



THE NATIONAL  
RESEARCH INSTITUTE  
PAPUA NEW GUINEA

# RESEARCH REPORT

DYNAMICS OF INFORMAL  
CUSTOMARY LAND TRANSACTIONS  
BETWEEN LANDOWNERS AND  
MIGRANTS AT TAURAMA VALLEY,  
NATIONAL CAPITAL DISTRICT

Elizabeth Kopel  
Linus Digim'Rina  
Lewis Iwong  
Cathy Tukne

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Elizabeth Kopel conceptualised and designed the study and wrote this report. Dr Linus Digim'Rina was hired as a consultant and compiled an earlier version of the report. All four authors collected the data. Lewis Iwong re-entered and analysed the data.

## Abbreviations & Acronyms

|       |                                       |
|-------|---------------------------------------|
| CLUA: | Clan Land Use Agreements              |
| ILGs: | Incorporated Land Groups              |
| NCD:  | National Capital District             |
| NCDC: | National Capital District Commission  |
| NLDP: | National Land Development Program     |
| PNG:  | Papua New Guinea                      |
| VCLR: | Voluntary Customary Land Registration |

## Executive Summary

This study investigated the dynamics of informal customary land transactions between Motu Koita landowners at Taurama Valley and migrants who have settled on the land. The objective was to contribute to our understanding of the factors driving informal customary land transactions, the impact as well as implications of these transactions. Two pre-set questionnaire instruments were used to gather data from customary landowners and migrant settlers, entered using SPSS and further analysed in excel descriptive statistics. The findings provide important lessons with policy implications relating to development of customary land for urbanisation and housing that can bring long-term benefits to landowners without loss of ownership. Most transactions were and continue to be based on relational grounds, but there are also 'stranger' deals with features of market transactions. The informal nature of agreements together with lack of clarity on the terms and conditions of settlement, price of land per square metre, lease tenure, payment terms, and or physical map of the sold areas leave room for misinterpretation and either party is not protected from the other. Migrants and landowners have a totally different understanding of the terms of settlement. While landowners assume that they have ownership rights, settlers also assume permanency of settlement and make major investments by building homes and or businesses. This is a major potential source of ongoing conflict. Informal land transactions also have negative impact on landowning families. Any intervention to bring a lasting solution for Taurama will be challenging as it needs to engage not just with landowners but also migrants and the investments they have made on the land

# Ch. 1 Introduction

Freehold (State) land accounts for just 5 percent of Papua New Guinea's (PNG) land while an overwhelming 95 percent is held under customary ownership (Koczberski et al., 2017; Chand & Yala, 2012). Given the limited size of State land for urbanisation and development purposes, improving the management of demand for customary land continues to be a critical challenge for Papua New Guinea (Koczberski et al., 2017).

Population growth accompanied by increased cost of living due to the extractive resource sector boom; combined with a shrinking urban land market, has led to sky-rocketing rentals and house prices, making access to formal suburban housing unaffordable (Ezebilo et al., 2017; Jones, 2011). This has led some residents of urban areas to seek housing in informal settlements (Webster et al., 2016; Jones, 2011).

While the emergence and proliferation of informal settlements on customary land is illegal in many situations, there is a growing evidence of the establishment of indigenous and hybrid forms of informal arrangements with customary landowners whereby migrants obtain and maintain access to land for housing (Chand & Yala, 2012, 2008; Numbasa & Koczberski, 2012).

The work led by Gina Koczberski and George Curry in the oil palm frontier zones of PNG over many years, has been instrumental in documenting informal transactions between customary landowners and settlers in which migrants access land for cultivating oil palm (Koczberski et al., 2017; Curry & Koczberski, 2009). This study builds on two PNG studies of urban customary land transactions between migrants and landowners for access to housing by Numbasa and Koczberski (2012) in Wewak, East Sepik Province and Chand and Yala's (2008) study identifying socio-economic driving factors and the impact of informal land transactions in the National Capital District (NCD).

A major impact project planned by the government for implementation on customary land at Taurama Valley in NCD, known as the 'Taurama urbanisation pilot project' in 2012 was abandoned when landowners sold/leased land informally to settlers before the project could be implemented. Our study investigated the informal customary land transactions between the Motu Koita landowners at Taurama Valley and settlers. It contributes to improving the understanding of the dynamics of informal land transactions between customary landowners and settlers, the dynamics within landowner households, the impact of these transactions and policy implications.

The paper begins with a review of the literature on customary land transactions. Part 2 provides a brief description of the study context and part 3 outlines details of the methods used. The results of the study are presented in part 4, while section 5 discusses the findings and ends with conclusions and policy implications.

## Ch. 2 Literature review

Rapid urbanisation in PNG and across the Pacific Islands highlights the need for facilitating and enabling the development of secure living spaces for urban residents with improved and sustainable services is a running theme (Thomas & Keen, 2017; Gooden, 2017). Continuing urbanisation inevitably requires making customary land available at scale for development. The continuing challenge has been to develop a framework that recognises customary land tenure rights, with individual land titles and a reliable framework to facilitate and administer land title transactions (Chand & Yala, 2012).

Part of the challenge has been attributed to the complexity of the systems and processes that were inherited by PNG and its neighbouring Island countries. Relative to customary land tenure regimes, the received Western land tenure regime is dauntingly complex, time consuming and remains a challenge (Duncan, 2018; Foukona & Allen, 2017).

Port Moresby is urbanising far more rapidly and its growing size concomitant with concerns over its governance (suitable policies) and adequate infrastructural planning and housing development have been noted largely through studies conducted on city settlements over the years (Chand & Yala 2012; Muke et al., 2000; Goava & Wrondimi, 1986; Oram, 1976; 1982b). State efforts towards improvement of urban settlements under the National Housing Commission's settlement schemes have dwindled and died out in the late 1980s (Iwong & Kopel, 2020; Kopel, 2002). Current policy has a narrow focus on promotion of owner occupation in a housing market that is marked by limited land supply and sky-high prices, excluding many city residents.

In the absence of effective policy and intervention, the struggle for adequate land space continues amongst migrants (Connell, 2017) and uncontrolled settlement on State and customary land continues as people resort to self-help efforts (Rooney, 2017; Hukula, 2017; Digim'Rina et al., 2015; Kopel, 2002). Yet, manifested in these struggles are seemingly inherent traits of resilience and creativity demonstrated by urban dwellers residing in settlements (Jones, 2011, Rooney, 2017). Migrants have developed creative relational-based strategies to access land for housing (Sharp et al., 2015; Numbasa & Koczberski, 2012; Chand & Yala, 2012, 2008) and for conducting economic activities (Koczberski & Curry, 2009). In some areas, settlers organise around regional, family and professional groups for safety to look out for each other in settlements (Chand & Yala, 2012). Those living on customary land make informal arrangements with landowners by which land rent is paid on mutually agreed terms and this provides tenure security (Chand & Yala, 2012).

Settlements offer a cheaper housing option, but these are characterised by lack of basic services and tenure security (Rooney, 2015). Migrant settlers, occupying customary land perceive having greater tenure security compared to those living on State land (Chand & Yala, 2008).

The way in which informal settlement arrangements evolve is context specific, but they share the common objective of meeting both settler security of tenure while at the same time protecting the rights of customary landowners (Chand & Yala, 2012).

Settlement on customary land mirrors the establishment of early settlements in Port Moresby which were secured through special arrangements with traditional landowners, such as the case of Rabia Camp at Kaugere (Goddard, 2005; Oram, 1976, 1982b). Many of those original settlement arrangements were based on relational grounds with people who they were related through marriage, traded with or had other ongoing relationships. Rooney's (2017) comprehensive description of how settlers at the ATS settlement in NCD collectively responded to challenges from those with competing interests over land tenure; demonstrates the complexity of dynamic relationships between and within different groups. The threat of eviction united settlers to strategise their efforts in an array of ways to address challenges emerging from customary landowners, the state and private holders of state leases.

## Research on informal customary land transactions

There are inherent contradictions and conflicts between landowners and migrants involved in informal customary land transactions. Chand and Yala (2008) revealed that the semi-formal arrangements of permitting migrants to settle on customary land comes with many caveats on what migrants can and cannot do. Chand and Yala (2008) noted that landowners feared that providing infrastructure and services may create a sense of permanency for settlers and erode landowners' birth rights to ownership. Landowners fear that they would not be able to evict settlers that may legitimise their claim to the land some refuse to accept additional payments. Migrants, in contrast, keep records of receipts and some of them have signed statutory declaration documents as proof of payment for the specified land. Mecartney and Connell (2017) found similar sentiments among urban customary landowners in Solomon Islands who have little control over migrants and fear loss of ownership, even though some form of informal agreements were initially made permitting settlement.

The fuzzy interpretations of access and ownership rights to land between migrants and customary landowners have left considerable room for dispute and murky deals (Chand & Yala, 2008). In some instances, imposters have claimed to be landowners and collected rents from unsuspecting settlers whereas in other cases, real landowners have been driven out by settlers mistaking them to be imposters (Chand & Yala, 2008).

There are also inequalities of access between settlers where wealthier people obtain land and build substantial houses and in some cases, displacing less well-to-do individuals (Rooney, 2015). Rooney also described the vulnerability of low income settlement dwellers who have the least bargaining power when it comes to either selling or sharing the space they occupy. A parallel argument to this is that customary landowners in urban areas are in a similar predicament and marginalised (poor education, unemployment, lack of access to services) also find it hard to resist the pressure to share their land. Further, concerns have also been raised on behalf of customary landowners of Port Moresby and their perceived loss of cultural heritage and land (Goava & Wrondimi, 1986).

To adequately address migrant concerns of tenure security and at the same time protect ownership rights of landowners, would require effective implementation of land reforms through comprehensive engagement of key stakeholders at all levels in discussions and decisions regarding interventions to regularise, upgrade or establish new settlements (Chand & Yala, 2008).

Gina Koczberski and George Curry's extensive research on informal customary land transactions in the oil palm frontier has contributed to resolving some challenges facing landowners, migrant smallholder oil palm growers and the industry. Koczberski et al. (2017) consolidated the findings of two earlier case studies of customary land transactions; one study conducted in Wewak (Numbasa & Koczberki, 2012) and the other based on the oil palm growing areas of Hoskins, West New Britain Province (Curry & Koczberski, 2009). The results of both studies revealed that the success of the early informal land transactions between landowners and migrants were attributed to personal relationships between landowners and settlers (Koczberski et al., 2017).

In stressing, some of the key principles underpinning customary land transactions between landowners and outsiders which could inform land reform policies, the authors emphasised that landowners do not seek to change customary land tenure principles to enable them to benefit on the increasing demand for land by outsiders. Rather, they seek to retain 'ownership and control of land within a framework that stresses the relational dimensions of transactions with outsiders' (Koczberski et al., 2017: 146).

Koczberski et al. (2012) found that in informal land transactions between customary landowners and settlers of oil palm areas, access rights to land were maintained through participation in socio-cultural exchange and village activities. This finding led the authors to suggest the need to adapt, support and build on prevailing customary value systems and practices instead of introducing new or unfamiliar policy models that are inconsistent with

existing practices. At the same time, Chand and Yala (2012) also suggested the idea that policy makers should consider adopting and adapting existing practices of what works on the ground in formal settler-housing policy reform discussions.

In contrast, Numbasa and Koczberki's (2012) study on informal urban settlements and non-market land transaction in Wewak, East Sepik Province found that as the older generation passed on and social exchange relationships between younger generation of landowners and settlers weaken and deteriorate, it undermines the long-term land use rights of settlers. This led the authors to conclude that informal land markets do not offer long-term solutions.

In recent years, growing demand for oil palm growing land in West New Britain and Oro provinces has led to increasing informal customary land transactions between people unknown to each other 'strangers' involving payment of substantial amounts of money (Koczberski et al., 2017). These informal land-use agreements varied from one another, but settlers usually made an initial deposit with the outstanding paid in installments over several years. Disputes between settlers and landowners were common for a number of reasons: lack of clearly defined boundary and size of land parcels; unspecified sale price of land; unspecified amounts and timing of payment of instalments; no details on land-use rights of purchaser; and no written evidence that the clan had agreed for the land to be sold to an outsider (Koczberski et al., 2017:156).

Stakeholder consultations in a comprehensive research project undertaken to identify the causes of ongoing land disputes and find a lasting solution, revealed different interpretations of access and rights to land in the informal transactions between landowners and settlers. While landowners wanted to ensure that ownership was protected, settlers were interested in secure land use rights for oil palm growing. This helped to guide discussions on the design of the Clan Land Use Agreement (CLUA) template.

The CLUA reconciles land owners' and settlers' diverging interpretations of the moral basis of land rights by allowing *'use rights for outsiders for a fixed time period with clear recognition of the underlying and inalienable land rights of customary land owners'* (Koczberski et al., 2013: 100). The template was endorsed by the Oil Palm Industry Corporation and is now used in agreements between customary landowners and smallholder settlers in oil palm growing areas of West New Britain and Oro provinces (Koczberski et al., 2017; Koczberski et al., 2013). It is worth noting that the CLUA operates well for landowners, settlers and the oil palm industry.

## Land reforms (ILGs and VCLR)

The government's home-grown reforms in land legislation regarding Voluntary Customary Land Registration (VCLR) and Incorporation of Land Groups (ILGs) are intended to free up customary land for development purposes while maintaining ownership with a formally registered title. Duncan's (2018) review of implementation of the National Land Development Program (NLDP) noted that while the legal and administrative processes for use to release customary land for development have been established, administration of the ILG and VCLR system remain to be improved to work effectively. Further, Kwapena et al.'s (2021) discussion paper expressed that access to customary land with bankable titles has been fraught with difficulty, an outcome of barriers to effective administration of customary land, ongoing governance issues and ineffective resolution of customary land disputes. Kwapena et al. (2021) concluded that substantial reforms are needed to the land administration and dispute resolution systems to institutionalise legal and policy changes and this requires the political will to invest substantial resources to sustain changes overtime. A holistic approach is considered to be essential for customary land reforms to succeed through public engagement and participation of all key stakeholders including financial institutions.

Specific challenges that constrain effective implementation of the VCLR system were highlighted which include lack of public awareness on the requirements and processes, clear implementation systems and capacity in

provinces as well as public perception regarding administration of state leases. Nao's (2021) article focuses on discussing the need for improvement of the VCLR system. The author emphasised on the need to review the VCLR system to ensure that the application process is simple and cheaper for customary landowners; as is the need to engage in consistent awareness of the VCLR nationwide.

Apelis and Moore (2013) highlighted challenges that limit or prevent landowners from fully participating in and benefiting from development of their land. Some of these included lack of professional and technical skills, resources, and problems of effective implementation and administration. The authors emphasised that education and awareness aspects are essential to be brought right down to the household level to get the support of landowners to buy into proposed projects so that they could take ownership and embrace the required changes for their benefit (Apelis & Moore, 2013). The failure to carry all stakeholders through the planning and implementation process could derail well-intended projects.

## Ch. 3 Study Locality: Taurama of Motu Koita

Landowners of Taurama Valley are a mixture of Motu language speakers and Koitabu language speakers (Seligman, 1910; Oram, 1976; Dutton, 2016). Over time, these two groups of people traded pots and seafood for wallabies and roots crops (Allen, 1977b; Bulmer, 1978) largely owing to their respective ecological predispositions – Motuans from the seaside and Koitabuans from the hinterlands of Sogeri and Koiari. Inter-marriage and political alliances naturally followed suit which became manifested in local histories and legends (Oram, 1976). Up to now, they have evolved into an emerging and yet distinct ethnic group – the Motu Koitabuans. Aside from pottery making, which the ancestral Motuans were renowned for, the iconic Hiri trade provided a wider circulation of pots, sago, fish, bush materials, stories and names (Bulmer, 1978; Allen, 1977b).

Growth of settlements in the area gradually came into being around this time when some of the trading partners from the west (Kerema) were allowed to settle at Rabia camp, Gabi and Horse camp (Goddard, 2005). Those from the east on the other hand settled at Taikone, Fishermen Island (Daugo), and Koki. These were the easterners mainly from Hula, Wanigela and Gavuone of the Central Province (Oram, 1982b). The land surrounding the Taurama Hill itself, subsequently renamed as Pyramid Hill, appears to have been occupied by the present Pari people.

Taurama Valley is on customary-owned land that stretches from the outskirts of East Boroko to Taurama Barracks, across to Taurama Beach and all the way around the coast to Tuna Bay. This study covered the recently built residences from as far north as the Don Bosco Technical College and southwards towards the Taurama Hill and eastwards onto the Meduna hamlet. Refer to map of Taurama in Appendix A. The entire valley is now occupied by the Motuans from Pari, Koitabuans from Kirakira, and migrants from elsewhere in Papua New Guinea.

The Office of Urbanisation had planned for Taurama to be formally developed as a suburb with basic services and amenities under a partnership arrangement between landowners and developers. Under the leadership of Max Kep of the Office of Urbanisation and the National Capital District Commission (NCDC), Cardno was contracted to design and a local development plan was produced for Taurama's development (Tull, 2011). Office of Urbanisation included Taurama along with June Valley, NCD, and Faniufa in Goroka, Eastern Highlands Province in a submission to the UN-HABITAT's Cities Alliance for funding under settlement upgrading (Kep, 2011).

However, before the Office of Urbanisation could implement the Taurama customary land urbanisation project, the land was already sold directly to settlers by landowners. By the time city authorities became aware of the situation, much of the land was already sold and settlers had already moved in. It now remains as an unplanned settlement of the well-to-do, who have 'bought' blocks of land and built their own houses and live alongside landowner families.

Max Kep, executive Director of the Office of Urbanisation in publicly responding to critics on the failure of the Taurama customary land urbanisation project asserted that part of the failure was to do with the misconception that customary clan landowners exist as an active entity over clan land and its management. The Taurama exercise, however, revealed that it is the family unit that usually has a long-standing use of the land and exercises greater authority over its tenure and not the clan per se (Kep, 2018).

The next section outlines the methods that were employed in the study.

## Ch. 4 Methods

The data for this study were obtained from face to face interviews with either heads of households or their spouses, representing individual households using two prescheduled questionnaire instruments, administered in a face to face setting. Informal conversations were also held with key informants (clan leaders and chiefs) where relevant which improved our understanding of the dynamics related to decision making, access and control of land as a major resource.

### Sampling

The study covered the entire Taurama Valley. Field data collection was conducted over 12 days (6-17 November 2017). The research team, comprised of eight interviewers (five females and three males) with four staff from the PNGNRI and four final year and Honours students in anthropology from the University of PNG. We moved in between parts of the valley with the help of a local guide who is the son of a landowner.

See Appendices B and C for the structured questionnaires that were used for data collection. One form was used to interview heads of landowning households and the other form was used to collect data from heads of settler households. In the absence of heads of households, spouses were interviewed. Two days prior to the actual fieldwork, the draft questions were tested on several households and settlers on their land and adjusted after pre-testing.

The questions were designed in English, but both English and *Tok Pisin* were used in eliciting information and where needed, two Motuan speaking member of the team came in handy. Use of written questions asked in face to face interviews helped to maintain consistency in the questions asked and probing was used to get clarity on vague responses.

Snowball sampling was used to identify and select customary landowner households. Initially the study team found it useful to commence with known *wantoks* and friends as an effective strategy of getting the message out to the community of the study team's presence and purpose. The role of the guide was vital in leading the team to various parts of the valley and quickly established rapport with trust and acceptance. Word of mouth worked well for the team starting from the far southeast and southwest coast of Taurama known as the 'End of the World'. The team worked towards the northeast and northwest of the valley around Tuna Bay and finished off in the north at Vadavada.

Respondents were mainly male heads of households and or their spouses for both landowners and settlers. Customary landowner households helped to identify settlers who are resident on their land. Women's views were captured in relation to their roles and responsibilities in access and control of resources and decision making regarding land.

The terms settlers and migrants will be used interchangeably throughout the document to refer to people who have bought or are renting/leasing customary land. Settler households were systematically selected by taking every third settler/property. The nature and purpose of the study was explained to households with members who were present and the interview proceeded with those who were available and willing to participate in the study. In the event of refusal or absence, the next available settler property was chosen. Data were entered and processed using the *Statistical Package for the Social Sciences* (SPSS) and descriptive statistics.

### Limitations to the study

An apparent methodological issue was that well-to-do buyers and leasees of land at Taurama were not always available for interviews. Due to their lack of presence and the unwillingness of caretakers to be interviewed, no data was forthcoming from this group of settlers. Most caretakers refused to be engaged without the consent of their patrons.

The other aspect of the investigation relates to unsuccessful consultation with key stakeholders, mainly municipal and state agencies responsible in providing services, facilities and amenities to the suburbs within the city. Despite continued attempts, it had been disappointingly dismal to obtain cooperation and information. It became increasingly difficult to establish a good appointment and rapport with any of the agencies particularly from the Lands and Physical Planning Department, the National Capital District Commission, Eda Ranu and PNG Power Limited. Results of this study unfortunately does not include views and observations from this sector as was initially intended.

A total of 260 adults were interviewed for the study, but three completed forms were discarded after data cleaning for incompleteness. Data from 257 respondents were used in this analysis comprising of 36 (14%) landowners and 221 (86%) settlers. Data were initially entered into SPSS. Given the strength of the NRI researcher project officer in using excel, SPSS data were later exported to excel and analysed to produce descriptive tables and figures. The next section presents the results of the study.

## Ch. 5 Results

The results of interviews with customary landowners and migrant settlers is interwoven to provide a holistic perspective on the dynamics of the relationships both within landowner households and between landowners and settlers.

### Employment status of landowner respondents

Out of 36 customary landowner respondents, 22 were males (61%) and 14 were females (39%). The majority of them were married (n=28), while four were single and the rest were widowed (n=2) and divorced (n=2). At the time of the interview, 10 (n=10) of the interviewed landowners were employed, but out of these, seven of the employed were in clerical, technical or generally low-income occupations. Just three respondents held professional occupations. Over a third (n=14) of the interviewed landowners were unemployed and the remaining one-third (n=12) were self-employed.

### MotuKoita land, rights and inheritance

The customary landowners originate from three clans of Pari, and one from Kirakira with a splinter of its membership living at Meduna hamlet in Taurama. The Pari clans are Laurina Tubumaga, Idibana Tubumaga and other non-specified groups (n=8). Clans from Kirakira comprised one-third of the sampled Vaga and Badu landowners (n=12) while a few of the Badu clan members have links to Koiari clans (n=2) and two have origins from Hanuabada and Aroma respectively. Unfortunately, one third (n=12) of the landowners interviewed withheld their clan affiliations.

Going by district and linguistic orientation, and as expected, majority of the respondents were of MotuKoita origin and reside within the Moresby South (Kirakira and Pari villages) electorate. Of these, 61 percent (n=22) were Motu language speakers and 25 percent (n=9) were Koitabu speakers. Interestingly, the remaining 15 percent (n=5) was shared between Abau (Aroma), Rigo (Hula), Kairuku and 'Others'. The revelation of seemingly non-MotuKoita places of origin as landowners is a result of sustained long standing trade and affinal (marriage) relations between some Taurama (Pari) and Abau families, for instance.

Only one out of all landowners mentioned being part of an Incorporated Landowner Group (ILG) that he formed for his clan. The rest of those who were interviewed were not part an ILG group and they are not organised as a group to strengthen their status as landowners with a common interest.

### Land inheritance

Up to 77.8 percent (n=28) of customary landowners reside on and control land through inheritance from their father's side while only 11.1 percent (n=4) inherited from their mother's side. Refer to Table 1 below. Of the remaining four respondents, one inherited from other kinship ties: adoption in one case, one did not respond and the final two initially accessed land through marriage and co-residence with the original landowners. This observation suggests a strong inclination towards an agnatic (patrilineal) rule of inheritance of resources. The same is noted for inheritance of rights over residence, burial, garden cultivation, and exploitation of shoreline, reefs and other resources.

**Table 1: Line of inheritance**

| Inheritance of land from men or women's line | Frequency | Percent      |
|--|-----------|--------------|
| Not Applicable                               | 2         | 5.6          |
| Inherited from father (patrilineal)          | 28        | 77.8         |
| Inherited from mother (matrilineal)          | 4         | 11.1         |
| Missing                                      | 1         | 2.8          |
| Other  | 1         | 2.8          |
| <b>Total</b>                                 | <b>36</b> | <b>100.0</b> |

Traditional rules and principles of land tenure and inheritance are known and observed by the majority (77%) of landowners, although there are individuals that are either uncertain about the rules or are less inclined to adhere (23%).

However, there is a growing trend for fathers to pass on land to the eldest child, whether male or female, and some fathers are beginning to distribute land to both sons and daughters. This is useful as each son or daughter can collect ongoing land rentals from one or more settlers living on their allocated plots.

## The migrant settlers

A total of 221 settlers were interviewed comprising 128 males (57.9%) and 93 females (42.1%). Those in employment consisted of 61.2 percent, while 23.3 percent were self-employed, and 14.2 percent were unemployed. Half (50.8%, n=112) of the interviewed migrants come from the Central Province, predominantly Abau (Aroma), Hula and Kairuku areas. It is distantly followed by Gulf Province (11%). The rest of the provinces fell within the range of 1 to 5 percent. Contrary to perhaps, general impressions, the six Highlands provinces scored rather dismally with Enga, Jiwaka and Eastern Highlands at 1.5 percent, Simbu (2.5%), Southern Highlands (4.5%), and Western Highlands was completely outside of the radar.

## Settler awareness of MotuKoita customary land tenure principles

More than 50 percent of the settlers (58.8 %; n=130) do not understand the customary land tenure principles of the host community regarding land use and how land is passed on from one person or generation to the next. See Table 2. For those who did claim to have some knowledge of the rules, most of them (n=47) have learned this from host community clan leaders. Sources of information and knowledge from village elders, the chief or other relatives did not feature prominently. Other non-specific explanations were given by 5 percent of (n=11) respondents and 10.4 percent (n=23) did not respond. Lack of understanding of unwritten local land tenure rules by settlers can be a source of misunderstanding and conflict for future generations even though arrangements may be working at this time.

**Table 2: Awareness of local customary land tenure principles**

| <b>Respondent knowledge of land tenure principles</b> | <b>Frequency</b> | <b>Percent</b> |
|---|------------------|----------------|
| Not applicable  | 130              | 58.8           |
| Village elders  | 4                | 1.8            |
| Clan leaders  | 47               | 21.3           |
| Chief   | 2                | .9             |
| Grandfather   | 1                | .5             |
| Other relatives                                       | 3                | 1.4            |
| Other (specify)                                       | 11               | 5.0            |
| Missing   | 23               | 10.4           |
| <b>Total</b>  | <b>221</b>       | <b>100.0</b>   |

## Access to land at Taurama

Most interviewed settlers moved into Taurama between 1990 and 2017. See Table 3 below. Earlier settlers of 2.7 percent (n=6) moved in between 1990 to 2000 and this increased to 19.5 percent (n=43) between 2001 to 2010, eventually reaching its peak at 76.9 percent (n=170) between 2011 to 2017. The increasing number of recent settlers coincided with NCDC's urbanisation plan when customary land at Taurama was progressively sold off to migrants.

**Table 3: When settlers moved into Taurama**

| Years        | Frequency  | Percent      |
|--------------|------------|--------------|
| 1990 - 2000  | 6          | 2.7          |
| 2001 - 2010  | 43         | 19.5         |
| 2011 - 2017  | 170        | 76.9         |
| Missing      | 2          | .9           |
| <b>Total</b> | <b>221</b> | <b>100.0</b> |

Most migrants, 92.8 percent (n=205) live on land they have leased or purchased from customary landowners. Only 7.2 percent (n=16) of them were not, in which case the land belongs to a friend or relative and respondents were caretakers. Majority (87.1%) of the migrants claimed that land was obtained from landowning clan members while in a few instances the land was accessed from individuals (6.4%). Most transactions were executed after an agreed amount was settled (56.2%), while 43.8 percent (n= 97) provided various explanations including an upfront payment, acceptable arrangements through mutual friendships, and payment made when the lessee was ready.

### Reasons why customary landowners sell land

Out of the 36 landowner respondents, 22 of them have sold land whereas 12 of them have not directly been involved in selling land, but their extended family members have been selling. The remaining two have user rights, but no rights to dispose land due to their status as relation by marriage or as extended family members.

The main reason given for the lease and sale of land was the precedent set by the neighbouring landowner clans at Mahuru, Korobosea and Kirakira villages that have sold or leased their land to migrants. There were no consultations with all landowners regarding the urbanisation project to get their support. The sight of surveyors at the valley sparked fears of people losing their land to the state and some started selling land informally. This had a domino effect on the entire valley as more and more landowners sold/leased their land to settlers.

Another important key reason for selling land is to finance the cost of basic needs and maintain livelihoods. As seen earlier, seven out of 10 employed landowner respondents hold less-skilled jobs and the rest are either unemployed or self-employed. Increasing demand for land by the city's growing population presented an ideal opportunity for landowners on low income to earn fast cash. See Table 4 below. Indeed, sale or lease of land is considered as a good way to make money and move into business with outsiders (settlers).

Financial capability to make upfront payments and making outstanding amounts within the agreed time frame is also a key consideration for landowners in deciding which settlers to choose. Customary landowners also seek out settlers who are committed to uphold agreed terms and conditions and this requires trustworthy people. Other factors include friendships developed through work or education, friends of friends or colleagues and acquaintances.

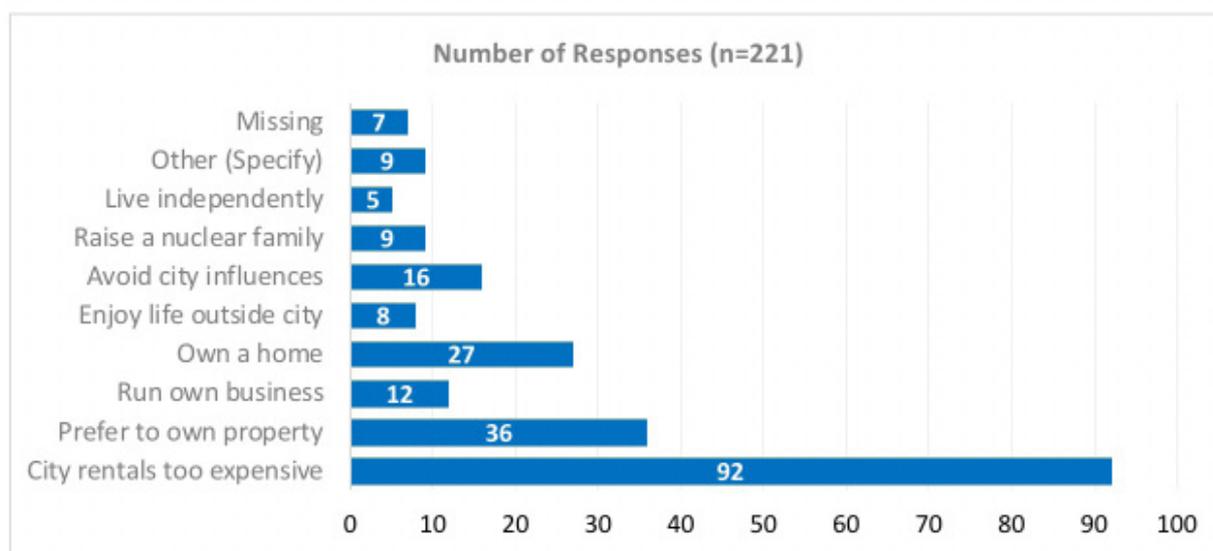
**Table 4: Reasons for the decision to sell land (n=36)**

| Reasons for selling land              |           |              |
|---------------------------------------|-----------|--------------|
| Reasons                               | Frequency | Percent      |
| Hasn't directly sold land             | 13        | 36.1         |
| Making easy money                     | 2         | 5.6          |
| Venture into business                 | 2         | 5.6          |
| Other clans selling so we are selling | 9         | 25.0         |
| To meet basic needs and wants         | 6         | 16.7         |
| Others                                | 4         | 11.1         |
| <b>Total</b>                          | <b>36</b> | <b>100.0</b> |

## Reasons for settlers buying land

The most common reason, 41.6 percent (n=92) of settlers cited for buying land is to escape from exorbitant rentals for housing in the city. Refer to Figure A. That was followed by 28.5 percent (n=63) who prefer to own their own homes and property, and avoid negative city influences (7.2 %) (n= 16). Other less commonly cited reasons included the preference for raising a nuclear family and lead an independent life.

Figure A: Reasons for settlers purchasing customary land



## How migrants find out about land deals

Information about the availability of land was found mainly through informal sources. Just below half of the settlers ( 48%, n=106) found out through relatives and wantoks where as 32.6 percent (n=72) accessed information through friends and colleagues. Those who found land sales information through vendors comprised 10.4 percent (23) while 4.5 percent (n=10) got information through other informal searches and enquiries. Refer to Table 4.1, Appendix D.

## Gender roles in land transactions

Land sales negotiations and agreements in most households (n=22) that sold land were led by men in 50 percent (12) of the households (See Table 5). However, women were involved in eight of the households and in four cases, negotiations involved the whole family (parents and adult children). This shows that women are becoming involved in discussions and decision making related to land transactions.

Table 5: Key people involved in land negotiations and agreements

| Key people involved           | Frequency | Percent      |
|-------------------------------|-----------|--------------|
| No direct sale of land        | 12        | 33.33        |
| Involved Mother               | 8         | 22.22        |
| Father only                   | 12        | 33.33        |
| Family (parents and children) | 4         | 11.11        |
| <b>Total</b>                  | <b>36</b> | <b>99.99</b> |

For settler households, almost 79.2 percent (n=175) of the negotiations for acquisition of customary land were done by men and only 19.9 percent were done by women. See Table 5.1, Appendix D. It is important to note

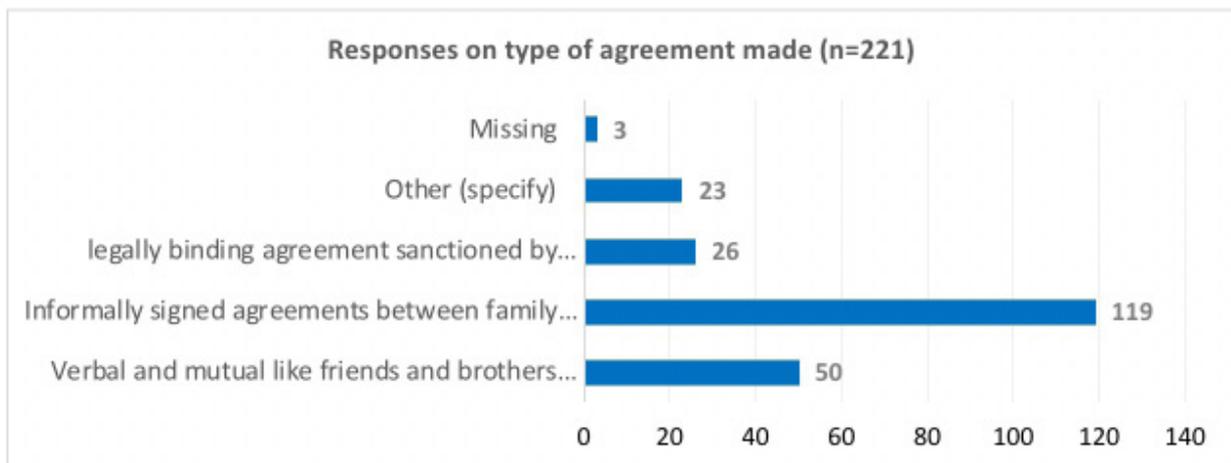
that unlike in landowner households, economically capable women, independently negotiate with landowners to buy/lease land. The remaining 0.9 percent (n=2) of the respondents have not specified who was responsible for negotiating access to customary land.

## Types of agreements made between landowners and settlers

The responses of landowners who have sold or leased land mirror the responses of settlers regarding the types of agreements that are, on the whole, also informally established. Half (n=12 out of 22) of the landowners have signed informal sale or lease agreements and six verbal agreements (n=6) between themselves and buyers. The remaining four have signed agreements of transactions that were witnessed by lawyers and Commissioners for Oaths.

Migrant responses also indicate that land transactions are informal, but different types of agreements are made. See Figure B below. Just over half (n=119), 53.8 percent of the respondents have informally signed agreements that were witnessed by community leaders including clan leaders, village councillors, church leaders and elders. Verbal agreements without any form of documentation were made between 22.6 percent (n=50) of the settlers and landowners. Legally binding agreements sanctioned by lawyers and or witnessed by Commissioners of Oaths were held by 11.7 percents of settlers (n=26) and the remaining 10.4 percent (n=23) did not specify the type of agreements.

**Figure B: Type of agreement made between landowners and settlers**



### Conditions set by landowners for settlement

According to half (50.7 %, n=112) of the respondents, landowners have not set any conditions for settlers to abide by, whereas 23.5 percent (n=52) stated that settlement conditions were set. Refer to Table 6.2, Appendix D. Those who did not know comprised 16.3 percent (n=36) of responses and the remaining 9.5 percent (n=21) refrained from responding.

Despite the absence of formally written conditions for settlers for settlement; however, good conduct and behaviour is expected of settlers. These conditions are highlighted when settlers and their visitors step out of line. Some of the most common expectations of settlers include payment of asking price, no subletting, no fighting and disturbance, use land just for original purpose (residential). For instance, if one sublets the land, property or establishes a business without prior knowledge of the landowner, he or she would be asked to pay additional rent or make an additional payment for the business that is generating income.

Settlers are invited to live with the host landowning family and be part of the landowner's family and community. With this comes the responsibility for participating in the landowner's socio-economic and cultural activities. For instance, contribute to customary obligations when there is a death, bride price or compensation payments

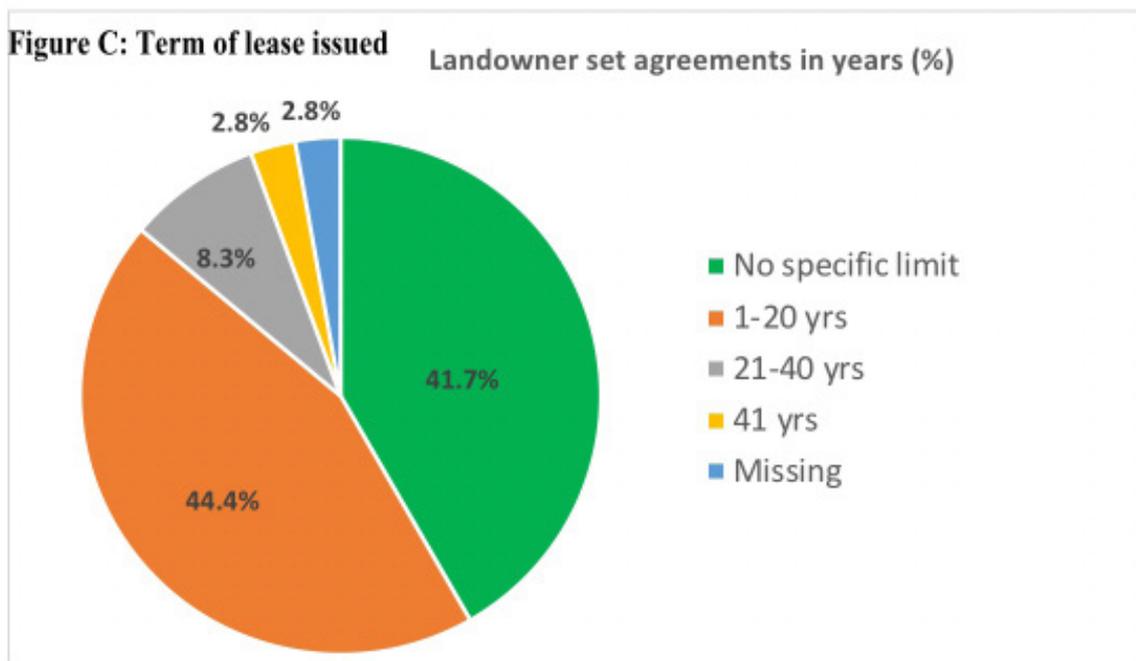
or even help out in providing essentials like food for the host family in lean times.

However, there are instances where large tracks of land are sold to wealthy individuals and corporations in impersonal business transactions. Such instances play out very differently where the personal relational based interactions are not practiced.

### Lease agreement terms

There is no consistent approach setting the length of settlement between different landowners and settlers. As indicated by landowners (Figure C) and migrants' responses in Figure D, the lease terms vary due to the informal nature of arrangements between the individuals involved. The biggest percentage (44.4%) of landowner respondents acknowledged taking on settlers for up to 20 years; with some allowing the first five years for outstanding payments to be made before the land can be developed. The second highest number of respondents (41.7%) stated that they have not given settlers a clearly defined lease term. In such situations, settlers interpret this to mean permanency of settlement. This was followed by 8.3 percent of landowners who have given their settlers 21 to 40 year terms to live on the land with a further 2.8 percent who have allowed 41 plus years of settlement.

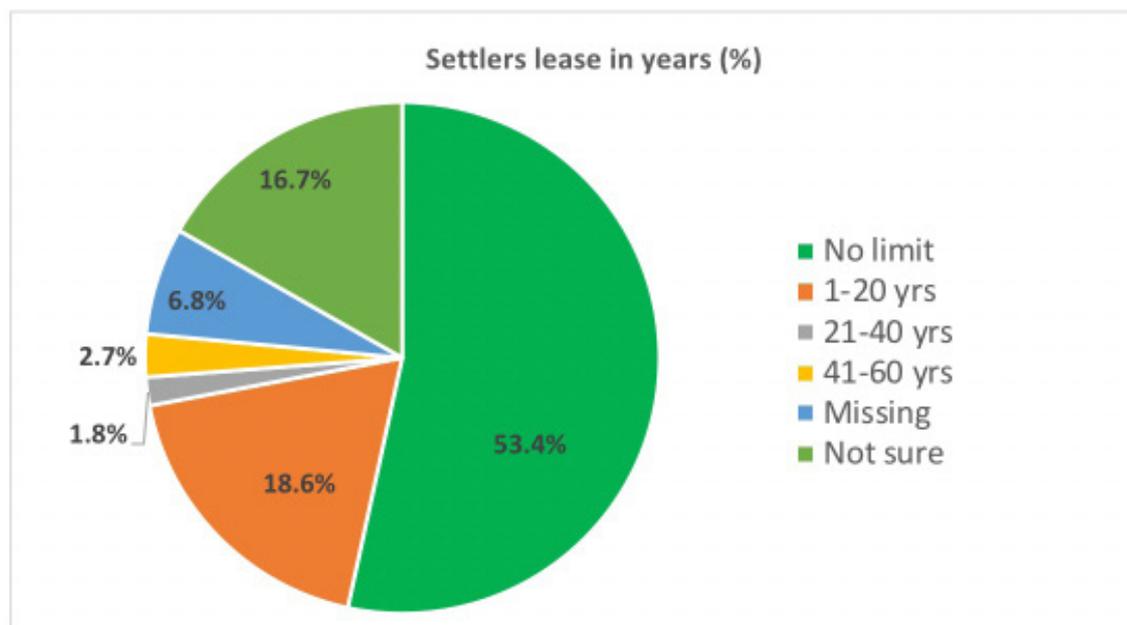
Figure C: Term of lease issued



Over 50 percent of the settlers (n=118) stated that there was not any limit set on the length of settlement. Those who acknowledged that they were given time limits comprised 18.6 percent for up to 20 years, 4.5 percent (n=10) for more than 21 years; 1.8 percent for up to 40 years, and 2.7 percent had permission to settle for 41 years or more.

Further, 16.7 percent (n=37) of the settlers were not sure of how long they could live on the customary land whereas 6.8 percent (n=15) of the settlers withheld their responses. These responses show the lack of consistency with individual landowners and clans having different arrangements where migrants are verbally issued with varying settlement terms 'leases' to live on the land.

Figure D: Length of settlement terms (n=221)

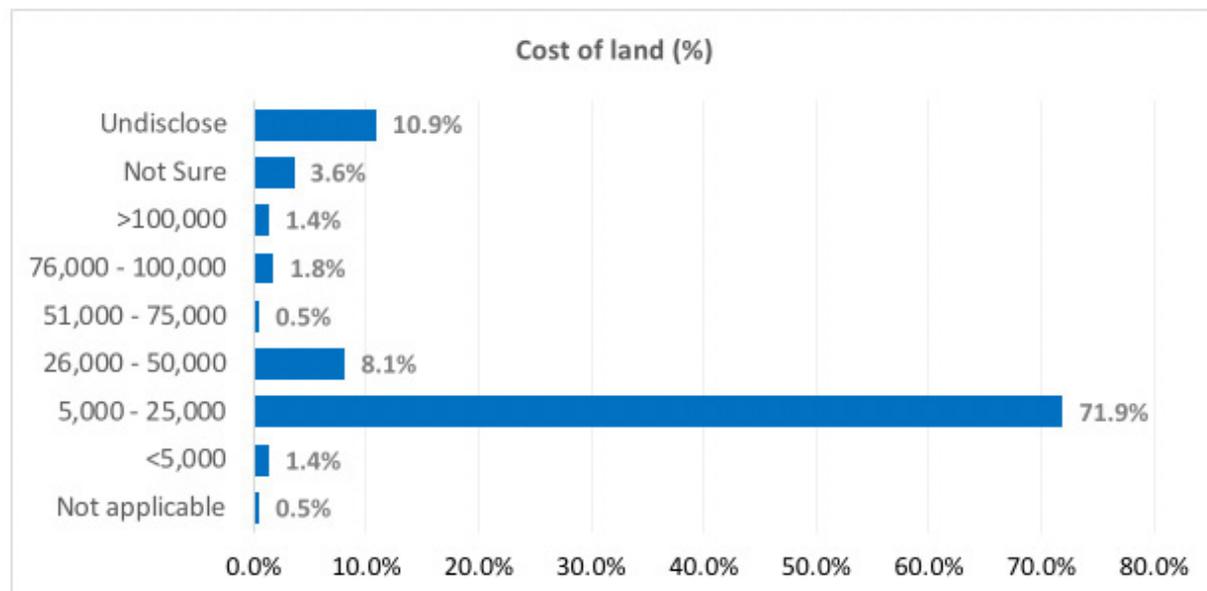


### Amounts paid for land

There is a wide range in the amount of money settlers paid for land with the smallest starting at less K5000 to well over K100,000. The most common prices range between K5000 to K25,000 as indicated by 71.9 percent (n=159) respondents in Figure E. This is followed by 8.1 percent (n=18) settlers who paid K26,000 to K50,000. Amounts between K51,000 to K100,000 were paid by 2.3 percent (n=5) respondents whereas 1.4 percent (n=3) paid well over K100,000.

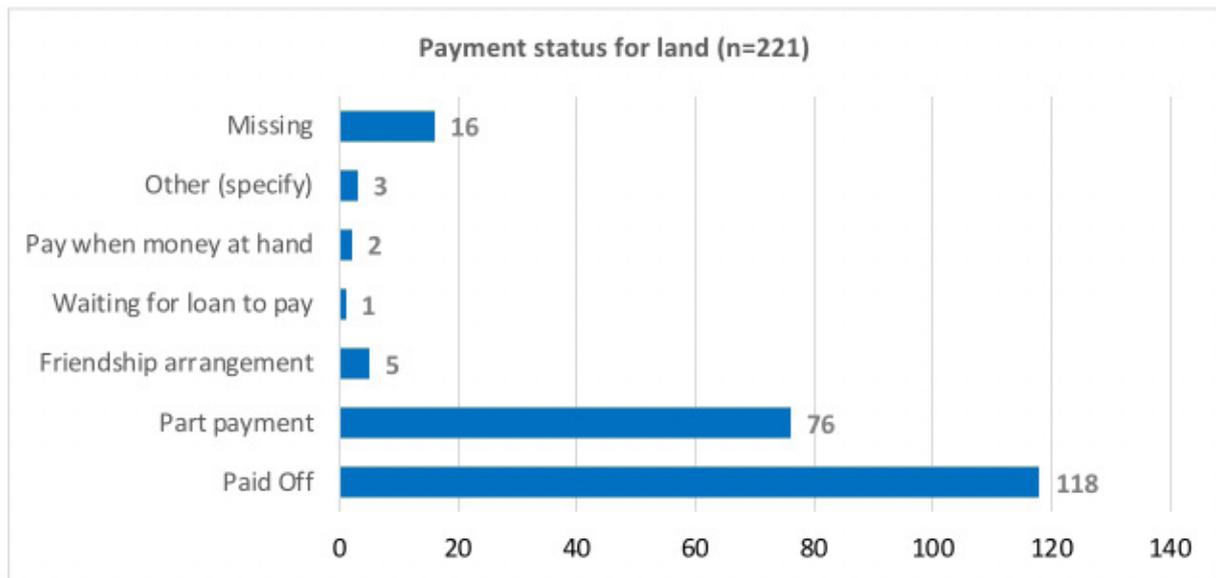
Some of those who have acquired large tracks of land are the well-to-do people in positions of power and influence, both in the private and public sector, even politicians. Those with undisclosed figures accounted for 10.9 percent of the sample compared to 3.6 who were not really sure of the final amounts paid as some spouses did not know.

Figure E: Cost of land (%)



With regard to the status of payment, 53.4 percent (n=118) of the settlers have paid off the asking price whereas 34.4 percent (n=76) have yet to complete their payments. See Figure F. Those who have not disclosed comprised 7.2 percent (n=16) while 2.3 percent (n=5) of respondents have been allowed to settle on relational grounds such as friends or colleagues. Further probing revealed that those who were permitted to settle on the basis of existing relationships pay comparatively smaller amounts to stabilise and maintain the relationships compared to 'stranger' deals with people who are unknown to each other.

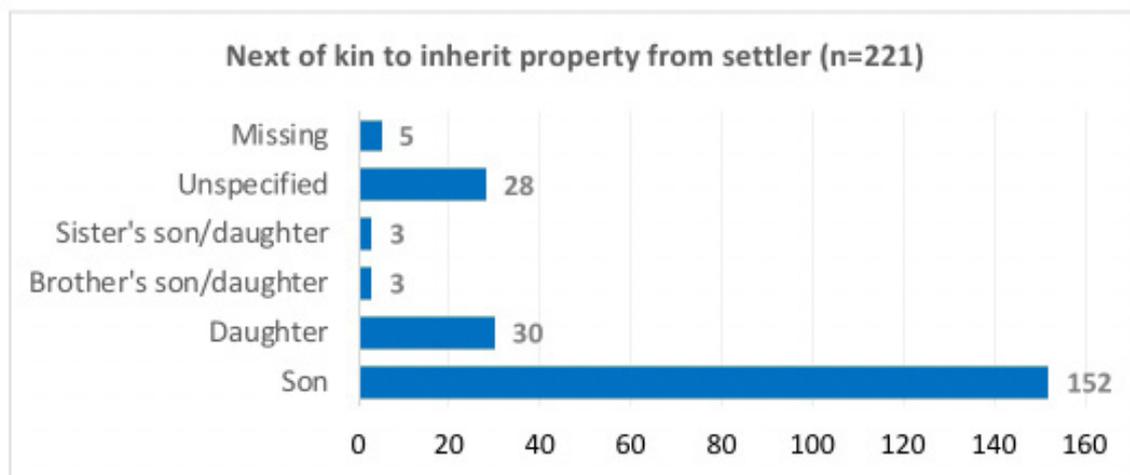
**Figure F: Payment status for land**



### Settlers' choice of who to bequeath the land (house)

When migrants were asked who they would bequeath the house and other assets, over two-thirds (68.7%, n=152) nominated their 'son', compared to 13.5 percent (n=30) who nominated their 'daughter'. See Figure G. Further, 12.6 percent (n=28) of the settlers have not specified who to leave the house and other assets for. Only six respondents expressed wanting to leave the property to their brothers' or sisters' children. Overall, the intentions to pass on the developments on the land to their children and relatives indicates a sense of permanency of settlement on the land.

**Figure G: Next of kin to inherit property from settler**



## Willingness to sell property back to customary landowner

An overwhelming majority of 84.6 percent (n=187) settlers indicated that they will not sell the house and developments on the land back to customary landowners. Roughly 9.9 percent (n=22) were willing to sell; 4.5 percent (n=10) were not sure and 1 percent (n=2) was missing. Out of the settlers who were willing to sell, 6 percent (n=14) would sell only if they find land and property elsewhere in the city with the remaining 4 percent (n=8) not providing any specific reasons.

The main explanation for 47.5 percent (n=105) of settlers not willing to sell back to the customary landowner is that it is their home and their future depends on this. See Table 6. The land and property are considered as an investment with 7.7 percent (n=17) expressing that the city is ‘rapidly expanding and making land a rare commodity’.

Future aspirations of 4.5 percent (n=10) of settlers is to expand the property to provide rental accommodation as well as conduct other businesses. Others withheld their plans (19 %; n=42) or have not specified their responses (6.8 %, n=15) adding to a total of 57 respondents which could also be due to the lack of tenure security associated with settling on customary land.

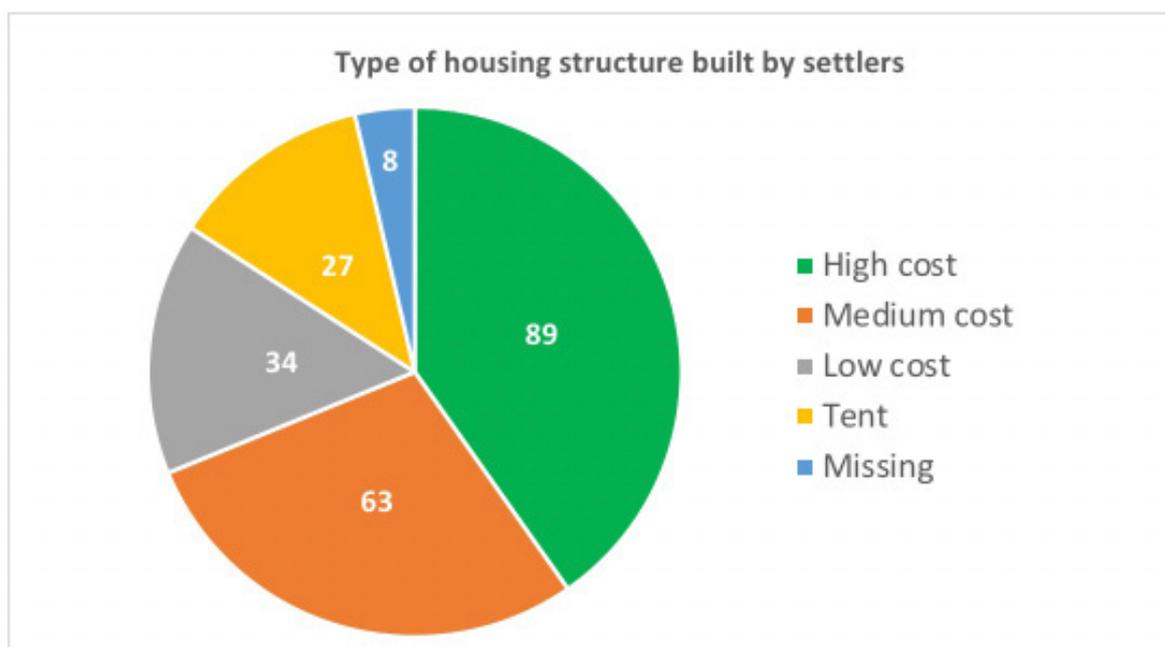
**Table 6: Reasons for unwillingness to leave land and house to original landowners**

| Reasons for unwillingness to sell house and land | Frequency  | Percent      |
|--|------------|--------------|
| Not applicable                                   | 32         | 14.5         |
| It is my place future home                       | 105        | 47.5         |
| City growing, hard to get land                   | 17         | 7.7          |
| Expand for business                              | 4          | 1.8          |
| Rent to people                                   | 6          | 2.7          |
| Not answered                                     | 42         | 19.0         |
| Other (specify)                                  | 15         | 6.8          |
| <b>Total</b>                                     | <b>221</b> | <b>100.0</b> |

## Type of houses built by settlers

Nearly 69 percent of the settlers (n=152) have built either medium or high cost [1] houses comprising of 29 percent medium (n=63) and 40 percent (n=89) high cost houses. See Figure H. Low-cost structures were built by 15 percent (n=34) while about 12 percent (n=27) of the settlers were noted to be living in temporary shelters at the time of interviews for this study. The remaining 4 percent (n=8) of housing types were not specified.

Figure H: Type of housing structure built by settlers (n=221)



The type of housing built in Taurama is strikingly different from housing in any unplanned settlement in PNG. Taurama is indeed, a settlement of the well-to-do – people who are financially capable to afford land or housing on the formal housing market in suburbia. Many of these settlers are people holding respectable positions in government or private sector including pilots, lawyers, accountants, business people and even politicians. Socio-economic status of settlers are reflected in the type of housing built at Taurama. High cost houses are H90 or equivalent and medium-cost houses are H65 or smaller using PNG urban housing classifications.

### State of current relationships between landowners and settlers

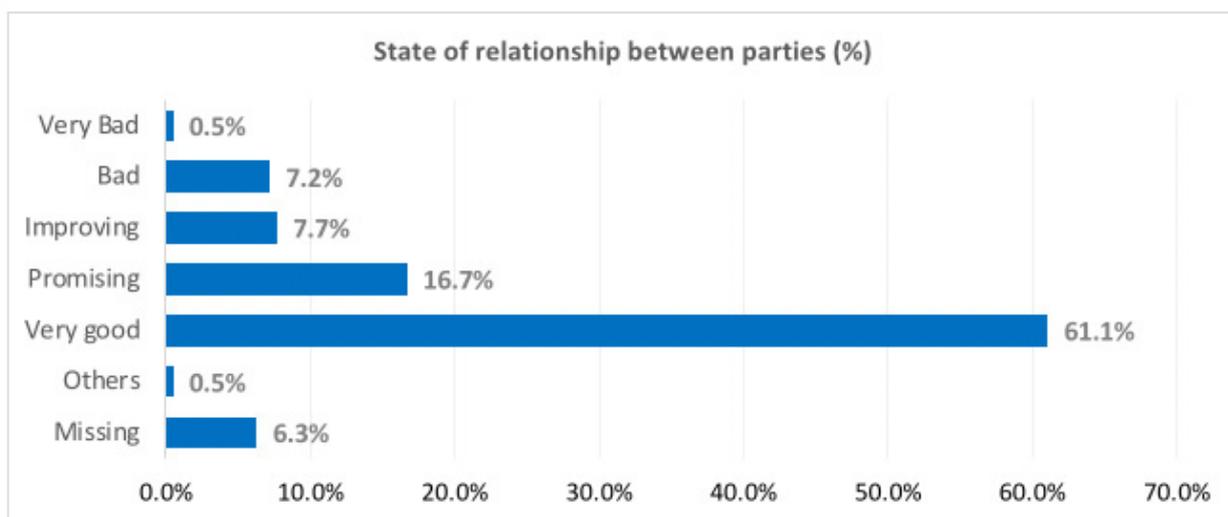
On the whole, the relationship of landowners with their settlers is either very good or good (n=14 out of 22) for settlers who actively interact with them as shown in Table 7. Relationships were considered to be bad or very bad for eight of the landowners. The remaining 14 respondents have not responded and one of the main reasons for this was that some of them have not sold land directly and preferred not to comment.

Table 7: Landowner views of their relationship with settlers (n=36)

| Land sold    | Landowners views of relationship with buyers |           |          |          |          | Total     |
|--------------|--|-----------|----------|----------|----------|-----------|
|              | Not applicable                               | Very good | Good     | Bad      | Very bad |           |
| Yes          | 0  | 10        | 4        | 3        | 5        | 22        |
| No           | 14   | 0         | 0        | 0        | 0        | 14        |
| <b>Total</b> | <b>14</b>                                    | <b>10</b> | <b>4</b> | <b>3</b> | <b>5</b> | <b>36</b> |

Settlers considered their relationship with their hosts was considered to be really good, as most reported (61.1 %) having a 'very good' relationship with their landlords. See Figure I below. This was followed by 'promising relationship' (16.7%), to 'improving' (7.7 %). For 7.7 percent of settlers (n=17), relationship with their landowners is either bad or really bad.

Figure I: Settlers views of relationship with landowners (n=221)



### Sources and types of non-compliance issues

The main source of deteriorating relationships and conflict between settlers and landowners stems from non-payment or delays in settlers paying up outstanding instalments for land.

The other main source of settler compliance issue is sub-letting of land or conducting business on the premises without prior knowledge or permission of the landowner/s. Examples of these include operating trade stores, letting of rooms or putting up the house for rent without notifying the landowner. Obtaining consent is usually informal in nature. Landowners would charge additional fees in cases where settlers use the land for income-generation activities.

For 46.6 percent (n=103) of migrants, non-compliance was not an issue at all with arrangements working out well for them and their landowners. See Table 8 below. Respondents who have identified non-compliance issues raised concerns that emerge on the part of both settlers and landowners. For instance, 24 percent (n=53) of migrants noted issues that arise when deals are not being followed as agreed by either party. Issues related to individual and clan confusion over land boundaries was raised by 7.2 percent (n=16) of respondents while 5 percent (n=11) raised issues related to settlers conducting business on the premises without permission of the landowner. The remaining 16.3 percent (n=36) of migrants preferred not to comment.

Table 8: Types of settler compliance issues (n=221)

| Non-compliance cases                                 | Frequency  | Percent      |
|--|------------|--------------|
| Not applicable                                       | 103        | 46.6         |
| Put house on rent without LOs permission             | 1          | .5           |
| Give payment to others (not real LOs)                | 1          | .5           |
| Deals not followed as agreed                         | 53         | 24.0         |
| Individual and clan confusion over boundaries        | 16         | 7.2          |
| Conduct business on premises without LO's permission | 11         | 5.0          |
| No comment   | 36         | 16.3         |
| <b>Total</b>   | <b>221</b> | <b>100.0</b> |

Migrants have also noted particular landowner issues which relate to informality. Individual and clan confusion induced cases of non-compliance issues were noted by 7.2 percent (n=16) of the migrants, relating to the lack of clarity around land boundaries and clear identification of who owns which area of land.

Settlers cited instances where the landowner (chief, clan or individual) or members of the landowner family sell the same plot of land to different migrants. Such issues lead to complications where multiple settlers claim the same plot of land and this leads to conflicts between settlers themselves and also between settlers and landowners over double or even triple selling. If part of an already purchased land is sold to another person and the boundary changes, the concerned settler would demand for a refund of part of the payment. In some instances, issues escalate to arguments and even fights between settlers or between settlers and landowners. In other instances, the settler would give up the old plot and request for a new one to be allocated.

### Actions taken to address non-compliance by either party

A common landowner explanation of actions taken in cases of settler non-compliance points to forfeiting the agreement as stated by 20 landowner respondents (n=20). See Table 9. The land is then sold to another buyer and any money owed to the previous buyer is reimbursed. That is easier said than done as it is practically difficult to forfeit the agreement after investments are made on the land. Only two respondents mentioned that the matter can be taken to the formal legal system by reporting to police and the courts to resolve the dispute. The not applicable category (n=14) comprised those who withheld their responses and those who have not sold land.

**Table 9: Landowners actions to address settler non-compliance (n=36)**

| Actions taken for Non-compliance   |           |              |
|------------------------------------|-----------|--------------|
| Action                             | Frequency | Percent      |
| Not applicable (Haven't sold land) | 14        | 38.9         |
| Forfeit of agreement               | 20        | 55.5         |
| Reported to police                 | 1         | 2.8          |
| Take it to court                   | 1         | 2.8          |
| <b>Total</b>                       | <b>36</b> | <b>100.0</b> |

Settler actions to address problems of non-compliance by landowners is also to forfeit the agreement and demand any paid funds to be reimbursed as reported by 55.7 percent (n=126) of migrants. See Table 10. Further, 12.7 percent (n=28) of the respondents mentioned using custom and mediation to sort out issues of non-compliance. Taking the matter to the police and courts through the formal justice system was not a popular response as indicated by just 4.1 percent (n=9) of the respondents. However, 26.2 percent (n=58) of the respondents have refrained from answering this question, partly because many of them have not yet experienced this issue and or have not yet thought about how they would address this.

**Table 10: Settler actions to address landowner non-compliance issues issues (n=221)**

| Action taken   | Frequency  | Percent      |
|--|------------|--------------|
| Forfeit agreement and informally settle with Landowner | 126        | 55.7         |
| Report to police/ criminal case                        | 2          | 0.9          |
| Court  | 7          | 3.2          |
| Other (Use of custom)                                  | 28         | 12.7         |
| Not answered/Missing                                   | 58         | 26.2         |
| <b>Total</b>   | <b>221</b> | <b>100.0</b> |

### Methods of dispute resolution

Landowners reported using a number of informal approaches to resolving disputes with settlers. These include verbal negotiation towards a mutual settlement, mediation, informally in the presence of family or evoke custom methods towards a settlement in the presence of people who were witnesses to the land transaction or agreement. However, eight of the landowners have mentioned having reported incidents to police and or had registered the

matter in court as shown in Table 11 below.

**Table 11: Landowner preferred methods of resolving disputes**

| Method of dispute resolution | Frequency | Percent      |
|------------------------------|-----------|--------------|
| Not applicable               | 14        | 39           |
| LO-settler arrangement       | 1         | 2            |
| Verbal agreement             | 7         | 19           |
| Cultural dealings            | 6         | 16           |
| Reported to police/ courts   | 8         | 22           |
| Mediation/third party        | 1         | 2            |
| <b>Total</b>                 | <b>36</b> | <b>100.0</b> |

As for settlers, over half (135 out of 221) of them also expressed a preference for resolving conflicts informally or use third-party mediation. Refer to Table 12. Just 10 percent (n=22) of the migrants indicated a preference for using the formal system of the police and courts to resolve disputes. The 'other' category refers to using custom and a combination of methods for dispute resolution. Those who have not responded have not yet experienced any disputes and have not thought about how to address potential disputes.

**Table 12: Settler preferred methods of dispute resolution (n=221)**

| Dispute resolution method | Type of agreement             |                                |                               |                 |          | Total      |
|---------------------------|-------------------------------|--------------------------------|-------------------------------|-----------------|----------|------------|
|                           | Verbal, mutual and indefinite | Informally witnessed agreement | Formally sanctioned agreement | Other (specify) | Missing  |            |
| Informal resolution       | 29                            | 61                             | 14                            | 13              | 0        | 117        |
| Mediator/third party      | 0                             | 14                             | 3                             | 1               | 0        | 18         |
| Police                    | 3                             | 3                              | 4                             | 2               | 0        | 12         |
| Court                     | 1                             | 8                              | 0                             | 1               | 0        | 10         |
| Other (specify)           | 4                             | 3                              | 0                             | 2               | 0        | 9          |
| Not answered              | 13                            | 30                             | 5                             | 4               | 3        | 55         |
| <b>Total</b>              | <b>50</b>                     | <b>119</b>                     | <b>26</b>                     | <b>23</b>       | <b>3</b> | <b>221</b> |

## General concerns with current land transactions between landowners and settlers

**Landowner concerns:** Half of those who have sold land (11 out of 22) raised several concerns revealing conflicts and tensions within landowner families relating to how land is managed within families as much as issues between landowners and settlers.

One common challenge expressed by landowners is the inability of settlers to make outstanding payments on time as initially agreed. Other concerns relate to settlers selling the land on to third parties without knowledge of the landowner or settlers attempting to 'alienate' the land completely.

**Concerns within and between landowner households:** One of the growing concerns relates to individuals selling land without proper consultation with and consent from the rest of the family. There are inherent conflicts both within and between families partly over the way in which the land is disposed of and partly over the distribution of earned income. This becomes a source of ongoing tension and conflict among landowner families.

In some instances, several members of the family have sold the same plot of land to different buyers. In other cases, land has been sold without the knowledge of other family members. In the words of one male respondent: *'I sold land without my wife's knowledge and we have had ongoing arguments over this'*.

For instance, our key informant's uncle is the eldest in the family and he inherited decision-making powers and land rights from their late father. The uncle sold most of the family land without any consultation with the rest of the family and no one knows anything about the amount of money received and the terms and conditions of sale. Another respondent mentioned that 'boys', meaning young men, sell land without proper consultation. This shows that disposing of land for cash causes rifts and arguments within families.

**Lack of clarity in informal agreements is a potential source of conflict parties:** A potential source of misunderstanding and conflict between landowners and settlers is the absence of a clear message from landowners to settlers that they are not selling their ownership rights in these dealings. Settlers have not been told that they allowed only access to use of the land for a specified period of time. On the contrary, settlers have the assumption that they have ownership rights and are fixated on making major investments in improving the land. Any attempt to reclaim land by landowners will certainly be met with objection from settlers. This is a brewing pot of extended potential conflicts over land at Taurama.

**No proper record of payment:** Another concern expressed by both landowners and settlers is lack of proper records of payments made or received. Without proper records, it is easy to forget details of transactions and this leads to disagreements and arguments between the two parties. Also, without formal documentation of lease agreements, it is hard for migrants to prove evidence of payments made. The tenure rights of children and grandchildren of current settlers may not be guaranteed with younger generation of landowner families with different priorities.

## Settlers and landowners views of squatting at Taurama

An overwhelming majority of settlers, comprising 91 percent (n=201) did not perceive squatting as an issue (See Table 13). Most people who settle in Taurama enter with the permission of landowners. Only a minority of 6.3 percent (n=14) of settlers were of the view that a small segment of the migrant community settles without any connection to landowners and without permission.

**Table 13: Settlers views of squatting at Taurama**

| <b>Squatter settlers on customary land at Taurama</b> | <b>Frequency</b> | <b>Percent</b> |
|---|------------------|----------------|
| No squatters  | 201              | 91.0           |
| Come under pretext of migrant settlers                | 2                | .9             |
| Squatters without any connection to LOs               | 14               | 6.3            |
| No response   | 3                | 1.4            |
| Other (specify)                                       | 1                | .5             |
| <b>Total</b>  | <b>221</b>       | <b>100.0</b>   |

Squatting was not viewed as a major concern by most interviewed landowners (n=28 out of 36) who stated that those who move into the area are invited by landowners to come and live with them. However, eight of the respondents have acknowledged this to be an issue where some people help themselves by settling on land without permission or they come under the pretext of settling but then do not pay for the land.

The following quotes from landowners illustrate some of the squatting issues:

'Land grabbed illegally by outsiders';

'Motuans giving away our land to outsiders';

- ‘Settlers brought in their relatives which causes a lot of problems’;
- ‘Some people residing at Taurama claim to be landowners when they are not’;
- ‘There are 10 households living on our land without agreement’;
- ‘There are plenty and not sure how they moved in’; and
- ‘Uninvited relatives of settlers living and causing problems by accessing land illegally’.

It becomes difficult for landowners to remove settlers who they are not happy with when the arrangements were informal in the first place and it is even more difficult when settlers have already built on the land.

With an increasing population, squatters may blend in with legitimate settlers without the knowledge of landowners and over time it may become increasingly difficult to evict them. Also, land may change hands between the original settlers and third-party settlers without the knowledge of the landowners, who have so far maintained some level of informal control over who takes up residency at Taurama.

At the time of data collection for this study, landowners were not aware of where and who to take such matters to be adequately addressed. This is a major disconnection between landowners in the heart of Port Moresby and the established processes of customary land dispute resolution through the village courts and the role of customary land mediators.

### Priority areas for state intervention

Landowners and settlers were given the opportunity to suggest how city authorities could facilitate further development and management of the process of urbanisation through upgrading and provision of basic services. Though the actual numbers differ due to the different sample sizes, the ranking of each priority area is consistent for both groups and directly reflects the dire need for access to basic service.

Even though landowners disregarded previous State efforts of planned development for Taurama through the office of Urbanisation and rushed into selling their land directly to settlers, the majority of respondents in this study now realise the importance of planned development. As Table 13.1 in Appendix D shows, over half of them (n=21) ranked facilitation and provision of infrastructure and utility services as the most important area of need for intervention.

The suggestion with the second highest ranking for landowners is for the State to facilitate tenure security for landowners to enable them to maintain customary ownership while also enabling them to have a sustainable source of income without losing their land by collecting land rentals. This is informed by the fear that they are already losing control of their land. This is already problematic because settlers have a totally different view of the land they are sitting on, that they own it now with major investments on it.

Though Taurama is in the city with easy access to existing laws and policy interventions on customary land and formation of ILGs, the landowner respondents’ third priority area for intervention is the need for the set-up of a local avenue to specifically address issues between landowners and settlers closer to home in Taurama.

### Settlers’ priority areas for State intervention

As residents of an unplanned settlement, it is not surprising that settlers have also ranked the need for the State to facilitate provision of infrastructure and utility services as the most urgent priority by nearly 85 percent (n=184) of respondents. See Table 13.2 Appendix D. This relates to providing trunk infrastructure: roads, street lighting, water and sewerage, electricity and other basic services that can transform Taurama into a suburb.

The second area of priority is for the State to facilitate the process of ensuring tenure security for settlers so that there is some level of stability in their settlement through creation of proper records to pay for land and utility

and other services.

The suggestion to set up a local land conflict resolution body ranked as the next popular response. This suggestion came with a general feeling among migrants that there needs to be a local avenue for both settlers and landowners to sort out issues confronting them with many having a preference for informal, home grown methods of conflict resolution that work for them like negotiation and mediation. People prefer to use indigenous forms of dispute resolution to solve customary land transaction issues as opposed to using the formal justice system.

## Ch. 6 Discussion

The discussion brings together the main findings under common themes of concern to landowners and settlers and ties these in with the literature.

### Dynamics within landowner families relating to customary land transactions

Inheritance is through the father's line but some fathers are beginning to distribute land to both sons and daughters. This has become necessary in an urban setting where livelihoods are dependent on money for a living by enabling each offspring to have individual plots which they can let to settlers and earn ongoing land rentals.

Though male dominance in decision making regarding the sale of land remains, there is change in some families where the entire family or couples are involved in making decisions, an area that can be picked up by future research.

Informal land transactions have also brought about conflicts and tensions in some landowner families. Arguments and disputes among and within nuclear and extended families occur over how the land is disposed of and the distribution of earned income. The undercurrents of disharmony run deep in situations where land is disposed of without consultation with and the consent of the rest of the family or in situations where the proceeds of the sale are not shared with all family members or equitably.

### Dynamics between landowners and settlers

Contrary to popular opinion of most settlers coming from the Highlands, 50 percent of the interviewed settlers were from the Central Province. This reflects the authority and power landowners have in choosing settlers who may already have some existing relationship with them such as connections through work, language, social and cultural ties through various ways such as marriage or trading relations. This is consistent with Koczberski's concept of relational transactions where settlement is based on existing relationships which are reinforced and maintained over time, validating continued access to customary land.

### Transactions guided by custom principles

Land transactions conducted by customary landowners were largely guided by the customary land tenure principles in which customary landowners have the authority to grant approval for use of land to buyers or lessees and set terms and conditions of settlement. While ownership and alienation of customary land is a highly contested subject, the turnout of events at Taurama partly mirrors historical developments of migration into Port Moresby where early trading partners and later migrants who were employed by the colonial administration were allocated pieces of customary or State land which they could live on (Godard, 2005; Oram, 1982b). In Taurama, the clan land has not played a role, rather it is the head of the family with usufruct rights over it, which exercised the authority to dispose of the land with minimal objection from the clan as a legal entity.

### Relational terms of settlement

Relational analysis focuses on how social exchange relationships with landowners is continually maintained over time for access rights to customary land as espoused by Koczberski et al. (2017) Numbasa and Koczberski (2012), and Koczberski et al. (2012). Transactions between landowners and settlers at Taurama portray a mix of both relational and market transactions.

#### **Non-relational transactions**

Non-relational transactions involve stranger deals where the landowner and settler are unknown to each other. Settlers with existing relationships with landowners pay comparatively smaller amounts, mainly to stabilise and

maintain the relationships compared to ‘stranger’ deals with people who are unknown to each other. Stranger deals are in effect market transactions and involve much higher amounts of cash payment.

The unwillingness of some of these settlers to continually participate in relational activities are of the view that they have already paid for the land through a market transaction and are reluctant to maintain social relationships by participating in the life of the landowner family and community. Landowners, in contrast, maintain that settlers were invited to live with them as members of the family and are expected to be fully engaged in all aspects of socio-cultural life. This area of misunderstanding is a potential source of conflict between respective settlers and landowners.

### **Relational transactions**

The relational dimension of transactions is prevalent in Taurama to the extent that many initial transactions were based on personal relationships established through informal networks of friendships developed through work, *wantoks*, friends of friends or colleagues and acquaintances. The relationships are maintained with landowners through participation and engagement in the social and cultural life of the host family and community.

This is consistent with the findings of Koczberski et al. (2017) who attributed the success of early transactions between landowners and migrants in Wewak and the West New Britain Province oil palm blocks to personal relationships between landowners and settlers. Migrants were found to have maintained access rights to the land through engagement and participation in customary exchange and village activities. However, problems emerged between the two groups where these relationships eroded over time, with the death of older folk involved in the initial exchanges and the younger, second and third generation of both settler and landowner children growing up with different values and priorities (Koczberski et al., 2017; Numbasa and Koczberski, 2012).

Similarly, in Taurama, even though access to land arrangements made by parents are working at this time, the potential of conflict over land is bound to occur with younger generation of landowner and settler children and grandchildren. Unlike their parents, the younger generation may not have shared values and the same level of relationships and this combined with an increase in the value of improved land and property in the city will create the incentive for both sides to hold on to their share of inheritance. In Taurama, a small number of relationships between ‘strangers’ are already strained and are likely to deteriorate further over time.

### **Factors driving customary land sales**

Several factors drove landowners to sell their land: fear of losing their land to the state and the opportunity to earn an income.

The news of the planned Taurama urbanisation project was interpreted by some landowners to be alienation of their land by the State. This fear stemmed from the historical experiences of their forefathers losing land to the State through alienation by the colonial administration, for which very little payment was received and current decedents do not benefit in any specific way from government.

The misunderstanding was extenuated by the lack of stakeholder engagement and awareness which was so critical to the project, had not reached right down to families and households who have the decision-making authority and control over land. Authorities did not see this coming, they were not aware that landowners are not a homogeneous group and really, not organised even though they have a shared interest in protecting land ownership (Kep, 2018). The risk of losing key stakeholders in customary land development projects as in this case was well noted by Apelis and Moore (2013) who emphasised on a concerted effort at every step of the way to get all stakeholders on board to buy into the project development process. The experience of Taurama provides a valuable lesson that stakeholder consultation and engagement is absolutely vital. The failure to fully engage with all parties; right down to the family and household level, when planning and implementing development projects on customary land can derail the entire project as it happened with Taurama.

Without an understanding of what the urbanisation project was about, some landowners assumed a repeat of history and proceeded to sell land directly to settlers. They thought that by opening up their land directly to migrants of their choice, they would earn an income while retaining control and ownership. Clans at Mahuru, Korobosea and Kirakira villages who first sold or leased land set a precedent and others followed suit, disposing customary land across the valley.

Those landowners who have organised themselves and registered their land through VCLR system are in the minority as much of the valley has already been sold and occupied by settlers. There was no explicit discussion between landowners and settlers that settlers are temporary guests sharing the land with landowners. This remains a major point of future contention between the two groups.

The need to finance living expenses and maintain livelihoods is another factor that contributed to disposing land. Taurama provided an ideal opportunity for migrants who were desperate for alternative, suitable and affordable residential space to escape from the demanding clutches of city's accommodation rates for a culturally flexible transaction with far less complexities involved. This also presented the chance for landowners to make quick money and that fuelled the pace of land disposal. While landowners benefited from payments at the time, money has been spent, land is out of their hands, and all they have left are the new neighbours. This reflects Rooney's (2015) notion of the landowners being doubly disadvantaged as they have sold their land and have no source of income for ongoing sustenance of their lives in the city, where livelihoods are dependent on the cash economy. It is harder for families that do not have regular wage income, self-employed or dependent on income from less-skilled jobs to sustain themselves. Those landowners that have opted to collect ongoing rental fees from settlers are better off than those who have opted to take large sums of cash or paid in several batches.

Urban residents with unmet housing needs seek alternative options to settle on State and customary as widely documented (Ezebilo et al, 2017; Webster et al, 2016; Rooney, 2015). What distinguishes Taurama from most other settlements in PNG is the fact that there is filtering process where landowners decide who to allow entry. This works in several ways, where well-to-do migrants with greater affordability, people who are willing to abide by landowner set conditions and those with some social relationship or connection to landowners or other settlers at Taurama are permitted access. This informal screening process offers landowners some level of initial control in selecting who settles on their land, unlike in other settlements on State or disputed and waste lands. This was reflected in the sample composition that half of the interviewed migrants were found to be from other parts of Central Province.

Taurama is indeed an unplanned settlement of the well to do; people who are financially capable to afford land or housing on the formal housing market in suburbia. This is evident from the type housing built in Taurama, which is strikingly different from housing in many other settlements. Many of these settlers are self-employed or employed in government or the private sector including pilots, lawyers, accountants and even politicians. They would easily afford to build or buy homes given the availability of land and housing in the suburbs.

## Informal transaction types

Informal land transactions involve agreements of various types ranging from verbal to informally signed papers, agreements signed and witnessed by community leaders (clan leaders, village councillors, church leaders and elders) to agreements sanctioned by lawyers and or witnessed by Commissioners for Oaths. This reflects Numbasa and Koczberski (2012), Koczberski et al. (2012) and Koczberski et al. (2017) who also found that there were different types of informality with some migrants going further to include legally sanctioned documents in the hope to stabilise rights to settlement. Further, Chand and Yala (2008) found similar characteristics of informal agreements for customary land transactions in Port Moresby.

Informal sale agreements made between landowners and outsiders differ between different individuals, usually with an initial deposit and the outstanding paid in installments over several years. Larger sums of payment were made in transactions involving people unknown to each other. This is consistent with Koczberski et al.'s (2017)

observations where progressively increasing demand for land led to transactions between people unknown to each other ('strangers') and involving higher cash payments.

## Inherent challenges of informality

Although, most relationships between settlers and landowners are currently working out well, there is an imminent risk of these deteriorating over time. Evidence of this is already happening at Taurama where there is a small number of settlers who are unwilling to maintain ongoing relationships with the host family and community through engagement in social and cultural activities.

The dynamics of the relationships and the imminent challenges between settlers and landowners mirror similar challenges revealed by Chand and Yala (2008) in Port Moresby, elsewhere in PNG by Koczberski et al. (2017), Numbasa and Koczberski (2012) and in Solomon Islands by Mecartney and Connell (2017). Over time, land may change hands between the original settlers and third-party settlers without the knowledge of landowners who currently have a control over who takes up residency. There have already been instances where settlers have sold land to third party settlers without the knowledge of the landowner and the fear of losing land is indicated by the informal conditions imposed on settlers. This echoes Chand and Yala's (2008) suggestion of condition setting as a way for customary landowners to maintain continued control over the land with the fear of losing ownership over time.

### Issues of record keeping

The potential for conflict is compounded by the absence of formal documentation of transactions. Many settlers keep their own personal records as prove of transactions when they make payments, even instalments. Lack of clarity in settlement conditions leads to a divergence in the understanding and interpretation of length of settlement terms by settlers. For instance, settlers invest time and financial resources to develop the land and build homes with the intention of bequeathing it to their children and they have no intention to return the land and developments on it to the landowners. Informality makes it hard to set land boundaries and identify who owns which area of land to instances where the landowner (chief, clan or individual) or members of his family sell the same plot of land to different migrants. These issues lead to instances where multiple settlers claim the same plot of land and conflicts emerge between settlers or between settlers and landowners over double or even triple selling. In some instances, arguments can escalate to fights between settlers or between settlers and landowners. In other cases, the settler would demand for a refund or a new plot to be allocated. Where settlers fail to comply in keeping up with payments, the landowner would resell it to a second buyer and refund any payment already made by the first buyer. It is worth noting that undeveloped land is easier to resell than land which is already occupied. As Numbasa and Koczberski (2012) noted, without proper records, the future tenure rights of children and grandchildren of current settlers may not be guaranteed with younger generation of landowners with different priorities.

### Uncertainties

A common source of concern and conflicts with informal land agreements relates to ambiguities surrounding the length of settlement. Landowners have not made it explicit that they are not selling ownership rights in these dealings. Further, there is no documentation about who the land is leased to, what it can be used for, how long, at what price, payment terms and what happens after the lease is up. Koczberski et al. (2013) also found similar issues of unspecified size and boundary of land parcels, unspecified sale prices, unspecified timing of payment of instalments, no details on land-use rights of purchaser, no written evidence that the clan had agreed for the land to be sold to an outsider. These uncertainties were found to have led to disagreements and disputes between landowners and migrants.

The ambiguous nature of agreements complicates matters, as the two groups' understanding of the transactions are at polar ends. On the one hand, customary landowners assume that they maintain land ownership rights. Settlers, on the other hand, assume that they have acquired ownership rights and are fixated on making major

investments in improving the land through investment of lifetime earnings in housing and establishment of businesses. Any attempt by landowners to reclaim land will certainly be met with objection by settlers as they intend to bequeath property and other assets to their children as revealed from our interviews. The impact of informality will extend well beyond the current landowners and migrants and affect children and grandchildren of both parties, who will inevitably be caught in disputes over land and property.

## Lack of landowner awareness of existing government policy and processes

The informal transactions that transpired in Taurama are contrary to government policy on Customary Land Mobilisation efforts through the formation of ILGs and registration of customary land. Interviewed landowners were not aware of current government policy intervention and processes that can help them to adequately address customary land issues. There is a huge gap in customary landowner awareness on existing policy, systems and processes pertaining to customary land mobilisation for development or dispute resolution through the village courts and the role of customary land mediators. This raises a question of whether the formal systems remain somewhat foreign and removed at the community level.

If customary land can be disposed of informally right in the heart of the capital city, it is quite worrying about the extent to which due process can be followed by landowners of urban peripheral land in other provinces around the country.

### Common concerns for landowners and migrants

Understandably, an important area of concern for landowners and settlers is the need for the city authority to facilitate the provision of trunk infrastructure: roads, street lighting, water and sewerage, electricity and other basic services that can transform Taurama into a suburb. Had landowners co-operated with the urbanisation program, Taurama would not be in this predicament, but it is where it is and further intervention to improve it is the way forward. Without services, Taurama will remain an unplanned settlement of the well-to-do with their host community.

Tenure security is another major concern for both landowners and settlers. Contrary to their initial assumptions, landowners now fear that they will lose control and ownership of their land with migrants setting up permanent homes and businesses. At the same time, many migrants see it as an investment into the future of their children. Ironically, however, after purchasing the land, migrants needed a more secure tenure than what the Taurama landowners were able to offer. There is willingness on both sides to engage and make it work better to their benefit.

Another problematic area of concern which both landowners and settlers agreed on is the need for the establishment of a local avenue by way of a committee or board to address customary land issues. Currently, most conflicts are resolved using the most common and accepted indigenous form of conflict resolution: mediation, negotiation and consensus.

This suggestion came with a general feeling among those who were interviewed that existing interventions implemented through the land courts are complex, impersonal and somewhat removed from them and the local setting. There needs to be a local avenue for settlers and landowners to sort out their issues.

## Lessons from Taurama Valley

Perhaps the case of Taurama can offer a few lessons for policy and practice pertaining to customary land.

- **Learn from local practices that work**

Koczberski et al. (2017) emphasised some of the key principles underpinning customary land transactions between landowners and outsiders that could inform land reform policies. The main point stressed here is that landowners are not seeking to change customary land tenure principles.

They seek ways to enable them to benefit from the increasing demand for land by outsiders without losing ownership and control of land, within a framework that stresses the relational dimensions of transactions with outsiders. This evidence led Koczberski et al. (2012) to suggest the need for policy to adapt, support and build on prevailing value systems and practices that are working in the community instead of introducing new or unfamiliar models that are inconsistent with current practice on the ground.

Koczberski led a team which developed the Customary Land Use Agreement (CLUA) instrument for the Oil Palm industry for settler access to land for oil palm growing. This is a vital document developed for a specific cultural group and it enables outsiders to access land for long term cultivation of oil palm and it benefits not only customary landowners without loss of ownership but also settlers and the oil palm industry. For a comparative perspective, the CLUA provides a working alternative to be considered besides the current government policy intervention via the ILG and VCLR route. Even if urban authorities may be unwilling to embark on a journey to work with Taurama landowners and settlers at this time, adopting a laissez faire approach would be far worse for a capital city.

- **Local, culturally appropriate methods of dispute resolution**

Both landowners and migrants prefer to use culturally appropriate, informal methods of conflict and dispute resolution and third-party mediation. Disputes are on the whole resolved using a number of approaches: verbal negotiation towards a mutual settlement; mediation in the presence of family, including third party mediation towards a settlement in the presence of community leaders and people who were witnesses to the land transaction or agreement.

The formal system with the police and courts remain as the last resort to be approached only when the matter cannot be resolved informally.

## Ch. 7 Conclusions and recommendations

Our study investigated the informal customary land transactions between the Motu Koita landowners at Taurama Valley, Port Moresby, and migrants who have settled on the land. Two pre-set questionnaire instruments were used to gather data from customary landowners and migrant settlers.

It contributes to improving understanding the dynamics of informal land transactions between landowners and settlers and the impact of these transactions. The findings provide lessons for informed decision making and policy implications relating to freeing up of customary land for urbanisation and housing that can benefit landowners without loss of ownership.

Opening up of land was largely due to lack of information, engagement and consultation with the appropriate key stakeholders, those who own and control land regarding the urbanisation project to get them to buy into the project. This shows the need to better understand the landownership system; for access and control of land and actively working with landowners to develop their land. The fear of losing land to the State led some to sell land informally and this had a domino effect on the entire valley as more and more land was sold/leased to settlers. The increasing demand for land by migrants with money offered an attractive opportunity for landowners to earn quick cash and this fuelled the pace of land disposal.

With a general lack of awareness, current government efforts to facilitate the freeing up customary land for development through Voluntary Customary Land Registration (VCLR) was not considered or taken up by those who disposed land. There is no consistency in the price of land per square metre, lease tenure, payment terms, or physical map of the sold land. The informal nature of agreements together with lack of clarity on the terms and conditions of settlement leaves room for misinterpretation and either party is not protected from the other. Most migrants keep personal record of transactions and some have documents witnessed and signed by statutory declaration and commissioners for Oaths as proof of purchase.

Landowners and settlers co-habit the valley fairly in peace and resolve conflicts and differences using informal mediation and conflict resolution methods. Many transactions were and continue to be based on relational grounds, but there are also stranger deals with features of market transactions. While things are working out at this time, research evidence of other settings show that informal deals are not secure and may breakdown over time. Stranger deals are at a greater risk of breaking down quicker as settlers are more likely to be less engaging with landowners in socio-cultural activities.

Ironically, the intention to protect their land from the State led them to open it up informally to settlers, earn some income by sharing the land while maintaining ownership rights. However, while landowners continue to assume they have ownership rights to land, settlers also assume permanency of settlement and make major investments by building homes and setting up businesses with no intention of leaving. This is a major potential source of ongoing conflict.

Both groups realise the predicament Taurama is in as an unplanned settlement without access to services and the potential risks of their situation as each group lays claims of legitimacy to the land and developments on it. Future generations of landowners and migrants will not share the same level of loyalty and relationships as their parents and grandparents. Informal customary land transactions have also affected the dynamics of relationships within and between families regarding decision-making over disposed land as well as the distribution of earned cash.

Any consideration for intervention to bring a long-term solution to the Taurama case will be more challenging as it needs to engage with not just landowners but also migrants now that major investments have been made on the land. It may be easy to begin a conversation around areas that both groups agree on the need for intervention such as access to basic infrastructure and utility services and long-term security of access and ownership of land and property.

## Policy recommendations

Taurama needs to be treated differently given the way it commenced. Improving record keeping of informal transactions at the local level would offer some immediate level of immediate protection for both parties. Several policy implications emerge from the results of this study.

- **Future customary land mobilisation initiatives for urban development**

Taurama's case of informal land disposal on the eve of the roll out of a major impact urbanisation project provides a key lesson for future planning and implementation of similar projects. It highlights the importance of a thorough process of stakeholder analysis and engagement of all key stakeholders to get them to buy into the project and carry them through every stage of the project planning and implementation cycle. This requires a nuanced understanding of the specific historical, socio-cultural context and customary land ownership systems and work closely with key stakeholders.

- **Promote use of mediation for conflict and dispute resolution**

In Taurama, most landowners and settlers use informal methods of dispute resolution through mediation, the most common indigenous method of conflict resolution, existing completely parallel to the formal system. Mediation plays a vital role in keeping matters out of the formal justice system by resolving conflicts and disputes in the community. There is a need to give recognition to and promote the use of mediation to resolve issues related to land and other matters for urban peripheral areas like Taurama as in rural settings.

Further, among those who were interviewed, there was a feeling that existing government services, through the formal system of land courts are complex, impersonal and somewhat removed from the people and suggested the need for a local avenue to sort out their issues.

This lends support for the establishment of a land mediation a team to address issues and facilitate resolution of differences between and among landowners and settlers in Taurama.

More awareness activities and strengthening the presence of an urban village court in Taurama and the work of magisterial services and its role in mediation of land disputes would be good for Taurama landowners and migrants.

- **Consider alternative localised models of implementation of national policy**

The role of policy should be to set broad guidelines to be implemented locally (by provinces and districts) applying simpler, user-friendly models consistent with local practices and national goals. A good example of a model releasing land for development that is already working on the ground is the Clan Land Use Agreement (CLUA) arrangement used by the oil palm industry.

It is an agreement used for migrants to access customary land for growing oil palm and provides landowners with income without loss of ownership. The responsibility for this can be allocated to a special group, maybe a local land development committee comprised of representation by landowners and other key stakeholders and overseen by the customary land division, Department of Lands and Physical Planning and NCDC.

- **The need to improve on packaging and dissemination of information on government policy and intervention**

Taurama is located on the periphery of PNG's capital city where one would reasonably expect to find landowners to understand and follow current government policy and practice relating to release of customary land for development. The fact that none of this happened partly demonstrates the lack of awareness and information available to landowners. This narrative raises important questions

regarding how the information on VCLR and ILGs is being disseminated to the wider population. Information needs to be prepared and packaged in a form and using easy-to-understand medium and widely disseminated.

- **Interventions to address common concerns for landowners and migrants**

- \* Provision of infrastructure and basic services: Understandably, an important area of concern for landowners and settlers is the need for the city authority to facilitate the provision of trunk infrastructure: roads, street lighting, water and sewerage and electricity, that can transform Taurama into a suburb. Intervention efforts to provide services will be challenging as the land has already been built on. Had landowners cooperated with the urbanisation program, Taurama would not be in this predicament, but it is where it is and further intervention to improve it is the way forward. Without services, Taurama will remain an unplanned settlement of the well-to-do with their host community.
- \* Tenure security is another major concern for both landowners and settlers: Contrary to their initial assumptions, landowners now fear that they will lose control and ownership of their land with migrants setting up permanent homes and businesses. They would like the State to facilitate a process for them to maintain ownership and collect ongoing rental dues from settlers.

Settlers are also concerned about their security of tenure. They have made major investments in developing land and building their homes on land without formal titles, which they would like to protect.

Any intervention, whether it is going down the route of alienation or undertaking VCLR and ILGs, would need to take into account of and balance the interests of both landowners and migrants.

- **Lessons of informal practices based on relational terms**

Evidence from previous research shows that access to land based on relational terms and informal agreements works for a limited time and are not secure in the long term. This means that investments made on customary land without any formal documentation are not secure. This can be a source of major conflict for future generations of landowner and migrant children. Now is the time to begin the search for a lasting solution to the situation.

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# Appendix A: Map



# Appendix B: Questionnaire for landowners

## DYNAMICS OF INFORMAL CUSTOMARY LAND TRANSACTIONS AT TAURAMA VALLEY, NCD

### QUESTIONNAIRE FOR CUSTOMARY LANDOWNERS

#### Section 1: Establishing Rapport (separate page)

##### Interviewers Identity (speak freely)

My name is ....., and I am a member of a team of researchers led by Dr Linus s digim'Rina. He is our Team Leader on this research project. I wish to ask you some questions on customary land ownership, uses and issues about Taurama land. You are chosen because you are a resident, tenant, and/or landowner in the Taurama valley.

##### Significance of the Research (speak freely)

This study is sponsored by the PNG National Research institute. Port Moresby's urban population rapidly is increasing and so as the need for adequate accommodation and residential spaces. It is clear that the State and the City authorities (NCDC) are struggling to cope and manage this need for the city residents. Both 'squatter' and 'informal' settlements are springing up like mushrooms all over the limited State land of Port Moresby and even spilling over onto customary lands nearby, like here in Taurama.

In order to manage this social issue both the state and the city authorities need to come up with some workable policies on land access and usage in urban areas. The customary landowners here at Taurama seemed to have found a way of 'leasing' their land to outsiders who are mostly city residents. This could however become a useful alternative model or way means of managing land for residential spaces in expanding urban environments like Port Moresby.

##### Information Required from the participant (speak freely)

We need to help our city authorities manage our city into the future. You are therefore requested to answer my questions honestly and freely including discussions. This study is to assess knowledge, attitude and practice of land tenure and use in Taurama valley, particularly on transactions, transfer and leases. Actual stories on how much you know of such instances and practices are particularly useful for this study.

##### Confidentiality (speak freely)

Your name and clan name (if necessary) shall remain optional, but when provided, and along with the rest of the information will be strictly kept confidential.

##### Contact (explain or issue business card)

Dr linus digim'Rina, Anthropology Dept, University of PNG, PO Box 395, UNIVERSITY PO, NCD. Ph. 75348781, Email: kwebila@gmail.com

Dr Elizabeth Kopel, Mr Lewis Iwong & Ms Cathy Tukne, The PNG National Research Institute, PO Box 5854, BOROKO, NCD. Email: Elizabeth.Kopel@pngnri.org; Lewis.Iwong@pngnri.org

Do you agree to participate in this project?            [Yes]    [No]

Sign if you agree to participate \_\_\_\_\_ Date: \_\_\_\_\_

**Section 2: Bio Data**

- 1. Name: \_\_\_\_\_
- 2. [M] [F]
- 3. Age [                    yrs]
- 4. Marital status: [S]    [M]    [D]    [W]
- 5. If married, number of children: [F]    [M]
- 6. Province of origin \_\_\_\_\_
- 7. District of origin \_\_\_\_\_
- 8. Language group: \_\_\_\_\_
- 9. Village \_\_\_\_\_
- 10. Clan name: \_\_\_\_\_
- 11. Clan's place of origin: \_\_\_\_\_
- 12. Occupation of head of household: \_\_\_\_\_

**Section 3: On the Ground by Heritage**

- 13. Are you living/residing on your own (clan's) land? [Yes] [No]
  - a. If not, whose land are you living on?  
Explain \_\_\_\_\_  
\_\_\_\_\_
  - If yes, from whom did you inherit the land (and authority to transfer rights) you're living on?  
Explain \_\_\_\_\_  
\_\_\_\_\_
- 14. How much land does your clan own in Taurama?
  - a. Acres/hectares? \_\_\_\_\_
  - b. Number of plots/tracts? \_\_\_\_\_
  - c. Names of places where your clan land is in Taurama valley? \_\_\_\_\_
  - d. Other \_\_\_\_\_
- 15. What is the estimated number of your living clan members?
  - a. Number: [M] [F]
  - b. Number living in Taurama: [M] [F]

#### Section 4: Customary Land Tenure Principles

16. From which side did you inherit your rights (perhaps ownership) to land?

- a. Shoreline and seas (fishing, etc): [Mo]<sup>1</sup> [Fa] [MU] [PU] [Other\_\_\_\_\_)
- b. Residential rights: [Mo] [Fa] [MU] [PU] [Other\_\_\_\_\_)
- c. Rights to cultivate gardens: [Mo] [Fa] [MU] [PU] [Other\_\_\_\_\_)
- d. Rights to bury one's dead: [Mo] [Fa] [MU] [PU] [Other\_\_\_\_\_)

*(Interactive discussion needed in here)*

17. Is this rule of inheritance applicable to all Taurama customary (indigene) landowners?

- a. [Yes] [No]
- b. If not, please

explain \_\_\_\_\_  
\_\_\_\_\_

18. What is the customary or local word (concept) for this type of 'lease' or land tenure arrangement?

- a. . \_\_\_\_\_
- b. Any other related or suitable customary words or concepts for such land transactions? \_\_\_\_\_

19. Do you know of any families or household (of clans) breaking or failing to adhere to these rules of inheritance and customary use of the land? [Yes] [No]

- a. Number of households: \_\_\_\_\_
- b. When did this happen? \_\_\_\_\_
- c. What actually happened?

#### Section 5: Informal Customary Land Transactions among Landowners

20. Have you yourself (your household or clan) sold any piece/plot/tract of land to an outsider?

- a. [Yes] [No]
- b. If yes, how many so far? \_\_\_\_\_
- c. How much in PNG Kina? \_\_\_\_\_
- d. Briefly explain how this happened or what led to the decision to sell or exchange? \_\_\_\_\_
- e. What were the key factors considered towards the sale or lease of your land to an outsider? \_\_\_\_\_

21. How was the arrangement and/or agreement sealed with the buyer?

- a. Verbal and mutual like 'friends' and 'brothers' and indefinite
- b. Informally signed agreements between family members and purchaser but witnessed by village councillor/elder or

<sup>1</sup>[Mo] for mother, [Fa] for father, [MU] for maternal uncle, and [PU] for paternal uncle.

church elder

- c. Legally binding agreements sanctioned by a lawyer or commissioner of oaths
- d. Other, specify \_\_\_\_\_

22. Who were the key people involved in the negotiation and decision making? Indicate gender and kinship relationship to the household or clan.

- a. M]
- b. [F]
- c. C]<sup>2</sup>
- d. Other \_\_\_\_\_

23. How are the agreements implemented?

- a. How long is the 'lease' for? Months \_\_\_ Years \_\_\_\_\_
- b. What happens in non-compliance instances? \_\_\_\_\_
- c. How are disputes resolved between the parties involved? \_\_\_\_\_
- d. How would you describe the (your) relationship with lessee or buyer of the land? \_\_\_\_\_

24. Are there any concerns, issues or problems with this arrangement so far?

- a. [Yes] [No]
- b. If yes, please explain \_\_\_\_\_
- c. Are there any cases of squatters (illegal settlers) living on your land? [Yes] [No]
- d. If yes, please explain \_\_\_\_\_

25. As Taurama is within the fringes of Port Moresby city, and if you think that help is needed at all, what would the state and city authorities do to help with the management of your customary land? (Rank the responses if more than one option is given. Several choices are allowed.)

- a. Provide basic infrastructural facilities like roads, streets, water and sewerage, and electricity – and turn Taurama into a city suburb?
- b. Facilitate the issuance of formal land titles to interested land buyers while ensuring that landowners collect a portion of the rental dues.
- c. Formalise the establishment of Taurama Land Board with powers to issue formal titles to interested lessees and buyers of customary land so that landowners could benefit from the rental dues.
- d. Let status *quo prevail* – every household for itself
- e. Other \_\_\_\_\_

26. Is there anything else that you might like to add?

**THANK YOU VERY MUCH FOR YOUR TIME AND KINDNESS**

<sup>2</sup> C for 'children' from teenage to early twenties.

# Appendix C: Questionnaire for Settlers

## DYNAMICS OF INFORMAL CUSTOMARY LAND TRANSACTIONS AT TAURAMA VALLEY, NCD

### QUESTIONNAIRE FOR SETTLER HOUSEHOLDS

#### Section 1: Establishing Rapport (a separate page)

##### Interviewers Identity (speak freely)

My name is ....., and I am a member of a team of researchers led by Dr linus s digim'Rina. He is our Team Leader on this research project. I wish to ask you some questions on customary land ownership, uses and issues about Taurama land. You are chosen because you are a resident, tenant, and/or migrant in the Taurama valley.

##### Significance of the Research (speak freely)

This study is sponsored by the PNG's National Research institute. Port Moresby's urban population is rapidly increasing and so as the need for adequate accommodation and residential spaces. It is clear that the State and the City authorities (NCDC) are struggling to cope and manage this need for the city residents. At the same time 'squatter' and 'informal' settlements are springing up like mushrooms all over the limited State land of Port Moresby and even spilling over onto customary lands nearby, like here in Taurama.

In order to manage this social issue both the state and the city authorities need to come up with some workable policies on land access and usage in urban areas. The customary landowners here at Taurama seemed to have found a way of 'leasing' their land to outsiders who are mostly city residents. This could however become a useful alternative model or way of managing land for residential spaces in expanding urban environments like Port Moresby.

##### Information Required from the participant (speak freely)

We need to help our city authorities manage our city into the future. You are therefore requested to answer these questions honestly and freely including discussions. This study is to assess knowledge, attitude and practice of land tenure and use in Taurama valley, particularly on transactions, transfer and leases. Actual stories on how much you know of such instances and practices are particularly useful for this study.

##### Confidentiality (speak freely)

Your name and clan name (if necessary) shall remain optional, but when provided, and along with the rest of the information will be strictly kept confidential.

##### Contact (explain or issue business card)

Dr linus digim'Rina, Anthropology Dept, University of PNG, PO Box 395, UNIVERSITY PO, NCD. Ph. 75348781, Email: kwebila@gmail.com Dr Elizabeth Kopel, Mr Lewis Iwong & Ms Cathy Tukne, The PNG National Research Institute, PO Box 5854, BOROKO, NCD. Email: Elizabeth.Kopel@pngnri.org; Lewis.Iwong@pngnri.org

Do you agree to participate in this project? [Yes] [No]

Sign if you agree to participate \_\_\_\_\_ Date: \_\_\_\_\_

## Section 2: Bio Data

27. Name: \_\_\_\_\_
28. [M] [F]
29. Age [ yrs]
30. Marital status: [S] [M] [D] [W]
31. If married, number of children: [F] [M]
32. Province of origin \_\_\_\_\_
33. District of origin \_\_\_\_\_
34. Language group: \_\_\_\_\_
35. Village \_\_\_\_\_
36. Clan name: \_\_\_\_\_
37. Occupation of head of household: \_\_\_\_\_

## Section 3: Access to Customary Land by Migrants in Taurama Valley

38. Are you living/residing on a piece of land that you purchased from a landowner? [Yes] [No]
- If not, whose land are you living on?  
Explain \_\_\_\_\_
  - If yes, from whom did you purchase or arranged with for you to live on the land?  
Explain \_\_\_\_\_
  - When did you move into Taurama? \_\_\_\_\_
  - How much did you pay for the land? PngK \_\_\_\_\_
  - Have you completely paid off the agreed amount? [Yes] [No]
  - If not, please explain \_\_\_\_\_
39. How much of the land that you have agreed to pay for?
- Acres/hectares? \_\_\_\_\_
  - Number of plots/tracts? \_\_\_\_\_
  - Other \_\_\_\_\_
40. Is there an additional family (extended or not) sharing the land apart from your own nuclear family? [Yes] [No]
- Number of families? \_\_\_\_\_
  - Number of individuals: [M] [F]
  - Other \_\_\_\_\_

41. What made you purchase this piece of land at Taurama?

- a. Explain the key reasons \_\_\_\_\_
- b. How did you learn about the availability of this piece of land that you have purchased/leased?
  - a. Print media (dailies)
  - b. Electronic media (Tv, Facebook, email, etc)
  - c. Friends and/or colleagues
  - d. Relatives/wantoks
  - e. Own search and enquiries
  - f. Vendor himself/herself
  - g. Others \_\_\_\_\_

42. Who were the key people involved in the negotiation and decision making from your side? Indicate gender and kinship relationship in the household.

- a. [M]
- b. [F]
- c. [C]<sup>3</sup>

#### **Section 4: Present Customary Land Use by Migrants in Taurama**

43. Are you aware of the traditional Motu-Koita land tenure rules and procedures? [Yes] [No]

- a. If yes, from whom did you learn of these rules?
- b. What are the primary rules regarding clan land use, leasing and transfer? Please explain. \_\_\_\_\_

44. Is this general customary land tenure rule known to most migrants/outsideers?

- a. [Yes] [No] [Not sure]
- b. If not, please explain \_\_\_\_\_

45. Describe the kind of arrangement and conditions laid out to you by the customary land vendor in your agreement. \_\_\_\_\_

- a. Was the land leased to you for a limited period, and if so, how long for? \_\_\_\_\_
- b. Was the land completely alienated from clan hold and its total rights over ownership transferred to you?
- c. Who would be the next of kin to inherit this land?
  - a. Son (indicate if adopted)
  - b. Daughter (indicate if adopted)
  - c. Brother's son/daughter

<sup>3</sup> C for 'children' from teenage to early twenties

d. Sister's son/daughter

e. Other, specify \_\_\_\_\_

46. Would you in future sell this piece of land back to the original customary landowners? [Yes] [No]

a. Please explain your answer \_\_\_\_\_

47. Do you know of any migrant families or households (of clans) breaking or failing to adhere to these rules of inheritance and customary use of the land?

a. Number of households: \_\_\_\_\_

b. When did this happen? \_\_\_\_\_

c. What actually happened? \_\_\_\_\_

### Section 5: Informal Customary Land Transactions among Migrants

48. Are you aware of other instances where a clan's customary land was sold (exchanged for cash) to outsiders?

a. [Yes] [No]

b. If yes, how many others more since? \_\_\_\_\_

49. What have you built on the land you purchased so far?

a. Number of houses/huts? \_\_\_\_\_

b. Type of house: 1) High cost 2) Medium cost 3) Low cost 4) Makeshift

c. Number of trade stores? \_\_\_\_\_

d. Number of cars/boats? \_\_\_\_\_

e. Chicken huts? \_\_\_\_\_

f. Piggery? \_\_\_\_\_

g. Rented rooms/huts \_\_\_\_\_

h. Other \_\_\_\_\_

50. What type of arrangement and agreement did you enter into with the customary land vendor?

a. Verbal and mutual like 'friends' and 'brothers' but for a limited time

b. Informally signed agreements between family members and purchaser but witnessed by village councillor/elder or church elder

c. Legally binding agreements sanctioned by a lawyer or commissioner of oaths

d. Other, specify \_\_\_\_\_

51. How are the agreements implemented?

a. a. How long is the 'lease' for?

- a. Months\_\_\_\_\_
- b. Years\_\_\_\_\_
- c. Completely and evidently alienated from clan hold?\_\_\_\_\_

- b. What happens in non-compliance instances? Cite any known instances, if any.\_\_\_\_\_
- c. How are disputes resolved between the parties involved?\_\_\_\_\_
- d. How would you describe (your) relationship with the vendor(s) of this customary land?\_\_\_\_\_

52. Are there any concerns, issues or problems with this arrangement so far?

- a. [Yes] [No]
- b. If yes, please explain\_\_\_\_\_
- c. Are there any cases of squatters (illegal) settlers on land in Taurama valley? [Yes] [No]
- d. If yes, please explain\_\_\_\_\_

**Section 6. Policy Implications**

1. As Taurama valley is within the fringes of Port Moresby city, and if you think that help is needed at all, what would the state and city authorities do to help with the management of customary land in Taurama valley? *(Rank the responses if more than one option is given. Several choices are allowed.)*
  - a. Provide basic infrastructural facilities like roads, streets, water and sewerage, and electricity, trunk infrastructure – and turn Taurama into a city suburb?
  - b. Facilitate the issuance of formal land titles to interested land buyers while ensuring that landowners collect a portion of the rental dues
  - c. Formalise the establishment of a Taurama Land Board with powers to issue formal titles to interested lessees and buyers of customary land so that landowners could benefit from the rental dues.
  - d. Let status quo prevail – every household for itself
  - e. Other\_\_\_\_\_
2. Is there anything else that you might like to add?\_\_\_\_\_

**THANK YOU VERY MUCH FOR YOUR TIME AND KINDNESS**

## Appendix D: Table of Results

**Table 4.1: How settlers found out about availability of land (n=221)**

| Source of information on land availability | Number of People | Percent      |
|--|------------------|--------------|
| Print media                                | 1                | .5           |
| Electronic media (TV, Facebook, email)     | 1                | .5           |
| Friends / colleagues                       | 72               | 32.6         |
| Relatives/ wantoks                         | 106              | 48.0         |
| Own search and enquires                    | 10               | 4.5          |
| From vendor                                | 23               | 10.4         |
| Other                                      | 5                | 2.3          |
| Missing                                    | 3                | 1.4          |
| <b>Total</b>                               | <b>221</b>       | <b>100.0</b> |

**Table 5.1: Gender roles in customary land negotiations (n=221)**

### Gender of individuals involved in land negotiation

| Gender              | Number of People | Percent      |
|---------------------|------------------|--------------|
| Male                | 175              | 79.2         |
| Female              | 44               | 19.9         |
| Unspecified/Missing | 2                | .9           |
| <b>Total</b>        | <b>221</b>       | <b>100.0</b> |

**Table 5.2: Settler views of conditions (n=221)**

| Landowners set conditions for settlement | Frequency  | Percent      |
|--|------------|--------------|
| Yes                                      | 52         | 23.5         |
| No                                       | 112        | 50.7         |
| Don't know                               | 36         | 16.3         |
| No Response/Missing                      | 21         | 9.5          |
| <b>Total</b>                             | <b>221</b> | <b>100.0</b> |

**Table 13.1: Priority ranking of customary landowner suggestions for improvement (Multiple responses)**

| Assistance required  | Responses in Ranks |       |        |        |        |
|--|--------------------|-------|--------|--------|--------|
|  | Rank1              | Rank2 | Rank 3 | Rank 4 | Rank 5 |
| Provide Infrastructure and utilities   | 21                 | 5     | 8      | 1      | 1      |
| Facilitate land tenure security and enable LOs to maintain ownership and collect land rental | 4                  | 18    | 8      | 6      | 0      |
| Set-up of local land authority/avenue to address issues between landowners and lessees.      | 3                  | 10    | 20     | 2      | 1      |
| No intervention 'laissez -faire'   | 1                  | 3     | 0      | 27     | 5      |
| Other assistance   | 7                  | 0     | 0      | 0      | 29     |

**Table 13.2: Priority ranking of settler suggestions for improvement (Multiple Responses)**

| Assistance Required  | Responses in Ranks |        |        |        |       |
|--|--------------------|--------|--------|--------|-------|
|  | Rank 1             | Rank 2 | Rank 3 | Rank 4 | Rank5 |
| Provide Infrastructure and utilities   | 187                | 17     | 14     | 0      | 0     |
| Facilitate land tenure security and enable LOs to maintain ownership and collect land rental | 42                 | 96     | 42     | 5      | 0     |
| Set-up of local land authority/avenue to address issues between landowners and lessees.      | 23                 | 65     | 66     | 4      | 0     |
| No intervention 'laissez -faire'   | 2                  | 5      | 9      | 59     | 2     |
| Other assistance   | 1                  | 3      | 7      | 7      | 29    |



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