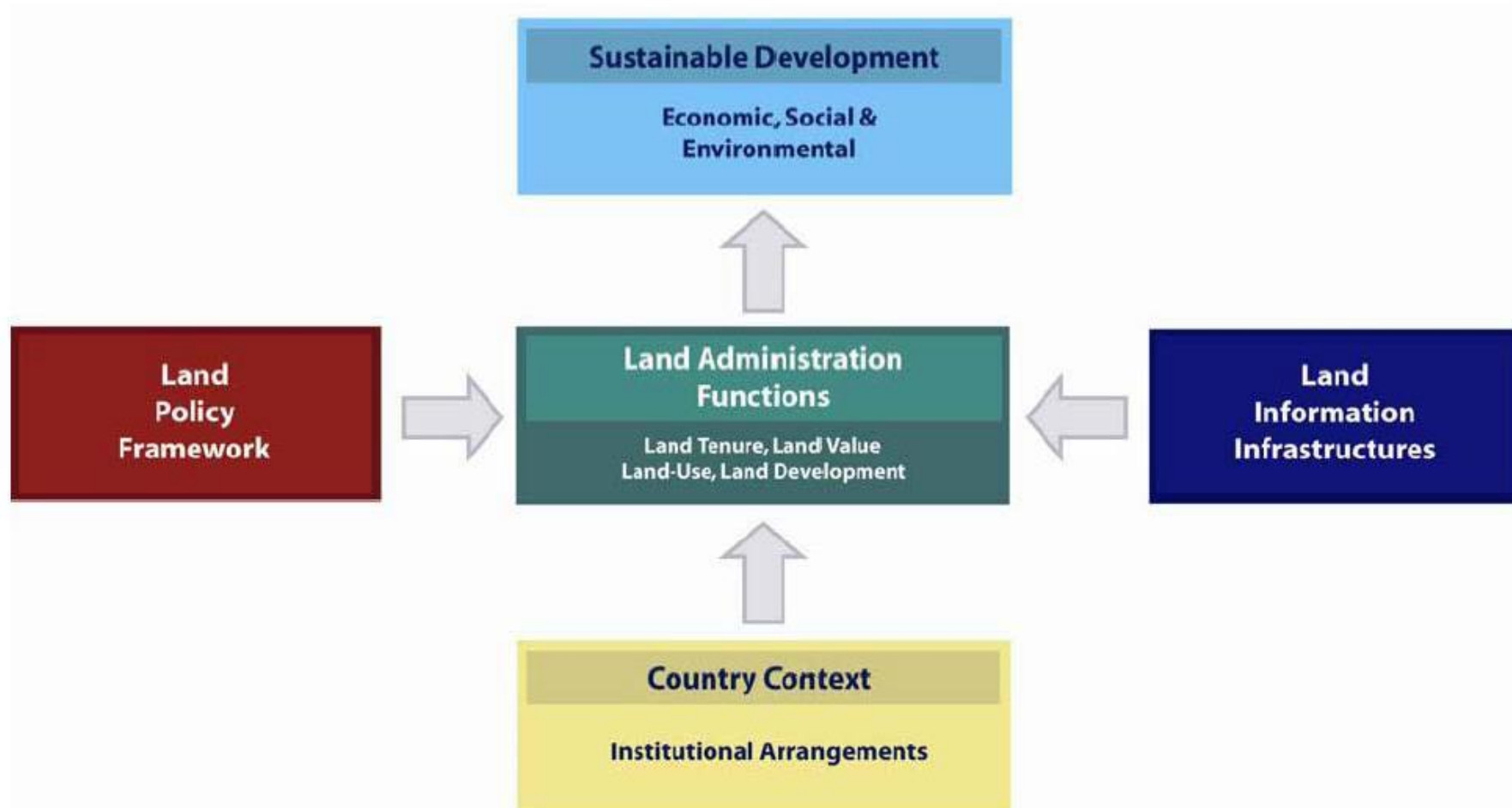


The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered in the middle of the slide.

# **A STUDY ON THE FORMAL SECTOR INTERACTIONS WITH LANDOWNERS ON CUSTOMARY LAND DEALINGS**

MR. WYCLIFFE ANTONIO

# LAND ADMINISTRATION SYSTEMS FOR SUSTAINABLE DEVELOPMENT



LAND MANAGEMENT PARADIGM – Enemark, 2005



# **SUSTAINABLE DEVELOPMENT**

- **ECONOMIC DEVELOPMENT**
  - **ENVIRONMENTAL STEWARDSHIP**
  - **SOCIETAL EQUITY**
  - **GOOD GOVERNANCE – ESSENTIAL FOR ACHIEVING  
SUSTAINABLE DEVELOPMENT GOAL**
- 

# **GOOD GOVERNANCE IN LAND ADMINISTRATION**

- **GOOD GOVERNANCE IN LAND ADMINISTRATION AIMS TO PROTECT THE PROPERTY RIGHTS OF INDIVIDUALS AND ENTERPRISES AS WELL AS OF THE STATE BY INTRODUCING SUCH PRINCIPLES AS TRANSPARENCY, ACCOUNTABILITY, RULE OF LAW, EQUITY, PARTICIPATION AND EFFECTIVENESS INTO LAND RELATED PUBLIC SECTOR MANAGEMENT. (ZAQOUT ET AL. 2007)**

# LAND REFORM RECOMMENDATION, 2005

## □ 3 KEY THEME RECOMMENDATIONS

❖ 1 – IMPROVING THE LAND ADMINISTRATION SYSTEM

❖ 2 – IMPROVING THE LAND DISPUTE SETTLEMENT SYSTEM

❖ 3 – PROVIDING A FRAMEWORK FOR THE UTILISATION OF  
CUSTOMARY LAND FOR DEVELOPMENT

## ➤ 4 – AREAS OF GENERAL PUBLIC CONCERN

- NATIONAL LAND DEVELOPMENT TASKFORCE REPORT, 2007.

# **STUDY ON HOW STATE AGENCIES INTERACT WITH CUSTOMARY LANDOWNERS**

**□ CUSTOMARY LANDOWNERS ARE MAJOR STAKEHOLDERS –  
CUSTOMARY LAND 97% - HIGHLY DISPARAGED &  
DISEMPOWERED**

**❖ QUESTIONS IN SURVEY ON;**

- LEGAL BASIS**
- FUNCTIONS & ROLES**
- PROCESSES**
- PERCEPTIONS ON EFFECTIVENESS**
- DATA GATHERED AND MANAGED**

# **CUSTOMARY LAND FOR DEVELOPMENT**

## **□ THREE FORMAL OPTIONS;**

- 1. LAND (TENURE CONVERSION) ACT (1964); LAND TENURE CONVERSION AMENDMENT) ACT (1987)**
- 2. LAND ACT (1996) – SECTIONS 11 & 102 - LEASE-LEASEBACK**
- 3. LAND REGISTRATION (AMENDMENT) ACT (2009) – VOLUNTARY CUSTOMARY LAND REGISTRATION (VCLR) THROUGH ILGS**

# NATIONAL NATURAL RESOURCE DEVELOPMENTS

## ❖ MINING

- DEPARTMENT OF MINING & GEOHAZARD MANAGEMENT (DMGM)
- MINERAL RESOURCE AUTHORITY (MRA)

## ❖ GAS & PETROLEUM

- DEPARTMENT OF PETROLEUM & ENERGY (DPE)

## ❖ FORESTS

- PNG FOREST AUTHORITY (PNGFA)

## ❖ AGRICULTURE

- DEPARTMENT OF AGRICULTURE & LIVESTOCK
- COFFEE INDUSTRY CORPORATION
- COCOA BOARD OF PNG

## ❖ CONSERVATION

- CONSERVATION & ENVIRONMENT PROTECTION AUTHORITY (CEPA)
- WILDLIFE CONSERVATION SOCIETY (WCS)

**National natural resource projects driven by national economic growth agenda**



# **PNG LAND ADMINISTRATION SYSTEM**

**□ MANAGED BY THE DEPARTMENT OF LAND AND PHYSICAL PLANNING (DLPP)**

**❖ PREDOMINANTLY ON STATE LAND**

**❖ NOW A BRANCH DEDICATED TO LAND IN CUSTOMARY TENURE WITH 4 DIVISIONS**

- 1. ILG – ILG APPLICATIONS, PROCESS & ISSUES CERTIFICATES**
- 2. CUSTOMARY LEASES – ADMINISTER CUSTOMARY LAND REGISTRATION**
- 3. SPECIAL PROJECTS – ASSIST IN ECONOMIC AND INFRASTRUCTURE PROJECTS**
- 4. LAND ACQUISITIONS – FACILITATE STATES ACQUISITION OF CUSTOMARY LAND**

# **PNG LAND ADMINISTRATION SYSTEM**

## **❖ OTHER NATIONAL LAND OFFICES**

- 1. REGISTRAR OF TITLES – REGISTER & MAINTAIN LAND TITLES REGISTER, INCLUDING CUSTOMARY LAND LEASE TITLES.**
- 2. VALUER GENERAL – PROVIDE LAND VALUATIONS SOME ASPECTS EXTEND TO CUSTOMARY LAND**
- 3. SURVEYOR GENERAL – REGULATES CADASTRAL AND GEODETIC SURVEYS. FUNCTIONS EXTEND TO ILG SKETCHES AND LAND SURVEYS FOR VCLR AND LTC REGISTRATION.**
- 4. LAND TITLE COMMISSION – ADMINISTERS THE LAND TENURE CONVERSION ACT.**

# **PNG LAND ADMINISTRATION SYSTEM**

## **❖ SUB-NATIONAL LANDS OFFICES**

- 1. REGIONAL SURVEYOR – EXAMINATION & QUALITY CONTROL OF CADASTRAL SURVEYS**
- 2. REGIONAL LANDS OFFICER – OVERSEES & SUPERVISES CUSTOMARY LAND DEALINGS; ILG, LAND ACQUISITIONS, CUSTOMARY LEASES, LIR**
- 3. PROVINCIAL LANDS – IMPLEMENTS DECENTRALISED SERVICES ON CUSTOMARY LAND & LAND DISPUTE FUNCTIONS**
- 4. DISTRICT LANDS – COORDINATES BETWEEN THE DIFFERENT LEVELS OF GOVERNMENT IN VARIOUS LAND PROCESSES AND MATTERS AT THE DISTRICT & LINKS WITH CUSTOMARY LANDOWNERS**

# **NATURAL RESOURCES SECTOR**

- **PNGFA – FACILITATES FORESTRY DEVELOPMENT PROJECTS AT THE INVITATION OF LANDOWNERS**
- **DAL – MANAGES THE AGRICULTURE SECTOR**
- **CIC – REGULATES THE COFFEE INDUSTRY AND PROVIDES RESEARCH AND GROWER SERVICES.**
- **CBPNG –REGULATES AND CONTROLS THE GROWING, PROCESSING & MARKETING OF COCOA. TRAINS GROWERS**
- **DMPGM – DEALS WITH POLICY AND LEGISLATION OF MINING**
- **MRA – IMPLEMENTS AND REGULATES MINING**
- **CEPA – RESPONSIBLE FOR AND REGULATES ALL NATURE CONSERVATION ACTIVITIES & PROTECTION AND MANAGEMENT OF THE ENVIRONMENT FROM RESOURCE DEVELOPMENTS**

# **PROCESSES OF DEALING WITH CUSTOMARY LAND & LANDOWNERS - DLPP**

## **☐ FOR MOST CUSTOMARY LAND-RELATED PROCESSES**

- INITIATED AT THE NATIONAL LEVEL,**
- INITIAL TASKS ARE UNDERTAKEN AT THE NATIONAL LEVEL, AND THEN**
- DELEGATED/REFERRED TO SUB-NATIONAL FOR EXECUTION, FINALLY**
- RETURNED TO NATIONAL LEVEL FOR ASSESSMENTS & APPROVALS**
  - ✓ WHERE SUB-NATIONAL LACK PERSONNEL – NATIONAL LEVEL PERSONNEL DEPLOYED TO PROVINCE OR DISTRICT FOR REQUIRED TASKS**

# **NATURAL RESOURCES SECTOR PROCESSES OF DEALING WITH CUSTOMARY LANDOWNERS**

- **AGENCIES ADHERE TO SET LAWS AND POLICIES IN THEIR INTERACTIONS WITH CUSTOMARY LANDOWNERS**
- **AGENCIES ARE LOCATED AT NATIONAL OFFICES**
- **OPERATE UNDER SPECIFIC MANDATES**
- **ADMINISTRATIVE STRUCTURES ARE INTENTIONALLY DESIGNED TO STREAMLINE THEIR OPERATIONS.**
- **INTERACTIONS WITH CUSTOMARY LANDOWNERS CONSTITUTE A MINOR COMPONENT AND AN ASPECT OF THE OVERALL OPERATIONS.**

# PERCEPTIONS OF LAND OFFICERS

- **THE NEW LAWS REQUIRE FURTHER REFINEMENTS.**
- **CUSTOMARY LAND, DEAL WITH CULTURAL, SPIRITUAL AND HERITAGE SENSITIVITIES**
- **LACK OF ADHERENCE TO PROCESSES WITH INTERAGENCY INTERACTIONS**
- **LAND OFFICERS AT THE SUB-NATIONAL LEVEL TAKE ON MULTIPLE ROLES**
- **SABL MORATORIUM HARMS OTHER SABL USERS**
- **PROVINCIAL LAND DIVISIONS, IF THEIR IMPORTANCE IS RECOGNISED, COULD SIGNIFICANTLY ENHANCE THE EFFECTIVENESS OF LAND MANAGEMENT.**
- **ADVERSE EFFECTS OF PROLONGED LAND DISPUTES**
- **THE PERPETUATION OF INFORMAL LAND AGREEMENTS AND SALES BY GOVERNMENT OFFICERS (CLUA, CLA, CLS) HAS A DETRIMENTAL EFFECT ON LAND MANAGEMENT AND THE RIGHTS OF LANDOWNERS, NECESSITATING POLICY CHANGE.**

# **PERCEPTIONS OF NATURAL RESOURCE SECTORS**

- LTC – OUTDATED LAW, NEEDS BUDGET & PERSONNEL SUPPORT TO INCREASE THE NUMBER OF HEARINGS, FREEHOLD TITLES NOT ACCEPTED BY COMMERCIAL BANKS**
- PNGFA – DEALS WITH CUSTOMARY LANDOWNERS ON THE MANAGEMENT OF TREES, EXCLUDING OTHER INTERESTS IN CUSTOMARY LAND**
- CIC & CBPNG—CUSTOMARY LAND BOLSTERS SMALLHOLDER PRODUCTION, AND GROWTH IS EXPECTED. THERE IS A NEED TO SHIFT FROM A SUBSISTENCE FARMING MINDSET TO A COMMERCIAL ONE.**
- DMPGM – ON-SITE FIELDWORK REQUIRES THE STATE TEAM ON THE MINE SITE TO ADDRESS ISSUES**



# **DATA GATHERED AND MANAGED BY DLPP**

- **ILG – HAS A DATABASE AND ALSO MAINTAINS PAPER FILES**
- **CUSTOMARY LEASES – ARCHIVE OF CUSTOMARY LAND DEALINGS (CLD) FILES**
- **ACQUISITIONS – ARCHIVE OF NATIVE LAND DEALINGS (NLD) FILES**
- **SPECIAL PROJECTS – HAVE CHALLENGES IN MAINTAINING FILES**
- **ROT – MAINTAINS A COMPREHENSIVE REPOSITORY OF TITLES, RECORDS, AND DOCUMENTATION**
- **VGS OFFICE – RELIES ON SALES DATA OF CUSTOMARY LAND IN REGIONS AND MANAGES A CENTRAL ARCHIVE FOR VALUATIONS**
- **SGS OFFICE – FOCUS ON BOUNDARY SURVEY DATA WITH ARCHIVES OF CADASTRAL PLANS AND FILES**

# **DATA GATHERED AND MANAGED BY NATURAL RESOURCE SECTOR**

- **PNGFA – COMPREHENSIVE DATA OF SPECIFIC AREAS – EXTERNAL BOUNDARY, TREE SPECIES AND QUANTITIES – DOES NOT INTEGRATE CUSTOMARY GROUP DATA, USES FOREST INVENTORY MAPPING SYSTEM (FIMS) GIS DATABASE**
- **DAL – ARCHIVE OF PROJECT REPORTS, CUSTODIAN OF PNGRIS**
- **CIC & CBPNG – ARCHIVE OF DATA ON SMALLHOLDER FARMERS AND APPROXIMATE ACREAGE**
- **MRA – HOLDS RELEVANT DATA ON TENEMENT REGISTRATION AND OTHER PERTINENT DATA, MANAGES AN ONLINE MINING CADASTRAL PORTAL FOR THE WHOLE COUNTRY WITH GEOLOGY DATA**

# **SOME CONCLUDING REMARKS**

- **STATE AGENCIES' STRUCTURE & OPERATION ARE TYPICALLY HIERARCHICAL**
  - **NATIONAL OFFICES INITIATE LAND TRANSACTIONS AND REFER TO LOWER-TIER DIVISIONS**
  - **LOWER- DIVISIONS IDENTIFY, AUTHENTICATE, VALIDATE AND RECORD CUSTOMARY LAND, LAND GROUPS AND COMMUNITY DATA**
- **CHALLENGES – INSUFFICIENT CAPACITY & RESOURCES, GEOGRAPHIC ISOLATION, TRANSPORT & COMMUNICATION COSTS**
- **RESULT IN PROLONGED PROCESS DURATIONS**
- **CUSTOMARY LANDOWNERS & RURAL COMMUNITIES ARE DISPROPORTIONATELY AFFECTED**
  - **ISOLATED AND INADEQUATE SUPPORT**

# **SOME CONCLUDING REMARKS**

- **MANY PROCESSES UNDERTAKEN ON CUSTOMARY LAND DEALINGS ARE AT PROVINCIAL DISTRICT LEVELS.**
- **CHALLENGES OF PROVINCIAL & DISTRICTS – SIGNIFICANTLY CONTRIBUTE TO LENGTHY DELAYS.**
- **DEVOLVED FUNCTIONS BE DELEGATED AUTHORITY TO MAKE FINAL DECISIONS**
- **CONCERNS ABOUT INADEQUATE DATA MANAGEMENT & MISSING FILES ARE SIGNIFICANT**
- **THERE IS A NEED TO DEVELOP A DATABASE TO IMPROVE THE MANAGEMENT & ARCHIVING OF DATA**
- **SECTORAL AGENCIES LIKE MRA & PNGFA HAVE COMPREHENSIVE DATABASES BUT LACK CUSTOMARY LAND DATA**

# **CONCLUSION/RECOMMENDATION**

- **THERE IS A NEED TO RE-ENGINEER THE LAND ADMINISTRATION SYSTEM TO INCORPORATE CUSTOMARY LAND EFFECTIVELY**
- **RE-ENGINEERING - “THE FUNDAMENTAL RETHINKING AND RADICAL REDESIGN OF BUSINESS PROCESSES TO ACHIEVE DRAMATIC IMPROVEMENTS IN CRITICAL CONTEMPORARY MEASURES OF PERFORMANCE, SUCH AS COST, QUALITY, SERVICE AND SPEED” (HAMMER AND CHAMPY, 1993).**