# Asia-Pacific Environment Monograph 3

Customary Land Tenure and Registration in Australia and Papua New Guinea: Anthropological Perspectives

# Asia-Pacific Environment Monograph 3

# Customary Land Tenure and Registration in Australia and Papua New Guinea: Anthropological Perspectives

Edited by James F. Weiner and Katie Glaskin





Published by ANU E Press
The Australian National University
Canberra ACT 0200, Australia
Email: anuepress@anu.edu.au
This title is also available online at: http://epress.anu.edu.au/customary\_citation.html

National Library of Australia Cataloguing-in-Publication entry

Customary land tenure and registration in Australia and Papua New Guinea: anthropological perspectives.

Bibliography. ISBN 9781921313264 (pbk.) ISBN 9781921313271 (online)

1. Aboriginal Australians - Land tenure - Social aspects - Australia. 2. Papuans - Land tenure - Social aspects - Papua New Guinea. 3. Land titles - Registration and transfer - Australia. 4. Land titles - Registration and transfer - Papua New Guinea. 5. Land use - History - Australia. 6. Land use - History - Papua New Guinea. I. Weiner, James F. II. Glaskin, Katie. (Series : APEM Monographs Series).

306.32

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying or otherwise, without the prior permission of the publisher.

Cover design by Duncan Beard. Cover photograph: Landowner of Goare Village, Goaribari Island, Gulf Province, Papua New Guinea (photo by James F. Weiner).

This edition © 2007 ANU E Press

### **Table of Contents**

For	reword	ix
Ab	breviations	XV
Cor	ntributors	xvi
1.	Customary Land Tenure and Registration in Papua New Guinea and Australia: Anthropological Perspectives, <i>James F. Weiner and Katie Glaskin</i>	1
2.	A Legal Regime for Issuing Group Titles to Customary Land: Lessons from the East Sepik, <i>Jim Fingleton</i>	15
3.	Land, Customary and Non-Customary, in East New Britain, Keir Martin	39
4.	Clan-Finding, Clan-Making and the Politics of Identity in a Papua New Guinea Mining Project, <i>Dan Jorgensen</i>	57
5.	From Agency to Agents: Forging Landowner Identities in Porgera, Alex Golub	73
6.	Incorporating Huli: Lessons from the Hides Licence Area, Laurence Goldman	97
7.	The Foi Incorporated Land Group: Group Definition and Collective Action in the Kutubu Oil Project Area, Papua New Guinea, <i>James F. Weiner</i>	117
8.	Local Custom and the Art of Land Group Boundary Maintenance in Papua New Guinea, <i>Colin Filer</i>	135
9.	Determinacy of Groups and the 'Owned Commons' in Papua New Guinea and Torres Strait, <i>John Burton</i>	175
10.	Outstation Incorporation as Precursor to a Prescribed Body Corporate, <i>Katie Glaskin</i>	199
11.	The Measure of Dreams, Derek Elias	223
12.	Laws and Strategies: The Contest to Protect Aboriginal Interests at Coronation Hill, <i>Robert Levitus</i>	247
13.	A Regional Approach to Managing Aboriginal Land Title on Cape York, Paul Memmott, Peter Blackwood and Scott McDougall	273
Ind	lex	299

## **List of Figures**

Figure 4-1: Nenataman location map.	61
Figure 4-2: Topographical and site map of Nenataman.	62
Figure 6-1: Percentage of landowner households dissatisfied with different types of landowner organisation, 1998–2005.	101
Figure 6-2: Petroleum Development Licence areas in PNG.	102
Figure 6-3: A simplified model of the Huli descent and residence system.	107
Figure 6-4: Zone ILGs proposed for the Hides licence area (PDL 1).	109
Figure 6-5: Zone ILG structure proposed for the Hides licence area.	110
Figure 6-6: Landowner preferences for benefit distribution, 2005.	113
Figure 9-1: Area of common interest at Hidden Valley.	186
Figure 9-2: Approximate number of signatories for 'Nauti' by year	188
Figure 10-1: Approximate location of outstation groups in 2001.	207
Figure 10-2: General locations of Bardi and Jawi buru.	210
Figure 11-1: Diagram depicting places of significance for the Warlpiri in relation to the licence area in initial year of exploration.	235
Figure 11-2: Diagram depicting places of significance for the Warlpiri in second year of exploration with reduced licence area.	235
Figure 11-3: Diagram depicting broader areas of importance for Walpiri in relation to the exploration licence area in initial year of exploration.	242
Figure 11-4: Diagram depicting mining lease area in relation to areas of significance for Walpiri in the fifth year of mining.	242
Figure 12-1: Kakadu National Park, showing Coronation Hill and reduced (post-1989) Conservation Zone.	252
Figure 12-2: Kakadu National Park, showing stages of declaration and the original Conservation Zone.	254
Figure 13-1: Cape York Native Title Representative Body's area of administration and the subregions of Wik and Coen.	276
Figure 13-2: Wik subregion model.	288
Figure 13-3: Coen subregion model.	291

### **List of Tables**

Table 6-1: ILGs in petroleum licence areas, October 2004	103
Table 9-1: Distribution of living descendants of the 'Nauti' constituent patrilines of Equta patronymic by village (in 2000)	187
Table 9-2: Some attributes related to commons ownership in four cases in Torres Strait and Papua New Guinea	189
Table 13-1: Tenures on Cape York Peninsula showing potential for overlapping Aboriginal ownership	279
Table 13-2: Model of harmonised rules for a PBC as trustee of a Land Trust	283