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## Informal Land Markets in Papua New Guinea

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### Introduction

Customary land in Papua New Guinea (PNG) remains a critical livelihood asset. With less than 5 per cent of the land under freehold title or state leases, the management of present and future demands for customary land for housing, services and livelihoods in the rapidly expanding urban and rural growth centres is a critical development challenge. As elsewhere in the Pacific, Papua New Guineans are leading more mobile lives as they seek new livelihood opportunities and improved access to services in urban and select rural locations. All Pacific Island states are rapidly urbanising, with urban growth outstripping national growth rates in some Pacific nations (see Chapter 2, this volume). A large proportion of migrants, especially from remote parts of PNG, are also moving to rural agricultural and resource frontier zones to access employment, education and health services. The high rate of migration to urban and select rural locations in PNG is placing great pressure on customary land as migrants seek access to land for housing and to develop livelihoods, including subsistence food and cash crop production. The demand and willingness of migrants to pay cash for short- and long-term access to land is fuelling a dynamic land market comprising ‘informal’ land transactions and rental arrangements.

This chapter examines informal transactions of customary land between customary landowners (hereafter referred to as landowners) and outsiders without birthrights to the land. It identifies key principles underpinning a range of informal land transactions that could be used to inform policies of land reform. We argue that landowners are not seeking a transformation of customary tenure principles to enable them to capitalise on the rising demand for land by migrants; rather, they are seeking to retain ‘ownership’ and control of their land within a framework that stresses the relational dimensions of their transactions with ‘outsiders’. By examining the adaptations and modifications of customary tenure that are taking place on customary land outside government structures, new approaches to land reform can be found that meet the changing demands on customary land and that move away from previous failed land reform attempts based on the notion that secure individual property rights through titling of land are a prerequisite to building a modern economy.

## Background

Most people in PNG, as in other parts of the Pacific, hold an intense attachment to land. Land is at the heart of economic life, cultural and spiritual beliefs, and an individual and group’s sense of social identity and belonging (Sillitoe 1999). This link to social and cultural identity underpins the common view among landowners that land is inalienable. Even customary land that has been acquired by the state or converted to freehold title is rarely seen as being alienated permanently from customary ownership (Chand and Yala 2006; Filer and Lowe 2011; Curry et al. 2012).

Customary land tenure arrangements vary across the country, but generally, under customary tenure, rights to land are based on a mixture of descent, residence and participation in communal activities (Cooter 1991; Larmour 1991; Curry 1997; Koczberski et al. 2009). Exclusive individual landownership and inheritance was limited because, in the largely horticultural societies of PNG, an individual’s rights to land for the cultivation of food crops waned as the garden reverted to fallow. As the fallow period lengthened there was a gradual return of rights back to the group (Ward and Kingdon 1995; Curry et al. 2012). This system of land tenure prevented individuals from acquiring exclusive control over large tracts of land.

Another characteristic of customary land tenure was its flexibility, which permitted land rights to be modified to accommodate changing socio-political, demographic and environmental situations. The pragmatic nature of customary land tenure meant that the relative importance in land rights of descent, residency and participation in social and political activities varied, so that no single criterion, such as descent, was sufficient in itself to provide unconditional rights to land (Crocombe 1971). This flexible system ensured that most villagers had sufficient land to meet their daily livelihood requirements, and allowed temporary land rights to be transferred to individuals and lineages without birthrights to the land (Crocombe and Hide 1971; Mandeville 1979; Curry 1997; Ward 1997). Thus, members of a clan short of land were often given access rights to gardening land that belonged to another clan in the village.

Although traditional principles of land tenure are still followed throughout the country, the way in which customary land is governed by landowning groups is being modified in response to new demands and pressures related to rapid demographic and socio-economic changes. In contemporary PNG the key drivers of these changes include:

- Large-scale resource development, such as mining and plantations (Lea 1997; Gilberthorpe 2007; Weiner 2007; Banks 2008; Bainton 2010; Imbun 2013).
- Smallholder production of cash crops, particularly perennial crops like coffee and cocoa, and large-scale food production for urban markets. There is a trend in areas where perennial cash crops have been incorporated into village farming systems for customary tenure to gradually become more individualised and for land to be 'sold' to other clan members (Epstein 1969; Standish 1984; Foster 1995; MacWilliam 1988; Curry et al. 2007; Martin 2007; Koczberski et al. 2009).
- Population and land pressures. Mounting demand for land in villages and the increasing need for cash are leading to many internal adjustments to land tenure arrangements. In some cases such pressures are eroding the flexibility of customary land tenure practices, resulting in a tightening up of access rights and increasing individual/family control over land (Carrier and Carrier 1989; Zimmer-Tamakoshi 1997; Martin 2013).

- Internal migration. In PNG large numbers of people, usually from remote and poorly serviced areas of the country, are migrating to urban areas and rural resource frontier regions. These migrants are entering into informal agreements with landowners to gain access to customary land for housing and to generate livelihoods.
- Rapid urbanisation and the growth of informal settlements. Most of the recent residential growth occurring on customary land in peri-urban areas is due largely to the limited supply of state and freehold land. The demand for land by migrants is sustaining an active land market in informal land 'sales' and rental arrangements (Goddard 2005; Chand and Yala 2012; Numbasa and Koczberski 2012).
- Growing notions of individualism and changing aspirations. As PNG undergoes social and economic change, people's attitudes to land are also changing. In some parts of the country, especially where engagement with the market economy is strong and growing, social relations and values are becoming more market-orientated, with a corresponding trend towards possessive individualism (Martin 2013). This is leading some clan members to view land as a commodity that can be 'sold' to people outside the landholding group.

The adaptations and modifications to customary land tenure by landowners in response to these key drivers offer lessons to inform land reform policies. Whilst customary land tenure is recognised in PNG's Constitution, it has largely been considered problematic in discussions of land reform. Land reform in PNG and elsewhere in the Pacific has been dominated by the assertion that customary tenure is incapable of providing secure property rights necessary for facilitating investment and the commercial use of land (Lea 2002; Gosarevski et al. 2004). With communal ownership and no formal title to land, customary tenure is viewed as a major obstacle to economic development. Thus, attempts at land reform in PNG have been based on the notion that secure individual property rights through land titling and tenure conversion are a prerequisite for building a favourable investment climate and fostering economic development. This private property approach to land emerged in Africa in the 1970s when the World Bank launched its policy on land reform for developing countries, and it has since dominated land reform programs in PNG and elsewhere in the Pacific (Peters 2007; Fingleton 2008).

However, land reform is ‘easier said than done’ (GoPNG 2007), and the three major land reform programs that have been attempted in PNG since the 1960s have failed (Larmour 1991; Fingleton 2004; Yala and Lyons 2012). One reason for their failure was their incompatibility with people’s concepts of the moral basis of land rights and the strongly held view that customary land is inalienable. The failure of past land reform programs, and the growing interest by some landowning groups to mobilise their land for development, have influenced the most recent land reform discussions that started in 2005 and have since continued under the National Land Development Program (see Chapter 6, this volume). There is now greater acknowledgment that landowners must feel a sense of ownership of the land reform agenda (GoPNG 2007; Fingleton 2008). This has led to nationwide consultations with landowning groups to obtain their views and support for proposed policies. The central goal of the reforms is to identify ways to facilitate access to customary land for economic development while providing tenure security for investors and ensuring land remains under customary ownership (individual user rights but ownership at the group level). This represents a significant shift from earlier land reform programs that sought to replace customary tenure.

A significant challenge for policy makers in PNG will be how to deal with the proliferation of informal (and sometimes illegal) land transfers taking place, as landowners develop their own arrangements for land mobilisation outside government structures, and as they seek to capitalise on the demand for urban and rural land by land-poor migrants. How policy makers can develop an effective reform program and land administration system to accommodate the range of informal and semi-formal arrangements already well established will be one of the principal challenges for land reform in PNG.

In the remaining part of this chapter, two case studies are presented to illustrate how customary land tenure has been modified to accommodate ‘outsiders’ without birthrights to the land. The first case study is from Wewak, the provincial capital of East Sepik Province, and focuses on migrant settlers living in informal settlements. The second is in the oil palm-growing areas around Hoskins in West New Britain Province, where migrants from other provinces are acquiring land for oil palm production (Figure 5.1). Each case study examines the informal land transactions between landowners and land-poor migrants, and in particular how settlers first obtained and continue to maintain access to the customary land of others. The key principles underpinning successful land transactions in

both case studies are discussed, together with the factors contributing to disputes between migrants and their landowner hosts. Whilst anthropologists as early as the 1950s reported on individuals and lineages without birthrights being given access rights to land (Meggitt 1965, 1971; Reay 1971; Forge 1972; Mandeville 1979), few recent studies have examined how migrants into urban centres and rural and resource frontier zones maintain long-term access rights to customary land to establish new livelihoods in their adopted homes.

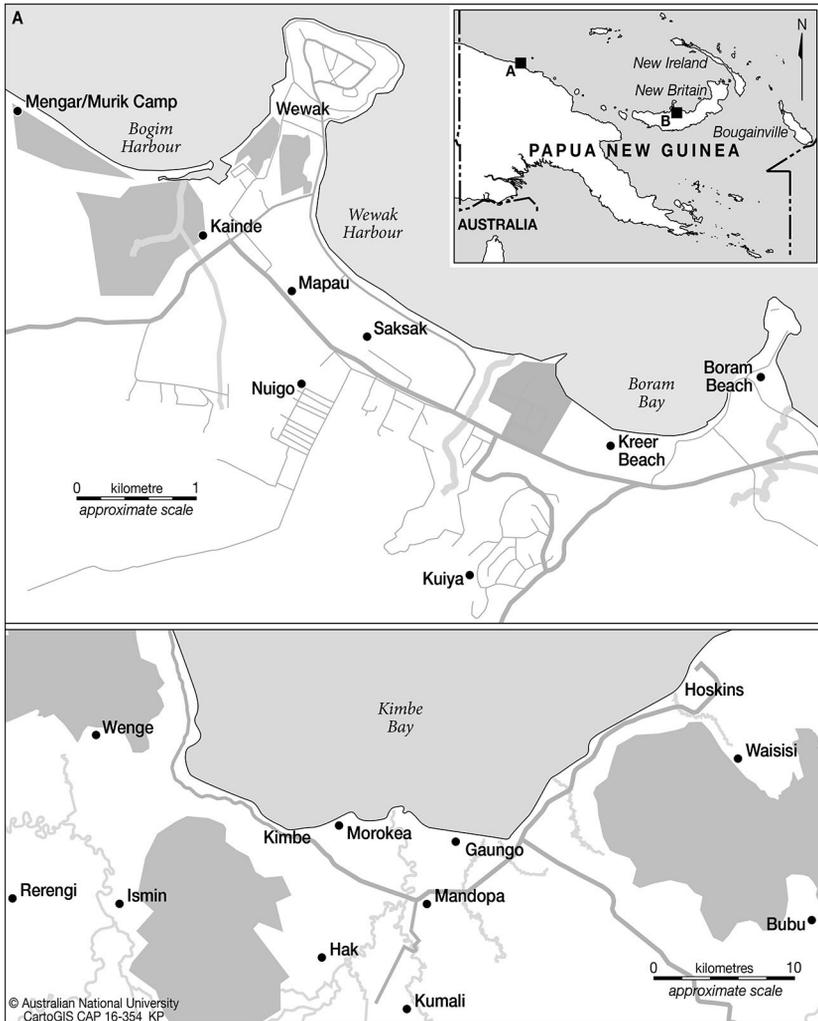


Figure 5.1 Location of study sites.

Source: CartoGIS, The Australian National University, based on PNG national census data.

## Home Making in Wewak's Informal Settlements

Wewak has a population of almost 25,000, and is made up of state, freehold (largely owned by the Catholic Church) and customary land. Most of Wewak, including peri-urban areas, is on customary land. Wewak grew considerably after the Second World War through to the 1980s, as it became the administrative and commercial centre for the province. In the 1950s, several informal settlements began appearing on customary land as people from other parts of the province came to Wewak seeking employment and access to government and church services (Numbasa and Koczberski 2012). By the mid-1970s almost half of urban housing in Wewak was in informal settlements (Jackson 1977). These informal settlements on customary land have continued to expand, so that Wewak, like other towns and cities in PNG, has become a town of migrants, with over 55 per cent of the population born elsewhere (GoPNG 2001).

To examine how migrants accessed land for housing, interviews and household surveys were conducted with residents at seven informal settlements that were founded between 1950 and 1970 (Figure 5.1). Levels of services in the settlements were poor, and most do not have electricity, reticulated water or garbage collection. Each settlement was dominated by one or two cultural or ethnic groups, and while some residents were in paid employment, most made a livelihood in the informal sector selling store goods, cooked food, fish, handicrafts and wood carvings at local markets.

Table 5.1 lists the key characteristics of each settlement, including the dominant source area of migrants, the average residency period of household heads in the settlement, the type of land tenure, how settlers initially accessed the land, how they have maintained access rights to the land through time, and the range of restrictions imposed on settlers by the landowners. All the settlements are located on customary land, although some were formerly established on what was then Catholic mission-owned land. Many landowning groups who supported the establishment of the Catholic Church in Wewak donated land to the church, and some of this land was used by the church to house their workers. Over time these compounds have grown as village relatives joined family members residing in Wewak. The mission land has since been returned to the landowners, which has involved settlers entering new informal agreements and relationships with their new 'landlords'.

Table 5.1 Wewak settlement characteristics.

Name of settlement	Dominant source area of migrants	Average no. of years living in settlement	Type of land tenure	Initial arrangement to access land	Informal arrangement with landowners to maintain access rights to land	Restrictions on residents by landowners
Boram Beach Front	Schouten Islands, Murik Lakes	25.0	Customary	Traditional trading partners with landowners.	Contribute in cash & kind to customary exchange demands.	No fishing or hunting in mangroves or removal of material for house building or other purposes. Housing restrictions & control of settlement population.
Kaindi Ward 5	Yangoru, coast west of Wewak	34.8	Customary (disputed)	Customary exchange.	Contribute in cash & kind to customary exchange demands.	Restrictions on fishing or hunting in mangroves and the removal of materials for housing. Housing restrictions & control of settlement population.
Koil Island Camp	Schouten Islands	14.8	Customary	Traditional trading partners with landowners.	Informal rents/contribute in cash & kind to customary exchange demands.	No small-scale business enterprises. Housing restrictions & control of settlement population.
Kuiya Settlement	Turubu, Wosera, Dreikikir, West Sepik	23.3	Customary/ some formerly mission land	Customary exchange/mission land, compound for employees.	Contribute in cash & kind to customary exchange demands.	No large-scale business enterprises, no gardening, planting of cash crops or collecting firewood in adjoining land. Housing restrictions and control of settlement population.
Nuigo Settlement	Middle Sepik River villages	24.4	State (formerly mission land)	Mission land, compound for employees.	Formal rentals to national housing commission.	No restrictions, although warned by neighbouring landowners not to take resources on their land.
Saksak Compound	Sepik River villages	27.6	Customary (formerly mission land)	Mission land, compound for employees.	Contribute in cash & kind to customary exchange demands.	No restrictions.
Mapau Settlement	Angoram	24.3	Customary	Mission land, compound for employees.	Contribute in cash & kind to customary exchange demands.	Informal tax paid on small businesses. Housing restrictions and control of settlement population.

Source: Numbasa and Koczberski 2012.

Most settlements on customary land, such as Boram Beach, Koil Island Camp and Kaindi Ward 5 Settlement, were established initially by a person or a group of people who had some marital, friendship or long-standing traditional trading relationships with the landowning group. For example, in the 1950s, people from Wewak's offshore islands and distant coastal villages began visiting Wewak more regularly for business, to see their relatives, and to seek medical and education services (which were very limited outside the provincial capital). With the consent of landowners, the migrants established small camps on the beach, such as Boram Beach Front and Koil Island Camp at Kreer Beach. Originally, the camps were used by the visitors as places to secure their canoes during trading expeditions or when visiting the mainland to access the new services that were becoming available in the towns. Whilst the initial negotiations were between elders from the migrant source villages and members of the landowning group, later agreements tended to be between individual migrants and landowners. Over time, as residency became more long-term, the camps evolved into established permanent settlements. The traditional trading relationships that facilitated the initial residential arrangements were important for assisting later migrants to access land for more permanent settlement in Wewak, as were the initial settlers who provided a base and personal contacts within the host communities.

Since the settlements were established over four decades ago, migrants have continued to maintain their tenure rights largely through personal exchange relationships with their landowning hosts and increasingly through intermarriage (Table 5.1). Migrants maintain their access rights to the land through regular contributions in cash, food or labour to landowners' customary activities and expenses, especially funerals and brideprice payments. Three quarters of respondents reported making regular in-kind or cash contributions to landowners' customary expenses. These contributions to customary exchange are central to building and strengthening settlers' relationships with landowners, as is settlers' attendance at marriage ceremonies, funerals and other customary events in the landowning village. Socially and politically, these acts are public demonstrations by settlers of their close relationship ties with their hosts and their ongoing respect for landowners and their customs. It is through meeting their ongoing customary obligations to the landowners and maintaining good relationships with them that access rights are upheld.

In addition to maintaining ongoing customary relationships with the landowners, settlers must observe landowner-imposed land use restrictions to maintain ongoing access to land and housing (Table 5.1). Landowner regulations governing land use varied among settlements. Often restrictions included defining the types of livelihood activities migrants could and could not pursue, prohibiting the utilisation of mangrove or forest resources adjacent to settlements, and controlling house building and the numbers and demographic composition of the settler population. The most common type of landowner-imposed restriction on settlements was on who could reside in the settlement. Potential new residents had to gain approval from the landowners prior to moving into the settlement and, generally, only those closely related to existing residents were granted permission. When settlers neglected to observe these restrictions, conflicts with landowners could emerge leading to the eviction of settlers.

By engaging in exchange relationships with their landowner hosts and observing the restrictions placed on their activities, settlers were more likely to sustain stable tenure rights. Landowners engaged in a regular process of evaluating and assessing the status of their relationships with settlers, and in so doing, made judgements of the moral basis of migrants' occupancy rights. Thus, how settlers managed their relationships with landowners was critical to determining tenure status.

However, despite the relatively stable relationships between landowners and settlers, the tenure security of migrants in some settlements was being undermined. This situation was arising largely because of the changing social relationships between younger members of the landowning group and the children born in the settlement. In certain settlements, some second- and third-generation settlers resented complying with the endless requests to contribute cash and food to the customary exchanges of their landowner hosts, especially given their own household cash needs and their continuing customary obligations to relatives in their 'home' villages. Similarly, some younger members of the landowner community were reluctant to recognise the informal agreements or long-established relationship ties made by their elders with the settlers' fathers and grandfathers. From their perspective, the informal agreements established with the migrants were of the past and belonged to an older generation for whom customary obligations and practices were more strongly valued (Numbasa and Koczberski 2012). Moreover, some younger landowners viewed the new generation of settlers as the source of law and order problems, and their continued residence in the settlement was seen as

an obstacle to formally leasing the land to developers. At the time of fieldwork, at least three landowning groups were holding discussions with developers about leasing their land (Numbasa and Koczberski 2012). The lure of higher returns by leasing their land to developers was stronger when the quality of the relationship between landowners and migrants was perceived to be poor. Thus the tenure security of second-generation migrants was changing as their social and exchange relationships with their landowner hosts were also undergoing reassessment.

## Oil Palm and the Desire for Land

The oil palm belt along the coastal plain of Kimbe Bay in West New Britain has one of the fastest population growth rates in the country. Much of this population growth is attributable to high immigration to the province from mainland PNG. Approximately 38 per cent of the residents were born in other provinces (GoPNG 2001), many of them being concentrated around the Hoskins and Bialla oil palm land settlement schemes and plantation estates, and in the urban centres of Kimbe and Bialla.

For the past 25 years, and especially over the last decade, land-poor settlers living in the oil palm belt have been seeking customary land on which to plant oil palm. Whilst there has been a history of landowners gifting land to village non-clan members to plant oil palm, the informal 'sale' or 'renting' of land to migrants from other provinces is more recent. The 'sale' of land to settlers first emerged in the 1980s at Hoskins and in the early 1990s at Bialla. Most of those buying customary land are the children or relatives of settlers who acquired state agricultural leases on the government oil palm land settlement schemes at Hoskins and Bialla, or have been in long-term employment in the province where they also raised their children. Figure 5.1 shows the major locations where customary land is being 'sold' to outsiders. The initial land transactions between migrants and clan leaders in the Hoskins area were typically based on friendship or a marital link, similar to the close relationships associated with the early land transactions with 'outsiders' in Wewak. Also, as in Wewak, access rights were maintained through contributing to customary exchange and participating in village activities.

More recently, as the demand for customary land has grown, land dealings have increasingly been with settlers where there has been no pre-existing relationship with the landowners. Virtually all land transactions with 'outsiders' now involve payments for the land. Although there is great variation in the types of informal land sale agreements, which is partly explained by the different relationships between landowners and outsiders, typically an initial cash deposit is paid to the landowner(s), with the outstanding balance paid in cash instalments over several years after the palms come into production.

In most cases, land sales tend to be informal verbal agreements between the transacting parties, with an individual's access and use rights to the land loosely defined. Seldom are there written records of the agreed 'purchase' price and the amount and timing of payment instalments; nor are the specific rights and obligations of the migrant or landowner documented. Rarely is the size and boundary of the 'purchased' land surveyed. Members of the broader landowner group are sometimes not aware that land has been 'sold' to an 'outsider', and this can become a major source of discontent within the landowner group.

Disputes over 'purchased' customary land (and even over land initially gifted to migrants) have been increasing over the past 10 years. These disputes arise not so much because migrants and landowners have different understandings of land use rights—the right to plant oil palm—but rather because they have different concepts of land 'ownership', which means that their respective interpretations of the obligations and expectations associated with land transactions can be very different.

There are three major points of contention in migrants' and landowners' interpretations of land transactions. First, some migrants believe that the cash payments made to landowners confer on them outright ownership of the land, not unlike freehold title. These migrants therefore argue that their children should be able to inherit the land and they should have the unencumbered right to sell the land to a third party without consulting the landowners (Koczberski et al. 2009). This is rarely the view of the landowners, and nor is it the case in law as the land remains customary land with the potential to be reclaimed by the landowners on the death of the 'purchaser'. Second, those migrants who discursively construct the land transaction as a commodity transaction are of the view that, in addition to cultivating oil palm, they can establish small businesses or other income-generating activities on the land. Landowners contest this right and remind migrants that they have purchased only the use rights

for oil palm cultivation, not other livelihood activities. If other income-generating activities were to be established on the land, landowners often insist on some additional payments; after all, the migrants are earning this additional income on the land of the landowners, and this wealth should be shared. Third, while many settlers do contribute cash to the customary exchange activities of the landowners, some settlers resist or reject these demands as they believe there should not be an obligation on them to maintain a social relationship with their ‘hosts’ through gifts of labour and wealth. These settlers strive to limit their relationships with landowners, but in doing so they undermine their moral claim to the land in the eyes of landowners.

From the landowners’ perspective, land transactions must accord with customary principles concerning the inalienability of land. From this point of view, exclusive and permanent property rights are not guaranteed by full payment of the agreed ‘purchase’ price. Rather, migrants’ land rights are less exclusive and are conditional on settlers’ fulfilment of specific obligations and maintenance of good social relationships with their landowner hosts. For example, there is an expectation among landowners that they should share in the wealth generated on their land by ‘outsiders’, even though no landowner labour contributed to that wealth. This is most strikingly observed when oil palm prices rise and landowners expect they should also share some of income accruing from the higher prices. Thus, migrants are expected to act like clan members, share the wealth from the land, and contribute to village brideprice and mortuary payments, other forms of customary exchange, and village fundraising activities.

These demands on ‘purchasers’ accord more with the widespread view of landownership in PNG being grounded in relational identities. Robert Cooter’s (1991) conceptual framework is relevant to an understanding of the differing interpretations of land transactions by migrants and landowners (see Table 5.2). Cooter described freehold transactions as those that occur between strangers whose only relationship with each other is commercial, where the obligations and commitments between the parties are minimal. While buyers and sellers have some obligations to each other, the transaction choices they make are not constrained by mutual social obligations. Both buyers and sellers can act to their own best advantage, and the relationship between them is short-term and concludes with completion of the sale (Koczberski et al. 2009). Cooter (1991: 41) described freehold tenure as ‘property law for stranger relations’.

In contrast, land transactions occurring under customary land tenure regimes are between relatives and are based on long-term relationships of reciprocal obligations, cooperation and commitment to the kinship group. Such reciprocal obligations determine customary rights to land and constrain people's freedom to act to their own best advantage in land transactions. Under customary land tenure regimes, relational concepts of land tenure are therefore dominant. Customary land laws are thus described by Cooter (1991: 41) as 'property law for kin relations'. Migrants who construct the land transactions as being in the realm of commodity transactions, and therefore anchored in the principles of freehold title (stranger relations), are likely to see their access rights challenged as they allow their relationship with landowners to wane. Settlers accepting land access rights as being grounded in social relationships, and dependent on meeting certain exchange obligations, are better able to integrate themselves into their host communities and develop long-term stable relationships with them, with ongoing access to land.

Table 5.2 Cooter's concept of property law in PNG.

Freehold Principles (property law for stranger relations)	Customary Principles (property law for kin relations)
Relationships between people are commercial: obligations and commitments are thin	Relationships between relatives: kin networks bind people together in a web of mutual obligations and commitments
Short-term relationships between people	Long-term relationships between relatives
Concept of absolute unitary ownership	Concept of relational property and land as an inalienable resource

Source: Cooter 1991: 41.

## Discussion

Informal land markets provide an important function in contemporary PNG. As highlighted above, there is a large demand for customary land by migrants desiring to secure a future in urban and rural areas of PNG where livelihood opportunities and access to services are relatively good. While there has been a long history of landowners gifting land to non-clan members, informal land agreements and the 'renting' or 'sale' of land to land-poor migrants from other provinces or districts is more recent, and presently undergoing reassessment as relationships between landowners and migrants change. The new and rapidly changing rules of access for

'outsiders' illustrate both an expanding and evolving informal land market in PNG and the profound shifts in value systems as the country becomes increasingly tied into the global economy.

A common feature across both case studies was the broad range of land transactions enabling migrants to gain access to land. Monetary land sales, rentals and 'gifted' access rights were common, with most transactions being informal verbal agreements, grounded in local forms of sociability, while some were more formal, with written documentation. In many situations there was a level of ambiguity regarding migrants' long-term tenure security, although land use rights were clearly defined and tightly circumscribed, with very specific use rights and restrictions on who can reside in the community. For example, migrants may have residence rights, but not the right to establish small businesses or harvest forest or marine products belonging to their hosts. Typically, these rights were negotiated separately from the land transaction, and sometimes incurred additional payments if they were permitted at all.

In both case studies, despite the inclusion of cash to facilitate access rights to land, ongoing tenure security was largely dependent on the creation and maintenance of social relationships. Indeed, initial settlement rights were typically granted to settlers with whom the landowners had a pre-existing relationship. In the Wewak case, this was sometimes built on long-standing trading relationships in which the leaders of the host and migrant communities arranged settlement. In West New Britain, friendships forged between migrants and landowners, sometimes while working together on plantations or in town or as neighbours, were the basis of their relationship and subsequent land transactions. More recently, as demand for land has increased, access rights to customary land have been granted to settlers with no pre-existing relationship with the landowners. This represents a deepening degree of commodification of land transactions with migrants.

However, despite the absence of pre-existing relationships with landowners, and the appearance of there being market transactions in land, recent settlers are still expected to develop relational identities with their hosts to validate access rights. These relationships are initiated and then fostered through indigenous exchange transactions in which migrants make cash, food and labour contributions to the customary and community activities of their hosts. There is also an expectation that landowners will share in the wealth generated by migrants, especially those earning regular

incomes from oil palm or from full-time employment. This sharing of wealth is often portrayed as a form of indigenous exchange rather than market transactions devoid of social meaning. Being cast in the realm of indigenous exchange means that the relationship with landowners has social value and implies respect for the host group—respect for their authority as landowners, respect for their culture, and respect for their behavioural mores. Such relational conditions underpinning migrants' access rights also extend to them supporting electoral candidates from the landowner group and supporting the landowners in disputes with neighbouring groups.

This practice of landowners striving to socially embed land transactions with migrants can be considered as a form of enacting personalised 'property rights for social inclusion' or, to use Ribot and Peluso's term, as 'mechanisms of access' that allow certain actors to gain, control and maintain access to resources (Ribot and Peluso 2003: 160). These 'socially inclusive' access mechanisms create opportunities for settlers to become incorporated into networks of obligations and exchange and become a subgroup of the landowning group, which partially erases their identity as 'outsiders' and confers on them certain rights and privileges, including ongoing access to land. Similar processes of 'social inclusion' that enable migrants to validate access rights to customary land have also been reported from other urban and rural areas of PNG (Levine and Levine 1979; Goddard 2005; Martin 2013; also Chapter 4, this volume).

Whilst such access mechanisms enable migrants to move from being 'outsiders' to being 'insiders', their status is not permanent, as social relationships with members of the landowning group must be nurtured continually. Most migrants readily accept that secure and long-lasting access rights are subject to meeting certain relational conditions, and they regularly engage, sometimes begrudgingly, in the maintenance of exchange relationships with the landowning group. Others, who have 'purchased' land or pay regular rental fees, attempt to discursively construct their dealings with landowners as market transactions and resist investing in regular exchange relationships with their hosts. These migrants are most at risk of harassment and eviction.

When landowners believe that migrants are not sustaining adequate levels of investment in social relationships with their hosts, they often interpret this as a downgrading of the migrants' tenure rights with a corresponding strengthening of their own rights in the land. In oil palm, this reassessment of relationships is likely to occur on the death of either the clan leader or

the migrant involved in the initial land transaction, or at the end of an oil palm planting cycle (Curry and Koczberski 2009). At these points the land rights of ‘outsiders’ may be renegotiated or terminated. However, as demand for land increases, and the local economic context offers more lucrative opportunities, with investors or potential new migrants willing to invest more in these relationships, migrants who have neglected their relationships with their hosts may find their tenure security weakened as they negotiate with a new generation of younger landowners eager to extract more wealth from their land. Like their Wewak counterparts keen to capitalise on new opportunities presented by developers, younger landowners’ commitment to existing settlers may not be as strong as that of their parents’ generation.

The potential for dispute and exclusion is greater among second and subsequent generations of landowners and migrants as social distance increases. Also, as illustrated in the case studies, conflicts are increasingly likely as population and land pressures rise, as landowners see their development options constrained by the presence of large numbers of settlers, and as long-term, intergenerational migrants develop a sense of a birthright to the land where they reside (see Chapter 12, this volume). Thus, what worked well in the past, when most settlers had a direct personal relationship with landowners, and when there were fewer land pressures and competing land uses, is coming under increasing pressure and reassessment in the increasingly market-orientated contemporary economy of PNG.

## Policy Implications

What general principles and lessons do the case studies provide to inform land reform discussions? In analysing the diverse range of land transactions in place, it was clear that, whilst landowners wished to capitalise on the new economic opportunities of their land, they were not after wholesale change with a transformation of customary tenure. They wish to preserve the key aspects of customary tenure. Most contemporary land use agreements between landowners and outsiders in West New Britain and Wewak are compatible with long-existing mechanisms of transferring land rights to individuals and lineages without birthrights to the land, which have been reported by researchers from many other parts of the country. Thus, although the ‘sale’ of land to migrants for the cultivation of introduced cash crops such as oil palm, and the informal ‘renting’ of land

for urban settlements, involve new types of land tenure arrangements, they are symbolically and materially modelled on old practices and customs that historically were widespread in PNG.

Further evidence that landowners do not want to see a radical change to customary tenure, despite a clear trend towards the commodification of land, is that relational identities remain central to the basis of land rights. Often the 'sale' and 'renting' of land in West New Britain, and the emergence of urban settlements in PNG, are interpreted by observers as a process of commodification of land and land rights. However, such land transactions remain, at least from the perspective of landowners, anchored in principles of customary land tenure and in long-standing concepts of clan identity, social inclusion and entitlements. It is these place-based frameworks of land tenure embedded in social relationships and non-market values that continue to play a critical role in gaining and maintaining access rights for land by 'outsiders', even if at times relationships are manipulated by landowners.

Given the enduring significance and widespread recognition of relational identities in access rights to land, new land policies should seek to align with these principles wherever possible. With the failure of previous land reform programs, there is now growing recognition among policy makers in PNG, and in other Pacific Island nations, that land reform should aim to support and build on existing customary tenure rather than replace it. As Jim Fingleton noted in a paper on land reform in the Pacific:

there is now a general acceptance that adaptation, not replacement, of customary tenures is the way forward. The Food and Agriculture Organization (FAO) of the United Nations endorses the adaptation approach to land tenure reform. Even the World Bank, for long a critic of customary tenures, has given ground, now recognising customary tenures as a viable basis for growth and development (Fingleton 2008: 10–11).

The adaptation approach to land reform is more likely to be acceptable to landowners, and, as the case studies have shown, landowners are already one step ahead of government policy and are adapting their customary land tenure systems by entering into informal agreements with 'outsiders'. Proponents of land reform often portray customary land tenure as archaic, inflexible and inappropriate for the modern market context. They often claim that land registration and titling are necessary for raising agricultural productivity. Where there is pressure for land reform, the adaptability and flexibility of customary land tenure is often downplayed

or ignored. Yet the case studies show that, in the absence of an effective land administration system and suitable state-led land reform, landowners seeking to capitalise on the demand for land are developing their own informal arrangements for land mobilisation and modifying customary land practices, in most cases successfully. Indeed, as shown in several parts of Africa, where land remains under customary tenure and demand for land by ‘outsiders’ is great, government efforts in land reform often lag well behind what is happening on the ground as landowners develop their own informal land arrangements (Chimhowu and Woodhouse 2006; Peters 2007; Becker 2013).

Where tenure practices are evolving rapidly, as in PNG, it is necessary, before embarking on land reform policies, that detailed empirical analysis be undertaken on how customary land tenure regimes are changing, the extent to which land is being excluded from customary ownership, and the basis and outcomes of land conflicts and dispossessions. For example, with the emergence of tensions among younger, second-generation migrants and landowners, and new forms of exclusion, both groups are seeking more formal arrangements. Landowners are seeking ways to ensure that their long-term customary tenure rights are not eroded, while some migrants are seeking to have formal recognition of their use rights to the land and more long-term security of tenure for housing and to pursue livelihoods. How will more formal or legal procedures be managed or regulated by the state, migrants, and landowner groups to provide some level of tenure security for migrants acquiring land, while recognising and preserving the underlying rights of landowners on the ground?

More challenging will be how policy makers can develop an effective reform program and land administration system to accommodate the range of informal and semi-formal arrangements already well established, and gain the cooperation and trust of landowners in the land reform agenda. Any new government system seeking to mobilise customary land for housing and livelihoods for ‘outsiders’ will find it difficult to compete with existing informal systems already widespread and operating for several decades in many parts of PNG. The policy aim should be to find a way to complement and build on existing informal institutions and land transaction agreements that recognise underlying customary ownership. To achieve this means developing procedures and practices, in consultation with landowning groups, local government and migrants, which ideally build on indigenous notions of land tenure to provide tenure security to both groups.

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