

Papua New Guinea (PNG): Land Rights

Oxfam Australia

In Papua New Guinea, over 97% of land is under customary title. There is significant pressure, from both the Australian government and the World Bank to reform land ownership systems on the premise that customary title is an impediment to development. However, research from the Australian National University shows that in recent decades, agricultural production in PNG of both domestically marketed food and export crops has expanded steadily under customary tenures and has mostly declined under registered titles.

In Vanuatu, the Constitution states that only ni-Vanuatu can own land and only in a collective capacity. To circumvent this, 75-year leases have been established to allow foreign nationals to 'buy' land and develop businesses, generally tourist ventures and holiday homes. Many of these land deals have been undertaken without the full understanding of the customary landowners. For example, many entering into land deals do not understand that in 75 years time their land will not return to them unless they are able to cover the cost of developments to that land (such as luxury hotels). In 1994, one such land lease, for Retoka Island, was agreed with an annual fee of AU\$2,500. In 2005, it was put on the market for 9.5 million Australian dollars.¹ There is growing unrest as local populations are unable to access their ancestral lands, or even the ocean as the land is now built up with foreign-owned seaside resorts. This is a good illustration of the thoughtless promotion of untrammelled growth or what Amartya Sen called 'unaimed opulence'.²

Both matrilineal and patrilineal systems of land inheritance exist in the Pacific. In matrilineal systems land rights pass through women, and women have some rights and a certain amount of power, but these rights are secondary to those of men. Even in matrilineal societies there is no guarantee that women will be consulted or have an active role in decisions about land usage. For example, in one case reported by Solomon Islands' women from Ysabel province, a woman's brothers and male cousins sold her land without telling her to another male Solomon Islander. The experience of women in Bougainville where land is also passed through matrilineal descent is described in an Oxfam report:

This case study was written as a contribution to the development of *From Poverty to Power: How Active Citizens and Effective States Can Change the World*, Oxfam International 2008. It is published in order to share widely the results of commissioned research and programme experience. The views it expresses are those of the author and do not necessarily reflect those of Oxfam International or its affiliate organisations.

Bougainville – Panguna Copper Mine

'The mothers and women of the Panguna area were left out from services... No one sought our views, and still today the Bougainville Copper Limited and even some of our national men with positions in BCL have forgotten the local women either in participation in decision making or training. It was only the educated people that were making the decisions, so women and the elderly were excluded. This is another injustice committed against our women as we were made strangers and victims of our own land...'

In Bougainville we women own the land but it was the men who are speaking and negotiating on our behalf. We never got a chance to actually speak out.'

Source: CERD/Oxfam, 2004.

A further caution about joint land titling in relation to the Pacific. While matrilineal land passage does not indicate 'ownership' in a western sense, it does contribute to women's status and security, whereas titling in joint names may actually institutionalise male control over land in matrilineal societies, rather than enhance women's rights.

© Oxfam International June 2008

This case study was written by Oxfam Australia and Oxfam New Zealand in July 2007. It is one of a series written to inform the development of the Oxfam International publication *From Poverty to Power: How Active Citizens and Effective States Can Change the World*, Oxfam International 2008.

This case study was written based on research and experiences of Oxfam Australia and Oxfam New Zealand.

The paper may be used free of charge for the purposes of education and research, provided that the source is acknowledged in full. The copyright holder requests that all such use be registered with them for impact assessment purposes. For copying in other circumstances, or for re-use in other publications, or for translation or adaptation, permission must be secured. Email publish@oxfam.org.uk

For further information on the issues raised in this paper, please email enquiries@oxfam.org.uk

Notes

¹ Oxfam New Zealand, 'Vanuatu: The 2006 Land Summit – Briefing Note' (2006).

² Amartya Sen and Jean Drèze, *Hunger and Public Action* (Oxford: Clarendon Press, 1989), Chapter 10.