

A qualitative study examining the interactions between landowners and government agencies overseeing customary land.

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1. Introduction

The indigenous population of Papua New Guinea (PNG) has largely retained land under customary tenure, unlike many other colonies. During the colonial era, leaders pushed for land reforms and established a Commission of Inquiry into Land Matters (CILM) to gather rural public opinions on land issues. The resulting report informed government policies on Indigenous land rights and led to their inclusion in the Constitution as part of human rights protections. The Underlying Law Act (2000) further recognised customary land tenure laws in the national constitution.

Customary land tenure systems coexist with formal land tenure for alienated lands, recognised by law to allow customary practices to continue. The Land Act (1996) includes protective measures, such as an inalienability clause in section 132, which states that customary landowners cannot sell or lease land except to citizens under customary law, making any contrary agreements invalid. Initially, the protection of customary land tenure was a priority for national leaders, but the focus has shifted towards using customary land for development. The national development plan acknowledges the importance of preserving customary land and aims to balance its development with the retention of customary laws and practices.

There are three options to enhance accessibility of customary land for development:

1. The Land (Tenure Conversion) Act (1964) and its amendment (1987) allow parts of customary land to be converted into individual freehold titles via the Land Title Commission (LTC).
2. The Land Act (1996), especially sections 11 and 102, enables Lease-Leaseback, which temporarily suspends customary land tenure for the lease duration.
3. The Land Registration (Amendment) Act (2009) introduces the Voluntary Customary Land Registration (VCLR) System for registering customary land groups as corporate entities through Incorporated Land Groups (ILGs).

In Papua New Guinea, customary landowners are prohibited from selling their land to non-citizens due to legal restrictions. Nonetheless, development pathways are available through the Department of Lands and Physical Planning (DLPP) and the Land Title Commission (LTC), which manage these

processes. Customary land comprises approximately 97% of PNG's 46 million hectares and plays a vital role in natural resource development. Engaging with land custodians is crucial, and various laws empower state agencies to promote foreign investment in these lands. The following section will analyse a study on how these agencies perform their legislative duties.

2. The Study on the Formal Sectors Dealing with Customary Land in PNG

The field research study conducted from January to June 2017 aimed to gather insights into the administrative structures and policies of state agencies in Papua New Guinea (PNG) regarding customary land management and landowner relationships. Through semi-structured interviews with key agencies, the study revealed that these processes are often complex and ineffective, making them inaccessible to rural communities with original land claims. Topics discussed included views on customary land, legal frameworks, administrative support, collaboration, challenges, and data management related to land issues.

The study aimed to conduct interviews with the following sectoral agencies:

- i. Department of Lands and Physical Planning (DLPP)
- ii. PNG Forest Authority (PNGFA)
- iii. Department of Agriculture and Livestock (DAL)
- iv. Department of Mineral Policy and Geohazard Management (DMPGM)
- v. Department of Petroleum and Energy (DPE)
- vi. Conservation and Environmental Protection Authority (CEPA)

The interview with the Department of Petroleum and Energy officer did not happen.

2.1 The DLPP and the Land Sector

The Department of Lands and Physical Planning (DLPP) serves as the principal authority on land matters nationwide, initially focusing on the 3% of state-owned land. However, under the new national land reform initiative, there is an enhanced emphasis on utilising customary land for development, in line with the recommendations from the 2005 National Land Summit.

To support this effort, a specialised branch for customary land tenure has been established, led by a deputy secretary and comprising four divisions: Incorporated Land Groups (ILG), Customary Leases, Acquisitions, and Special Projects.

Moreover, the revitalisation of four regional DLPP offices—Southern, Highlands, Momase, and New Guinea Island—aims to improve public services. The government's decentralisation policy has also

led to the creation of provincial and district-level land administration offices, thereby facilitating greater accessibility for local communities.

2.1.1 Customary Land Functions of the DLPP Divisions and other Sectoral Agencies

The opening section describes the DLPP divisions' roles in overseeing customary land and its owners. Table 1 outlines the primary responsibilities at the national level, and Table 2 provides information for subnational divisions.

Table 1: Customary Land Functions of the DLPP Divisions

Division	Organisational Functions on Customary Land and Landowners
ILG	The Division reviews and processes ILG applications and issues ILG certificates to landowner groups.
Customary Leases	Manages the registration of customary land under the VCLR system for customary landowner groups seeking to register a portion of their land after establishing their ILG.
Special Projects	When necessary, provide government support for vital economic and infrastructure initiatives on customary land to help identify landowners, establish ILGs, and acquire land.
Land Acquisitions	The division facilitates the state's acquisition of customary land for government infrastructure projects and other land needs.
Registrar of Titles	Register land and maintain the land titles register for state land lease titles and freehold land titles converted from customary land and customary land lease titles.
Office of the Valuer General	Provide land valuations primarily for state use on state land, with some consideration extending to customary land.
Office of the Surveyor General	This division is responsible for overseeing and managing cadastral and geodetic surveys nationwide. Its duties include surveying customary land for ILG sketches in ILG applications and conducting land surveys for VCLR or LTC registration. When applying for VCLR, a letter of consent from the ILG chairman is required.

Table 2: Customary Land Functions of Sub-National Lands Divisions

Division	Organisational Functions on Customary Land and Landowners
Regional Surveyors Office	Examination and quality control of the region's cadastral surveys, including occasional land surveys. Responsibilities include ILG sketch maps, VCLR, and LTC land boundary surveys.
Regional Lands Office	Oversee and supervise customary land dealings, including ILG applications, land acquisitions, and customary land leases, in the region. Occasionally undertake a Land Investigation Report (LIR).
Provincial Lands Division	It was established with delegated powers and functions in the provinces. The section responsible for customary land oversees decentralized services and land dispute resolution, which were formerly managed by the Local-level government division.
District Lands Office	The officer facilitates coordination among various levels of government on land issues at the district level and acts as the liaison with customary landowners. They serve as the government's point of contact for customary landowners within the district.

2.1.2 Legislation for dealings with customary landowners and their land

The second section describes the legal basis for divisions that support traditional land custodians. Table 3 provides an overview of these divisions and their legislative contexts. The Land Act (1996) is the main legislation governing all land-sector divisions within the DLPP at the national, regional, provincial, and district levels. Additionally, some divisions, such as the Surveyor General's Office and the ILG division, are governed by specific laws relevant to their functions.

Table 3: Legislation and Policies Basis of the Lands Divisions

Division	Legal and Policy Basis of the Dealings of the Divisions with Customary Land and Landowners
ILG	Land Act (1996), Incorporated Land Group (amended) Act (2012)
Customary Leases	Land Act (1996), Land Registration (amended) Act (2012)
Special Projects	Land Act (1996)
Land Acquisition	Land Act (1996)
Registrar of Titles	Land Act (1996), Land Registration (amended) Act (2012), Land Tenure Conversion Act (1969), Land Title Commission Act (1962)
Valuer General's Office	Land Act (1996), Valuation Act (1967)
Surveyor General's Office	Land Act (1996), Survey Act (1969)
Regional Surveyors Office	Land Act (1996), Survey Act (1969), Incorporated Land Group (amended) Act (2012), Land Registration (amended) Act (2012), Survey Directions 1990
Regional Lands Office	Land Act (1996), Land Registration (amended) Act (2012), ILG (amended) Act (2012), Valuation Act, Land Dispute Settlement Act (1975)
Provincial Lands Division	Land Act (1996), Organic Law on Provincial and Local-level Government (1998), Land Dispute Settlement Act (1975), Land Registration (amended) Act (2012), ILG (amended) Act (2012)
District Lands Coordinator	Land Act (1996), Organic Law on Provincial and Local-level Government (1998)

2.1.3 The DLPP Divisions with Customary Land-related duties.

The Department of Lands and Physical Planning (DLPP) consists of three branches: Corporate Services, Land Services, and Customary Land, encompassing a total of thirteen divisions. This review centres on the Customary Land branch, which comprises four divisions: Customary Land, ILG, Customary Leases, and Land Acquisitions. Senior personnel are stationed nationally, while regional offices oversee lower-level staff.

Land Services includes three divisions: The Registrar of Titles' Office, the Surveyor General's Office, and the Valuer General's Office, all of which engage with customary land. DLPP regional offices are vital to customary land management and are staffed by junior officers, whereas district administration offices appoint land coordinators to handle local responsibilities.

2.1.4 The Processes of Dealing with Customary Land and Landowners in the Land Sector - DLPP

The distinct divisions are dedicated to fulfilling specific functions aligned with their respective roles, responsibilities, and tasks. Each division has established processes to achieve defined outcomes, some of which may require cross-divisional collaboration. Completing tasks within each division is essential to the overall success. Matters concerning customary land and landowners fall under the purview of the divisions responsible for Customary Land Services, ILG, Customary Leases, Land Acquisitions, and Projects.

The ILG functions and processes are categorised by the phases of engaging with customary landowners. The initial phase includes issuing ILG applications and providing guidance to customary landowners, typically conducted at regional and provincial offices. Subsequently, landowners gather data about their groups as specified in the application, such as member lists, property inventories, land sketch maps, and a constitution, which is then submitted to the ILG division. This is followed by various verification processes by the division, including group authentication by the district administration, subjecting the application to public scrutiny and objections, and ensuring compliance with application requirements. The comprehensive process involves districts and print media and concludes with the issuance of an ILG certificate upon successful application. Following issuance, the ILG division archives a copy of the certificate and all required documentation.

The Customary Leases division is tasked with registering and managing customary land titles and leases. This includes overseeing the Voluntary Customary Land Registration (VCLR) process in accordance with the regulations set out in the Land Registration (amended) Act (2012), which specifies that customary land may be registered only to customary groups, not individuals. A crucial requirement for registering customary land titles is an Incorporated Land Group (ILG) certification. The division provides guidance, processes applications, and ensures the compliance of submitted survey plans. Subsequently, the applications and recommendations are submitted to the Registrar of Titles' office for title issuance.

The Land Acquisitions division is responsible for overseeing state agencies' acquisition of customary land. When a request is received, it is forwarded to the department's secretary, who then sends it to the acquisitions division. The requisitioning agency must identify the land, obtain landowners' consent, and provide the necessary details. Working with regional and provincial land officers, the acquisitions division thoroughly investigates the land and submits a comprehensive Land Investigation Report (LIR) for the customary land. Following this, the Valuer General appraises the land while the

acquisitions division prepares the necessary documentation for the state's acquisition of the customary land.

The Projects division manages customary land for vital natural resource or infrastructure projects, coordinating services on behalf of the state. It works with state agencies, districts, and customary landowners, conducting land investigations and producing Land Investigation Reports (LIRs).

The ILG division engages with customary landowners by processing ILG applications, guiding landowners, collecting data, and verifying information to issue ILG certificates.

The Customary Leases division handles the registration of customary land titles and leases through the Voluntary Customary Land Registration (VCLR) process, requiring ILG certification and compliance checks.

The Land Acquisitions division oversees the acquisition of customary land by ensuring landowner consent, conducting land investigations, and preparing LIRs for appraisal by the Valuer General.

The Projects division focuses on customary land related to essential natural resource and infrastructure projects, coordinating services and collaborating with various stakeholders to conduct investigations and produce LIRs.

Overall, processes initiate at the national level, are implemented at sub-national levels, and then return for final assessment. In areas lacking qualified land officers, national officers are sent to assist with necessary tasks.

Customary land processes begin at the national level and are then passed to sub-national levels for implementation. They then return to the national divisions for final assessment. If local districts or provinces lack qualified land officers, national officers are dispatched to complete the tasks.

2.1.5 The Customary Land Processes Involving Other Sectors

This section outlines how the DLPP divisions interact with agencies on customary land issues. The ILG division issues ILG certificates to customary land groups, with a formal request process to the department head for assistance. Public notices are published to invite objections, with final notices in the government gazette. Previously managed by PNGFA and DPE due to limited ILG resources, the ILG division now oversees the entire process with their support.

The Customary Lease division has yet to register customary land titles, causing financial institutions to hesitate to accept them as collateral, thereby hampering land reforms. Collaborating with the National Research Institute, they aim to address this issue.

The Acquisitions division facilitates the acquisition of customary land for government use, engaging with landowners and provincial officers to ensure compliance with legal processes. Cadastral plans are created by private surveying companies.

The Special Projects division oversees significant land projects, coordinating with stakeholders and the Registrar of Titles to manage state and customary land registrations. The Valuer General's office issues Certificates of Alienability with district patrol officers.

Regional divisions handle major project engagements, land acquisitions, and the establishment of ILGs, with district land officers identifying rightful customary landowners. The Regional Surveyor's office manages land matters and disputes, while provincial divisions support land projects and negotiate with landowners. The division also collaborates with land courts and environmental organisations, such as CEPA, on dispute resolution and conservation efforts.

2.1.6 Perceptions of Land Officers on Issues of Customary Land Dealings in DLPP

This section examines the views of DLPP land officers at various administrative levels regarding customary land issues. Recent amendments to the ILG Act have addressed several concerns, but further improvements are needed. Managerial roles often overlap across regions, and compliance responsibilities, such as updating membership and annual asset statements, require clearer definitions. Current processes lack clarity, particularly concerning public objections to ILG applications and the winding down of inactive ILGs.

The Customary Leases Division notes that many staff members are still learning about customary land titles and leases. While they have experience in state land administration, handling customary land entails sensitive cultural and spiritual considerations that require careful, knowledgeable management.

The acquisition division is concerned about procedural adherence because provincial officers are bypassing the Department of Provincial and Local-level Government and sending reports directly to it. A restructuring is needed to eliminate redundant regional positions. Document processing has been centralised at the national office, where all related documents will be handled. Provincial officers will gather relevant information and forward it directly to the national office. Additionally, provincial affairs staff will identify customary landowners, conduct land investigations, and produce reports.

The Special Projects division has noted challenges faced by field personnel within the provincial administration. Land officers follow instructions from the Department of Lands and Physical Planning (DLPP) but are administratively linked to provincial administrations, which control their own budget and scheduling for urgent natural resource projects involving customary land.

Additionally, the Registrar of Titles has noted problems with converting land tenure to individual freehold titles, a task of the Land Titles Commission (LTC). The LTC has struggled to conduct effective provincial hearings for applications due to its limited size and budget within the Department of Justice and Attorney General. This has resulted in a backlog of unprocessed applications for the conversion of customary land tenure.

In regional offices, regional lands officers supervise customary land matters but face staff shortages, which forces them to oversee multiple processes at the provincial and district levels. This is compounded by the limited skills of district land officers, which delays many tasks and incurs travel costs for clients seeking services in Port Moresby.

A nationwide moratorium on Special Agricultural Business Leases (SABLs) has been enacted amid allegations of land-grabbing, particularly in coastal and island provinces. However, in the highlands, SABL applications typically involve smaller land areas, often used by small to medium businesses as collateral for bank loans. This moratorium has hindered aspiring entrepreneurs in the highlands by blocking their access to financing.

A provincial office in New Guinea Island has recognised that state lease-lease-back leases are issued and managed by the national government and further acknowledges the potential to re-categorise SABLs for integrated rural development projects (IRDPs). The provincial government identified four SABL titles for inclusion in the East New Britain Province (ENBP) Strategic Development Plan 2011-2021.

The regional lands office oversees provincial directives and activities, yet the absence of a regional land manager has been identified as a key issue, hindering coordination. Currently, instructions are sent directly to individual officers, creating disorganisation and a lack of accountability. Although professionals are mandated to report to national counterparts, only the physical planning unit submitted annual reports, while others have not.

To strengthen land division, it's crucial to acknowledge its importance, ensure adequate staffing, and provide resources like vehicles and technical equipment. Increasing personnel will improve service capacity, and staff must be skilled in land transactions and customer service. Landowners initiate development projects and seek guidance from the division, which provides crucial support.

Final approvals for customary land deals are with designated national DLPP officers in Port Moresby, who oversee various documents. While provinces handle Local Investigation Reports (LIRs), boundary demarcations, and other tasks, geographical distances and administrative separations lead to

delays. Complete decentralisation of functions could enhance provincial management and decision-making as current powers remain centralised at the national level.

Resolving customary land disputes typically involves mediation and court processes, but these can be lengthy and delay resolution. Financial constraints often prevent landowners from registering their land, especially in resource-rich areas, making investor assistance necessary to cover costs such as registering Incorporated Land Groups (ILGs) or customary land. Additionally, the actions of land officers can complicate interactions with customary landowners. Concerns also exist regarding informal land agreements, such as Customary Land Use Agreements (CLUA), Customary Lease Agreements (CLA), and Customary Land Sales (CLS).

2.1.7 Data of Customary Land in the Land Sector - DLPP

The organisation's different divisions gather and manage specific land-related data. The ILG division has established a database to oversee the entire system, from the application process to the issuance of certificates, while maintaining a comprehensive archive of paper files and data.

The department responsible for customary leases maintains a dedicated archive for customary land registrations and issued titles. This archive contains crucial data, including land names, local land names, clan names, survey documents and plans, land size, Milinch and Fourmil plan numbers, and title referencing. Additionally, this division oversees an LIR register and compiles a final composite file, known as the Customary Land Dealings (CLD), that stores all records. It is worth noting that the current system operates in an analogue format, but efforts are underway to develop a more efficient database system.

The Acquisition division is tasked with gathering crucial data on land acquisition, including information on the primary landowners, landowner agents, and rights held in the land. This data is compiled into the Native Land Dealing (NLD) file. Due to the mishandling of NLD files, plans are in development to take control of the data records at the archives.

It is worth noting that the Land Administration GIS (LAGIS) system was terminated by Technology One, an IT company contracted to modernise the organisation's ICT. While plans were made to develop and integrate a new database with LAGIS, these initiatives were not completed, leading to the current operational challenges LAGIS faces.

The assembly and accessibility of information within the Special Projects division have been significantly hindered by frequent file misplacement and loss. This has made it difficult to respond to information requests, especially from customary landowners, as the division needs an efficient data-filing

system to retrieve the required information promptly. As a result, staff often advise clients to return later while they try to locate the necessary files. Unfortunately, there are instances in which the requested data may be more difficult to retrieve.

The office of the Registrar of Titles houses a comprehensive repository of titles, encompassing customary titles, leases, and state and freehold titles. This repository contains vital information, including ownership details, conversion orders, volume folio reference assignments, registered survey numbers, land dimensions, geographic specifics, property nomenclature, and any encumbrances or constraints outlined in the rear portions of the title certificates as per section 26 of the Land Title Commission Act. The title repository may also contain information about any limitations, depending on the situation, in addition to the owner's details, lease terms, survey references, and property specifics. The amount and complexity of recorded data depend on the type of title, which can range from customary to state titles. When obtaining primary titles and applying for leases on divided land, several processes, such as transfers and mortgages, may be necessary, involving as many as thirty-one transactions.

The Valuer General's office primarily relies on sales data from customary land transactions within various regions. This data is collected, stored, and managed in a central database for easy access and is then provided to respective regions upon request. The Acquisition division is responsible for collecting essential data on land acquisition, including details on primary landowners and their agents, which is compiled into the Native Land Dealing (NLD) file. Due to past mishandling of these files, plans are underway to improve data management at the archives.

The Land Administration GIS (LAGIS) system was terminated by Technology One, and efforts to develop a new integrated database fell short, causing current operational challenges.

The Special Projects division has difficulty accessing information due to frequent file misplacement, which impacts its ability to respond to requests from customary landowners. This results in clients being asked to return later while staff locate needed files.

The Registrar of Titles office contains a comprehensive repository of titles—customary, leases, state, and freehold—along with critical data such as ownership, survey numbers, and any restrictions. The complexity of this information varies by title type, and obtaining primary titles may involve multiple transactions.

The Valuer General's office collects and manages sales data from customary land transactions in a central database for regional access. Additionally, a regional lands officer has proposed creating data registers at regional offices to enhance the maintenance of records for Land Investigation Reports (LIRs)

and Incorporated Lands Groups (ILGs). The office's standards division ensures that comprehensive information is available to facilitate valuations.

A regional lands officer proposed establishing data registers at regional offices in response to limited data availability for inquiries about Land Investigation Reports (LIRs) and Incorporated Lands Groups (ILGs). These registers would be responsible for maintaining records of LIRs and ILG applications within their respective regions.

The regional survey office's primary emphasis on quality control limits its data holdings to boundary surveys, thus restricting the scope of its information.

The Provincial Lands division in the Eastern Highlands Province is responsible for archiving records of land transactions, including Clan-Land Use Agreements (CLUAs) and Customary Land Sale Agreements (CLSAs). These agreements formalise the understanding between landowners and other parties and instil confidence in the transactions. Conversely, the division of lands in the East New Britain Province needs help in manual data collection, storage, and preservation. The department requires assistance with colonial-era data and current land acquisitions for administrative and government purposes. This complexity complicates efforts to address claims of uncompensated land transactions by customary landowners. The division developed a database in 2015 to preserve rapidly deteriorating demarcation records from the 1950s. This initiative was crucial for land administration and court proceedings, where the demarcation records were essential to resolving land disputes.

After gaining independence in 1975, the establishment of specialised land courts represented a significant shift in how land disputes were resolved, supplanting the previous demarcation committee. The subsequent enactment of the Land Dispute Settlement Act formalised and streamlined the process of settling land disputes.

2.2 The Other Sectors that Deal with Customary Land

In Papua New Guinea (PNG), customary land ownership is the dominant form of land tenure. This ownership framework plays a vital role in influencing the potential for beneficial developments in agriculture, forestry, mining, and infrastructure. Various government authorities are responsible for overseeing transactions and developments on customary land within these sectors:

- i. The Land Title Commission (LTC), established under the Land Titles Commission Act (1962), adjudicates disputes regarding customary land and processes applications for freehold title conversion under the Land Tenure Conversion Act (1969).

- ii. The Papua New Guinea Forest Authority (PNGFA) oversees forestry projects on customary land, necessitating collaboration with landowners.
- iii. The Department of Agriculture and Livestock (DAL) focuses on policy development and decentralisation, shifting responsibilities for customary land to provinces and agencies like the Coffee Industry Corporation (CIC) and the Cocoa Board of Papua New Guinea (CBPNG).
- iv. The Department of Mineral Policy and Geohazard Management (DMPGM) manages the mining sector, emphasising strategic planning, while the Mineral Resources Authority (MRA) enforces the Mining Act (1992).
- v. The Conservation and Environment Protection Agency (CEPA) is responsible for environmental preservation, with many initiatives led by non-governmental organisations, such as the Wildlife Conservation Society (WCS).

2.2.1 Customary Land Functions of Other Key Sectoral Agencies

In Papua New Guinea (PNG), Table 4 outlines the functions of key sectoral agencies. The Land Titles Commission (LTC) administers the Land Tenure Conversion Act (1969) to assist customary landowners in converting portions of land to individual freehold titles.

The Papua New Guinea Forest Authority (PNGFA) oversees forestry projects requested by landowners. It identifies potential forest areas based on the national forest plan and mediates among logging companies, Incorporated Landowner Groups (ILGs), and landowners, ensuring that landowners receive royalties from log sales and socio-economic services in accordance with project agreements.

The Department of Agriculture and Livestock (DAL) is responsible for managing the agricultural sector, with the Policy Planning and Coordination (PPC) division handling the policy aspects of agriculture and rural development.

The Coffee Industry Corporation (CIC) regulates Papua New Guinea's coffee industry and supports smallholder farmers through research and services. The Papua New Guinea Cocoa Board (CBPNG) oversees cocoa cultivation and provides training to rural growers.

The Department of Mineral Policy and Geohazard Management (DMPGM) manages the mining sector and develops relevant policies. The Mineral Resource Authority (MRA) regulates mining activities, while the Development Coordination Division (DCD) ensures local communities benefit from such activities.

The Conservation and Environment Protection Authority (CEPA) safeguards the environment and monitors development projects, requiring environmental assessments for significant activities. The

Wildlife Conservation Society (WCS) collaborates with communities to promote sustainable resource management and tackle climate change challenges.

Table 4: Functions of Sectoral Agencies Dealing with Customary Land

Sectoral Agency	Organisational Functions on Customary Land and Landowners
LTC	Administers the Land Tenure Conversion Act, converting customary land to individual freehold titles
PNGFA	It facilitates forestry development projects at the invitation of landowners.
DAL	It is responsible for managing the PNG agricultural sector.
CIC	Regulates the coffee industry and provides research and grower services nationwide.
CBPNG	Regulates and controls cocoa cultivation, processing, and marketing, and trains growers in PNG.
DMPGM	Deals with the policy and the legislative aspects of the mining industry in PNG
MRA	Is the implementing and regulating government agency for mining in PNG.
CEPA	It is responsible for and regulates all nature conservation activities, and the protection and management of the environment, related to resource development in PNG.
WCS	A conservation organisation that focuses on science and research to assist the communities in using their environment and natural resources sustainably and managing them properly.

2.2.2 Legislative Foundations for Dealings with Customary Landowners and their Land

When engaging with customary landowners and their land, sectoral agencies must follow the specific laws and policies detailed in Table .5.

Table 5: Legal and Policy Basis of Sectoral Agencies Dealing with Customary Land

Agency	Legal and policy basis for dealings with customary land and landowners
LTC	Land Tenure Conversion Act (1963), Land Titles Commission Act (1962)
PNGFA	Forestry Act (1991), Environment Act 2000, Incorporated Land Groups (amended) Act (2012)
DAL	National Agriculture Strategic Plan, Environment Act (2000), Land Act (1996)
CIC	Coffee Industry Corporation (Statutory Functions and Powers) Act (1991), National Agriculture Strategic Plan
CBPNG	Cocoa Act (1981), National Agriculture Strategic Plan
DMPGM	Mining Act (1992), Environment Act (2000)

MRA	MRA Act (2005), Mining Act (1992), Environment Act (2000)
CEPA	Conservation and Environment Protection Authority Act (2014), Environment (Amendment) Act (2014), Conservation Areas Act (1978), National Parks Act (1982), and Fauna (Protection and Control) Act (1966), The National Protected Areas Policy.
WCS	Project Agreements with communities to carry out projects: the Proposed Protected Areas Act would cover the activities of NGOs.

2.2.3 The Administrative Structures and Processes in the Sectoral Agencies Dealing with Customary Land and the Landowners

The study involves national agencies based in Port Moresby, Papua New Guinea, except for those overseeing commodity crop management and non-governmental conservation organisations. While these agencies have specific mandates and streamlined operational structures, interactions with customary land and landowners are only a minor aspect of their functions. For instance, the appendix details the procedures of the Papua New Guinea Forest Authority (PNGFA) regarding customary land dealings and landowner engagements.

2.2.4 Interactions and Relations with Other Sectoral Agencies

The research examined the relationships between sectoral agencies and customary landowners. The Land Title Commission (LTC) works with the Department of Lands and Physical Planning (DLPP), district courts, and the police, who provide security during LTC's field activities related to land issues.

The Papua New Guinea Forest Authority (PNGFA) collaborates with DLPP on Incorporated Land Group (ILG) applications and with the Department of Community Development for processing landowners' birth certificates. PNGFA also partners with the Conservation and Environment Protection Authority (CEPA) to obtain environmental clearances for forest management.

The Department of Agriculture and Livestock (DAL) seeks specific agricultural legislation and has gained support from donor agencies like the World Bank and FAO. It engages with landowners through projects linked to provincial and cash-crop agencies.

The Coffee Industry Corporation (CIC) partners with DLPP on coffee farming initiatives, works with NGOs on pilot studies, and collaborates with banks to enhance financial literacy in farming communities.

The Cocoa Board of Papua New Guinea (CBPNG) noted that research and extension functions for cash crops have shifted to commodity organisations such as CBPNG and CIC, which now work with local divisions to develop nursery programs for farmers.

The Mineral Resources Authority (MRA) maintains its independence and prefers to engage with landowner associations rather than ILGs, focusing on the disbursement of benefits per mining project agreements.

The Conservation and Environment Protection Authority (CEPA) engages with conservation NGOs, civil society, and the private sector, particularly the oil palm industry. It shares data with important natural resource sectors such as agriculture, livestock, petroleum and energy, and forestry to raise their awareness of protected and conservation areas when planning natural resource projects.

2.2.5 Perceptions of Officers on Issues of Customary Land Dealings in Sectoral Agencies

The study examined agency officers' views on the effectiveness of engaging with customary land and landowners, highlighting the importance of understanding the complexities involved in this process. While the Land Title Commission (LTC) system is generally satisfactory, improvements in funding and administrative structure are needed. One suggestion is to appoint regional commissioners to streamline the application process.

The legislation governing the Commission, established in 1962, is outdated and requires updates to improve transparency and clarify processes. Previously, the LTC struggled with a shortage of commissioners, resulting in long waiting times for land tenure conversion applications. Some applicants sought SABL titles to expedite the process but were later instructed to surrender them for their applications to be processed.

The annual budget for LTC hearings has been insufficient, with only two out of four planned provincial visits conducted in 2017. Many applicants had already begun entrepreneurial activities on their land and sought titles for collateral to obtain loans. However, commercial banks hesitated to accept freehold titles from the LTC as collateral due to restrictions, although a process exists to lift these restrictions by applying to the Minister for Justice and Attorney General.

The existing processes and structures have been successful for the PNGFA, but there is still potential for improvement. Forest management agreements with landowners pertain only to standing trees and do not encompass customary land. The agreements address only the management of trees, neglecting other interests on the customary land, even though the PNGFA's ultimate goal is sustainable area management. Once the company clears the land, landowners are free to utilise it for other purposes.

In Papua New Guinea, land ownership includes everything, including trees. The agreement between PNGFA and the landowners specifically covers the rights to trees with a diameter at breast height (DBH) of 50 cm.

The process involves the company accessing the land, clearing trees with a DBH of 50 cm, and leaving those with a smaller diameter intact. The forest management agreement typically spans 50 years, during which landowners may choose to continue the company's operations. A provision in the forest management agreement allows for a review by PNGFA halfway through the 50 years, offering landowners the opportunity to extend the deal. If trees of suitable DBH remain and, with the landowner's concurrence, agreements can be extended, logging operations can continue. The existing processes of the PNGFA have been effective, but there is room for improvement. Current forest management agreements with landowners focus only on standing trees, excluding customary land interests, despite PNGFA's goal of sustainable area management. After land clearing, landowners can use the land for other purposes. In Papua New Guinea, land ownership includes trees, and agreements cover trees with a diameter at breast height (DBH) of 50 cm. The company clears these trees while leaving smaller ones intact. The agreements last 50 years, with a mid-term review allowing landowners to extend operations if suitable DBH trees remain and they agree to continue.

The Department of Agriculture and Livestock (DAL) engages with customary land and landowners through key national agricultural projects. The Cocoa and Coconut Institute (CCI) recognizes the importance of the customary land tenure system for smallholder production and anticipates growth in the sector. Sound governance principles are essential for the sustainable development of communities.

In Papua New Guinea (PNG), most indigenous families historically practice smallholder agriculture for subsistence. However, transitioning to commercial agriculture is vital. Farmers are encouraged to gradually develop skills in managing commercial ventures and adopting Western agricultural practices.

About 99% of cocoa production comes from smallholder enterprises, with farmers participating independently. They receive guidance from crop commodity agencies and assistance from extension teams. The Cocoa Board of Papua New Guinea (CBPNG) oversees research and extension activities through the CCI, which works across 14 cocoa-growing provinces to enhance production and quality, while the Board maintains quality standards.

The Department of Mineral Policy and Geohazard Management (DMPGM) recommends on-site fieldwork with landowners to address issues at project or mine sites. Drawing from experiences at OkTedi,

a framework was established to distribute benefits across CMCA areas (Community Mining Continuation Agreement) and Non-CMCA areas. A state team, including officials from various government agencies, successfully engaged with landowners to understand their concerns and documented unresolved issues for future meetings. This efficient approach will be integrated into mining legislation, establishing a Mining Project Coordination Committee (MPCC) and a State Negotiating Team (STN).

The Conservation and Environment Protection Authority (CEPA) acknowledges that its laws from 1966 and 1978 are outdated and need updates due to evolving circumstances, especially with the implementation of Special Agricultural Business Leases (SABLs). This has caused confusion in protected areas, particularly in the Western Province. It's crucial for agencies, industry, and the public to collaboratively understand the importance of SABLs and protected areas.

The agricultural sector utilises Clan Land Use Agreements (CLUAs), though these lack formal recognition by the Department of Lands, resulting in methodological overlap with government land management agencies. Under the revised Conservation and Environment Protection Act, developments in conservation-designated areas will be subject to legal action. Customary landowners must now consider the conservation status of their land and have 90 days to raise objections, after which no further objections will be accepted.

Global changes in conservation are highlighting the limitations of national laws. While a grandfather may have supported conservation, the younger generation might not wish to continue these efforts on ancestral land, and their choices will be respected, albeit with guidance to protect the land.

In Morobe Province's YUS area, conservation progress is bringing animals closer to villages. Villagers can hunt tree kangaroos in designated hunting zones, but strict restrictions apply in protected areas. The population of endemic tree kangaroos has increased, leading to hunting in unrestricted areas.

The Wildlife Conservation Society (WCS) has implemented effective wildlife management in Manus, though methods may need to be adapted in different contexts, such as Simbu and Asaro, due to variations in land tenure systems.

2.2.6 Customary Land Data the Sectoral Agencies Gather and Manage

The research study focused on how various sectoral agencies acquire and manage data on customary land. Key findings include the Land Title Commission's (LTC) initiative to digitise old case files, many dating back to the pre-independence era, and to convert survey plans from chains and links to metric units with assistance from the National Mapping Bureau. The LTC aims to collaborate with the

Surveyor General's office for boundary surveys to identify encroachments on state land, retaining copies of Certificates of Titles as evidence.

The Papua New Guinea Forest Authority (PNGFA) holds detailed data on areas, ILG designations, chairpersons, and timber species within forest management agreements, although this data is not integrated with customary land group information. The process begins with drafting a forest management agreement, followed by development option studies to assess landowners' intentions after forestry clearing. Sacred sites and rivers are documented in accordance with project agreements.

The PNGFA employs the Forest Inventory Mapping System (FIMS), an advanced repository developed through an AusAID program, covering the entire country and utilising satellite imagery and a national topographic map at a scale of 1: 100,000.

The Department of Agriculture and Livestock (DAL) is responsible for maintaining records on customary land, with project reports that may reveal details about customary landowners. DAL manages the PNG Resources Information System (PNGRIS), developed with AusAID support, which contains data from natural resource surveys conducted during the Australian colonial era.

The Coffee Industry Corporation (CIC) has partial and inconsistent data on grower groups, coffee tree numbers, and acreage. Meanwhile, the Cocoa Board of PNG (CBPNG) collects crucial data on smallholder farmers, such as average production of 300 kg per hectare, with most owning less than a hectare. CBPNG organises farmer profiles by district and region and maintains fermentary inspection and registration records to ensure quality compliance.

The Department of Mineral Policy and Geohazard Management (DMPGM) is primarily focused on formulating policies and legislation, and needs information on customary land. However, the implementing agency, the Mineral Resource Authority (MRA), possesses relevant data on tenement registration and other crucial information. Moreover, MRA has developed an extensive online Mining Cadastral Portal for the country, which contains data on mining tenements and geology.

The Conservation and Environmental Protection Authority (CEPA) oversees a range of datasets, encompassing information about protected area boundaries and specific biodiversity. The Department of Mineral Policy and Geohazard Management (DMPGM) focuses on policy formulation and needs information on customary land, while the Mineral Resource Authority (MRA) has relevant data on tenement registration and an online Mining Cadastral Portal with information on mining tenements and geology. The Conservation and Environmental Protection Authority (CEPA) manages datasets on protected area boundaries and biodiversity. Community data includes population statistics, details on

management committee members, and information on villages affected by ongoing projects. worth noting that protected area boundaries encompass extensive regions rather than specific, smaller areas. Data related to the community primarily comprises population statistics and the identification of management committee members. Furthermore, area-specific data details villages and regions affected by ongoing projects.

3 Analysis and Discussions

The research aimed to understand how state agencies in Papua New Guinea manage customary land and interact with landowners, drawing on interviews with officials from the Department of Lands and Physical Planning (DLPP), provincial lands divisions, and resource sector agencies. It focused on six key areas: agency functions, administrative structures, processes, inter-agency interactions, staff perspectives on effectiveness, and data management. The study examined the legal and policy foundations for engaging with customary land, the administrative processes involved, collaborative efforts among agencies, and insights into agency officers' views on their effectiveness. Additionally, it included a significant analysis of customary land data managed by these agencies.

The study included various state agencies and a few non-state agencies grouped into the land and non-land sectors. The land sector comprised divisions of the Department of Lands and Physical Planning (DLPP) and the provinces' land divisions. The non-land sector included other state agencies within the critical natural resources sector. The information collected was carefully organised according to the essential factors identified in the study interviews.

The analysis begins with an overview of land tenure in Papua New Guinea (PNG), highlighting key issues and challenges in both the land and non-land sectors. PNG's land tenure comprises two main systems: customary land tenure, held by kinship groups with flexible boundaries, and alienated land, registered under the Torrens land titles system established by the Land Act (1981).

Customary land tenure poses challenges for policymakers who must balance its cultural significance with economic development. Several land reform initiatives have been attempted, notably a controversial World Bank proposal in 1995 that sparked protests. Despite opposition, land reform remained essential for long-term strategies. In 2005, a national summit revitalised the land reform agenda, leading to the restructuring of the Department of Lands and Physical Planning (DLPP) to better focus on customary land, including the establishment of a dedicated branch for recording customary land data.

In Papua New Guinea, the majority of land is held under customary tenure, and most natural resource development projects take place on this land. Despite the country's significant natural resource

wealth and the extraction and exportation of substantial resources, sustainable economic growth and overall development have yet to be achieved. Data suggests that Papua New Guinea is afflicted by a natural resource curse, exhibiting symptoms akin to the Dutch disease. This renders the economy susceptible to volatile trade terms and weak governance stemming from customary land tenure, posing challenges for policymakers who must balance cultural importance with economic development. Several land reform initiatives, including a controversial World Bank proposal in 1995, have attempted to address this. Despite opposition, the 2005 national summit revitalised the land reform agenda, leading to a restructuring of the Department of Lands and Physical Planning to better manage data on customary land.

In Papua New Guinea, most land is held under customary tenure, with natural resource projects primarily occurring on this land. Despite its rich natural resources, the country struggles to achieve sustainable economic growth, exhibiting symptoms of a natural resource curse akin to the Dutch disease. Issues such as weak governance, poor regulation, corruption, and limited capacity in government agencies hinder development. Critics emphasise the need for better implementation of policies and plans, as resource revenues may decrease accountability and transparency, negatively impacting service provision. inefficient use of natural resource revenues. Weaknesses such as inadequate governance and institutions, poor regulation, difficulties in controlling corruption, low public accountability, and limited capacity of government agencies to provide public goods and services have been highlighted (Avalos et al., 2013). According to a commentary, the critical issue in Papua New Guinea is the need for greater implementation of policies and development plans, with implications for governance. In Papua New Guinea, most land is under customary tenure, and natural resource projects primarily occur on it. Despite its wealth of resources, the country faces challenges like weak governance, corruption, and limited government capacity, which hinder sustainable economic growth, resembling the natural resource curse known as the Dutch disease. Critics highlight the need for improved policy implementation, as natural resource revenues can decrease accountability and transparency, negatively impacting service provision (Avalos et al., 2013; Morris, 2011). The study focused on the Department of Lands and Physical Planning (DLPP) and its regional and provincial divisions, summarising their functions related to customary land across three key categories. Furthermore, revenues from natural resources potentially have adverse effects by reducing accountability, transparency, and the government's ability to provide services (Morris, 2011).

The study involved relevant divisions of the Department of Lands and Physical Planning (DLPP) that deal with customary land, as well as DLPP regional offices and provincial lands divisions. Tables 1 and 2 summarise the functions of the national DLPP divisions, while Table 2 provides a summary of the

functions of the subnational land divisions. The functions extended to customary land, and landowners across the national DLPP customary land branch divisions can be classified into three categories.

There are three key categories of land services. The first includes services from the Incorporated Land Group (ILG), which formalise customary land and provide recognition certifications, marking a vital step in the Voluntary Customary Land Registration (VCLR) process aimed at benefiting customary landowners. The second focuses on facilitation services from the acquisitions and projects divisions, where the acquisition division procures customary land for state purposes, and the projects division enables access for natural resource and infrastructure initiatives, benefiting the state. The final category supports these services, with the Registrar of Titles managing land registrations and the Valuer General and Surveyor Generals providing necessary valuation and surveying services to ensure accurate land value assessments and boundary demarcation.

The Land Services branch of DLPP comprises several divisions, including Physical Planning and the National Mapping Bureau, which are vital to national planning and mapping. However, these divisions do not directly manage customary land, creating a significant gap. Key legislation includes the revised Land Act (2006) and the amended Incorporated Land Group and Land Registration Acts (2012), which empower landowners to work with the government to formalise land for development. Effective land administration practices exist for accessing customary land, and assessing customer satisfaction could reveal insights into the effectiveness of these services. DLPP employs a top-down communication structure, but certain processes, particularly in ILG, Customary Leases, and Land Acquisitions, have faced criticism and require improvement.

To obtain ILG certificates and Customary Lease titles, customary landowners must submit applications that include essential information. The ILG application requires a list of members with valid identifications, property listings, and a standard sketch map prepared by private surveyors. Valid identifications include national identity cards or birth certificates. The processes involve processing fees, and not all members may be included due to the complexities of obtaining identification, which can result in shorter, less representative lists.

For the Voluntary Customary Land Registration (VCLR) application, a private surveyor must survey the land boundary and create a cadastral survey plan, which, along with the ILG certificate, is essential for VCLR. These steps incur financial costs for customary land groups, and access to provincial and regional land offices is crucial for support in navigating the processes involved.

The Land Acquisitions and Projects division is responsible for conducting land investigations and producing Land Investigation Reports (LIRs) upon request from regional or provincial officers. While provincial land officers primarily conduct LIRs, they often prioritise provincial duties over national DLPP requests, since the DLPP is under provincial administration. This process requires significant time and effort, leading to project delays, especially when national projects take precedence and conflict with officers' mandated tasks.

The current operational structure assigns important land-related duties to customary landowners without sufficient financial resources or understanding of the processes. It also places these responsibilities on lower-tier land officers who lack resources, face conflicting priorities, and must meet national demands.

Effective land management relies on accurate land data (Dale and McLaughlin 1999, 92). Most land data within the DLPP divisions is still in paper formats. The ILG division has begun computerising Customary Leases data and previously used a land information system called LAGIS, which is now being rebuilt by a private IT contractor. East New Britain province has also created a database for its land demarcation records. Lower-tier divisions retain copies of land data to support their production, while most information is sent to the national headquarters for final approval and archiving.

Nine agencies involved with customary land include the DLPP and provincial land divisions. Six work in natural resources, two focus on environmental conservation, and one is from the Department of Justice and Attorney General (DJAG).

The DJAG agency, known as the Land Title Commission (LTC), manages the conversion of customary land to individual freehold titles under the Land Tenure Conversion Act (1963). Although this conversion is possible, applicants experience long wait times, and financial institutions often view freehold titles as non-bankable due to encumbrances (Kimas 2010, 34).

CEPA and WCS are crucial organisations focused on environmental conservation, with CEPA functioning as an NGO. They work with customary landowners to designate land for biodiversity conservation, following a process that requires approvals from local and provincial governments and allows a 90-day public objection period. CEPA also regulates natural resource development.

The study examines the forestry, agriculture, and mining sectors in Papua New Guinea. The PNGFA manages forest resources and recognises the rights of customary owners through incorporated land groups (ILGs), which receive royalties and negotiate socio-economic benefits, such as rural infrastructure and employment.

In agriculture, responsibility has been decentralised to agencies such as CIC and CBPNG for cash crops such as coffee and cocoa, providing support to smallholder farmers through research, oversight, and best-practice advice.

The mining sector is regulated by DMPGM, which sets mining policies, and MRA, which oversees industry operations. Mineral and petroleum resource development is crucial for the national economy, and extensive geological research informs exploration and licensing.

The DLPP ILG division supports various sector agencies to meet ILG requirements, while the Projects and Acquisitions divisions interface with agencies involved in natural resource or infrastructure projects.

The main office of DLPP, like most sectoral agencies, is situated in the national capital, serving as the central hub for making critical decisions and issuing operational directives. Additionally, these agencies, alongside developers and investors in the resource sector, engage directly with customary land and landowners through their respective processes. When sectoral agencies lack local or regional branches, they collaborate with the respective provincial administrations. These provincial administrations are tasked with coordinating and increasing awareness of national projects in the provinces. They are empowered by separate laws to apply their methods and handle customary land affairs autonomously.

The Lands divisions operate within a hierarchical framework, with national offices initiating land transactions before delegating responsibilities to lower-tier divisions. These lower-tier divisions are tasked with identifying, authenticating, validating, and recording customary land, land groups, and community data. This approach aligns with the government's decentralisation policy. However, the policy faces implementation challenges due to insufficient capacity and resources within the division. The main office of DLPP, located in the national capital, serves as the hub for critical decision-making and the issuance of directives. Sectoral agencies work with developers and investors to engage directly with customary land and landowners, often collaborating with provincial administrations when they lack local branches. These administrations are empowered to manage customary land affairs and raise awareness of national projects.

Lands divisions function hierarchically, with national offices overseeing land transactions and delegating tasks to lower-tier divisions responsible for identifying and recording customary land and community data. While this structure supports the government's decentralisation policy, implementation is hindered by limited resources and capacity, as well as geographical isolation and poor infrastructure. These issues disproportionately affect rural communities, leading to isolation and a lack of support for customary landowners. Additionally, geographical isolation and inadequate transport and

communications infrastructure lead to higher travel and communication costs, resulting in prolonged processing times. These challenges disproportionately affect rural communities and customary landowners, leading to isolation and a lack of support.

Many processes associated with customary land dealings occur at the provincial and district levels, with national offices responsible solely for conducting final checks and providing approvals. Long delays and isolation stem from insufficient recognition of provinces, inadequate office spaces, and a lack of resources and staff. While achieving the intended outcomes of decentralisation is feasible, it requires delegating authority to devolved functions for final decisions and adequately staffing and resourcing provincial divisions. The effectiveness of the provinces largely depends on how provincial administrations govern and direct provincial affairs.

The divisions that identified issues associated with the regional offices were Acquisitions, ILG, and Provincial. The acquisitions division asserts that the regional acquisitions officer is redundant and should revert to headquarters. In ILG, the division proposed realigning the manager positions by function rather than by region. In doing so, it would accommodate an overlooked function. A Provincial division identified the need for a regional office manager as a missing link in the efficient, formal communication flows between the provincial divisions and regional offices. The highlighted issues above suggest that the structures, positions, and processes for the re-establishment of the regional offices were established on an ad hoc basis without a comprehensive assessment of all requirements, hence the issues. It is, however, typical for agencies to undergo regular reviews to address such oversights or omissions. The regional offices that extend the national DLPP's reach serve a valuable function, especially when communication with the national divisions is weak.

The recent discussions on data have brought to light significant concerns about inadequate data management and multiple missing data files. There is consensus about the need to develop comprehensive databases to improve the management and archiving of records. While a database has been established for ILG, the department-wide database development project at the DLPP has stalled, resulting in the use of analogue systems across all workflows and data processing. Additionally, while sectoral agencies such as PNGFA and MRA have operational databases for their resources, these databases need to integrate with customary land data.

The functions of various agencies align with the state's economic development agenda, and administrative structures adhere to conventional top-down arrangements. Lower tiers must provide process outcomes for scrutiny and approval by higher echelons, even though most customary land is

located in provinces, requiring the execution of menial tasks and processes at the provincial level. The success of the decentralisation policy depends on empowering and adequately providing for provinces to fulfil these delegated tasks.

Legislation within sectoral agencies primarily addresses processes for accessing, extracting, and exporting natural resources, with minimal attention to customary land and landowners. The Mining Act (1995) and the Oil and Gas Act (1998) affirm state ownership of minerals, petroleum, and gas, allowing the state to compulsorily acquire land rights to access resources. Customary landowners are entitled to benefits as outlined in the laws. The forestry sector focuses on trees, enabling the state to harvest forest resources and grant logging licenses to developers to harvest and export logs, while customary landowners receive various benefits. However, the lack of mechanisms supporting collaboration and resource sharing, and the segregation of agency activities into resource domains, hinder collaborative efforts, resource sharing, and data sharing in customary areas.

Officer perspectives can be grouped into four areas: structural, policy, resource, and capability. A well-functioning provincial division is crucial for supporting customary landowners. Regional offices serve as key intermediaries, underscoring the need to review roles to improve efficiency.

Customary data, mostly in analogue formats within the national divisions of DLPP, are not easily accessible to lower levels of government for planning and decisions. Sectoral agencies hold specific data and occasionally reference customary land, but extracting and converting this data into usable formats is time-consuming and resource-intensive.

Since the 1995 land reforms, a strong focus has been on serving customary landowners and their land within the land sector. The Department of Lands and Physical Planning (DLPP) has a dedicated branch and divisions for customary land supported by appropriate laws and policies. However, the main challenge is coordinating and communicating between national and subnational offices and, to some extent, with other national agencies. Additionally, there is a need to prioritise and enhance the benefits provided to customary landowners while addressing the costs imposed on them and bringing services closer to them in terms of geographical proximity, knowledge, and understanding of the processes.

The recent changes to the laws governing non-land sectors have resulted in improved treatment of customary landowners and their land by state agencies and investors. However, these changes prioritise meeting social obligations to communities over fully recognising customary landowners as vital partners in development.

Since the 1995 land reforms, efforts have focused on serving customary landowners in the land sector, with support from the Department of Lands and Physical Planning (DLPP). A primary challenge remains the coordination between national and subnational offices and other agencies. Enhancing benefits to customary landowners while minimising costs and improving accessibility to services is essential.

Recent legal changes have improved the treatment of customary landowners, but they often prioritise community social obligations over the recognition of landowners as partners in resource development. Customary landowners may feel overwhelmed by the influx of resource projects and must recognise that the state legally owns mineral and petroleum resources on their land, leading to competition among landowners for benefits.

Substantial investments in natural resource projects demand that rural communities receive education to manage newfound financial resources. While customary landholders seek their rightful benefits, they risk exploitation by unscrupulous elites.

In summary, current laws and policies for managing customary land are satisfactory, but ongoing support is needed to improve living standards. Incorporating sustainable development dimensions and good governance is crucial for effective land administration in Papua New Guinea and necessitates a revamp of the land administration system to better integrate customary land data, their land and resources. Additionally, customary landowners may be overwhelmed by the hype and influx of money associated with resource projects. They need to understand that, by state law, the state owns the mineral and petroleum resources on their claimed customary land. Consequently, there is fierce competition among landowners seeking benefits, making the identification of customary landowners lengthy, arduous, and troublesome.

Efforts to develop natural resource projects necessitate substantial investments and the infusion of financial resources into regions and communities. Rural communities require education and support to comprehend and manage such significant financial resources and wealth, which are novel to their culture. Customary landholders strive to claim the benefits rightfully owed to them, but they remain susceptible to manipulation and exploitation by unscrupulous elites.

In summary, the current laws, policies, and procedures for managing customary land and engagement with landowners are satisfactory. Nevertheless, there should be continued emphasis on supporting them in enhancing their living standards. Incorporating the four dimensions of sustainable development – economic, social, human, and environmental – along with good governance is imperative

for the efficient administration of customary land. In Papua New Guinea, there is a need to revamp the land administration system to facilitate the seamless integration of customary land data.

3.2 The Need for a Re-Engineered Land Administration System for Customary Land in PNG

Establishing effective land administration systems is crucial to supporting sustainable development amid globalisation and urbanisation. The interactions between societies and the land create various economic, social, political, and environmental issues that require well-designed systems. The 1999 United Nations Bathurst Declaration underscores the need to adapt these systems to the complexities of human-land relationships, including diverse rights and obligations.

For a country to achieve sustainable development, it is essential to document all aspects of land tenure, use, regulations, and resources within the land administration system. Omitting any land can result in theft, corruption, and a lack of transparency, undermining governance.

As outlined in United Nations Agenda 21, integrating customary tenures with traditional land administration systems is vital for sustainability. While challenging, advancements in spatial technologies and multi-purpose cadastral systems offer promising solutions, especially in developing countries.

Decentralisation is crucial to the implementation of land administration in most countries. Reengineering land administration processes involves fundamental rethinking, radical redesign, and the achievement of substantial and sustainable performance improvements. This demands a fresh approach to how organisations operate and handle processes and a complete redesign of systems to meet new requirements rather than just marginal improvements. For instance, land parcel units can be redefined as spatial units with fuzzy boundaries, particularly in the context of customary tenure.

The existing PNG land administration system would require re-engineering, particularly for the customary land data maintained across disparate systems. It is essential to reconsider the significance of decentralisation policies and empower lower tiers, such as provinces, with resources and decision-making authority.

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