of conduct (Tararia and Ogle 2010: 22–3).

In the next sections, I explore how this historical and legal context, in which the ATS settlement was established in the mid-1990s, continues to have a bearing on the way that the resident navigate the land challenges that confront them.

**Collective Strategies for Securing Urban Land**

**Engaging with Customary Landowners**

Many urban settlements are formed around ethnic, provincial or regional groups (Gewertz and Errington 1999; Koczberski and Curry 2004; see also Chapters 2 and 3, this volume), involving people who have a shared history that acts as a glue for identifying criteria for inclusion in the settlement (Langmore and Oram 1970; Gewertz and Errington 1999; Barber 2003, 2010; Goddard 2005; Chand and Yala 2008; Numbasa and Koczberski 2012; Sharp et al. 2015). Similarly, the narratives of residents of the ATS settlement whom I interviewed indicate a collective effort to secure land, by people who originated from Oro Province, with both customary landowners and the state. In the mid-1990s, leaders of the Oro Province community living in Port Moresby started to look for land to form a settlement. As discussed by Koczberski and Curry (2004) and Bashkow (2006), the Oro Province ‘identity’ has been in the making for some time, and this would have helped to enable collective action (Rooney forthcoming).
It is not only the dichotomy between customary and state claims on the land that settlers face; they must also navigate the dynamics of customary landowners who are increasingly demanding their share of the developments on their land. Given the current contestation over the land, the prior claims of customary landowners, and the fact that, during my research, it was very difficult to obtain any written documents pertaining to the original agreement reached to establish the settlement, it is hard to reconstruct some parts of its history. This section of the chapter relies on data from interviews, incorporated land group (ILG) records, other Lands Department records, media reports, court documents and consultations with a number of key informants. The main purpose here is to demonstrate the deployment of an Oro Province identity as a collective strategy to secure urban land, and how this strategy has changed over time from an emphasis on provincial identity towards positioning themselves as citizens.

Prominent in people’s recollections of how the settlement land was accessed was the story of friendships between several Oro men living in the city and members of the Dubara clan. In 1995, negotiations between these men and the Dubara clan members culminated in an agreement for Oro people to settle on Portion 698 (Figures 4.1 and 4.2). Oro leaders also liaised with the then NCD Governor, Bill Skate, and Member for Moresby North-East, Philip Taku, to allow them to settle on this same land. In order to facilitate this process and to manage the movement of Oro people into the new settlement, the Oro leaders formed the Oro Community Development Association (OCDA). Its inaugural executive members included Jerry Asina and Joel Sanata, who still feature prominently in people’s recollections of the early days of the settlement and in media reports.

A key figure in this history is the late Maso Henao, who was a prominent female member of the Dubara clan and the mother of William Tokana, the current clan chairman and spokesman who features in most of the recent media reports. Many people I spoke with recounted that it was Maso Henao who granted the Oro leaders permission to settle on Portion 698. However, in the land group records for the Dubara clan

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3 Given the focus of this chapter on the importance of social relationships in the strategies of settlers, I have decided to use the real names of the key actors involved in the history of the ATS settlement, as they are already used in the public domain due to media coverage of issues in the settlement for a number of years.
of Hohodae, Hanuabada, members of the clan question Maso Henao’s role in decisions over land. This is despite the same records also indicating that she had been granted customary rights over the land at the ATS settlement because of her commitment to pursuing the rights of landowners. This occurred even though the land had been state land for many years. To underscore customary landowners’ connection with the land in question, Portion 698 contains the burial site of a number of the members of the Dubara clan (see Figure 4.3). Indeed, many residents of the settlement recall Henao in their stories of the history of the settlement, and several recalled attending her funeral in the settlement at Portion 698. People also recollected engaging with customary landowners by contributing funds towards, and participating in, customary events in practices similar to those described by a number of other authors (Koczberski and Curry 2004, 2005, 2009; Chand and Yala 2008, 2012, Koczberski et al. 2009, 2012; Monson 2010; Allen 2012; Numbasa and Koczberski 2012).

Figure 4.3 Cemetery of customary landowners on Portion 698, with Maso Henao’s grave in the centre of the picture.
Source: Photograph by author.
On the other hand, reflecting the complexity of customary landowner identification in PNG, a few people I interviewed expressed uncertainty on this score. For example, when I asked another person if he was still in touch with the Dubara clan, he responded that the customary landowners used to:

come up here and pick up some collection [for customary events].
But not these days. We knew that they were illegally collecting fees for their problems (Luke, ATS settlement, April 2013).

The statement that customary landowners were ‘illegally collecting fees’ suggests uncertainty about their claims to the land. As the history of land in Port Moresby illustrates, fissions in the customary landowning clan over the years, as well as gradual appropriation of land by colonial administrators, have contributed to this uncertainty about who are the rightful owners of the land.

This is also evident in the ILG records for Port Moresby. A search of the ILG register in the Lands Department showed that the ‘Dubara clan’ had two registered ILGs. The land mediation records in the files indicate that there was a split in the Dubara iduhu that resulted in one group relocating from Hanuabada village to Kirakira village. The latter group is registered as ‘Dubara of Kirakira’, while the former is registered as ‘Dubara of Hohodae, Hanuabada’. This situation explains some of the uncertainty among residents of the settlement. For example, in a 2005 meeting, the chairman of the Dubara of Kirakira ILG noted that:

[W]ith regard to the land issue with the settlers of ATS settlement. He informed the members [of the ILG] that the settlers have raised a total of (K25,000.00) Twenty-Five Thousand Kina as requested … As the settlers are unsure as to who is the real owner of the land on which the settlement is located, they have withheld the money and have contacted [representatives of the ILG] to discuss the landownership matter with the Dubara Idibana Clan of Kira Kira.

The ILG records reveal that there was a long-standing dispute between these two groups over land around the ATS area, and land mediation was ongoing. In addition, there is a long-standing and public attempt by both groups to reclaim land or claim compensation from the state for the use of their land. The land area at the centre of this dispute includes Jacksons International Airport, which is located near the ATS settlement (see Figures 4.1 and 4.2). More recently, the media reported that another
clan—the Iarogaha clan of Korobosea—was claiming ownership of the airport land (Anon. 2015), but it is not clear from the report if this clan was also claiming land in the ATS settlement area.

This historical narrative has been complicated by demographic changes, population growth and the increased land value around the settlement. Over the years, the population of the ATS settlement has grown substantially. In 2013 it was estimated that there were between 7,000 and 10,000 people now living in this area (Rooney forthcoming). The settlement is still known as ATS but now extends well beyond Portion 698 (Figure 4.2).

**Patrilineal Ideologies and Inclusion**

While the ATS settlement has a strong Oro Province identity and history, things are far more complicated. The social relationships that underpin the settlement’s Oro identity draw on the common provincial background of its residents, and include shared histories of education, church, kinship and employment networks. As many of the settlement’s residents moved there from formal zones, and still have close kin living in other areas of Port Moresby, this shared Oro Province identity predates the establishment of the settlement, and is mutually constituted by those living outside and inside the settlement.

Within the settlement, it is very clear that the population is mixed in both ethnic and socio-economic terms. Interspersed throughout the settlement, and intermarrying with people from Oro Province, are people from all over the country. There are large subsets of the population who could easily be regarded as having their own distinct settlements. For example, there is a large ‘Samarai’ (Milne Bay Province) block and a ‘Goroka’ (Eastern Highlands Province) block.

Those who primarily identified with the OCDA explained the principles by which land is allocated as being based on an Oro identity. As a general rule, originally, newcomers to the settlement arrived under the rubric of the OCDA. The OCDA charged an application fee and annual membership fee. In theory, the application fee was stratified, with men from Oro Province paying the lowest fee regardless of where their spouse came from. Higher fees were charged to non-Oro Province people, or outsiders, including Oro Province women married to outsider men. Upon establishing residency in the settlement, an annual membership fee
of K30 was charged. This ‘theoretical’ emphasis on patrilineal principles of allocating land resonates with the ‘patrilineal ideology’ of different ethnic groups in the province, such as the Orokaiva (Schwimmer 1973: 95–110, 193–7) and the Korafe (Gnecchi-Ruscone 1991).

In practice, however, accessing land in the settlement diverges from this patrilineal narrative, and people who have a long association and social standing in the settlement were also evidently accepted as part of the community. Thus the moral and political basis for inclusion in the settlement is the need for accommodation and identification as a member of a patrilineal group, as well as ongoing participation in the social, economic and political sphere of the settlement. This divergence between a patrilineal ideology of land access and actual social practices, in which inclusion is based on shared lives and contiguous relationships, also resonates with traditional practices in Oro Province and other parts of PNG (Crocombe 1971: 301; Schwimmer 1973; Gnecchi-Ruscone 1991: 26; Bashkow 2006: 41).

In the actual practices of accessing land, people generally described a process whereby a relative would facilitate communication between themselves and the OCDA or other leaders in the settlement. By facilitating this process, and sometimes allowing newcomers to build a temporary shelter on their land, an existing resident implicitly vetted the arrival of a new applicant. Many people admitted that, once they had accessed land in the settlement and paid an ‘application fee’, they did not usually pay the annual fees. Reasons for non-payment included citing misuse of money by previous executives or, for many people, not being able to afford the K30 per annum. Another challenge for the OCDA was the influx of new settlers, including ‘outsiders’ who entered the settlement directly through friends without joining the association. One such category of newcomers are those referred to as ‘big people’, who offered amounts far in excess of the established fees, which has led to many settlers taking it upon themselves to facilitate land access in order to make money.

The term ‘big people’ variously refers to people in a network of kin, wantoks, friends, or colleagues, who live and work in formal areas of Port Moresby, and who settlers view as wealthy, educated and elite professionals with powerful networks of their own. It reflects the ways in which settlers position themselves in relation to ‘others’ who live and work in the formal areas of Port Moresby. ‘Big people’ may form a network of resources on which to draw, or potential powerful actors who can use their own
networks to gain from their relationships with settlers. As far as possible, residents of the settlement try to engage with ‘big people’ in mutually beneficial ways, as we shall see later in this chapter.

Engaging as Citizens

Like others residents of Port Moresby, residents of the ATS settlement talked about being citizens. They are voters, clients of politicians, taxpayers, part of the labour force, beneficiaries of projects, and important development partners in the international development arena of poverty reduction. They know that, as citizens, they must be accorded equal status as their compatriots who live in formal areas of the city. This narrative of citizenship speaks to the narrative of the land being legally owned by the state. As citizens, residents of settlements throughout Port Moresby are increasingly becoming a major political interest group, and many of them maintain and nurture social and political relationships in all spheres of life. People would often tell me about how candidates made promises of services and utilities, such as water, during election periods, but did not follow through.

Reflecting the double narrative of the customary and legal status of the land, there appears to have been a shift in settlers’ understanding of the status of the land they occupy. As this informant explains:

We were told that it was customary land so we all went in blind thinking it’s a customary land. Eventually I did my own investigation and I started seeing cement markers. It was telling me that this cannot be a customary land. These cement markers mean something else—that the land has been surveyed. So I started going around investigating and I discovered that all this was state land (resident, ATS settlement, January 2013).

Given the general lack of access to formal land records, it is understandable that settlers would not have known the actual legal status of the land at the time when the settlement was established. This change in knowledge, and the difficulties of dealing with fragmented landowners, as apparent in the ILG records, shape the ways that residents of the settlement legitimate their occupancy in relation to the state. It also places more emphasis on commoditised land tenure systems in which land is surveyed and parcelled into blocks. This was also evident during fieldwork, as people talked about surveyors surveying the land so that blocks of land could be
allocated, bought and sold. A common sentiment was that, without land titles (collective or individual), they cannot make claims on the state for public services.

These intersecting narratives, between customary land tenure arrangements based on social relations on the one hand, and commoditised land tenure systems based on citizenship on the other hand, are woven with the narrative of collective Oro Province and ethnic identity on the one hand and citizenship on the other. With respect to securing land based on the notion of citizenship, people tended to foreground issues such as the need to ‘secure the title’ as a way of securing ‘loans from the bank’ and ‘city services’, such as water, instead of being treated ‘as just a squatter’. Herein we see settlers nestled between, and negotiating with, two land tenure ideologies (relating to customary and commoditised land), and two social and political value systems (relating to provincial cultural identity and national state citizenship).

The emphasis on the rights of citizens to land has gained more prominence in recent years, as more evictions are taking place at the hands of property developers attracted to the increasing value of land in the city. For example, in response to a major eviction exercise in 2013, the NCD Governor Powes Parkop noted that ‘it was not acceptable for a corporate company to evict PNG citizens’ (Anon. 2013a). He went on to explain that, under such circumstances, city residents living in informal settlements who had been evicted or threatened with eviction tended to approach the NCD Commission, and himself as Governor, for assistance. The assistance in the particular instance involved supporting people with the costs of transporting their personal belongings to other areas, providing new tarpaulins for shelter as well ‘considering assisting the people with their legal fees to take out a court injunction against the developers’ (Anon. 2013a).

Threats of Eviction: Portion 695

Within the ATS settlement, residents also draw on their status as citizens in order to address challenges to their land tenure. Reflecting this nestling between two land tenure ideologies and social and political value systems is the case of Portion 695 (see Figure 4.2). Another reason for collective mobilisation is the common goal of residents who are directly affected by a threat of eviction, as in this case. This case also highlights the point that,
even within the relatively small geographical spaces of settlements, risks to land tenure may be localised, and the nature of risk is related to the history and geography of the area. In this case, the cadastral boundaries creating Portion 695 rendered the settlers residing within it the subjects of an eviction notice. This case was in the courts, and is one in which I was able to directly observe and, to a limited extent, participate during my fieldwork.4

I was in the settlement one morning, approaching the home of a prominent settlement leader living on Portion 695, when my research assistant and I noticed a police vehicle parked beside his home. We soon found out that the police were issuing a notice of an eviction to be applied to people living on this portion. The atmosphere at the small betel nut stand where we usually congregated was sombre, as we contemplated that, just the previous day, one of the daily newspapers had reported that another Port Moresby settlement located near the Moresby Arts Theatre had been demolished by bulldozers (Sayama and Wapar 2013).

Soon after the eviction notice was issued at the ATS settlement, a number of reports appeared in the local media. One newspaper reported that:

The policemen turned up with an eviction order from Dunlavin Limited, a Chinese company, ordering the settlers to vacate portion 1695 at 8-Mile.5 The settlers were never informed of what was happening. The community leaders were now taking the matter to court. According to sources at the Department of Lands, the land title was given to Dunlavin Limited under suspicious circumstances in 2008. Settlers moved into this location in 1994 under a pilot resettlement project carried out by then Moresby East MP Philip Taku and the late Sir William Skate who was then the NCD Governor. The resettlement of the people was a political decision and the leaders of the settlement have documents to prove this claim (Ovasuru 2013).

4 I was rather taken aback at witnessing this interaction with the police first-hand, and so made contact with a local newspaper to alert them of another potential settlement demolition. As I had recently interviewed the NCD Governor, I had his contact details, so I also let him know what was happening. I also contacted the editor of one of the national newspapers to alert him of the same in the hope that journalists would cover the matter. The incident prompted me to write a blog article (Rooney 2013).

5 The reference to Portion 1695 in the newspaper is presumably a typographical error, as the cadastral maps show it as Portion 695.
Another newspaper article reported that customary landowners were demanding K20 million from the national government before any new development starts. The landowners were noted to state that the national government did not properly acquire parts of our customary land where we have ultimate customary rights over them including portions of land around the airport areas which extends from the ATS settlement towards the public cemetery land at 9-Mile. It is also very disheartening to see foreign companies, multi-national corporations, politicians and big businesses engage in land-grab using their financial powers while we, the customary landowners, have simply been ignored by state agents. The Dubara clan rejected that the Oro settlement at ATS was given as a pilot project by former NCD politicians Philip Taku and Sir William Skate. They said it was traditional owners Ova Boge, Ruma Varona and Maso Henao who signed the initial agreement and gave their consent to the late Jerry Asina in 1995 to use the land. According to the clan members, the settlers had not complied with the conditions of the agreement and after 16 years they wanted their land back (Anon. 2013b).

To underscore their claims as the original claimants of ATS land customary landowners also assert that their:

evidence that [they] are the true traditional landowners of the land at ATS area is the fact that [their] parents Maso Henao and Ova Boge lie in their graves with other family members buried at Portion 698 (Anon. 2013c).

The references to the breach of the arrangement between customary landowners and Oro Province settlers is confirmed in statements from some settlers who told me that the original arrangement was for them to settle on Portion 698.

Although the issue of the eviction relates to the specific location of Portion 695, its coverage in the media enabled both customary landowners and settlers to reassert their claims to the land in a public domain. They both note the ‘dubious’ and ‘suspicious’ nature of the transfer of the title of Portion 695. Both groups of claimants situate themselves within the broader contemporary discourse on land grabs (see Filer 2011), and turn the public gaze, and questions regarding ‘legality’, back onto the state and the Department of Lands, which is renowned for corrupt land deals (see Chapter 8, this volume).

The immediate problem of a ‘threat of eviction’ is placed in the legal framework as a dispute between settlers and the private leaseholder. In the Latin American context, van Gelder (2013) describes interactions
between settlers’ ‘illegality’ and the legal domain in which settlers use the formal court processes to delay or prevent eviction. The legal framework of universal human rights, where natural laws take precedence over other forms of law, such as civil or commercial law, is often the strength of arguments against eviction. In the case of Portion 695, the legal process has so far delayed the eviction. However, the same cannot be said of other eviction exercises. For example, in 2012 a significant section of the Paga Hill settlement was demolished while settlers were in the process of seeking legal recourse to stay the eviction orders (Lasslett 2012; Wilson 2012).

The threat of eviction from Portion 695 has had the effect of uniting people of different backgrounds and ethnicity. Thus Oro Province collective identity is backgrounded in order to pragmatically address the immediate issue of eviction. Residents of Portion 695 have a common purpose of fighting a counter-claimant or face losing their homes. While their Oro identity matters for harnessing important social and political influence in their court battle, they know that the outcome in the courts will depend on legal technicalities related to their claims as citizens. Out of the households that I interviewed, 13 lived in Portion 695. One of my interviewees, Lance, who lives in a cluster of households including those of his brothers and nephew, told me that one of his brothers lives several metres from him but is located inside the Portion 695 boundary, while he lives in the adjacent Portion 697 (see Figure 4.2). Lance’s brother is therefore impacted by the eviction notice, while Lance and his family are safe from eviction for the time being. The case of Portion 695 and Lance’s story show that, while settlement household patterns are usually described in terms of clusters of kin living together (see Chand and Yala 2012), the risk to tenure can be highly localised in ways that render these kinship clusters temporarily irrelevant, while foregrounding relationships between those living on the same legal portions of land. In this example, Lance’s brother is requested, and is obliged, to make a contribution towards the legal fees to pay for the court case to save Portion 695. Lance sympathised with his brother but, as he was unemployed, he was unable to assist.

Legal Fees to Fight Eviction from Portion 695

The leaders of the residents of Portion 695 have managed the eviction process by taking the matter to court. This has a direct impact on livelihoods, as one resident pointed out when I asked about what big issues affected the community:
Another thing with this land is that we don’t have the title and sometimes they tell us we have to move from this block. This affects our well-being. The leaders call for meetings and ask the community to contribute money to address land issues in order to pay lawyers to take the case to court. Only last week we met here and each household was told to contribute K100 to meeting legal fees. This is for everyone who is affected by this eviction notice (Mick, resident of ATS settlement, 2013).

Considering the relatively low incomes and their unequal distribution, this financial contribution to secure land is a significant financial burden for most families. Given the long-term process and immediate impact on housing and livelihoods, the contributions are most likely an ongoing, albeit variable, cost faced by households.

Throughout my fieldwork, the residents of Portion 695 also raised funds through barbecues and dances. Through this common goal, the eviction notice has forged a shared interest for the residents of Portion 695 whose lives are now dependent on their joint efforts. Given their low incomes, however, settlers will have to look for other means to secure legal and financial support, including their social and political networks. The long-term nature of legal battles, their impact on settlers’ meagre resources, and the need to tap into social and political networks, is also noted by Lasslett (2012) in the Paga Hill settlement case. The residents of ATS settlement also told me that the Governor had agreed to assist them with their legal fees.

‘Big People’ as Stakeholders in Land

In asserting their rights as citizens, settlers also position themselves as equal to other PNG citizens and ‘big people’. From their own life experiences as former residents of formal housing, and as former or current employees, they know that the social gap between them and other citizens living in formal areas is nominal, negotiable and subject to change. Land in Port Moresby is scarce, and already others, including elites and professionals, in the city are seeking land as their own tenure of employment comes to an end, or as they seek to broaden their livelihood and housing options. As one resident noted:

6 Of the 32 households I interviewed, 13 of whom lived on Portion 695, 65 per cent reported household incomes of less than K100 per person per fortnight, so a K100 contribution per household towards legal fees is a very large amount and often an ongoing cost to families.
Out there in the city there’s no land. You go and apply [but] you won’t get it because all the land is taken up. For this reason many ‘big people’ are now seeing that they will one day walk out of their jobs, so they come and help the settlement associations because in this way they may one day access land in ATS and will eventually end up owning something for ourselves (resident, ATS Settlement, 2013).

That ‘big people’ such as lawyers, engineers, public servants and wealthier kin and friends, who ‘will one day walk out of their jobs’, are interested in the settlement is also an opportunity for residents of the settlement. These relationships give settlers access to otherwise inaccessible institutions and people. ‘Big people’ provide legal services, surveying skills, computing support for document preparation, printing, political influence or other services to gain entry into the settlement. At the same time, the relationships are not one-way relationships, and by virtue of their ‘settlement’ identity, settlers know that they are in a position to reciprocate by offering support, such as introducing people to influence decision makers inside the settlement, or people who can provide housing when needed. In many ways, I myself could be considered to belong to the category of ‘big people’. My research was welcomed, and people explicitly asked me to convey their stories so that others would know about life in settlements. In addition to helping raise awareness on the Portion 695 eviction, I would occasionally be asked to pass a message back to someone or other. On the other hand, I may have been viewed as an intermediary by other outsiders like myself. For example, when I mentioned that I was conducting fieldwork in the ATS settlement to an acquaintance who is a public servant, he responded that he had heard of land being sold there, and that he might accompany me during one of my visits to ascertain his own prospects of buying land. Among elites and professionals, the topic of buying land is commonly discussed.

Another settler expressed puzzlement at a professional who had approached her for land in the settlement.

They are big people. They get land but they don’t come again for ten years. Why would they want land if they don’t want to settle? (Summarised from interview notes, 2014)
I have met professionals in the city who mention that they have a block in the settlement and visit it periodically. Two of the participants I interviewed, who now live in the settlement, previously held senior positions in the public service while their brothers held land in the settlement. When they stopped working they relocated to the settlement.

**Conclusion**

In this chapter, I have sought to illustrate the multiple claims on land in Port Moresby, and the complex ways that these claims are entangled with each other. I have examined these issues from the perspective of migrants residing in a Port Moresby settlement. Much of the discourse on urban land in Melanesia juxtaposes customary landowners with an array of ‘other’ actors who include other customary landowners, the state, property developers and migrants.

The historical and legal framework presented in this chapter shows the multiple and competing claims on urban land and the overlapping forms of property rights. Within this context the present-day reality is that the settlers occupy the land. Efforts to assert counter-claims to the land or alter the status quo, including any policy-induced changes, will either involve an eviction process or a revision of the ways that settlers’ claims, obligations and responsibilities are defined and exercised. As this will have a direct bearing on their livelihoods, settlers will also be at the forefront of dialogue, mediation and negotiations, and therefore their responses are important for understanding urban land discourse.

Residents of informal settlements legitimise their claims to land by invoking both traditional notions of access to land for subsistence and the formal international human rights framework that includes notions of citizenship and the right to shelter. Both customary and modern forms of access and maintenance of tenure through exchange and reciprocity are utilised and adapted to allow settlers to negotiate with different actors at different times. By mapping the historical processes that shape contemporary claims on land, and by a grounded examination of the ways in which settlers collectively mobilise and adapt to respond to counter-claims on land, this chapter draws out several important considerations for urban land discourse in Melanesia. Claimants to urban land—the customary landowners, the settlers, the state or the private leaseholders—are dynamic and fragmented groups. Within them disputes occur,
new factions emerge and new institutions are created. This means that distinctions between them often disguise complexities that are important in shaping the challenges that settlers face—and also their responses. Another category of actors emerging in these dynamics are the ‘big people’ whose money and status in the city create opportunities for the residents of settlements, as well as opportunities for themselves to buy land from existing residents.

The pressure from customary landowners for fees to be paid for the use of the land led ATS residents to raise substantial fees through financial contributions. However, these were withheld when settlers realised that there was a dispute among customary landowners, and requested clarity about which customary landowning group the fees should be paid to. The realisation that the land was alienated created an opening to assert an alternative claim as citizens. The common threat of eviction created a sense of unity among residents of Portion 695 regardless of their ethnicity.

Migrants living in informal urban settlements will continue to negotiate in ways that harness the best of a myriad of strategies involving different actors, values and systems. Urban land policy needs to be cognisant that any change in the status quo, no matter how well intended, will exclude some people, and this will lead to ‘counter-exclusive’ responses (Hall et al. 2011). At the very least, policies or proposed developments must include provisions to identify those who will be affected and options for their resettlement. Residents of the ATS settlement evoked their shared history and identity to collectively secure land, but in the face of threats by other claimants to dispossess them of the land they occupy, their strategies to legitimate their occupancy of the land involved, by necessity, excluding other claims on, and access to, the same land.

None of this relieves the hardship that settlers face, and the ongoing difficulties and challenges of maintaining tenure, but the fact that settlers will remain a prominent part of the urban social, political, physical and economic landscape, and have sustained their efforts for so long, show that they have developed ways to do so that can inform urban land policy processes. This paper offers some partial but important insights into how settlers respond collectively to land tenure challenges.
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