



NATIONAL LAND SUMMIT 2019

ISSUES, MAIN POINTS AND RESOLUTIONS



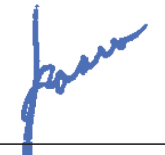
Customary Land is important to our customary landowners ("owners"), those that want to use customary land ("users"), and the State agencies that administer and regulate use and access to customary land ("regulators"). A consultative process was established for each party to participate and make contributions towards policy, law and administration of customary land in Papua New Guinea, with the intention to develop a policy, legal and administrative framework facilitating efficient utilisation of customary land for the benefit, first and foremost, of the customary landowners.

Dialogue has been involved and extensive, culminating in the 3-day National Land Summit which validated and adopted 17 resolutions. The Marape-Steven Government is glad to inform you that the National Executive Council (NEC) on 04 September 2019 by NEC Decision No. NG70/2019 endorsed the 17 resolutions for implementation as National Land Development Program Phase II.

Issues	Main Points	Adopted Resolutions
1. Landowner identification	<ul style="list-style-type: none"> There should not be one single process for identifying landowners. 	<ul style="list-style-type: none"> Establishing a structured process for the identification of customary landowners is critical for the successful mobilisation of customary land for development. The legal and administrative framework for landowner identification should be flexible and allow for the use of existing social structures, traditional decision-making structures and administrative processes such as village courts, village councillors, land courts and NID.
2. Incorporated Land Groups (ILGs)	<ul style="list-style-type: none"> There is no clear consensus on the usefulness of the ILG as a vehicle for mobilising customary land for development 	<ul style="list-style-type: none"> The relevance of the ILG as a vehicle for mobilising customary land for development needs to be reviewed with the view to amend or repeal.
3. Voluntary Customary Land Registration (VCLR)	<ul style="list-style-type: none"> The VCLR process is long, costly and titles are not bankable. 	<ul style="list-style-type: none"> The relevance of the VCLR process as a legal framework for mobilising customary land for development needs to be reviewed with the view to amend or repeal.
4. Benefit Sharing	<ul style="list-style-type: none"> A structured benefit sharing arrangement for incomes generated from the mobilisation of customary land for development is required. 	<ul style="list-style-type: none"> Develop a legal framework that guides the mobilisation of customary land for development and the distribution of proceeds from the development.
5. Improving Efficiency in land administration within Department of Lands and Physical Planning (DLPP)	<ul style="list-style-type: none"> Land is fundamental to nation building and yet is poorly understood and managed in PNG. Reforms into the systems and processes of land administration within DLPP is fundamental for the effective administration of land in the country. 	<ul style="list-style-type: none"> Elevate the status of the role of land in nation building by exploring options to elevate the status of DLPP to Central Agency level and establishing an independent agency to administer customary land. Reforms into the systems and processes of land administration within DLPP must complement efforts to reform customary land tenure with the view to ensure credibility in the systems and processes that will facilitate and administer customary land.
6. Land Dispute Resolution	<ul style="list-style-type: none"> The systems and processes for land dispute resolution requires a major overhaul because inefficiency in the systems and processes of land dispute settlement mechanism is frustrating customary land development. 	<ul style="list-style-type: none"> Review the systems and processes of land dispute settlement with the view to introduce efficiency as an integral part of customary land tenure reforms.
7. Improving Customary Land Registration	<ul style="list-style-type: none"> A new agency fully responsible for the administration of customary land is required. 	<ul style="list-style-type: none"> Establish a new agency to administer customary land in PNG.
8. Special Agricultural Business Lease (SABL)	<ul style="list-style-type: none"> SABL remains an issue that needs policy clarity and decision. 	<ul style="list-style-type: none"> Resolving the SABL issue in light of the Commission of Inquiry will buy credibility to the customary land tenure reforms. Hence, a clear policy on the future of SABLs and what to do with the existing SABL titles is required. Furthermore, review the relevance of the SABL process within the context of the land tenure reforms.
9. Freehold Titles	<ul style="list-style-type: none"> There are increasing cases of abuse of freehold titles and the financial sector is refusing to accept freehold titles as collateral for mortgage. 	<ul style="list-style-type: none"> Review the relevance of the Land Tenure Conversion Act within the spirit of the reforms to customary land tenure.
10. Conflicting land use and titles/licenses over the same piece of land	<ul style="list-style-type: none"> Issuance of conflicting land titles and or license over the same parcel of land affecting the same people is a growing concern. 	<ul style="list-style-type: none"> Review the legal and administrative processes for the plan, use and grant of titles and or licenses with the view to have the systems and processes synchronised and harmonised.
11. Underwater lease/water ways	<ul style="list-style-type: none"> There is conflicting understanding and the application of the law and processes dealing with the various rights (ownership, use and access rights) over underwater leases and resources therein and water ways in PNG. 	<ul style="list-style-type: none"> Establish a process for policy dialogue and debate on the legal and customary interpretations and their applications with the view to develop clear policy, legal and administrative frameworks.
12. Integrating traditional urban villages into town planning/Urban growth and expansion	<ul style="list-style-type: none"> The idea of integrating urban villages into urban planning is critical for the development of viable towns and cities in PNG. 	<ul style="list-style-type: none"> Establish policy and legal pathways for the integration of urban villages into towns and cities and as an integral part of customary land mobilisation.
13. Land compensation	<ul style="list-style-type: none"> Land compensation claims cut across alienated land, customary land used by utility service providers and the State, and land accessed by resource project developers. 	<ul style="list-style-type: none"> Establish a process for policy debate with the view to establish legal and administrative pathways for addressing each of these issues as part of customary land tenure reforms.
14. Legal vs Customary Rights ownership	<ul style="list-style-type: none"> Lack of proper land tenure administration and harmonisation of laws causing conflicts in rights and interests as to ownership, possession and use of land. 	<ul style="list-style-type: none"> Establish a clear policy dialogue process for public debate on the need for clarity and the harmonisation of laws dealing with legal vs customary ownership rights over minerals, oil & gas, sea, water ways (river systems), and alienated (State or Mission-owned) land as a complementary process for the effective mobilisation of customary land for development.
15. Bankability of land titles	<ul style="list-style-type: none"> Security of land tenure with the view to ensure land titles are bankable is fundamental. 	<ul style="list-style-type: none"> Reforms into customary land must ensure security of tenure and bankability of titles.
16. Economies of scale is fundamental	<ul style="list-style-type: none"> Absence of trunk infrastructure and high cost of developing trunk infrastructure. 	<ul style="list-style-type: none"> Reforms to customary land tenure must ensure scale land is mobilised for development given the high cost of trunk infrastructure and complementary investments critical for making a project viable.
17. Complementary Policies	<ul style="list-style-type: none"> Need for incentivising the private sector to undertake investment in land. 	<ul style="list-style-type: none"> Complementary policies such as the introduction of a Tax Credit Scheme to scale projects such as the development of satellite and or major townships on customary land in cases where there is no trunk infrastructure should be considered.

The issues, main findings and resolutions will inform and guide the Government of Papua New Guinea to undertake policy, legal and administrative reforms. This will encompass a whole of Government approach, involving several government departments and agencies: Department of National Planning and Monitoring, Department of Treasury, Department of Justice and Attorney General, Constitutional and Law Reform Commission, Investment Promotion Authority, National Land Titles Commission, Department of Lands and Physical Planning, Magisterial Service and the National Research Institute.


Hon. James Marape, MP
 Prime Minister


Hon. John Rosso, MP
 Minister for Lands and Physical Planning