DECENTRALIZATION OF LAND ADMINISTRATION

DLPP Presentation to the Politics & Governance Seminar in Lae
Friday 1st September 2023

Presented by:
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PRESENTATION OUTLINE

■ LAND TENURE IN PNG
■ THE LAND LAWS
■ THE DEPARTMENT OF LANDS & PHYSICAL PLANNING
■ LAND ADMINISTRATION AT THE SUBNATIONAL LEVEL
■ RECOMMENDED STRUCTURE
■ STATUTORY OFFICES AT THE PROVINCIAL LEVEL
■ PROVINCIAL PHYSICAL PLANNING BOARDS
■ PROVINCIAL LAND BOARDS
■ FREEHOLD LAND ADMINISTRATION AT THE SUBNATIONAL LEVEL
■ ISSUES/CHALLENGES WITH LAND ADMINISTRATION AT THE SUBNATIONAL LEVEL
■ WAY FORWARD
■ EXPECTATION OF CURRENT GOVERNMENT
■ CURRENT INITIATIVES
LAND TENURE IN PNG

There are three main Land Tenure Systems in PNG. They Are;

- State Land
- Freehold Land
- Customary Land (Informal Tenure)
The main legislations covering land administration in PNG:

- Land Act 1996
- Land Registration Act 1981
- Physical Planning Act 1989
- Survey Act 1969
- Survey Co-ordination Act 1967
- Valuation Act 1967
- Land Group Incorporation (Amendment) Act 2009
- Town Boundaries Act 1951
THE LAND LAWS

The main legislations covering land administration in PNG:

- Land (Ownership of Freehold) Act 1976
- Land (Tenure Conversion) Act 1963
- Street Closing Act 1951
- Place Names Act 1965
- Strata Title Act 2022
- Strata Title (Management) Act 2022
- Land Commission Act 2022
The Department of Lands & Physical Planning

- The Department of Lands is the Government Organization responsible for the administration of land in PNG.
- The DLPP is mandated to mobilize land through acquisition or VCLR, physical planning, surveys, land administration and the issuance of titles.
- The Department Comprises of the following Divisions;
  - Corporate Affairs Wing
    - Corporate Services Division
    - Policy & Legal Services Division
The Department Comprises of the following Divisions:

- **Land Services Wing:**
  - Physical Planning Division
  - Surveys Division
  - Valuation Division
  - National Mapping Bureau
  - Alienated Lands Division
The Department Comprises of the following Divisions:

- *Customary Land Wing*
  - Customary Land Development Division
  - Incorporated Land Groups Division
  - Customary Land Registration Division

- *Titles Division*
The administration of land can be administered at the subnational levels and has been administered at the provincial level.

Provincial governments under the administration should have Provincial Land Divisions under their structure to carry out a range of functions that are otherwise not restricted to the National Level.

Some of these functions may include:

- Development of Land Policy and Legislation in line with Division 3 of the Organic Law on Provincial
- Conducting Land Investigations For Acquisition of Land
- Verification of Land Investigations prior to issuance of certificate of alienability
- Imposition of Land Tax
LAND ADMINISTRATION AT THE SUBNATIONAL LEVEL

Some of these functions may include;

- Physical Planning Approvals at the provincial level
- Surveying (Especially for customary land acquisition and assisting land groups in drafting sketch maps to standards)
- Valuation Services
- Site Inspections for the purposes of conveyancing, forfeiture of state leases and pre land board
- Conducting Provincial Land Board Meetings
- Receive land rental payments for leased land
- Receive Lodged Applications (including Land Tender Applications, ILG lodgments, Conveyance applications) for processing at DLPP HQ
■ Generally, there is no appropriate / adequate structure in place at the provincial lands divisions in the provinces

■ Lands officers of provincial administrations are performing tasks for both customary land and state land.

■ The DLPP have been advocating for all Provincial Administrations to adopt the following organizational structure for land administration as a minimum requirement;

■ Note : DLPP has already closed its regional offices
There are two main statutory bodies that can be formally devolved to the provincial level and even the District Level. They are; (1) Provincial Physical Planning Boards and (2) Provincial Land Boards.

**PROVINCIAL PHYSICAL PLANNING BOARDS**

- *Established under Part IV of the Physical Planning Act 1989*

- *Board that approves all proposed development plans in provinces that conform to best land use practice.*
STATUTORY OFFICES AT THE PROVINCIAL LEVEL

■ PROVINCIAL PHYSICAL PLANNING BOARDS

■ Physical Planning Board functions can be further delegated as Local Physical Planning Boards which can be operated at the LLG level if adequate capacity is there.

■ Lihir is a case of a Local Physical Planning Board
## PROVINCIAL PHYSICAL PLANNING BOARDS

- Total Number of Provinces with Physical Planning Boards;

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<tr>
<th>No.</th>
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STATUTORY OFFICES AT THE PROVINCIAL LEVEL

■ PROVINCIAL LAND BOARDS


- Provincial Land Boards under the Land Act 1996 is not explicitly outlined
**PROVINCIAL LAND BOARDS**

- *Total number of established provincial land boards*

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<tr>
<td>4</td>
<td>Manus</td>
<td>Pending Gazettal of Board Members</td>
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<tr>
<td>5</td>
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FREEHOLD LAND ADMINISTRATION AT THE SUBNATIONAL LEVEL

- Freehold Lands are privately owned lands derived from or demarcated from customary land and a certificate of title may be issued.

- Is no longer deemed to be either state owned nor customary land.

- The Lands Commission administers the Land Tenure Conversion Act by issuing conversion orders over adjudication areas which is then registered by the Registrar of Titles before a certificate of title is issued.

- There is no evidence to suggest that the administration of freeholds happens at the subnational level (Note – Information not verified)
ISSUES/CHALLENGES WITH LAND ADMINISTRATION AT THE SUBNATIONAL LEVEL

■ Lack of capacity
■ Lack of financial resources at the national level to carry out awareness and capacity building programs for provincial land administration.
■ Inadequate organizational structure
■ Lack of coordination (even in this modern age)
■ Issues with land administration at the national level
■ Not carrying out site inspections thoroughly
■ Not receiving lodgments
■ Distrust between DLPP and Provincial lands Officers for site inspections
ISSUES/CHALLENGES WITH LAND ADMINISTRATION AT THE SUBNATIONAL LEVEL

■ District Administrators are unaware of ILG lodgment applications being made in Port Moresby.

■ Notices for Lodgments of ILG applications or for the conduct of land investigation reports due to the lack of vital infrastructure

■ Some provinces weary of lands in their provinces being an item at the National Land Board.

■ Limited / inadequate legal framework for the establishment provincial land boards.

  ✓ Limitations in the appropriate land services in PNG is holding the country back
WAY FORWARD

1. Policy & Legislative Review
2. Ensure the recommended structure is established in all provinces
3. Capacity building programs
4. Conduct awareness to demarcate clearly roles to be carried out at the provincial level
5. Increased funding or co-funding for land administration improvement programs and general administration at the provincial level

- Each Provincial Governments must be serious about having the adequate structure to effectively administer land at the provincial level
Expectations of Current Government

1. Land Reform
2. Bankability of Customary Land
3. Land Partnership Program
4. Revenue Generation
5. Digitization of land records and business processes
Current Initiatives

1. National Land Development Program Phase II *(PIP funded)*
2. LEAP Project *(PIP funded)*
3. Land Partnership Program *(PIP funded)*
4. Border Survey & Mapping *(PIP Funded)*
5. Strata Titles
6. National Sustainable Land Use Program
7. Land Mobilization across other sectors
END OF PRESENTATION!!!