

Pathways to the alienation of customary land in Port Moresby

Colin Filer

Abstract

This paper challenges the common assertion that 40 per cent of the land in Papua New Guinea's National Capital District (NCD) is customary land and finds that more than 25 per cent of what was still customary land at the turn of the millennium has since been alienated. An estimate is made of the number of indigenous (Motu-Koita) people who reside in one or other of the NCD's 'urban villages' and the proportion of these people who might still qualify as customary landowners. A review of the social consequences of colonial land acquisitions is followed by an examination of both legal and informal avenues through which customary land has been alienated over the past 25 years. Attention is also paid to the history of relationships between the customary landowners and the rapidly increasing number of people who have been evicted from informal settlements on 'vacant' state land since 2012. The paper concludes with an assessment of the extent to which customary landowners have been willing participants in the alienation of their own land, the extent to which they have attempted to resist this process, and the probability that they will sooner or later be left with no customary land except the land on which their urban villages are currently located.

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Contents

- 1 Introduction..... 5
- 2 Visions of the urban social landscape..... 7
- 3 Counting customary landowners 11
 - 3.1 Motu-Koita demography 11
 - 3.2 Motu-Koita land groups..... 16
 - 3.3 Narrowing field 19
- 4 Historical interlude 20
- 5 Alternative pathways to alienation..... 23
 - 5.1 Special agricultural and business leases..... 26
 - 5.1.1 One landowner company 27
 - 5.1.2 One ambitious land group..... 29
 - 5.1.3 Other land groups and individuals 30
 - 5.2 Land tenure conversion 31
 - 5.2.1 Time and space..... 32
 - 5.2.2 Sorting out the applicants 35
 - 5.2.3 What happened at the call-over? 39
 - 5.3 Two remaining avenues..... 39
- 6 Evidence of muddle and confusion 41
 - 6.1 How wires can get crossed 42
 - 6.2 One clan in a mess 43
 - 6.3 Taurama Valley fiasco..... 45
 - 6.4 Darkness on the western side of town..... 48
 - 6.5 Last dark hole..... 51

7	Informal underworld.....	53
7.1	Informal alienation	56
7.1.1	Long history.....	58
7.1.2	In the eyes of the state.....	59
7.1.3	Taurama Valley revisited	60
7.1.4	The state’s new turn.....	62
7.2	Informal reclamation	63
7.2.1	Paga Hill.....	64
7.2.2	The land around the airport.....	65
7.2.3	Nambawan Super	69
7.2.4	Baruni reclamations	70
8	Formalisation and resistance.....	73
8.1	Drivers of formalisation	73
8.2	Resistance to alienation	79
9	Conclusion	81
	References.....	89

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1 Introduction

When UN Secretary General Antonio Guterres visited PNG in September 2025, the chairman of the Poreporena Hanuabada Land Owners Association, Vai Nou Heni, took the opportunity to complain that the Motu people of the 'big village called Poreporena Hanuabada' had never been properly compensated for the alienation of their land by the colonial administration to create what is now Port Moresby's central business district. In doing so, he invoked the UN Declaration on the Rights of Indigenous Peoples, which the PNG Government has never ratified. Nevertheless, Mr Guterres began his address to the national parliament by 'acknowledging the traditional custodians of the land on which we meet, the Motu-Koita people of the Port Moresby area' (Maima 2025). The Motu-Koita people are indeed the traditional custodians, and were once the customary owners, of most of the land in what is now the National Capital District (NCD). Their leaders have been campaigning for greater recognition of their customary rights for the past 50 years. However, their customary land rights are still being eroded.

Go back six years to November 2019 and we find the former chairman of the Motu Koita Assembly, Dadi Toka Junior, presenting 17 resolutions to Prime Minister James Marape at the end of a 'road show' that had worked its way through the nine 'urban villages' occupied by Motu-Koita people to gather their views on the question of what should be done about the alienation of their customary land (Delaney 2024: 381–2). In his address to the prime minister, the chairman observed that failure to make 'drastic changes' would result in the complete disappearance of all remaining customary land in the NCD within the next decade (Gerega 2019). However, none of the initiatives canvassed in the 17 resolutions has so far produced any tangible result (Delaney 2024: 313).

Go back another five years to November 2014, and we could have read a letter published in one of the national newspapers, whose author, Frank Nouairi, thought the Motu-Koita people only had themselves to blame for the loss of their customary rights. Mr Nouairi took particular aim at the young men of Kilakila village for the pattern of 'deception, trickery, theft and hypocrisy' that was supposedly evident in the practice of 'selling off customary land along the Taurama road, Dogura and other parts of NCD to Highlanders

for a mere pittance’ and then ‘sitting around under trees scratching their crotches or selling buai [betelnut] while watching with envy at how the land they sold is now making hundreds of thousands if not millions for those they sold the land to’. The author did not think the Highland buyers could be blamed for the act of ‘land grabbing’ because they were ‘only doing what comes to them naturally, and that is to make money when there is a window of opportunity that opens up for them to do so’. Instead, Motu-Koita landowners should register titles to their own land and start prosecuting the ‘opportunists’ in their midst who were ‘either selling land that doesn’t belong to them or ... allowing outsiders to squat on [customary] land’ (Nouairi 2014).

It is commonly asserted that 40 per cent of the land in the NCD is still customary land. Like the assertion that 97 per cent of the land in PNG is still customary land, this is a ‘concrete factoid’, that is to say, a statement that is no longer true, and keeps getting less true, but is still bandied about because Papua New Guineans have an unshakeable belief that it ought to be true even if it is not. Both statements belong to what I call the ‘ideology of landownership’ (Filer 1997, 2006, 2007, 2014), an ideology that contains all sorts of statements that combine an element of truth with an element of wishful thinking. Mr Nouairi’s letter approximates one of these statements, which is the repeated lament that customary landowners are becoming ‘spectators of development’ on their own customary land and really ought to rectify this state of marginality. But he combines this with a separate narrative of ‘Highlandisation’ — a story that can also be told about the evolution of electoral politics in the NCD (Oppermann and Haley 2025).

In this paper, I shall begin with two visions or spectacles of the urban social landscape in which the concrete factoid is made manifest. I shall then try to estimate the number of Motu-Koita people who reside in one or other of the NCD’s urban villages, and the number of people who might be counted as the customary owners of the customary land that may or may not have been alienated since 1975. I then look at the way in which Motu-Koita ‘clans’ have gone about the business of getting themselves registered as incorporated land groups and voluntarily alienating blocks of land to these same groups since they were first able to engage in this kind of activity in 2013. To provide some historical context for this particular form of alienation, I shall briefly review the process whereby most of the land in the NCD was alienated from its customary owners during the colonial period, and the way in which this colonial form of alienation transformed

the nature of Motu-Koita social organisation and paved the way for the land disputes that are now so commonplace.

I shall then examine a number of other legal avenues, aside from the registration of land group titles, through which customary land in the NCD has been alienated since the turn of the millennium, when the concrete factoid was still quite factual. I shall try to provide figures, where possible, on the amount of land that has been alienated through one or more of these legal avenues over the past 25 years. I shall also provide examples of the muddle and confusion that is evident in some of these formal land transactions. I then turn to discussion of the land transactions that belong to what I call the ‘informal underworld’, where there are no figures at all, before asking what might now be driving a renewed preference for formal acts of alienation, even while Motu-Koita community leaders are calling for greater resistance to all acts of alienation, both formal and informal. By way of conclusion, I return to some of the outstanding questions posed by the quotations with which I started this paper.

Evidence for this paper has been drawn from a number of sources — the relevant legislation, public policy documents, court records, PNG’s National Gazette, government files, academic literature, newspaper stories, unpublished correspondence, and even satellite imagery. Parts of my argument and some of my case studies are drawn from a previous paper on the voluntary customary land registration scheme (Filer 2019). Although I am a social anthropologist, I have never spent a night in a Motu-Koita village, so have never made a first-hand observation of any of the dealings that I am writing about. I can only hope that this paper will inspire other researchers to look into these matters in greater detail.

2 Visions of the urban social landscape

Let us first consider Port Moresby as it appears in the latest (2020) version of the Urban Development Plan (UDP) produced by the National Capital District Commission (NCDC). According to Governor Parkop, as quoted in the preface to the UDP, Port Moresby is ‘a charming city of villages in urban and modern settings, a meeting place of cultures, a tropical paradise and a thriving business hub in the Pacific’. Some of the city’s residents might question this description. However, like most development plans — and certainly

those produced by PNG government agencies — it is not so much a prediction of reality as another form of wishful thinking or ‘site of desire’ (McDonnell 2018). The plan itself quotes Gloria Steinem: ‘Dreaming, after all, is a form of planning’ (NCDC 2020: 123).

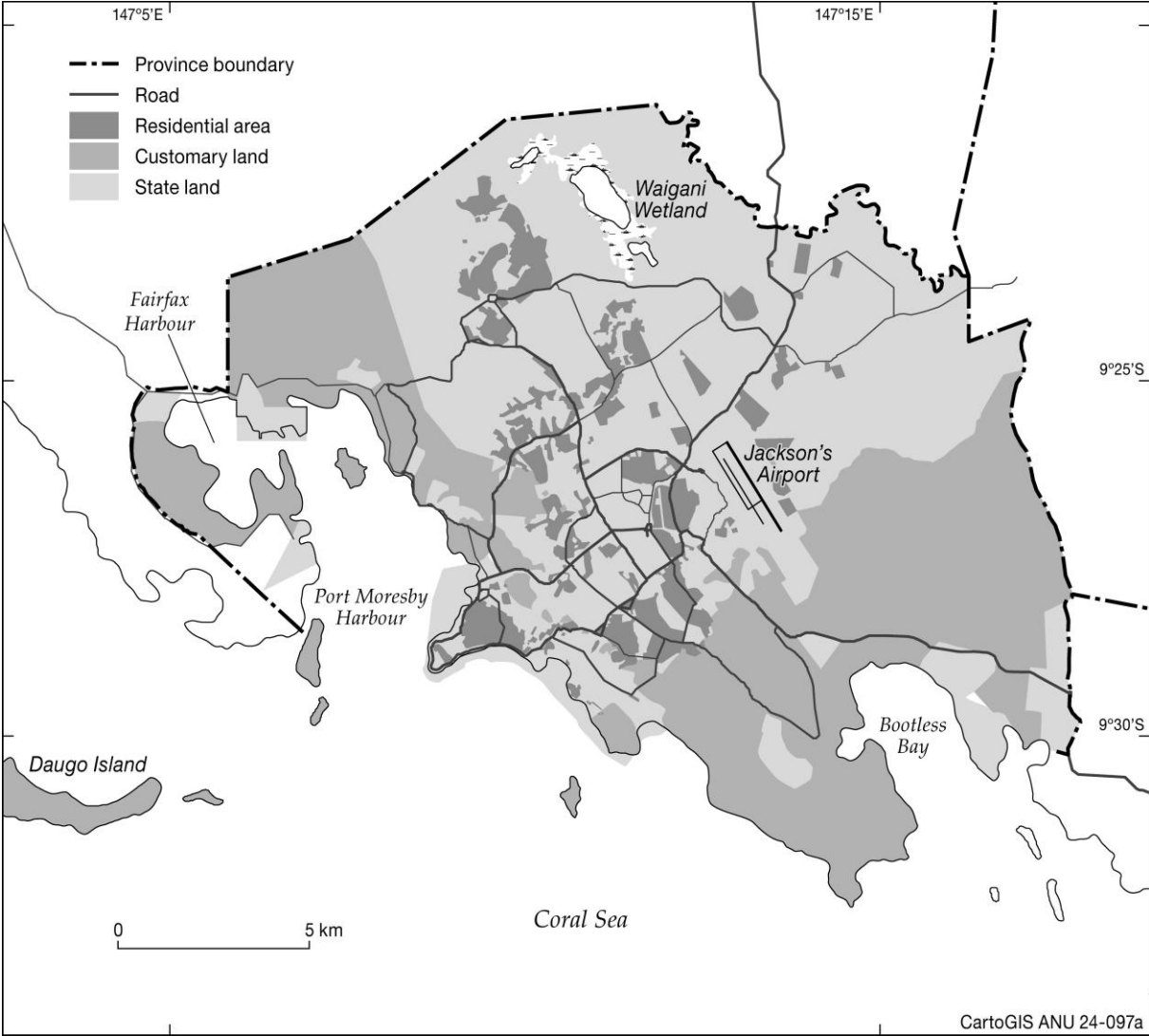
The current UDP declares that the total land area of the NCD is approximately 259 km² (NCDC 2020: 20). An earlier version of the plan, which took its numbers from an even earlier study in 1996, declared that it is roughly 250 km² (NCDC 2006: 13). Some academic observers have claimed that it is 240 km² (Chand and Yala 2012: 144).

Wikipedia agrees with them. But the concrete factoid is constant. All published sources agree that 40 per cent of this area, whatever it might be, is customary land.¹ So let us assume, for the sake of argument, that 40 per cent is 100 km² or 10,000 hectares.

The UDP contains numerous maps, some showing the city as it was thought to be seen from a passing aeroplane or satellite in 2020, others showing the city as it might look from the same point of view in 2030. I have extracted two maps from this assortment. Figure 1 shows the notional division between the 60 per cent that is supposed to be state land and the 40 per cent that is supposed to be customary land, along with those areas of state land that are classified in the UDP as formal residential areas. These formal residential areas also appear in Figure 2 as one of three existing types of settlement, the others being informal settlements, which may be located on state land or customary land, and the ‘urban villages’ that are supposed to contain most of the customary landowners. Figure 2 also shows which of the areas currently occupied by informal settlements are meant to be transformed into ‘suburbs’ under the Settlement-to-Suburb program that is one of the key predictions or aims of the UDP.

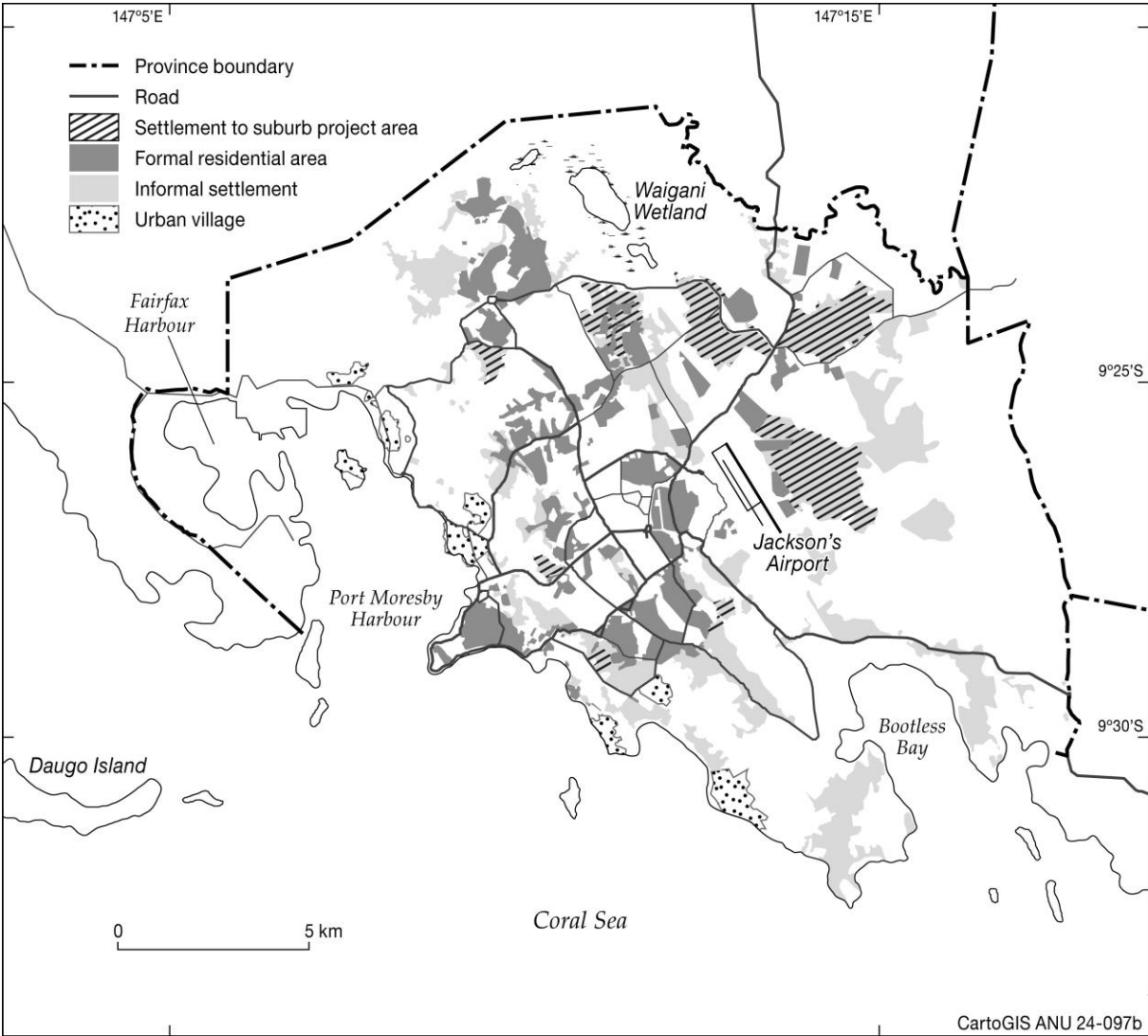
¹ According to Nigel Oram, the leading expert on these matters at the time of Independence, 20 per cent of land within the city boundary in 1974 was still customary land (Oram 1976a: 175). The current NCD boundary is the same as the 1974 boundary, so is it possible that 20 per cent of the NCD land area was somehow ‘unalienated’ between 1975 and 1995? That is an intriguing possibility, but not one that I can pursue in this paper.

Figure 1: National Capital District layout



Sources: NCDC 2020, Figure 2.24 and first map in Appendix 1.

Figure 2: Distribution of four types of settlement in the NCD



Sources: NCDC 2020, Figures 2.29 (settlements to suburbs), 2.30 (other informal settlements), and first map in Appendix 1 (formal residential areas and urban villages).

It is important to note here that the notional area of customary land is divided between two distinct territories — one on the eastern side of the city and one on the western side. The UDP divides the NCD into four parts, each with its own proposed development trajectory. The two parts containing a large amount of customary land are called the Eastern Urban Investigation (or Development) Region and the Western Urban Investigation (or Development) Region. The eastern region is described as ‘the largest area of greenfield in the NCD’ (NCDC 2020: 8).

3 Counting customary landowners

It is commonly assumed that the areas of customary land shown in Figure 1 all belong to customary landowners based in one of the Motu-Koita ‘urban villages’ located within the NCD boundary. This is not quite true. There is a fairly large area of land along the eastern boundary, sometimes known as Farea, that is claimed by the Moiha land group based in the village of Vaeagai. The members of this group speak the Koiari language and say that their village is located in the Koiari local-level government (LLG) area, beyond the eastern boundary of the NCD.² There is another Koiari land group, called Behori, whose members claim customary rights over another stretch of land between Farea and the airport, although this might be shown as state land in Figure 1. Most of the area shown as customary land on the southern side of Fairfax Harbour is claimed by people from the coastal (Koita) village of Roku, while some of it might belong to people living in the coastal (Koita) village of Kouderika. Both are located in the Hiri LLG area, beyond the western boundary of the NCD.

Our first port of call in calculating the number of customary landowners might be the national census data relating to the urban villages inside the NCD. However, there are serious questions over the reliability of the census data collected since the national census of 2000. In any case, we might get a better sense of the number by consulting the records of land group incorporation and the registration of group titles published in the National Gazette. These records are also liable to overestimate the number of customary landowners who have been making decisions about the alienation of customary land.

3.1 Motu-Koita demography

So, what about the Motu-Koita people who do reside in the national capital? According to the UDP, the Motu-Koita urban villages had a combined population of between 40,000 and 50,000 in 2020, and the majority (about 30,000) were living in the one ‘big village’

² In the 1980 census this was counted as a ‘rural non-village’ and was called the ‘Vaiagai Settlement’.

of Hanuabada (NCDC 2020: 38).³ It is not clear where these numbers came from. Table 1 shows the total resident population of each of the census units identified with one of these urban villages recorded in the 2000 and 2011 national census. My estimate of the numbers in 2024 is based on a comparison of the numbers counted in 2000 and 2011, combined with a recognition that the 2000 numbers are likely to have been more reliable than the 2011 numbers because the 2011 census is widely (and even officially) regarded as a failure. In estimating the rate of growth since 2000 I have also assumed that this would be lower in the urban villages than in the rest of the NCD because the rest of the NCD contains a higher proportion of recent migrants from rural areas. If and when the 2024 census figures are released at the census unit level, we might have a better estimate, but these figures might still be unreliable. The number of votes cast in elections for the Motu Kota Assembly in 2025 suggests that my own estimates are not far wide of the mark unless a sizeable number of eligible voters were removed from the electoral roll.

³ Belshaw (1957) translated the name as 'great village'. The Motu term *hanua* is the local version of a word found in numerous Austronesian languages. It could be translated as 'place' or 'settlement', but Motu-Koita people nowadays tend to translate it as 'village'.

Table 1: Population of Port Moresby’s urban villages, 2000-2024

Electorate	CU No	CU Name 2011	Totpop 2000	Totpop 2011	Estpop 2024
South	84080	Kila Kila Village	1288	995	2000
South	84081	Pari Village	2543	3204	5000
South	85010	Vabukori	525	665	1000
South	85011	Vabukori	608	755	1500
South	85012	Taikone Village	850	1053	2000
South	85013	Taikone Village	183	258	500
South	85034	Korobosea Village 1	430	609	1000
South	85052	Kilakila 2 Village	1345	359	1000
South	85053	Mahuru Village	299	552	1000
South	85061	Mahuru Village	---	383	500
North-West	86031	Hanuabada Village	2628	2567	3000
North-West	86034	Elevala Laurabada	1136	1091	1500
North-West	86036	Elevala, Lahara, Gabi	2263	3032	3500
North-West	86039	Baruni Village	1629	1714	2500
North-West	86040	Tatana Village	1957	2369	3000
TOTAL			17684	19606	29000

Source: PNG national census data.

The places known in the census as Elevala, Lahara and Gabi are parts of the larger village commonly known as Hanuabada. By my estimation, Hanuabada had a resident population of 8,000 in 2024, well short of the 30,000 counted in the UDP. Most of the villages in the Moresby South electorate, whose residents are supposed to be the customary owners of land on the eastern side of town, appear to be internally divided between two census units, but it is not clear how many of the people residing in both census units would count as Motu-Koita people or as customary landowners. There are probably some Motu-Koita people living in the formal residential areas of the NCD, but they may be outnumbered by people living in one of the urban villages who do not qualify as customary landowners, or are not registered to vote in elections for the Motu Koita Assembly, because their rights of residence have been obtained by marriage to a Motu-Koita person or through some other kind of relationship that has not given them any claim to the ownership of customary land.⁴ Then again, there may be some people

⁴ The resident population of Pari village is known to have included a fairly substantial number of people from other parts of PNG — especially from Enga and Hela provinces — who were operating most of the local village trade stores in 2024 (Mary Walta, personal communication, March 2026).

who are registered to vote in elections for the Motu Koita Assembly, and whose ancestors were once the customary owners of land in the NCD, but whose customary land is no longer customary land because it has been alienated. For all these reasons, it is impossible to determine the size of the Motu-Koita population as a proportion of the total population of the NCD with any degree of accuracy, and likewise impossible to say how many Motu-Koita people can reasonably claim to own part of the 40 per cent of the NCD's land area that is supposedly still customary land.

According to Goddard (2020), the joint self-referential term 'Motu-Koita' was first coined in the 1970s to refer to the combination of two groups of people whose ancestors spoke entirely different languages — the Austronesian Motu-speakers who arrived by sea and settled along the coastline and the non-Austronesian Koita-speakers who moved from the hinterland towards the coast. Both migrations occurred before the arrival of Europeans in the late nineteenth century (Oram 1977). The Koita people residing in what is now the NCD had already begun to speak the Motu language before a simplified version of that language was adopted as a lingua franca by the British and Australian administrators of what was formerly the Territory of Papua.⁵ Despite the long historical process of cultural amalgamation, a distinction is still commonly drawn between the 'Motu' villages called Pari, Vabukori and Tatana, and the 'Koita' villages called Kilakila (or Kirakira), Korobosea and Baruni. Hanuabada is a combination of both types of settlement. Taikone and Mahuru are settlements originally established on customary land by migrants from other parts of Papua with permission from the customary landowners living in the villages of Vabukori and Kilakila respectively (Oram 1976a: 98–9, 179, 191). That is the main reason to doubt whether most of the people living in these two settlements should be counted as either Motu-Koita people or as customary landowners.

The asymmetrical relationship between the two component parts of the Motu-Koita population may be summarised in the following observations:

⁵ *Koita* is the word for 'people' in the Koita language. In the Motu language, the Koita are called Koitabu or Koitapu (Goddard 2020).

- Motu and Koita people are distinguished from each other by virtue of their claims to membership of ‘tribes’ or ‘clans’ whose names are derived from one of the two languages.
- The number of Koita people living in nominally ‘Motu’ villages (e.g. Pari and Tatana) is much bigger than the number of Motu people living in nominally ‘Koita’ villages (e.g. Kilakila and Baruni).
- Most of the Koita people living in nominally ‘Koita’ villages still speak the Koita language, whereas most of those living in nominally ‘Motu’ villages do not.⁶
- Most of the Koita people, even those living in nominally ‘Koita’ villages, also speak the Motu language, whereas Motu people do not speak the Koita language.
- Koita people, including those living in nominally ‘Motu’ villages have stronger claims to ownership of a larger share of the remaining customary land in the NCD than Motu people.

The UDP is at least right to say that ‘[v]illage boundaries are becoming indistinct as surrounding settlement growth expands into customary lands’ (NCDC 2020: 38). But this should not simply be read as a statement about the difference between the places occupied by members of different ethnic groups. The historical record shows that Motu-Koita people have been intermarried and intermingled with members of other ethnic groups since the end of the Second World War. The establishment of the Motu Koita Assembly has created the appearance of an ethnic enclave whose social and political boundaries are clearly contestable. If the UDP is correct in its estimation that there are roughly one million people currently living in the NCD (NCDC 2020: 15), or even if the latest national census is correct in counting three quarters of a million, it might still be safe to say that less than 5 per cent of NCD residents have a reasonable claim to be Motu-Koita people, so they certainly do qualify as an ethnic minority.

⁶ No research on the Koita language has been undertaken since Tom Dutton investigated the dialect spoken in Kilakila village in 1966 (Dutton 1969, 1975). The assertion that Koita people in ‘Koita’ villages still speak the Koita language is based on recent observations by anthropologist Linus Digim’rina in several villages (personal communication, February 2026). Digim’rina has also encountered Koita-speakers in the ‘mixed’ village of Hanuabada.

3.2 Motu-Koita land groups

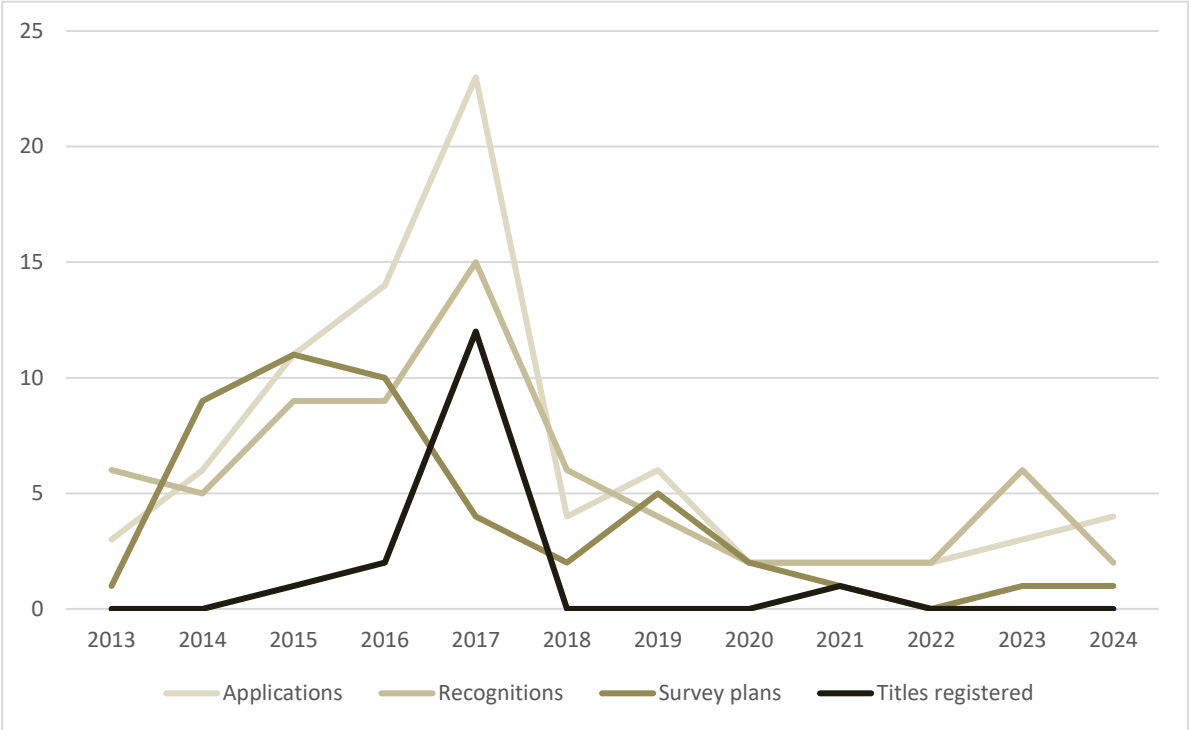
Motu-Koita people have been quite keen to secure legal recognition of their customary groups or ‘clans’ under the terms of the Land Groups Incorporation Act — more so than populations of comparable size in most other parts of PNG. This can almost certainly be taken as evidence of their concern to defend their customary land rights in the face of a rapidly expanding migrant population in the nation’s capital.

In the 20 years between 1993 and 2012, 100 applications for incorporation were made by groups associated with one of the urban villages listed in Table 1. However, when a new version of the Act came into force in 2012, all these groups were required to lodge new applications in order to avoid the risk of deregistration. Some have since met this requirement while others have not. The new version of the Land Groups Incorporation Act was accompanied by amendments to the Land Registration Act that made it possible for incorporated land groups (ILGs) to register formal titles to portions of customary land. Each step in the process of incorporation and registration was now to be accompanied by a distinctive type of notice published in the National Gazette.

- *Application notices* almost invariably identify the name of the proposed ILG with that of the ‘clan’ to which its members are said to belong. They also name the village or villages where the group’s members are resident and the LLG area, district and province in which they are located.
- *Recognition notices* assign a number to the ILG that is about to be recognised. These notices state that a group has ‘complied with the traditional customs’ of the village previously named in the application notice and list the names of the individuals nominated as members of its management committee and dispute settlement authority.
- *Survey notices* provide the customary name and estimated area (in hectares) of the land portion or portions over which an ILG is proposing to conduct a ‘land investigation’ and a ‘survey’.
- *Land title notices* state that the Director of Customary Land Registration, in consultation with the Surveyor General, has accepted the ILG’s survey plan as the basis for registration of its ‘customary land title’ over each land parcel to which a portion number has since been assigned.

Figure 3 shows the number of each of these types of notice relating to Motu-Koita ILGs based in the NCD that were published in the National Gazette in each of the 12 years between 2013 and 2024. Here it can be seen that the number of application, recognition and land title notices reached a peak in 2017 and has since declined.⁷ This reflects a nationwide trend that led the participants in the 2019 National Land Summit to conclude that the new policy regime had failed to achieve the ‘mobilisation’ of customary land through the formalisation of land titles over large areas of customary land (Filer 2019: 72–5). Where titles have been granted, the land has been alienated, so it no longer counts as customary land, even if it has been alienated to a customary social group. So it does seem safe to say that 414 hectares of customary land in the NCD had been alienated in this way by the end of 2024, even if there is little prospect of this number rising in years to come.

Figure 3: Land group incorporation and registration of customary land titles since 2013



Source: PNG National Gazette.

⁷ The earlier peak in the number of survey notices reflects the fact that some of the ILGs submitting survey plans had been incorporated before the new legal regime came into effect. This meant that their plans did not result in the grant of land titles.

Table 2 provides an indication of the success of registered ILGs based in one or other of the Motu-Koita urban villages in submitting survey plans and securing registered titles over different areas of customary land since 2013. In those cases where titles have been granted, the areas covered by the titles are sometimes much smaller than the areas claimed in the survey notices. It is worth noting here that the ‘big village’ of Hanuabada boasts more ILGs than any of the other villages, as might be expected from its larger population, but claims to the ownership of a correspondingly large area of customary land have not resulted in the grant of any land titles. This can be explained by the fact that most of the land over which the villagers had customary rights, apart from the village itself, was alienated during the colonial period, so the claims amount to wishful thinking in the eyes of the law.

Table 2: Distribution of groups, plans and titles between urban villages, 2013-2024

Village	Groups	Plans	Area (ha)	Titles	Area (ha)
Tatana	10	7	250	3	120
Baruni	10	8	206	4	100
Hanuabada	24	9	1057	0	0
Korobosea	7	6	45	1	1
Kilakila	6	16	515	8	193
Mahuru	1	0	0	0	0
Vabukori	3	0	0	0	0
Pari	8	1	108	0	0
TOTAL	68	47	2181	16	414

Source: PNG National Gazette.

3.3 Narrowing field

If we know the number of ILGs that have laid claim to ownership of portions of customary land in the NCD since 2013, how might we be able to calculate the number of individuals holding customary rights to the 10,000 hectares that was still customary land in the year 2000? And how many of these customary landowners might actually have been involved in making decisions about the alienation of this customary land?

As previously noted, there are at least two ILGs based in villages outside the NCD whose members have made strong claims to the ownership of customary land inside the NCD,

so let us assume a total of 70 ILGs with an interest in this space. The amended version of the Land Groups Incorporation Act requires that applications for incorporation be accompanied by a 'true and complete' list of the group's members, plus evidence that they are not members of any other ILG, along with a description of the land area over which the group claims customary rights and a sketch map showing the approximate boundaries of the land in question. The number of members is not specified in the application notices or in the recognition notices, so one would have to consult the files housed in the Lands Department to discover the combined membership of these 70 ILGs. I have not done this myself, nor am I aware of any other attempt to do so, but it does seem likely that the total number is a good deal smaller than the total number of people resident in the villages where the ILGs are based. The most obvious reason for this would be that many of the residents no longer have customary rights to any land aside from the very small portions on which their houses are located.⁸

There may be some urban village residents who do still have customary rights to land beyond their village boundaries but who are not listed as members of any of the registered ILGs. On the other hand, we cannot be sure that registration of an ILG is itself proof that its members retain such rights because the sketch maps submitted to the Lands Department are not subject to rigorous scrutiny before they are converted into survey plans. As we have seen, notices of intent to conduct an actual survey of a group's customary land have rarely resulted in a map with verified boundaries, and on the few occasions when such maps have been produced, they sometimes show that the group owns a much smaller area than was originally claimed when it applied for incorporation.

If we assume, for the sake of argument, that 68 ILGs based in the urban villages have an average of 100 members, they would together account for less than one quarter of the estimated Motu-Koita population of the NCD. Even if they all had customary rights to some of the customary land beyond their village boundaries, half of them would likely be children, some would likely be dead, and only a small minority of the remaining adults

⁸ In the case of the coastal Motu villages, especially the Motu sections of Hanuabada, their houses may not be located on land at all but be built on posts or 'stilts' planted in the intertidal zone on either side of the jetties or walkways that connect them to the foreshore.

would be in a position to make significant decisions about the alienation of their land. Under the terms of the Land Groups Incorporation Act, six members of each ILG are nominated to be members of its management committee, while three senior members of the local community, who need not be members of the ILG, are recognised as members of its ‘dispute settlement authority’. The occupants of these nine positions of leadership are named in each group’s recognition notice.⁹ If these are the people most directly involved in making decisions about the alienation of customary land, there would only be a few hundred individuals, at any given moment, who have still counted as customary landowners and have still had the power to make such decisions. And even then, such power would not have been equally distributed between them.

4 Historical interlude

Nearly all of the land shown as state land in Figure 1 was supposedly ‘purchased’ from its customary owners by officers of the colonial government agency responsible for the administration of alienated land. In the 1960s, that was the Department of Lands, Surveys and Mines; it is now the Department of Lands and Physical Planning. Under the Land Ordinance of 1962, the complete or partial alienation of ‘native land’ was accomplished by means of a process that was laid out in a manual produced by one government official (McGrath 1964). A lands officer would conduct an investigation of customary rights to the area in question, establish the needs and desires of the customary owners, assure himself that they would not suffer any material deprivation as a result of the transaction, and then secure their collective agreement to be represented by one or more of their number as agents in the distribution of payments for the land (Filer 2014: 84). To demarcate the boundary of any particular land portion, the lands officer would walk around it in the company of a group of village elders, and sometimes a whole crowd of onlookers, before a map was drawn up and a new land title was created. This method of alienation is still mandated in the current legislation and still

⁹ A separate notice is published in the National Gazette when changes are made to the leadership of each group, but such changes are not as frequent as one might expect, given the volume of public debate about the management of customary land.

requires government officers to produce a 'land investigation report' and a 'certificate of alienability' as preconditions of any act of alienation.

In 1951, a Native Land Commission was established with a mandate to determine the rightful owners of any given area of customary land and to settle disputes between different claimants to ownership of the same area. In 1963, this body was replaced by the Land Titles Commission, which was given the additional responsibility of dealing with applications by customary landowners to convert customary land into private property by means of the Land (Tenure Conversion) Ordinance that was passed in the same year.¹⁰ In 2022, the Land Commission Act established a new entity, the Land Commission of PNG, which took over the functions of the Land Titles Commission along with those of another body, the National Land Commission, which had been established after Independence to determine whether the descendants of customary landowners should be paid additional compensation for the alienation of customary land during the colonial period (Kalinoe 2004). In the 1960s, the Land Titles Commission became the body to which landowners would appeal if they thought that there was something wrong with earlier acts of alienation.

Historical records relating to land transactions and land disputes in the colonial period are now distributed between the Lands Department, the Land Commission and the National Archives in Port Moresby. Some of the files have gone missing, mainly because the descendants of the customary owners have removed them from the offices in which they have been stored. The files most likely to have been lost are those relating to land in the NCD and Central Province. This explains why the distinction between state land and customary land in the NCD, as shown in Figure 1, has been so hotly contested.

Michael Goddard has argued that the Motu-Koita groups now known as 'clans' (*iduhu* in the Motu language or *toneta* in the Koita language) only came to be regarded as patrilineal descent groups owning clearly defined blocks of land as a result of the process whereby colonial government officials alienated these blocks of land from the

¹⁰ Commissioner Norm Oliver reckoned that 9,250 hectares of customary land across the whole of PNG had been converted through this legal mechanism by 1979 (Cooter 1989: 14).

people whom they identified as the customary owners (Goddard 2001, 2011, 2019, 2020). The anthropologists who wrote about these groups in the colonial period were more or less aware that they did not exactly fit the classical model in which the inheritance of land rights and leadership roles was strictly determined by a rule of unilineal descent (Seligman 1910; Belshaw 1957; Groves 1963, 2011). Even colonial government officials could see that there were elements of 'flexibility' in the way that land rights and leadership roles were allocated to individuals. These were traditionally groups of people who were temporarily united by their use of particular areas of land for gardening or hunting, or else by other forms of social action, like building and sailing the canoes used in long-distance trade or engaging in life-cycle ceremonies. They were not strictly exogamous, their membership was open to negotiation, and individuals could be affiliated with more than one group at any one time. However, the colonial practice of alienation still had the effect of separating 'land rights' from the landscape, aligning 'clan genealogies' with legalistic conceptions of inheritance and succession, and this in turn created a new kind of legal fiction in the form of patrilineal 'landowning' groups (Goddard 2019: 136). Goddard, following Thomas (1992), describes this as a process of 'substantivisation'. My own preference, following Giddens (1984), is to call it a process of structuration. That is because it not only bestowed a new kind of reality on specific social groups but also made them appear as entities within an imaginary social structure that was less amenable to transformation by human agency.

This had a somewhat paradoxical effect in the late colonial period, for when Motu-Koita people tried to secure the restoration of their customary rights by submitting claims to the Land Titles Commission, they were generally unsuccessful because they could not agree on the identity of the former customary owners or the customary rights of the individuals from whom the land had supposedly been purchased (Goddard 2020: 83). Nevertheless, by the time of Independence, the Motu-Koita 'had discursively absorbed the concept of patrilineality from its use by anthropologists and colonial officials' (ibid.: 86), so the stage was set for an interminable series of legal disputes about the distribution of land rights in a fabricated social structure.

The incorporation of 'land groups' in the post-colonial period has created a new field for the articulation of a 'traditional' contest between the 'land rights' of Motu and Koita people. That is because the names adopted by the people who sign up to be members of

these groups are commonly derived from the names applied to particular places in the landscape, whether on state land or customary land, in one or other of the two languages (Goddard 2020: 90–1). From these names it is evident that some ‘Motu clans’ now have members living in ‘Koita villages’, while ‘Motu villages’ contain an even larger number of residents who belong to ‘Koita clans’. This might be taken as proof of the extent to which the two populations are now intermingled. On the other hand, this feature of the new social structure has done nothing to mitigate the longstanding dispute about which areas of customary land in the western part of the NCD belong to Tatana land groups, as opposed to Baruni land groups, or which areas in the eastern part belong to Pari land groups as opposed to Kilakila land groups. Indeed, the attachment of particular land groups to particular villages might well be regarded as a legal fiction created or encouraged by the requirements the Land Groups Incorporation Act, since most ‘clans’ have members living in several different villages.

It is a moot point whether all individuals listed on the electoral roll for the Motu Koita Assembly would claim to be members of one or other of the 80 land groups that have applied for incorporation since 2013, or the 68 that are known to have been recognised. But the new social structure is still one in which the artificial nature of these groups can be revealed by disputes about who is a rightful member, what their rights consist of, and who should represent the group in any dealings with outsiders. This in itself is a reason why the number of Motu-Koita ‘clans’ cannot be counted.

5 Alternative pathways to alienation

Although the amendments made to the Land Registration Act to allow for ‘voluntary customary land registration’ were regarded, for a while, as the best way to ‘mobilise’ customary land for development while retaining the integrity of customary social groups, this has only been one of the ways in which customary land in the NCD has been completely or partially alienated in the post-colonial period.

The Land Act of 1996, which is rooted in Australian colonial law, provides three distinct pathways for the alienation of customary land.

- Section 10 allows for the permanent or temporary alienation of customary land by agreement, provided that the lands minister is satisfied ‘that the land is not required or likely to be required by the customary landowners or by persons on whom the land will or may devolve by custom’ while it is alienated. This echoes the legal mechanism by which customary land was alienated during the colonial period, but the colonial mechanism did not make allowance for ‘temporary alienation’ by means of a lease rather than a sale. It is known that some attempts have been made to alienate customary land in NCD under the terms of Section 10, but we do not know how many of these attempts have been successful because the agreements are not gazetted.
- Section 11 allows for the lands minister to obtain a lease over customary land ‘for the purpose of granting a special agricultural and business lease of the land’, while Section 102 requires the consent of the customary owners for the grant of such a lease to a third party. This is the mechanism sometimes known as the ‘lease-leaseback scheme’, which was invented in the 1970s as a way to get around the absence of any mechanism that would allow customary groups to register titles in their own name. While a special agricultural and business lease (SABL) could be granted to an ILG, it could also be granted to a private company or to one or more individuals so long as the original customary owners agreed to the arrangement. When huge swathes of rural land were covered by SABLs issued to so-called landowner companies between 2003 and 2010, the abuse of this scheme became the subject of a commission of inquiry in 2011 (Filer 2017). No SABLs have been issued to anyone since 2012, even though the relevant sections of the Land Act have not been amended. The commission of inquiry investigated 75 of the larger SABLs and recommended that roughly half of them be cancelled because there was no evidence of informed consent on the part of all the customary owners. However, hundreds of smaller SABLs were not investigated, so the leases remain in effect, mostly for the maximum allowable period of 99 years. More than 50 SABLs are still in effect in the NCD.
- Section 12 provides for compulsory acquisition of both customary land and leasehold land, but Sections 13 and 14 require that compensation be paid to the owners or leaseholders and subsequent sections specify the procedures for compensation. Although notices of compulsory acquisition should be published in

the National Gazette, I have only come across one case in which this power was exercised over a portion of customary land in the NCD before 2025, and that was when the NCDC exercised this power to expand the road corridor leading to the Magi Highway (PNGNC 2018a). However, there have been at least four cases in 2025, so it appears that this avenue is now being pursued with more enthusiasm.

There is a separate piece of colonial legislation, which is still in force, which provides another pathway for the alienation of customary land. That is the Land (Tenure Conversion) Act, first passed in 1963 and then amended in 1987. This law was originally intended to be a device that would enable the members of customary social groups to obtain a sort of freehold title over a portion of the group's customary land. The law does not specify a mechanism whereby the group should grant its consent for this form of alienation. Section 7 simply allows 'a citizen' (which may be an individual or a group of individuals) to apply to the Land Titles Commission 'for registration in his or its name of any customary land or of an interest in customary land'. Section 8 then allows the Commission to prepare a 'conversion plan' showing the location and boundaries of the land in question. It also stipulates a period in which the plan has to be advertised to affected persons so they can lodge objections. Once any objections or compensation claims have been dealt with, Section 9 allows the Commission to make a 'conversion order'. The 1987 amendment adds a subsection to Section 9 which says that no compensation payment is required if the applicant is a business group, land group, or a group of up to six individual members of the customary landowning group. Section 11 says that a conversion order requires the Registrar of Titles in the Lands Department to register a title over the land in question under the terms of the Land Registration Act. Section 14 appears to require that applications for conversion be published in the National Gazette or in the national newspapers. Section 16 says that the land in question ceases to be customary land once a conversion order has been issued. Section 16A, which was added in 1987, says that land subject to a conversion order cannot be converted to a substitute lease under the terms of the Land (Ownership of Freeholds) Act of 1976. This last piece of legislation, as its name implies, was meant to enable freehold titles issued to foreigners during the colonial period to be converted into leasehold titles issued by the State.

The Land (Tenure Conversion) Act was thought to be moribund by 1990 (Larmour 1991) and the National Land Development Taskforce subsequently recommended that it be repealed (GPNG 2007: 94). But it is still on the books and, as we shall see, it has achieved a new lease of life in the NCD. The process of tenure conversion is now administered by the Land Commission established in 2022.

I shall now try to calculate how much of the remaining customary land in the NCD has already been alienated through one of these legal pathways, or how much more might be alienated in future. In doing so, I can only rely on the evidence that has been made available through various official sources.

5.1 Special agricultural and business leases

Table 3 summarises what is known about the grant of SABLs over land in the NCD. All of these leases were issued between 2004 and 2012.¹¹ We know a good deal about the lease granted to the landowner company in 2005 because it was investigated by the commission of inquiry. Leases granted to ILGs and individuals were not investigated, so for most of these leases we only know the bare facts stated in the gazettal notices. The most notable exception is the very large lease, covering an area of 585 hectares, that was granted to the ‘Ohobidudare’ land group in 2010. This covers an area that is not entirely located within the NCD, but stretches west and north from Roku village, between the village itself and the southern shores of Fairfax Harbour. It therefore traverses the road that constitutes the boundary between the NCD and Central Province (see Figure 1). Approximately 250 hectares of the lease area is located on the NCD side of the border, and this is the figure included in Table 3.

¹¹ It is possible (though unlikely) that some SABLs were granted over land in the NCD before the current version of the Land Act was passed in 1996, since it was only then that this type of lease got to be gazetted.

Table 3: Special agricultural and business leases issued over customary land in NCD

Type of leaseholder	Leases	Areas covered by leases				Total area (ha)
		<1 ha	1–10 ha	10–100 ha	>100 ha	
1 landowner company	1	0	0	1	0	25
14 land groups	18	7	7	3	1	614
40 individuals	40	18	18	4	0	136
TOTAL	59	25	25	8	1	775

Source: PNG National Gazette.

5.1.1 One landowner company

The 25-hectare lease issued to Roselaw Ltd in 2005 covered a portion of land whose customary name was said to be Iduvaivai,¹² on the peninsula commonly known as Idumava Point, which lies opposite the island and village of Tatana at the entrance to Fairfax Harbour (see Figure 4). Roselaw got its name from Rose Haraka and Andrew Law, who were its two directors when the company was first registered in 2004. Rose, who was the sole shareholder, was also a member of the Tubumaga ILG, whose members had supposedly consented to the act of alienation. When that group was reincorporated in 2014, she was listed as its secretary. It was she who announced that their certificate of recognition, following the ‘surrender’ of the SABL, meant that the group could now arrange for its ‘development partner’ to build a wharf on their land (Anon. 2014a). The commission of inquiry into SABLs discovered that Mr Law was not a member of the group but was a Malaysian citizen who happened to be married to Ms Haraka while also being employed by Rimbunan Hijau, PNG’s biggest logging and property development company, as a ‘marine operations manager’ (Numapo 2013: 61). It also transpired that his employer had a stake in the group’s ‘development partner’, Dynasty Estates Ltd.

¹² Commissioner John Numapo thought the customary name was spurious and had simply been invented to conceal the existence of a longstanding dispute about the identity of the customary owners (Numapo 2013: 53).

Figure 4: Google Earth image of Port Moresby’s Fairfax Harbour and surrounding areas



Source: Google Earth, December 2018.

In 2013, before the Tubumaga group was reincorporated, Dynasty Estates applied to the PNG Land Board for a business lease over the area covered by the original SABL on the presumption that it was now state land and no longer customary land. At the same time, the company applied for an ‘underwater lease’ covering more than 27 hectares, immediately to the east of the peninsula, so that it could build a ‘multi-purpose marine facility’. The application was opposed by Curtain Brothers, a company that was already planning the conversion of the former island of Motukea into a new international shipping terminal to replace the one adjacent to Port Moresby’s central business district.

The Tubumaga ILG was one of the three Tatana-based ILGs that managed to secure a land title through the mechanism of voluntary customary land registration (see Table 2). This title, issued in 2015, was still said to cover the land portion called Iduvaivai, but its area had now expanded from 25 hectares to 43 hectares, presumably because it now included the ‘underwater lease’. Although Dynasty Estates had abandoned its own plan to develop this space, the leaders of the Tubumaga group then sought to issue a 99-year ‘customary lease’ over the same space to its own business arm, Tubumaga (Tatana)

Holdings Ltd, and that entity then issued a sublease to Roselaw in 2016 (Filer 2019: 39). Like other recent attempts to establish formal property rights over parts of the seabed, this one was apparently based on Section 3 of the amended Land Registration Act, which says that 'land' includes 'land below low-water mark and within jurisdiction', as well as 'land covered with water'. However, nothing more has been heard of this particular scheme, so cargo ships still ply their way unhindered in and out of Fairfax Harbour.

5.1.2 One ambitious land group

I have documented the complexity of the transactions to which the 'Ohobidudare' land was subjected between 2010 and 2018 in a previous publication (Filer 2019: 72–5), so will not repeat the whole of that story here. Suffice to say that the real name of the land group to which the lease was granted turned out to be Kuriu, while Ohobidudare turned out to be the name of the land itself, as was indicated in the original gazettal notice. The Kuriu group that claims ownership of this area is based in the Koita village of Roku, but the portions of customary land that have so far been 'mobilised' through the grant of commercial or business leases are mostly the ones located in the NCD.

By 2018, it appears that the executives of the Kuriu land group had agreed to an arrangement whereby roughly half of the Ohobidudare land area would be leased back to the State under the terms of Section 10 of the Land Act. This does seem rather odd because they had already leased the whole block to the State, and the State had leased it back to them, under the terms of Section 11, so the land appeared to be going round in circles. The land group's leaders could have tried to exchange the SABL for one or more group titles registered under the amendments to the Land Registration Act, but they did not pursue this option because the banks do not regard such titles as bankable assets (Nao et al. 2023). Instead, they tried to divide the original SABL into a number of smaller SABLs and then offer to alienate the smaller blocks of land directly to different private companies. One of these companies, Avenell Engineering Systems, had already embarked on the construction of a 72-hectare port facility on the basis of such an offer in 2012, and this was followed by the construction of other commercial and residential facilities in what the company was calling the Ravuvu Business Park (Filer 2019: 73).

By 2021, the area of land between the road and the harbour had been divided into six blocks (Portions 4659–4664) and each one had been covered by a 99-year business (or commercial) lease issued to a private company. In October 2022, Lands Minister John Rosso congratulated the people of Roku village for resisting the temptation to sell their customary land and opting instead to work with the Lands Department to establish something called the Tuhava Estate. According to Rosso, the Ohobidudare land was now a ‘bankable asset with an estimated bankable value of K1.6 billion’ (Anon. 2022).¹³ The size of the annual rental payments that will accrue to members of the Kuriu land group or other residents of Roku village is not known.

5.1.3 Other land groups and individuals

Of the 13 other land groups that obtained SABLs before 2013, six were based in Hanuabada and one each in the villages of Baruni, Kilakila, Mahuru and Korobosea. One was not allocated to a village in its notice of application for incorporation, and two have not been sighted in any such notice, so may not have been registered at all. However, one of these mysterious groups has been incorporated under the new regime and assigned to Hanuabada village, while one other group from Hanuabada, along with the four groups from Baruni, Kilakila, Mahuru and Korobosea have also been reincorporated.¹⁴ That leaves seven groups that appear to have let their registration lapse. We cannot tell whether this has had any effect on the validity of the SABLs that were granted to them or whether they still function as landowning groups. They might have simply vanished from the social landscape, leaving their land titles behind them.

The fact that 40 SABLs were granted to 40 individuals does not mean that each individual secured just one lease. Some leases were granted to two or three people

¹³ The Tuhava Satellite Township is actually a small housing estate that has been built on the Central Province side of the road by a company called Rhodes PNG Ltd (<https://www.businessadvantagepng.com/breaking-new-ground-tuhava-town-shows-the-way-for-land-use-in-papua-new-guinea/>).

¹⁴ The one based in Mahuru village was assigned to Kilakila when it was first incorporated but was reassigned to Mahuru when it was reincorporated in 2017.

whose names typically indicate that they were members of the same family, while one individual obtained six leases and five obtained two. The surnames of the recipients indicate that most of them were Motu-Koita people. However, some probably hailed from other parts of PNG and a few, such as Chen Eng Wang and Dr Thilagawathy Sudendranathan, sound like they were foreigners, although they could be naturalised citizens. Since SABLs are issued by the State, they can presumably be issued to foreign individuals or companies without violating Section 132 of the Land Act, which prohibits the acquisition of customary land by foreigners.

One of the SABLs granted to individuals, covering an area of almost 9 hectares, was invalidated by the National Court in 2013 on the grounds that it had been fraudulently issued by the Lands Department (PNGNC 2013). The two leases granted to Dr Sudendranathan, together covering less than one third of a hectare, also appear to have been cancelled, since she has subsequently applied for the same portions of land to be converted to freehold titles under the terms of the Land (Tenure Conversion) Act.

5.2 Land tenure conversion

Advertisements published by the Land Titles Commission in March 2022 and by its successor, the Land Commission of PNG, in February and September 2025 reveal a rather remarkable increase in the number of applications to convert blocks of customary land to a form of freehold title under the terms of the Land (Tenure Conversion) Act of 1963 (LTC 2022; LCPNG 2025a, 2025b). The first advertisement notified the public of the Commission's intention to conduct public hearings on 97 applications from 60 applicants, but there is no evidence of the hearings actually being conducted. The second advertisement promised the conduct of preliminary 'call-over' hearings on 213 applications from 128 applicants, and these were conducted on 25 February 2025. The third advertisement promised the conduct of full hearings on 213 applications from 135

applicants between 7 and 10 October 2025, but the hearings were delayed until December.¹⁵

Most of the blocks of land named in these three advertisements are located within the boundaries of the NCD while the rest are located in Central Province.¹⁶ If we leave Central Province out of the picture, there were 91 applications in the first list, 182 applications in the second list, and 160 applications in the third list that relate to unique blocks of land in the NCD. Some of the blocks of land identified in the first list were no longer present in the second one, and some of those identified in the second list were no longer present in the third one. Thirteen blocks identified in the first list disappeared from the second one, although one of these blocks reappeared in the third list. Fifty-four blocks identified in the second list disappeared from the third one, but 31 blocks appeared in the third list that had not been present in either of the two preceding lists. It is not clear what has become of the 12 applications that disappeared between 2022 and 2025. The 31 new blocks on the third list are clearly covered by applications that were submitted to the Land Commission between February and September 2025. The 54 applications that disappeared over that same period could have gone missing for a number of different reasons.

5.2.1 Time and space

Each of the applications in each of the three lists is assigned to the year in which it was initially lodged. Table 4 shows the number of applications and the area covered by these applications in each year between 2016 and 2025. This count excludes a single application that was apparently lodged in 2011 but first made its appearance in the list

¹⁵ An applicant is here understood to be a particular individual or unique set of individuals. There is some uncertainty about the number because some individuals appear to be listed with slightly different names in different applications.

¹⁶ There were 14 blocks in the second list that were mistakenly assigned to the NCD when they should have been assigned to Central Province. All but one of these appear to be portions of land near the road that leads from the western end of Fairfax Harbour to the PNG LNG Project's gas liquefaction plant at Caution Bay. Most of these applications did not reappear in the third list.

published in February 2025. Some of the applications lodged before 2022 also appear in the second advertisement but not in the first one, which is rather odd. The number of applications seems to have reached a peak in 2021 and may now be heading for a new peak in 2025 if the Land Commission continues to accept new applications while it investigates those already listed for a formal hearing.

Table 4: Applications for tenure conversion in the NCD, 2016-2025

Year	Applications	Area (ha)
2016	1	105
2017	1	2
2018	30	36
2019	6	1
2020	9	78
2021	60	443
2022	28	64
2023	15	98
2024	42	475
2025	43	125

Sources: LTC 2022; LCPNG 2025a, 2025b.

There are two or three cases in which the same block of land has been the subject of applications by more than one individual or set of individuals in one or more of the three advertisements, but such instances of double counting are offset by the six cases where the size of the land portion is not specified in the advertisements. Taken together, the applications cover an area of more than 14 km², or 1,400 hectares. If it were still true that customary land accounts for 40 per cent of all the land in the NCD, then applications for tenure conversion would cover more than 14 per cent of that customary land if all the applications really do cover blocks of customary land rather than blocks of land that have already been alienated by some other means.

There is a wide variation in the size of the land portions covered by different applications. Table 5 shows the extent of this variation between applications over blocks of customary land on the eastern side of town (in the Moresby North-East or Moresby South electorates) and on the western side (in the Moresby North-West electorate). There is a wide variety of locations specified in the advertisements, but specific locations are readily assigned to one or other of these two categories. The eastern side of town

includes the urban villages of Kilakila, Korobosea, Pari and Vabukori, while the western side includes the urban villages of Hanuabada, Baruni and Tatana.

Table 5: Areas covered by applications on different sides of the NCD, 2016-2025

Location	Applicants	Areas covered by applications				Total area (ha)
		<1 ha	1-10 ha	10-100 ha	>100 ha	
Eastern side	100	95	37	13	1	589
Western side	40	7	47	16	1	629
Unspecified	7	4	1	4	1	211
TOTAL	147	106	85	33	3	1428

Sources: LTC 2022; LCPNG 2025a, 2025b.

In this table I have listed the number of applicants (whether groups or individuals) who have been responsible for the various applications and then measured the size of their various claims. While several applicants have lodged two or three applications over different portions of land, the record is held by Kabua Patana Hiri Vani, a member of the dispute settlement authority for the Vaga incorporated land group based in Kilakila village, who lodged a total of 14 applications over small blocks of land in 2018. Despite this record, the total area covered by Mr Vani’s individual applications is still less than one hectare. Indeed, 81 of the 106 blocks with areas of less than one hectare are less than half that size, and 52 are less than 2,500 square metres. It seems reasonable to assume that these are blocks of land on which family homes have already been built or which are meant to be used for this purpose. But where applications cover areas of more than 10 hectares, it is not so clear what the applicants intend to do with them if their applications are successful.

Table 5 shows that the areas covered by applications on the eastern side of town tend to be a good deal smaller than those covered by applications on the western side. This is mainly because two thirds of the applications on the eastern side relate to the region commonly known as Taurama Valley, which includes the places called Dogura, Horse Camp, Oyster Bay, Tuna Bay and Vadavada, as well as those with Taurama in the name.¹⁷

¹⁷ Some of the land around the shores of Tuna Bay was alienated during the colonial period and legally belongs to the PNG Defence Force. However, this legal technicality has not prevented the ‘customary’

The customary owners of this region are mostly based in Kilakila and Pari villages. They include Kabua Patana Hiri Vani and other people associated with the Vaga land group. Sixty-seven of the 94 land portions in this region are less than one hectare in size, so while their average size is 3 hectares their median size is just 0.4 hectares. It would therefore seem reasonable to infer that most of the applications in this region, whether from customary landowners or outsiders, are attempts to formalise titles to blocks of land on which family homes have already been built or which are meant to be used for this purpose.

5.2.2 Sorting out the applicants

One of the key questions posed by the advertisements is whether the applicants are Motu-Koita people based in one of Port Moresby's urban villages or whether they are other Papua New Guineans or even foreigners who have already managed to gain some form of control over the specified portions of customary land.

In some cases, this question has been answered when the applicant is specified as an ILG that is known to be based in one of the Motu-Koita villages because of notices published in the National Gazette. There are 10 ILGs from five different villages that have lodged applications over 25 blocks of customary land with a combined area of approximately 176 hectares since 2018. All of these ILGs are based in one of the Motu-Koita villages located within the boundaries of the NCD except for the Kuriu group, which is based in the Koita village of Roku. The 10 hectares covered by the Kuriu group's claim lodged in 2025 is near the Napa Napa oil refinery (see Figure 4). This Kuriu group is assumed to be the one that has previously alienated the much larger Ohobidudare land area through the lease-leaseback scheme.¹⁸

owners from 'selling' parts of this coastal strip to outsiders who have built new homes on it (Carol Kidu, personal communication, February 2026).

¹⁸ The group's name is spelt 'Kiriū' in the tenure conversion notice, but no ILG with this name has ever been registered, so the name has probably been misspelt.

Inspection of ILG registration notices published in the National Gazette also makes it possible to identify several of the applicants as ILG executives or members of their families. Sixty-one blocks of customary land with a combined area of approximately 530 hectares have been subject to applications by such individuals, and they in turn are associated with a total of 12 ILGs. Kabua Patana Hiri Vani is one of these individuals, but there are at least seven others associated with the same Vaga ILG. To judge by the names of the remaining applicants, 16 are individuals or groups of individuals who are most likely Motu-Koita people. Since 2018, they have lodged applications over 24 blocks of customary land with a combined area of approximately 188 hectares. It is hard to tell what connection these individual applicants might have with any ILG.

The most puzzling case is that of Kevin Rarua, who in 2020 was the sole applicant for conversion of two blocks of land with a combined area of 39 hectares in Tatana village territory and a joint applicant, with members of the Henao family, for a third block, with an area of just under 19 hectares, in the vicinity of Kanudi and Baruni. Between 2018 and 2021, Mr Rarua, acting on behalf of the 'Naurina' clan of Tatana village, was engaged in a legal dispute with the Tatana Araitha Development Association, the Baruni Community Development Association, the developers of the Motukea shipping terminal and agents of the national government over a benefit-sharing agreement between these different parties (PNGNC 2021a). This appears to have been a dispute about the identity of the customary owners of land acquired by the developers of the new industrial facility (Filer 2019: 68–70), but it is not clear whether this is the land covered by Mr Rarua's applications for tenure conversion, nor is it known what eventually came of the court case, nor does the National Gazette contain any sign of a Naurina clan being registered as an ILG.¹⁹ In 2022, Mr Rarua was also listed as the sole applicant for a much larger block on the 'Kanudi waterfront' with an area of 106 hectares. However, this same block has since been covered by a separate application from two other individuals, Bernard

¹⁹ 'Naurina' is a Tatana dialect version of the Motu clan name commonly spelt as Laurina (Oram 1981: 215). Mr Rarua's group could have been the Nenehi Laurina clan or the Tatana Laurina clan, both of which have been registered as ILGs, or another Laurina (or Naurina) group that has not been incorporated.

Maraga and Max Gabutu Junior, who seem to be associated with one ILG based in Baruni village and another ILG based in Hanuabada village, so Mr Rarua's interest may have lapsed or been taken over.

To judge by their surnames, a number of the individual applicants appear to be migrants from other parts of PNG, or even from other countries, who have entered into some kind of arrangement with the customary landowners. Now that arrangement might conceivably be marriage, but it seems more likely that it has involved an informal purchase of land from the customary owners, who might then be expected to either support, or not object to, the application for tenure conversion. Applications of this type have covered 115 blocks of customary land with a combined area of approximately 534 hectares. Half of these blocks are less than one hectare in size, which suggests that the applicants have either built houses on them or are intending to do so. But some are much larger. Paul Hitamoore lodged a single application covering an area of 105 hectares (Portion 2971C) in the vicinity of the ATS settlement back in 2016. According to LinkedIn, Mr Hitamoore is the managing director of a company called Panamaseier Pharmaceuticals (PNG) Ltd.

Four of the individual applicants appear to be current or former members of parliament. In 2021, John Kaupa, the MP for Moresby North-East, who hails from Chimbu Province, applied for the conversion of three blocks with a combined area of almost 37 hectares. In the same year, William Onglo, former MP for the Kundiawa Gembogl electorate in Chimbu Province, applied for the conversion of two blocks with a combined area of 19 hectares. In 2022, James Lagea, former MP for the Kagua Erave electorate in Southern Highlands Province, applied (in combination with his wife) for the conversion of a single block with an area of 6.5 hectares.²⁰ And in 2024, Miki Kaeok, MP for the Wapenamanda electorate in Enga Province, applied for the conversion two blocks with a combined area

²⁰ David Raim Rakadui applied for conversion of the same block in the same year. Mr Rakadui lodged a separate application covering an area of almost 128 hectares in the Bautama area in 2022. That would appear to be a block of land whose customary owners are members of the Moiha ILG.

of more than 29 hectares. It is not clear how many of the other individual applicants originate from the Highlands region.

A small number of applicants have surnames that make them sound like foreigners, although they might be naturalised citizens. These include Junqui Huang, Eleana Tjandranegara, Merolyn and David Levy, and Dr Thilagawathy Subendrannathan. The first four had applications listed in the 2022 advertisement but not in any subsequent advertisement. Dr Subendrannathan (a female medical practitioner) has been more persistent. She already secured special agricultural and business leases over two blocks of land in the Taurama Valley (Portions 2789C and 2790C) back in 2012 but then applied for tenure conversion over the same two blocks in 2024.²¹ Her applications are listed in both of the 2025 advertisements.

5.2.3 What happened at the call-over?

As previously mentioned, there are a number of possible reasons why 54 applications that were listed for a preliminary hearing in February 2025 were no longer listed for a full hearing in September 2025. Some of the applications may have been dismissed because the applicants failed to turn up to the preliminary hearing. Others may have been dismissed because some of the customary owners of the land in question turned up with convincing evidence that they had not given their consent to the act of alienation. And others may have been dismissed because they were found to be the subject of current litigation in the courts. But I have been reliably informed that some applicants turned up with evidence that conversion orders had already been issued, or else with proof that they had already been granted titles by the Registrar of Titles in the Lands Department. In that case, the conversion orders might indeed have been issued by the Land Titles Commission but then been mislaid when the relevant files were passed on to the new Land Commission. Or the conversion orders might have been faked. Or the registrar might have been persuaded to issue the titles without sighting any conversion orders at all.

²¹ Her name was spelt slightly differently in the gazettal notice relating to the SABL.

It is not currently possible to determine which of the 54 applications went missing for which of these reasons. However, it is worth noting that the combined area of all these applications was 576 hectares, and that 17 of them covered areas of more than 10 hectares. Applications from Messrs Hitamoore and Rarua were amongst the ones that went missing, as were those from MP John Kaupa and former MP William Onglo. Thirty-four of the applications that disappeared were from Motu-Koita ILGs or other Motu-Koita people, but 21 were from individuals whose names suggest they have no customary rights to the land in question.

If titles have been granted on the basis of fake conversion orders, or in the absence of any conversion orders, on the part of the Land Titles Commission or the new Land Commission, then the customary owners of the land in question could take legal action against the title holders and the Lands Department to seek the restoration of their customary rights. There is as yet no sign of such action being taken. However, the absence of a genuine conversion order does not necessarily indicate an absence of consent on the part of the customary owners.

5.3 Two remaining avenues

The power of compulsory acquisition under Section 12 of the Land Act has rarely been used as a means to alienate customary land since 1975, having mainly been reserved for the acquisition of road corridors and other transport infrastructure (Manning and Hughes 2008). However, the National Land Partnership Policy Framework adopted by the Marape Government at the end of 2022 has encouraged the lands minister to use this power more widely, especially to alienate customary land for the establishment of new towns, housing estates and 'special economic zones' in various parts of the country. This might be seen as a response to the failure of voluntary customary land registration to meet the land mobilisation targets established in successive national development plans.

Between February and August 2025, more than 200 hectares of customary land in the NCD was subject to three compulsory acquisition notices published in the National Gazette. By far the largest area alienated in this way was the 178 hectares in the area known as Farea that formerly belonged to the Moiha ILG based in Veaeagai village.

According to the notice published in the National Gazette in March 2025, representatives of this group signed a contract for the transfer of two separate land portions (5448C and 5449C) to the NCD in July 2024. This contract would presumably have included provision for the land group to be compensated for the act of alienation. No comparable details are provided in the compulsory acquisition notices published in February and August 2025, which cover the remaining 25 hectares of customary land in the NCD. These notices do not specify their location or the identity of the customary owners.

All four cases of compulsory acquisition appear to have been justified by reference to the Settlement-to-Suburb (STS) program that has been promoted by both the NCD Governor Powes Parkop and the Moresby North-East MP John Kaupa since 2017.²² A notice published in the National Gazette in April 2025 actually stated that a ‘special purpose lease’ over the 117 hectares of land contained in Portion 5449C, the former property of the Moiha land group, had been issued to the Moresby North-East District Authority (MNEDA) for ‘subdivision and development for resettlement purposes’. It should be noted here that several leases over portions of state land that were alienated during the colonial period have also been issued to the MNEDA or the NCD during the course of 2025 as part of the STS program. However, these leases do not seem to have required the compulsory acquisition of land that was already leased to other parties.

The STS program is intended to create new housing for some of the many people (as many as 30,000) who have been evicted from informal settlements on state land in the NCD since 2012. Most of these people were living in settlements located on land that had already been leased to corporate entities for various purposes, including the construction of new housing estates. It is hard to know what became of these people when their settlements were demolished. Some may have been able to build new homes on customary land, inside or outside the boundaries of the NCD, by means of informal

²² It has been suggested that the minister’s power of compulsory acquisition was already being used for this purpose in 2022 (Nao and Kutan 2022: 2). However, if this was the case I have yet to discover any notices to this effect in the National Gazette. It may be that the possibility was already being canvassed in 2022 but it has taken a while for the promise or threat to become a reality.

agreements with the customary owners. But the NCDC and the MNEDA have struggled to find enough vacant state land on which new 'suburbs' could be constructed, let alone to find the companies that could build the new houses once the land had been subdivided and serviced. The latest wave of land acquisitions, including the compulsory acquisition of 200 hectares of customary land, may signal a new phase in the implementation of the STS program, but it does not mean that hundreds or thousands of new houses are going to be built any time soon.

The ministerial resort to the power of compulsory acquisition may reflect the failure of the authorities to persuade customary landowners to voluntarily lease their land to the State under Section 10 of the Land Act, as well as their failure to 'mobilise' a larger area of land under the voluntary customary land registration scheme. As we have seen, the Kuriu land group in Roku village did agree to follow the Section 10 pathway, and this was greeted with a good deal of fanfare. If there had been other cases, we might have expected a comparable level of publicity. However, we cannot be sure whether other groups have chosen to tread this path since it does not lead to the publication of notices in the National Gazette. As we shall see, there is one other case that has been revealed by proceedings in the National Court, and that also involves a land transaction in the vicinity of Fairfax Harbour.

6 Evidence of muddle and confusion

Although we might be tempted to think of the process of alienation as a sequence of steps taken along each of the legal avenues already identified, and to think of these avenues as pathways that have been opened up at specific moments of time in the post-colonial period, things are not quite so simple. One act of alienation can turn into another one, actors can be diverted, their actions can be disputed, roadblocks can be erected, and it is often difficult to know exactly what has been achieved by anyone. In what follows, I document some examples of the muddle and confusion surrounding the process. I apologise in advance to readers who may get muddled and confused by my own attempt to unravel this phenomenon.

6.1 How wires can get crossed

A couple of the Motu-Koita names in the list of individual applicants for tenure conversion, namely Geita and Patana, can also be found in the list of individuals who obtained SABLs before 2013, but they do not appear to be the same people, and we cannot assume that they are necessarily members of the same family. Comparison of the land portion numbers in the two lists reveals no duplications with one notable exception. Portion 2332C, with an area of 0.4 hectares, was the subject of an SABL issued to Anthony Gabutu Hena in 2008. In 2022, it was the subject of an application for tenure conversion by Merolyn and David Levy, who sound like they might be foreigners, and its location was specified as Badili. Between 2008 and 2022, the name of the land portion had somehow changed from Gorobe to Matirogo. One might suppose that the Registrar of Titles in the Lands Department would have some trouble issuing two different titles over the same parcel of land, but it has been known to happen before. In this case, however, someone may have noticed the duplication, because the Levy application is no longer listed in the 2025 advertisements, so it might have been rejected.

In 2019, one Tony Gabutu, who may have been the recipient of the SABL issued in 2008, sued Lands Minister John Rosso in order to defend his title over a portion of land called Ela Makana. This was a rather peculiar case because the previous minister, Justin Tkatchenko, had published a notice in the National Gazette in July 2018 revoking a notice gazetted by his predecessor, Benny Allan, in September 2017, declaring that the land portion in question (Portion 1539) was no longer state land but had been returned to customary ownership.²³ Provision is made for such a declaration in Section 133 of the Land Act, which says that land returned in this way 'shall for all purposes be deemed to be customary land' and 'be deemed always to have been customary land'.

In this instance, the customary owners were found to be members of the Dubara Idibana ILG based in Hanuabada village, although this was not stated in the gazettal notice.

²³ The person who drafted the gazettal notice misspelt the minister's surname as Allen. This is not an uncommon error.

However, it did not remain customary land for very long, because it seems that members of this ILG then consented to an application for Portion 1539 to be allocated to Mr Gabutu under the terms of Section 7 of the Land (Tenure Conversion) Act.²⁴ This application had been successful, and Mr Gabutu had secured three new titles over the same block of land. One of these subdivisions, with an area of 1.5 hectares, had then been alienated for a second time, because Mr Gabutu ‘went on to get property developers to develop it under a commercial arrangement who uncovered in their due diligence the actions of the first defendant giving rise to this cause of action’. The National Court found in the plaintiff’s favour on the grounds that the new titles were indefeasible under the terms of the Land Registration Act. Local journalists were so confused by this finding that they reported it as a decision by the court to quash a decision by Minister Rosso ‘to return land declared as customary land to its former status as state land’ (Anon. 2020a).

Since Mr Gabutu’s application for tenure conversion had been successful, it was not listed in the 2022 advertisement published by the Land Titles Commission. The question then is how many other applications lodged before the publication of that advertisement had been equally successful and what area of former customary land had been covered by these successful applications. Unfortunately, the National Gazette provides no answer to these questions.

6.2 One clan in a mess

Uhadi Iarogaha is the name of an ILG based in Korobosea village.²⁵ It originally applied for incorporation in 2000, then applied for reincorporation in 2015 and received a

²⁴ Dubara Idibana is not one of the ILGs that has submitted applications for tenure conversion in its own right, and Mr Gabutu is not listed as an office holder in the group’s registration notices.

²⁵ Nigel Oram (1981: 226) says that Uhadi and Iarogaha are the names of two separate clans that were initially the only two clans based in Korobosea village. There are now four other ILGs based in that village. According to Seligman, who preferred not to translate the term *iduhu* as ‘clan’, Uhadi and Yarogaha (sic) were two parts of a single ‘section’ called Yarogaha, which was the Koita name for what is now called the Laloki River (Seligman 1910: 4).

notice of recognition in 2016. Its executives did manage to submit a notice of intent to produce a survey plan covering more than 5 hectares of land in 2015, before the group received its notice of recognition. This does not seem to have resulted in the grant of any land title. However, in 2015 the group's lawyer announced that a portion of the group's land in the vicinity of Six-Mile, which was known to the Land Titles Commission as Central Claim 79, 'is a customary land and buyers should be mindful before giving money to the people who claim the land as theirs' (Anon. 2015a).

By that time, a man called Jimmy Varika had initiated legal proceedings against two companies, Marikwae Ltd and Pam Logistics Ltd, after sending them an eviction notice in October 2013. His claim was that the ILG had wrongly consented to the grant of an SABL over the 10 hectares of land in Portion 2369C to Marikwae's managing director, Mathew Marimba, and the latter had wrongly agreed to grant use rights over half of this area to Pam Logistics.²⁶ This was said to be wrong because this block of land was part of a much bigger block, also called Portion 2369C, which was said to cover a rather whopping area of 208 hectares, that the ILG had agreed to alienate to Mr Varika under the terms of the Land (Tenure Conversion) Act back in 1996. The SABL was apparently cancelled by the Acting Registrar of Titles in September 2014 once he had been made aware of Mr Varika's existing title to the larger block of land. It seems that no formal title was ever granted to Pam Logistics.

Mr Varika passed away in March 2015, but the court case was pursued by the custodian of his estate. In 2018, the National Court ruled that the title granted to him in 1996 was indefeasible since there was no evidence that it had been obtained by fraud (PNGNC 2018b). In 2019, the ILG lodged an appeal against this judgment with the Supreme Court, claiming that the tenure conversion order granted by the Land Titles Commission in 1996 had indeed been based on a 'fraudulent collusion' between Mr Varika and 'certain deceased members' of the ILG. In 2020, the appeal was dismissed on the grounds that the ILG had not been a party to the previous court case and, in any case, the

²⁶ The SABL was apparently issued in 2010 but I have never come across the relevant gazettal notice so it does not figure in Table 3.

National Court had already determined that there was no evidence of fraudulent behaviour in the grant of the original title (PNGSC 2020).

Meanwhile, in February 2019, a more concrete and contemporary instance of irregular behaviour had come to light when it was reported that police were preparing to charge the deputy chairman of the Uhadi Iarogaha ILG, Blandy Maraga Tabu,²⁷ with ‘false pretence with intent to defraud’ a company called Pacific Construction Group Ltd. According to the newspaper story, Mr Maraga had agreed to sell the company a block of land called Portion 2370C for the princely sum of K3 million in September 2016, claiming that this had been the property of his deceased father (Arnold 2019). The company is said to have paid an initial instalment of K600,000 to Mr Maraga while attempting to find a copy of the relevant file in the Lands Department. After rummaging around for several months, the Deputy Registrar of Titles eventually found the file and told the company that the land in question had been the subject of an ongoing dispute since 1998. I have not been able to find any court records relating to this case, so cannot tell whether the newspaper report is accurate. The size and location of this block of land was not specified in the newspaper story. Nor is it clear what sort of title the company sought to acquire from the purported customary owner or how this block of land had been assigned a portion number in the first place.

6.3 Taurama Valley fiasco

There is one ILG that stands out as an enthusiast for land tenure conversion in the advertisements published in 2022 and 2025. That is the Vaga group based in Kilakila village. If we add the applications from the Vaga ILG itself to those from its office holders and their likely family members we get a total of 32 applications with a combined area of approximately 130 hectares in locations variously named as Kilakila, Taurama, Taurama Valley, Taurama Bypass, Dogura and Horse Camp. All but three of these applications were still waiting to be heard by the Land Commission in September 2025. The nominated portions of land are all parts of the area that has come to be known as the Taurama Valley, which stretches southeast from the suburb of Boroko to Tuna Bay,

²⁷ The name is spelt Blendy Maraga in the ILG’s notice of recognition.

which opens into Bootless Bay (see Figure 1). This stretch of customary land is famous for the failure of the government to persuade the customary owners to participate in the voluntary customary land registration scheme. The Vaga group is the one group that seems to have made a concerted effort to formalise its entitlements, but it has done so in several different ways.

The Vaga land group first applied for incorporation in 1993. We may assume that its application was successful. In 2010, the group obtained an SABL over a block of land called Ogoniva Varahe, with an area of approximately 9.5 hectares. It seems to have subleased this land to the government for the expansion of an existing sewerage treatment plant in 2014 (Anon. 2014b). In that same year, the group got itself registered under the terms of the amended Land Groups Incorporation Act and applied for titles over two blocks of land, both called Varahe, claiming that these had a combined area of almost 565 hectares. It is not clear whether these two blocks were meant to include the one already subleased to the government. However, when the two Varahe blocks were surveyed and land titles were issued, their combined area was dramatically reduced to less than 6 hectares, which is smaller than the area covered by the sublease. On the same day that these two new land titles were gazetted, in April 2017, six other land titles were issued to the Vaga ILG, with a combined area of more than 188 hectares, so the total extent of the group's registered territory was now about 194 hectares. Comparison of the block numbers listed in the National Gazette and those listed in the tenure conversion applications reveals that there were three blocks named in both lists. Two of them were the two Varahe blocks (3286C and 3287C). The third was a small block (3257C) covering less than one hectare, for which the tenure conversion application was submitted by one of the group's members. If these blocks were already covered by titles issued to the ILG, why would the ILG or any of its members seek to have these titles converted?

To make more sense of this sequence of notices, we need to bear in mind that the Vaga ILG represents one of three 'clans' based in Kilakila village whose leaders supposedly agreed to allocate 400 hectares of their customary land to a new housing scheme known as the Taurama Valley Pilot Project, which was sponsored by the national government's Office of Urbanisation (GPNG 2010: 61–3). In 2010, the head of this agency lamented that the area in question was turning into a 'haphazard informal settlement' because the

customary owners were informally selling parts of it to migrants from other parts of the country before government officials could formalise an agreement with the three land groups and get the land properly surveyed and subdivided (Elapa 2010). In a subsequent letter to one of the national newspapers, he concluded that ‘a serious attempt to register the whole of the land under the new Voluntary Customary Land Registration system’ had failed because ‘land ownership and control is vested in families within the clan or tribal boundaries, not the divided and uncohesive clans and tribes which have been falsely thought to have the power’ (Kep 2018).

The leaders of the Vaga ILG may therefore have been seeking to sustain their collective power by participating in the system that is said to have failed, then decided that the system was not working to their advantage, so decided to resort to the provisions of the Land (Tenure Conversion) Act in order to obtain a different kind of title. From this point of view, it appears that many of the applicants for tenure conversion in the Taurama Valley who were *not* associated with the Vaga ILG were individuals who had already purchased small blocks of land from the customary owners and were now attempting to get titles to the blocks on which they had already built their houses. And maybe some members of the ILG were doing exactly the same thing, with or without the approval of the office holders. If the Vaga ILG executives have agreed to subdivide a portion of their territory into freehold titles assigned to individual members of the group, they would be acting in accordance with the original intention of the Land (Tenure Conversion) Act. They would only be departing from the intention or spirit of this law by granting outsiders the same privilege.

Aside from the Vaga group, there are at least 16 Motu-Koita ‘clans’ on this eastern side of town that have been officially registered as ILGs, but only six that have submitted survey notices for voluntary customary land registration according to the National Gazette. According to this source, the only other ILG from this part of town that managed to secure a collective land title was the Iavai (Sina Matio) ILG based in Korobosea village, which was awarded a title to just over one hectare of land in 2017. However, there are some awards reported in the national newspapers that do not seem to have reached the pages of the National Gazette. The Badu Toneta ILG based in Kilakila village did have an acceptance notice gazetted in 2017 and is reported to have got a registered title over nearly 8 hectares of land at Kaugere in June 2020 (Anon. 2020b). This group is not to be

confused with the Badu ILG based in the same village, despite the fact that the Koita word *toneta* is commonly translated as 'clan'. The Badu 'clan' group was recognised in 2014, whereas the other Badu group was only recognised in 2021. Their registration notices indicate that they have different office holders, as well as different ILG numbers, so the second one does not appear to be a new version of the first one.

The odd thing about the second one is that it seems to have been engaged in substantial land dealings before it even came to be registered. In 2016, it was reported that the group had acquired a registered title over 34 hectares of land 'stretching from Six-Mile to East Boroko' and was proposing to lease this land to developers so that 1,200 houses could be built on it (Gwangilo 2016a). The newspaper article reporting this transaction suggests that half of these houses would be reserved for Badu clan members. In 2017, it was reported that the group had acquired titles to two portions of land that were part of a larger estate of '224 hectares of land at Taurama and a good number of hectares at 6-Mile' owned by the group's chief, Beaeu Uruba (Ten 2017). In 2020, it was reported that the group's chairman, Geno Beaeu, had signed a memorandum of understanding with the Constitutional and Law Reform Commission whereby houses would be built for its staff on the block of land 'at Meduna in Taurama' and subleases would be issued to each of the occupants (Anon. 2020c). When the group was registered in 2021, Geno Beaeu was indeed listed as its chairman and his father Uruba was listed as his deputy. The status of any land titles granted before the group was registered remains a mystery.

When we look at the applications for tenure conversion in the eastern part of town, we find that the Kaha-Namona ILG based in Pari village lodged an application covering almost 15 hectares in 2021, while a senior office holder in the Vaga ILG, Goasa Geita, also lodged an application covering a small portion of land in Pari village territory in the same year. There have been no applications from any other ILGs based in the eastern part of town, and only two applications from one woman who appears to be a member of the Idibana Taulamiri ILG based in Pari village.

6.4 Darkness on the western side of town

Outsiders were already attempting to use the Land (Tenure Conversion) Act to alienate substantial portions of customary land in the NCD before the efforts recorded in the

Land Titles Commission's 2022 advertisement, but it seems that some of their activities were never placed on the public record. One strategy was to persuade the Commission that the customary owners had agreed to the act of alienation and then seek to persuade the Lands Department to issue a 99-year state lease to themselves as a 'substitute' for the title granted under the terms of this legislation. The rationale for this strategy is that state leases are now generally regarded as the only forms of land title in PNG that can safely be used as security for bank loans (Nao et al. 2023). The trouble is that Section 16A of the Tenure Conversion Act (as amended in 1987) precludes the conversion of land subject to a conversion order to what is known as a 'substitute lease' in the Land (Ownership of Freeholds) Act of 1976. But if the double conversion is technically illegal, this does not mean that it cannot be done.

In October 2016, the chairman of the Kaevaga ILG based in Baruni village signed an affidavit stating that his group had agreed to the alienation of a 44-hectare block of customary land on the eastern edge of the new causeway that leads to the Motukea shipping terminal in Fairfax Harbour. This document was used by Simbu businessman Jacob Kaupa in support of his claim to have a business lease over the same area (now designated as Portion 3647) issued to his company, Pacific Corporate Security Ltd. It is not clear whether he was able to consolidate his claim because the ILG from which the land had supposedly been alienated managed to register its own title to a larger block of land, known as Portion 3646C, which included Portion 3647, in December 2016. So far as I know, this title was never gazetted, so it does not figure in Table 2. Nor is it clear whether the group's executives were united in their support for Mr Kaupa's plan or whether they were seeking a way to undermine it. In 2016, Portion 3647 was covered in mangroves and had been earmarked for 'environmental protection' by the NCD's Physical Planning Board. The Lands Department seems to have ignored this fact when issuing the business lease to Mr Kaupa's company. Google Earth tells us that there is one commercial enterprise (JJ Trading) with buildings on the northern edge of Portion 3647 and on the southern edge of the Napa Napa Road that runs around Fairfax Harbour. It is hard to tell whether this enterprise is operating with a sublease issued by Mr Kaupa's company or by the Kaevaga land group. Google Earth also shows substantial land clearance in the part of Portion 3646C that lies immediately to the north of the Napa Napa Road and designates this as the site of something called the Sasiva Industrial Park,

but I have yet to find out which entities are responsible for this development or how they have secured their land titles.

In 2019, another block of customary land, immediately to the west of Portion 3646C, was somehow acquired by Huli businessman Larry Andagali, the managing director of Trans Wonderland Ltd, one of the major subcontractors engaged in development of the PNG LNG Project. It is not clear who might have sold this land to Mr Andagali, nor is it clear who had any right to do so, since two or three of the clans based in Baruni village have been disputing its ownership for many years, and that is why no one group has tried to register a title over it. Mr Andagali appears to have followed the same legal path as Mr Kaupa in his efforts to secure a legal title for himself or his company. Nevertheless, his deployment of earthmoving equipment to the area resulted in the issue of a stop-work notice by Motu Koita Assembly chairman Dadi Toka Junior, who claimed that Mr Andagali had failed to secure the necessary approvals. Google Earth shows that this block of land now contains a number of buildings but does not identify their owners or occupants.

Meanwhile, in August 2018, a man called Sam Wapesa had managed to obtain a business lease over a block of land (Portion 3574), which was one of four portions of equal size that had formerly been a single 22-hectare block of customary land (Portion 3357C) located in the territory of Baruni village. In this case, Mr Wapesa himself had secured the initial tenure conversion from the Land Titles Commission, but we have no idea how he might have obtained the land from the customary owners, whoever they might have been. To judge by his name, it seems likely that Mr Wapesa is another highland entrepreneur, like Messrs Kaupa and Andagali. His activities only came to my attention because he attempted to sell a sublease over Portion 3574 for K5.5 million and his customer sought advice on the validity of the title. The customer was advised that the title was potentially invalid because of the legal prohibition on the act of double conversion. We do not know what Sam has subsequently done with Portion 3574 or any of the other three portions over which he probably holds separate business leases. However, it is interesting to note that one of the current applicants for tenure conversion is one Stella Wapesa, who is most likely one of Sam's close relatives. She is aiming to secure a title over more than 6 hectares of land (Portion 4635C) in the vicinity of Koukou, which is the name of a small informal settlement, about one kilometre east of

the causeway that leads to the Motukea shipping terminal, on land whose customary ownership is a matter of dispute between the villagers of Baruni and Tatana (Michael Goddard, personal communication, October 2024).

This appears to be another piece in the jigsaw of alienation that follows the route of the coastal road from Hanuabada through Kanudi, Baruni, Koukou and all the way around Fairfax Harbour until it reaches the Napa Napa oil refinery (see Figure 4). The key point here is that the value of land adjacent to the Napa Napa Road has grown faster than the value of land in most other parts of the NCD since 2012, so it is understandable that competition for titles over customary land along this road corridor should have grown at a comparable rate. As early as 2006, the NCDC was calling this an ‘economic development corridor’ (NCDC 2006: 41), and by 2014 it already had its very own development plan approved by the NCDC’s Physical Planning Board (Filer 2019: 67). This has proven to be a magnet for entrepreneurial activity of one sort or another.

6.5 Last dark hole

In December 2016, PNG Ports Corporation, a state-owned enterprise, initiated legal action against Enga businessman Jeffery (or Jeffrey) Kennedy to prevent him from ‘constructing, extending or altering’ the land area contained in Portion 3524 at the western end of Fairfax Harbour. A state lease over this area had been granted to Mr Kennedy’s company, Port Kennedy Ltd, earlier that year. The grounds of the complaint were that Mr Kennedy had failed to obtain the plaintiff’s permission to reclaim the greater part of what was then still an ‘underwater lease’ and build a new port on it.

Mr Kennedy argued that he had instead obtained permission from the Konebada Petroleum Park Authority (KPPA), a statutory body established by an act of parliament that was passed in 2008, which had a mandate to develop all manner of industrial facilities in the area under its control in order to take advantage of the anticipated arrival of what is now the PNG LNG Project’s gas liquefaction plant at Caution Bay. In February 2017, while the court case was still being heard, Lands Minister Benny Allan announced that the KPPA would be granted control of a ‘zone’ containing more than 23,000 hectares of land, including Mr Kennedy’s underwater lease, and even the area of

alienated land (Portion 152) that had already been leased to ExxonMobil for development of the gas liquefaction plant. This action aroused considerable opposition, not only from Exxon Mobil but from all the other leaseholders and customary landowners in this very large area. Some commentators denounced it as a monumental state-sponsored scam (Nao et al. 2018). In May 2018, Allan's successor, Justin Tkatchenko, revoked the previous announcement and confined the area of control to a pair of zones with a combined area of just 1,400 hectares. Zone 1, with an area of 400 hectares would be the one containing Mr Kennedy's lease.

During the court case, Mr Kennedy explained that Portion 3524 included an area of former customary land which he had identified as a suitable location for the construction of a new port, and that he had personally entered into 'lengthy negotiations' with the customary owners that were concluded when they 'settled on a price'. The land was then converted to a state lease under Section 10 of the Land Act. The court record does not identify the customary landowners or the price to which they agreed. The survey plan registered by the Surveyor-General in 2013 does indeed show that Portion 3524 sits on top of a crossed-out Portion 2704C. The same survey plan shows an adjoining area to the south, which was not under water at the time, that had previously been Portion 2705C and was now to be Portion 3525. This portion was not mentioned in the court case because PNG Ports had no interest in it, but a map produced by the KPPA in 2016 shows that both portions would be part of a single 'sub-division' in the new suburb of Port Moresby to be known as 'Konebada Junction'. It appears that Mr Kennedy has acquired the leases to both portions, and it seems quite likely that the customary owners of what is now Portion 3525 went through the same process of negotiation before the survey plan was registered.

The odd thing about Portion 3524 is its status as 'land covered with water'. Although Section 3 of the amended Land Registration Act allows for the grant of underwater leases, I have not previously encountered a case of land under water being registered as customary land. There is a very small island in the middle of Portion 3524, so maybe the customary owners of this island were somehow recognised as the owners of the water surrounding it for the purpose of the land reclamation exercise envisaged by Mr Kennedy and the KPPA.

In March 2017, the National Court found in favour of PNG Ports and granted an interim injunction to stop any further development of Portion 3524 (PNGNC 2017a). It appears that PNG Ports then took separate legal action against the Lands Department in order to question the validity of the lease granted to Mr Kennedy's company. I have not been able to obtain a copy of the decision made in that case, but I do have a copy of the decision made by the Supreme Court in response to an appeal lodged by Mr Kennedy, in which he argued that Portion 3524 no longer existed because it had been subdivided into 142 smaller portions. The Supreme Court seems to have agreed with him (PNGSC 2018). However, although the court record from 2017 indicates that the process of land reclamation was already under way in what had been Portion 3524, Google Earth shows that very little progress has been made since then. The small island in the middle of it is now occupied by something called 'RMC Port Kennedy', which looks much smaller than the port envisaged by the KPPA, and there is now a causeway linking it to the mainland. There is likewise little evidence of things being built on Portion 3525, only evidence of the land being cleared in possible preparation for further development. One wonders whether the customary owners of these two portions now feel that they made as good a deal as the customary owners of the Ohobiduaré land that lies further along the 'economic development corridor' leading to the Napa Napa oil refinery.

7 Informal underworld

There are two different types of informal land transaction in which the customary landowners of the NCD have been engaged over the period since Independence. On one hand, there are those transactions by which they have informally sold or leased their land to outsiders, as discussed in Mr Nouairi's letter. On the other hand, there are those that stem from their attempts to reclaim their rights over customary land that was alienated during the colonial period, as mentioned in Mr Heni's appeal to the UN Secretary-General.

This is what I have previously described as the Papua New Guinean version of Karl Polanyi's 'double movement' (Filer 2014). Polanyi's version consisted in a contest or oscillation between two 'organizing principles in society', which he called 'economic liberalism' and 'social protection'. This supposedly takes place in a capitalist economy because land is a 'fictitious commodity' — one that is not a 'true' commodity because it

is not produced in order to be sold (Polanyi 2001: 138). This type of double movement can readily be detected in legal contests between the rights of property developers and the rights of informal settlers on 'vacant' state land in the NCD since 2012 (Rooney 2021). But the Papua New Guinean version is somewhat different because it stems from the national ideology of landownership. According to this ideology, customary land can be partially alienated but it cannot be completely alienated, so customary rights over alienated land can always be reasserted, whatever the law might say (Filer 2014: 78–9). So the two organising principles in opposition here can be designated as the principles of reversibility and indefeasibility.

The principle of indefeasibility is built into PNG's land legislation as part of the Australian colonial legacy. It is currently contained in Section 33 of the Land Registration Act, which essentially states that no land title issued by the State can be cancelled or invalidated unless it can be shown to be the product of a fraudulent act or some kind of mistake (Mugambwa 2001). When the occupants of informal settlements on state land seek to resist their eviction by property developers holding state leases, they commonly do appeal to the principle of social protection, but sometimes they also appeal to the idea that the land was never properly alienated from its customary owners in the first place. And there is no shortage of customary landowners who are prepared to agree with them. So the principle of reversibility can be applied both to the 'sale' of customary land to the colonial administration and the 'sale' of customary land to migrants in the post-colonial period. The informal underworld then consists of a bundle of reversible land transactions with dubious legal status, while the formal 'overworld' consists of a bundle of legal but largely irreversible land transactions. The double movement then becomes a movement back and forth between these two transactional worlds.

An extra layer of complexity has been added to this double movement in the NCD because the balance of power between the two organising principles seems to have changed over the past 15 years. In the first few decades of the post-colonial period, relevant government agencies turned a blind eye to many of the land transactions taking place in the informal underworld. But then the rapid rate of population growth in the NCD, coupled with a steep rise in urban landed property values, created new pressures

to formalise land rights and ‘mobilise’ the land itself (Ezebilo 2017).²⁸ This process of commodification and capital accumulation has taken place on both sides of the imaginary fence that separates alienated land from customary land. On one hand, numerous informal settlements on vacant state land have been demolished and thousands of settlers have been evicted since 2012. On the other hand, as we have seen, various attempts have been made to alienate vacant customary land for the construction of new residential areas or business premises.

So how much is still happening out of sight in the informal underworld, and how can we tell if that world is shrinking under the onslaught of formalisation? As we have seen, it is hard enough to measure the progress made along the various pathways through which customary land in the NCD is being alienated. But there is even greater uncertainty about the volume of informal land transactions because these are not captured in any official records.

Social scientists affiliated with the National Research Institute have undertaken two surveys that provide some clues to what has been going on. In 2006, Satish Chand and Charles Yala conducted a survey of a sample of 441 households in 12 informal settlements, six of which were located on state land, four on customary land and two on a mixture of both. One of the questions they sought to answer was the nature of the economic relationship between the settlers and the people who claimed to be the customary owners of the land on which they were settled. They found considerable variation in the extent to which the settlers made payments to the customary owners, but also some variation in the extent to which the customary owners were willing to accept such payments. On one side, the settlers had to decide whether payments to the customary owners would provide them with greater security of tenure than payments to government officials or the supply of votes to candidates standing for election in one of the NCD’s four parliamentary constituencies. On the other side, the customary owners had to decide whether the acceptance of payments from the settlers, especially the

²⁸ A survey conducted in 2019 found that average monthly house rent in the NCD was 20 per cent higher than the average monthly disposable household income (Ezebilo and Thomas 2019: 19).

residents of settlements on customary land, would erode their own customary rights and therefore contravene the principle of reversibility (Chand and Yala 2012).

That study was undertaken before the change in the balance of power between the two poles of the double movement, although the authors were themselves proponents of the push for greater formalisation (Yala 2006, 2011; Chand 2017). More recently, in 2017, Elizabeth Kopel and colleagues undertook a survey of ‘informal customary land transactions’ between 36 Motu-Koita landowners and 221 migrant settlers in the Taurama Valley (Kopel et al. 2023). The findings of their study are discussed in what follows. To gain a broader impression of what has been happening in the informal underworld, on both sides of the imaginary fence, we must rely on more anecdotal evidence.²⁹

7.1 Informal alienation

In the first part of their own report, Kopel and colleagues make reference to a number of ethnographic studies of informal alienation in other parts of PNG, including both urban and peri-urban areas, which reveal the peculiar kinds of ambivalence and insecurity that arise from such transactions (Curry and Koczberski 2009; Numbasa and Koczberski 2012; Koczberski et al. 2017). While payments made by migrant settlers to customary landowners may be seen as a customary form of rent by the recipients, who understandably aim to maintain the principle of reversibility, they may be seen as instalments in a long process of purchase by settlers who would prefer to pass the land on to their descendants. The payments may be made in cash or in kind, at more or less regular intervals, with more or less adherence to principles derived from local ‘custom’ or from the national ideology of landownership. However, attempts by one or both parties to apply ‘customary’ principles to this type of transaction may not provide any

²⁹ In 2020, interviews were conducted with 36 community leaders and 195 other residents of 10 informal settlements in the NCD, primarily to establish the conditions under which they would be willing to participate in a settlement upgrading program (Ezebilo and Savagado 2021). Although 30 per cent of those interviewed were living on customary land, this study did not investigate the economic relationship between the settlers and the customary owners.

long-term security because informal agreements made by members of one generation are often forgotten or repudiated by members of the next generation (Koczberski et al. 2009, 2012).

When such agreements become a matter of dispute, the disputes may or may not be resolved by the local land courts established under the terms of the Land Disputes Settlement Act of 1975. American legal academic Robert Cooter thought that informal acts of alienation could be regulated by local land courts in a way that would be consistent with locally specific customary norms without the need for any process of formalisation because the land courts would eventually produce an indigenous version of the English (and Australian) common law (Cooter 1991). However, it is not possible to determine the extent to which this has taken place because the records of local land court proceedings, even in the NCD, are in such a dire state (Levantis and Wangi 2018).

7.1.1 Long history

The process of informal alienation in the NCD has a long history, but there is some debate about the point at which customary landowners came to realise that it might not be such a good idea. What does seem fairly clear from the historical record is that their willingness to grant land rights to migrants is partly a function of where the migrants come from.

In the late colonial period, nearly all informal settlements in what is now the NCD were established on customary land, including portions of land in what are now classified as 'urban villages'. Most of the residents were migrants from other parts of what was formerly the Territory of Papua, especially from coastal areas in what are now Central and Gulf provinces, where Motu-Koita people had longstanding trading partnerships (Hitchcock and Oram 1967; Oram 1968, 1976a, 1976b; Morauta and Ryan 1982; Norwood 1984; Goddard 2013). According to Nigel Oram (1976a: 179), the colonial administration had a policy of removing migrant settlers from customary land but did nothing to implement it because customary landowners preferred to keep the government out of their own affairs or were at least ambivalent about the prospect of official interference.

However, it has been argued that their sentiments changed around the time of Independence as '[t]he rent-in-kind arrangements previously negotiated between traditional landholders and settlers' were no longer felt to be fit for the purpose of controlling a growing influx of migrants to Port Moresby (Goddard 2020: 84). This apparent change of heart was linked to the emergence of a Papuan separatist movement that was partly inspired by the fears of 'Papuan who regard Port Moresby as *their* city and who constitute the majority of the indigenous elite' already employed by the colonial administration (McKillop 1982: 333). These fears were primarily directed at a rapid influx of migrants from the central highlands of PNG.

In the early years of the post-colonial period there is anecdotal evidence to indicate that some urban village leaders were seeking government assistance to remove unwanted migrants from settlements on customary land (Sea and Yeates 1980). However, it is quite clear that the population of informal settlements on customary land has continued to grow in parallel with the growth of the total urban population (Chand and Yala 2012). As we shall see, there are some indications that customary landowners have preferred to host settlers from what is now the Southern Region of PNG, but we cannot be sure about the numbers without delving into the national census data from the year 2000, which is the last census to have included a question about the place where people were born. Most of the informal settlements in the NCD, whether on state land or customary land, are dominated by migrants from one particular province. Hence names like Popondetta Block, Goroka Block, Morobe Block, and so forth. Where this is true of settlements on customary land, we should not assume that the landowners themselves are responsible for this kind of ethnic clustering. It could just as well be the result of discrimination on the part of the settlers (Rooney 2017).

7.1.2 In the eyes of the state

Nigel Oram described a number of measures taken by the colonial administration to move people from informal settlements to 'low-covenant' housing estates, or even to purchase blocks of customary land on which informal settlements had already been established, but thought these measures were bound to be inadequate because of the prevailing imperative to limit the number of 'natives' migrating to the national capital (Oram 1976a: 167–208). That policy imperative was largely retained by the national

government, but without the adoption of any additional measures to deal with the self-evident proliferation of informal settlements on both state and customary land (Chand and Yala 2012). It was only after the turn of the millennium that the state's eyes were opened to the scale of the housing problem, first with the establishment of the National Land Development Taskforce in 2006 and then with the adoption of the National Urbanisation Policy in 2010 (GPNG 2007, 2010).

Despite their national scope, both of these initiatives were strongly influenced by the search for solutions to the housing problem in the national capital, including the question of how to 'mobilise' more customary land for the construction of new housing estates. But an answer to that question could not be found without an answer to another question about the informal underworld to which the state had previously cast a blind eye. An appendix to the Urban Development Plan of 2006, which was drafted by one of the members of the national taskforce, included the following answer to this second question: 'Whilst there has been reluctance by traditional landowners to have their land managed in a formal way, pressure from settlers has led to some customary landowners accepting migrants onto their land and entering into ad-hoc land dealings without following the established planning or land procedures.' This observation was accompanied by the remarks that most customary landowners 'viewed the registration and individual title ownership as a means by which "foreigners" will take away their land', and this fear was '[c]oupled with the fact that subdivision and ownership of land is contrary to the traditional way of life of the population of the villages in which the various clans share common grounds and facilities' (NCDC 2006, Appendix A 5-6). The National Urbanisation Policy placed less emphasis on the institutions of the underworld and more emphasis on the simple economic cost of engaging with the state: 'the formal system is too slow, bureaucratic as well as expensive to meet the rapid demand' (GPNG 2010: 22).

These statements were made before the voluntary customary land registration scheme came into effect in 2012, and yet they do appear to predict the failure of that scheme to 'mobilise' large areas of customary land in the years that followed. After the National Land Summit lamented this failure in 2019, the glossy Urban Development Plan of 2020 simply observed that a 'dynamic and flourishing informal land market functions to allow [customary] land to be sold and leased predominantly under kinship arrangements'

(NCDC 2020: 34). The nature of these ‘kinship arrangements’ is not explained. Should we suppose that it has something to do with the ‘traditional way of life’ in which land is either shared between members of the same clan or even between customary landlords and their migrant tenants? Or is the underworld still ‘flourishing’ because people have no trust in state institutions or cannot afford the fees charged by professional surveyors?

7.1.3 Taurama Valley revisited

The Taurama Valley ‘pilot project’ was initiated in 2006, three years after the Office of Urbanisation had been established and four years before the National Urbanisation Policy was published. The plan was to persuade the customary landowners from Kilakila and Pari villages to form themselves into ILGs, register their collective land titles, then subdivide the land and issue residential leases over each of the resulting plots. But by the time the policy was published, its author was already declaring that the project had been ‘sabotaged’ by landowners informally alienating their land without passing through the prescribed legal procedures (Elapa 2010). The policy itself acknowledged that it would have cost 1,000 landowning families a total of more than a million kina to have their land formally surveyed, and that was one reason why they remained in the informal underworld (GPNG 2010: 62).

Seven years later, Kopel and colleagues found that only one of the 36 landowners whom they interviewed identified himself as a member of an ILG, while five others identified themselves as people who had married into one of the five Motu-Koita ‘clans’ that were represented in their sample (Kopel et al. 2023: 9). They also found that nearly all of the 221 settlers whom they interviewed had informally acquired a block of customary land since the turn of the millennium, half of them came from Central Province, and most were reasonably well off. The most common reason they gave for their acquisition was the higher cost of acquiring a block of alienated land. None said they had been evicted from an informal settlement, although some of the settlers who were not interviewed were said to be ‘squatters’ who had not made any payments to the customary landowners. In the majority of cases where payments had been made, those making the payments regarded them as instalments in a process of informal alienation while those receiving the payments regarded them as a form of rent that would never lead to the

abolition of their customary rights. Some of the settlers had been evicted by the customary landowners, not because they never had permission to settle there in the first place but rather because they had defaulted on the rental payments they agreed to make (ibid.: 20). However, the authors note that eviction becomes more difficult once houses have been built, grievances are more commonly settled by negotiation, and the landowners are generally reluctant to involve the courts or the police. Indeed, one of the reasons why many of these landowners have preferred to engage in informal transactions with the settlers rather than support the alienation of their land to ILGs is that they fear this latter form of alienation would result in the acquisition of their land rights by the state (ibid.: 26).

Informality might have the advantage of flexibility, but there is also a trade-off between flexibility and security on both sides of the transactional relationship. When Minister Tkatchenko presented a certificate of registration to the Tubumaga Laurina ILG in 2018, he told the assembled members that they would now have the right to evict ‘illegal landowners’ from their land (Anon. 2018a). This group, which is based in Pari village, did serve notice of intent to register a title over 108 hectares of land, presumably in some part of the Taurama Valley, in 2020, but there is no evidence of any land title having been granted.³⁰ In the absence of a title, it is not at all clear that the group would have this right or this power, especially if their intended victims had actually made payments to individuals purporting to be landowners. And despite the efforts of people associated with the Vaga ILG based in Kilakila village, it remains to be seen whether the informal land transactions that have underpinned the growth of a new suburb in the Taurama Valley will be partially formalised by the grant of future land tenure conversion orders by the Land Commission. What has developed in this part of town is still an ‘unplanned settlement’, even if it is a relatively wealthy settlement, which means that there are major issues with the provision of public infrastructure. In 2020,

³⁰ The Tubumaga Laurina group in Pari village is divided into two sections, called Koremana and Kurokurona, each with its own chief (Mary Walta, personal communication, March 2026). Failure to make any progress with the registration of a group title might have been the result of some dispute between them or might have been due to objection made by other groups in either Pari or Kilakila villages.

Governor Parkop described the valley as a ‘suburban jumble’ that was already home to ‘tens of thousands of city residents’, most of whom still had no legal title to the land on which they had built their houses or business enterprises (Hiambohn 2020).

7.1.4 The state’s new turn

During the first 50 years of the post-colonial period, there was nothing in the national legislation that prohibited informal transactions in rights over customary land.

Section 132 of the Land Act simply said that (subject to Sections 10 and 11), a ‘customary landowner has no power to sell, lease or otherwise dispose of customary land or customary rights otherwise than to citizens in accordance with custom, and a contract or agreement made by him to do so is void’.³¹ The courts have never been able to clarify the grounds on which such a transaction might be said to ‘accord with custom’.

In July 2025, the national parliament passed a number of amendments to the Land Act, one of which is an amendment to Section 132. This section now says that a customary landowner now has no power to sell customary land to anyone, full stop. This has been touted as a way to protect customary land from the customary landowners who might be inclined to alienate it without any kind of official approval. Prime Minister James Marape told his colleagues that one of the ‘greatest pains’ he had to live with was the sight of Motu-Koita people losing their land, but the amended law would put a stop to this process and prevent ‘further erosion’ of customary land rights (Anon. 2025). If Frank Nouairi was reading newspaper reports of the parliamentary proceedings, he might have been gratified to learn that his lamentations had finally borne fruit. There would be no more informal dealings with opportunistic Highlanders and no more crotch-scratching on the part of the lazy and feckless young men of Kilakila village.

The other amendments made to the Land Act at the same time appear to be primarily designed to enhance the power of the lands minister to control the ‘mobilisation’ of customary land and the grant of leases over the land that has been formally alienated.

³¹ As previously noted, Section 10 is the one that allows customary landowners to lease land to the State, while Section 11 is the one that allows for the grant of SABLs.

However, the amendment to Section 132 poses a particular problem for the Land Commission, because many of the applications for tenure conversion in the NCD are apparently based on informal agreements between the customary landowners and applicants who are *not* customary landowners, some of whom appear to qualify as ‘opportunistic Highlanders’. Since the amendments were certified and came into effect while the Land Commission was still in the process of dealing with a raft of outstanding applications, it is not clear whether these informal agreements could still be accepted as the basis for conversion orders.

7.2 Informal reclamation

Most of the informal transactions that would count as attempts at the reclamation of alienated land are those that have taken place between customary landowners and the residents of informal settlements on what is officially designated as ‘vacant state land’. These have only become a major bone of contention since the state began to embark on a program of settlement demolition in 2012. Before that, many of the settlers were persuaded by some of the customary landowners that the land on which they were building their settlements was not state land at all, or had not been properly alienated, so they could consolidate their rights of occupation by making rental payments to the customary owners or even ‘buying’ specific land parcels. These arrangements were mutually beneficial because the settlers were led to believe that the customary owners would help them to resist any attempts on the part of the state to remove them from the settlements, while the customary owners could take comfort from the belief that the settlers would remain in their existing settlements and not try to establish new settlements on what was still officially designated as customary land. The four members of parliament elected by the city’s adult population also had an incentive to endorse this ambiguous state of affairs because the rapid increase in the population of the informal settlements created a class of voters who could make a big difference to the outcomes of national elections in each of the four seats (Chand and Yala 2012).

Many of the claims made by customary landowners over land alienated in the colonial period have been based on decisions made by the Land Titles Commission in the 1960s. But those decisions were not decisions about whether the land had been alienated or not; they were decisions about who had been the rightful customary owners *before* the

land was alienated. When customary landowners have raised a hue and cry about the alienation of their land by other Motu-Koita people who are not the real owners, it sometimes turns out that all customary rights have already been extinguished, so what they should really be complaining about is the process of state acquisition. Nevertheless, attempts at informal reclamation, albeit rarely successful, are still characterised by disputes about the identity of the customary owners or the customary rights of individuals claiming to represent them.

7.2.1 Paga Hill

The informal settlement established along the shoreline surrounding Paga Hill, on the tip of the promontory that contains Port Moresby's central business district, was the first settlement to be demolished in the wave of large-scale demolitions and evictions that began in 2012. We know quite a lot about the social circumstances and consequences of the eviction because of a study that was undertaken between 2017 and 2018, which included interviews with many of the victims. The interview evidence suggests that the settlement was established in the early 1960s by migrants from Gulf Province under the terms of an agreement with the customary owners, who were members of the 'Geakone clan', that the settlers would become the custodians of the war relics (mainly bunkers) located on the hill. By the 1970s, the settlers are said to have been making regular collective rental payments to the customary owners (Aid/Watch and Jubilee Australia 2020: 13).³²

The authors of this study cite Belshaw (1957) for their assertion that 'the Geakone clan was the traditional landowner of the area in which the town of Port Moresby is situated' and also make reference to a decision made by the High Court of Australia in 1973. The High Court's decision is interesting because it was the terminal point in a sequence of court cases arising from a decision made by the Land Titles Commission in 1968 to

³² Other sources indicate that no such payments were made by the settlers, but that they did receive some level of support from one man, Lohia Doriga, who claimed to be the customary landowner (Norwood 1984: 44; Goddard 2009: 132). According to these sources, the settlement was occupied by people from several different provinces, not just Gulf Province, by the time that Mr Doriga claimed them as his clients.

recognise the (Motu) Tubumaga 'clan' as the true customary owners of what is now the central business district, *instead of* the (Koita) Geakone (or Giakone) 'clan'. In a long and complex judgment, the High Court came to the conclusion that it no longer mattered who had been the customary owners of the land because it had been purchased back in 1886, and that was such a long time ago that the true identity of the customary owners could no longer be determined (HCA 1973).

Neither Belshaw nor the High Court had much to say about Paga Hill. According to Oram (1976a: 24), the land purchased in 1886 amounted to 552 acres (or 223 hectares), but did *not* include the twin hills of Paga and Touaguba. These were 'acquired without purchase' after being declared 'waste and vacant' under the terms of the Crown Lands Ordinance of 1890. According to Oram, the customary 'rightholders', whoever they might have been, had previously told the British colonial administrator that the hills were worthless heaps of 'rocks and stones' (Oram 1976b: 143), and that is how they came to be the only 'waste and vacant' parts of what is now the NCD. If members of the Geakone group or the Tubumaga group in Hanuabada thought they still had customary rights over Paga Hill, one might have expected them to appear in the court case where the new corporate leaseholders secured their legal right to evict the settlers (PNGNC 2014). And yet they did not get a mention in the case. The argument turned instead on the government's obligation to protect the war relics. And if members of either group thought they still had customary rights over Touaguba Hill, which has long been covered by the most expensive bits of real estate in the whole of the NCD, one might have expected them to have made a big fuss about their big loss long before now.

7.2.2 The land around the airport

Nayahamui Rooney has provided the only ethnographic account of the dealings between a group of settlers on state land and the representatives of a land group with claims to customary ownership of that same land. Her account relates primarily to the occupants of Portion 698, most of whom are people from Oro Province who were granted permission to settle there by representatives of the 'Dubara clan' in 1995 (Rooney 2017: 124). She quotes a newspaper article in which the 'clan chairman', William Tokana, claimed that Portion 698 had been 'handed over by the customary landowners' (ibid.: 119), and then goes on to say that the arrangement was endorsed by former

prime minister Bill Skate and former NCD governor Philip Taku when both were in office between 1997 and 1999 (ibid.: 124). She also remarks on the existence of a ‘cemetery of customary landowners’ on Portion 698 that includes the grave of Mr Tokana’s mother, Maso Hena, who was a member of the same clan and was said to have played an important role in welcoming the settlers (ibid.: 124–5). However, in 2013 one of the settlers recalled that the customary owners were ‘illegally collecting fees’ from the occupants of what was known to be state land, and the settlers had apparently stopped making such payments because they did not know whether the real customary owners were members of the Dubara clan based in Hanuabada village or a splinter group with the same name that was now based in Kilakila village (ibid.: 126).

When Mr Tokana made his claim in the newspaper, it was not restricted to Portion 698 but included at least five other land portions that are commonly recognised as part of the ‘ATS settlement’.³³ This settlement is named after the Air Transport Squadron, a branch of the PNG Defence Force whose members have long been housed on another block of land immediately to the west of Portion 698. It is not clear whether Mr Tokana was claiming customary ownership of this block as well, but that does seem likely because his claim extended to the much larger block of land further west, known as Portion 2965, on which Jackson’s Airport has been constructed. While Mr Tokana recognised that all these blocks of land had been alienated to the state, he was making a case for his land group to be granted a lease over Portion 698 because the government had officially recognised them as descendants of the customary owners, and that is why they had entered into dealings with the settlers (Anon. 2014c).

Mr Tokana’s group was originally registered as the Dubara Idibana ILG in 1998, around the time that Bill Skate and Philip Taku seem to have recognised its customary right to Portion 698, and was reincorporated with the same name in 2015. It is one of four Koita

³³ In an earlier survey of informal settlements in the NCD, the ATS settlement was described as the ‘Popondetta settlement’ and was said to be located on customary land (Chand and Yala 2012: 140). Both statements are misleading because the larger settlement includes blocks of land that have been mainly occupied by migrants from other provinces, aside from Oro Province (Rooney 2017: 113). The entire settlement is now earmarked for transformation into a suburb under the STS program (see Figure 2).

ILGs based in Hanuabada village.³⁴ We already encountered this ILG when noting that former lands minister Benny Allan actually did allow them to turn a portion of state land back into customary land in 2017, but that was not part of the ATS settlement.

Mr Tokana's first public expression of his group's claim to rights over the settlement took place in 2013, more than a year before his demand for a lease over Portion 698. That was when he and other leaders of the ILG demanded K20 million from the national government as 'compensation' for the construction of a road connecting the settlement to the 'central city'. According to Mr Tokana, 'the national government did not properly acquire parts of our customary land where we have ultimate customary rights over them including portions of land around the airport area which extends from the ATS settlement towards the public cemetery land at 9-Mile' (Anon. 2013a). We do not know whether he or other members of his group attempted to collect 'illegal fees' from the residents of this much larger area.

What they did in 2014 and 2015 was to tell the Lands Department of their intention to secure formal titles over two portions of land with a combined area of 766 hectares in this part of the city. The first, with an area of 157 hectares, was named as Manuti; the second, with an area of 609 hectares, was named as Saraga Ima. These two portions account for three-quarters of the land claimed as customary land by ILGs based in Hanuabada, although none of these claims has resulted in the grant of any actual land titles (see Table 2).

The contentious nature of these claims was revealed in 2015, when it turned out that Saraga Ima was the name applied to most or all of Portion 2965 — the land containing Jackson's Airport. First, the deputy chair of the Dubara Idibana ILG, David Ova, informed the public that another member of Mr Tokana's family, Eliap Tukana, 'has no right to do any sort of dealing with the land known as Saraga Ima'. That was because his father — presumably William — was not a Motu-Koita man, but hailed from East New Britain, as should be evident from his surname. Furthermore, Eliap was said to have no rights to

³⁴ The Dubara splinter group in Kilakila village was originally registered as the Dubara Hohodae ILG in 2006 but has not been reincorporated since 2013. Hohodae is the name of a Koita section of Hanuabada village traditionally occupied by three 'clans' — Dubara, Taurama and Geakone (Rooney 2017: 121).

deal in the clan's land 'as he himself has not and does not live in the clan'. Instead, Mr Ova claimed that his own father, Ova Boge, had received written confirmation from the Land Titles Commission in 1972 that his family were the real customary owners of the airport land, and this had been confirmed by the Commission in 2009 (Willie 2015).

Shortly afterwards, another man claiming to be the chair of the same ILG, Sine Homoka, asserted that a family 'who had no customary rights to the lands on both sides of the Jackson Aerodrome had been involved in illegal sales of lands there' and that the head of the National Airports Corporation (NAC) 'had been dealing with that unauthorised group' while seeking to evict more than 200 settlers from the Saraga Ima land (Anon. 2015b). According to Mr Homoka, the District Court had called a halt to the eviction exercise pending clarification of the competing land claims.

According to the National Gazette, Mr Homoka has not occupied a leadership role in the Dubara Idibana ILG since it was reincorporated in 2015. However, he was right about one thing. The NAC had in fact been contesting Eliap Tokana's claim to represent the customary owners of the airport land since 2008 and was especially annoyed when it transpired that he had been 'selling' blocks of land to the settlers. In 2018, questions were raised in Parliament about an agreement supposedly made between the NAC and the ILG back in 2014, but Prime Minister Peter O'Neill said he knew nothing about it (Zarriga 2018). In December that year, the group's members got together in the Hilton Hotel to elect a new executive body. The new chairperson, Mathew Taviri, reportedly promised to put a stop to the 'illegal sale' of the group's land by individuals and to register more group titles and 'convert some of the city titles to State lease titles as there are opportunities that we want to venture into' (Anon. 2018b).³⁵ Whatever those opportunities might have been, the court case rumbled on, and was finally resolved in 2022 when the National Court ruled in favour of the NAC and lifted the restraining order on the eviction of the settlers (PNGNC 2022a). At that point, NAC boss Rex Kiponge

³⁵ The new executive body was gazetted in July 2019. It still included two members of the Tokana family, though not Eliap, and David Ova was no longer part of it.

reportedly gave the settlers four months in which to remove themselves (Esila 2022). It is not known how many people were evicted or where they had come from.

Meanwhile, a private company, Dunlavin Ltd, had been attempting to remove the settlers living in that part of the ATS settlement known as Portion 695, immediately north of Portion 698, since it secured a state lease over the land in 2008. Although the residents managed to delay their eviction for more than a decade through a series of legal actions, they do not appear to have rested any part of their case on arrangements made with the customary owners of the land when the settlement was established in 1995 (Rooney 2021: 18–19). The National Court finally decided that their case was ‘frivolous and vexatious’ at the beginning of 2021 and gave them three months in which to demolish their homes and vacate the land (PNGNC 2021b).³⁶

7.2.3 Nambawan Super

Nambawan Super Ltd (NSL), formerly known as the Public Officers Superannuation Fund, embarked on a program to build new houses for sale to its members some years ago. This program was focused on portions of state land to the north and northeast of Jackson’s Airport and the ATS settlement, in the areas commonly known as Eight-Mile and Nine-Mile. Like the residents of the ATS settlement, NSL found that it had to deal with claims from members of the Dubara Idibana ILG that they still held customary rights over the land that had been alienated.

NSL had already contended with the claims of this ILG, or at least with two members of the Tokana family, Eliap and Meki, because it joined them as defendants in the case it brought against a company called Petra Management Ltd in 2009. It was argued that Petra Management had begun to construct a sporting facility on the land at Eight-Mile with ‘the mistaken view that it was customary land and that it had permission of the customary landowners’. It is not clear whether the customary claimants were paid for

³⁶ Google Earth imagery shows that another part of the ATS settlement, on Portion 694, immediately to the north of Portion 695, had also been demolished by 2025. I have not been able to find any media coverage or court cases relating to this act of demolition.

their permission, but the National Court found in favour of NSL in 2017 (PNGNC 2017b). In this case there is no record of any informal settlement whose occupants had also been seeking permission or been making payments to the Tokana family or other members of the ILG.

NSL had to deal with a far more substantial form of incursion when it secured leases over three land portions (numbers 2156, 2157 and 2159) with a combined area of 182 hectares in 2016. This land was the site of an informal settlement known as Bush Wara. According to Lands Minister John Rosso, the settlement contained almost 20,000 residents, and while the minister recognised that NSL held legal title to the land, local MP John Kaupa still thought that NSL was partly to blame for the establishment of the settlement because it had failed to start building on it (Anon. 2020d). When NSL took legal action in 2020, the Dubara Idibana ILG was once again listed as one of the defendants, this time in combination with several of the settlers.³⁷ Their lawyer claimed that the land was still customary land because of a decision made by the Land Titles Commission back in 1964, whereas the lawyer representing the settlers claimed that they had purchased the land from the customary owners and therefore held freehold titles over it. The judge complained that the map presented as evidence by the first lawyer was almost illegible and might not have even been a map of the land in question. In any case, he dismissed the claims of all the defendants on the grounds that NSL held indefeasible titles over the land and gave the settlers 120 days to move out (PNGNC 2020).

7.2.4 Baruni reclamations

Two land groups based in the Koita village of Baruni have been actively engaged in attempts to reclaim their customary rights to a large swathe of alienated land in the northern part of what is now the NCD surrounding the formal residential areas of Morata and Gerehu, to the south and west of the Waigani Wetland (see Figure 1). It is not clear why the colonial administration purchased such a large area of customary land

³⁷ The Behori ILG, a Koiari group, was also named as a defendant, but since their lawyer failed to make an appearance in the court case, their interest was unsubstantiated.

in this northern part of the NCD, but several tracts of land that were not included in the two formal suburbs have been occupied by informal settlements (see Figure 2).

In 2011, a five-year urban development lease over one portion of alienated land, number 2733, with an area of roughly 54 hectares, was issued to a company called Sixth Estate Ltd. In 2016, the District Court issued an eviction notice to thousands of people living in the informal settlement located on Portion 2733, which is commonly known as Morata One. A man called Otto Philip, describing himself as a representative of the Kaevaga ILG of Baruni village, then launched a legal challenge to the eviction notice in combination with Romney Tengere, as a representative of the Morata One New Block Association. Mr Tengere argued that this was customary land and that the leaders of Kaevaga ILG had given their 'permission and approval' for the settlement to be established in the late 1980s or early 1990s. He also argued that the Land Titles Commission was still pondering the question of whether this was state land or customary land, even though the Supreme Court had already declared it to be state land in 2016. Finally, he argued that the District Court had been wrong to issue the eviction notice at a time when the lease issued to Sixth Estate had already expired. In 2018 the National Court found that the original lease had since been replaced by a new set of 42 99-year leases issued for the construction of medium-covenant houses, and while the District Court had made a mistake in issuing the eviction notice without discovering this fact, the fact meant that the new leases were indefeasible since there was no evidence of fraud or error in the way they had been granted. The appeal was therefore dismissed (PNGNC 2018c).

It is not clear how Mr Philip came to represent the Kaevaga ILG since he was not listed as one of the group's leaders when it was registered in 2015. It is not even clear that this ILG really did represent the customary owners of Portion 2733, since that was not a question addressed by the courts. In 2022, the managing director of Sixth Estate, Philip Paguk, was reported as saying that people claiming to be the customary owners had been selling off bits of his company's land to the settlers after the urban development lease had been issued (Joe 2022). However, these transactions ceased to be a matter of judicial concern when the NCDC joined the proceedings in an attempt to wrest control of Portion 2733 from Sixth Estate by another argument about the fraudulent nature of the lease. When their case was first brought to the National Court in 2022, the judge counted ten previous court cases in which ownership of this land portion had been contested

over the previous nine years (PNGNC 2022b). The Supreme Court finally put an end to these proceedings by ruling in favour of Sixth Estate (PNGSC 2022). Eleven thousand settlers were reportedly evicted in October that year (Ipape 2024).

This was not the only part of the land surrounding the suburb of Morata that was subject to claims by a group of customary landowners. In 2013, Dikara Gomara, claiming to be chair of the Ogoni Dabunari ILG, also based in Baruni village, was complaining about ‘developers who employ divisive tactics to bypass genuine and majority landowner groups by dealing with minority and/or paper landowners’ (Anon. 2013b).³⁸ He was also claiming that ‘certain individuals and groups with vested interests’ had been collaborating with corrupt officials in the Lands Department to allocate titles to customary land ‘around Gerehu and Morata’ that rightfully belonged to his own group (Anon. 2013c).

So where was this land? In the first newspaper article, Mr Gomara said it was Portion 2733, so it appeared that his accusations were being levelled at members of the Kaevaga ILG. But by the time that Mr Philip got involved in the court case, it was Portion 1571, also located between Morata and Gerehu, where Mr Gomara claimed that another housing scheme was being planned ‘without customary landowner consent’ (Anon. 2016a). Another member of his clan, Maraga Gata, then complained that settlers from three highland provinces had occupied part of their land ‘at the back of Gerehu Stage 7’, also without their consent, because the settlers reckoned that the land had been ‘given’ to them by NCD governor Powes Parkop (Gwangilo 2016b). This later turned out to be Portion 3593. In 2024, Mr Gomara’s son Udia, who had apparently succeeded his father as interim chair of the ILG, was claiming to have documentary evidence that part of this land portion, with an area of 4,266 hectares, had been restored to customary ownership in 1980. However, this land had ‘somehow been awarded to a developer’, so the clan was now ‘asking the State, companies, and individual illegal settlers without land titles squatting to pack up and leave’ (Bariasi 2024).

³⁸ We cannot be sure of Mr Gomara’s position in the ILG because no registration notice was published in the National Gazette after the group applied for recognition in 2016.

8 Formalisation and resistance

Although we might be tempted to regard the informal underworld as the site of indigenous resistance to the formalisation of titles over customary land, there are several reasons to question the simplicity of this observation. The ideology of landownership may enable Motu-Koita people to appeal to the principle of reversibility when representing themselves as customary landowners, but this does not mean that they are bound to stay on one side of the double movement. This is especially the case if formal recognition of their status as customary landowners has itself become a means to resist or reverse the process of alienation. While the nature of informal land transactions precludes any attempt to measure the rate of change in the volume of such transactions, it is still worth asking whether the double movement is reasserting itself on the 40 per cent of the NCD's land area that was still customary land at the turn of the millennium or whether this dialectical process is being transformed by the various forms of alienation, both formal and informal, that have diminished the area in question.

The advocates of land mobilisation may regard the process of formalisation as a process whereby customary land rights are converted into marketable commodities, but the customary landowners may be coming to regard it as a process through which a wider range of rights and interests can be granted formal (legal or political) recognition. Acts of resistance to the process of (formal or informal) alienation may likewise be part of a political process that is not solely concerned with the distribution of rights over a fictitious commodity, but also with attempts to demonstrate that the national capital's indigenous population do not resemble those residents of informal settlements who have become the victims of a process of 'accumulation by dispossession' that is primarily driven by property developers and their political allies.

8.1 Drivers of formalisation

The first point to be made here is that the change in the balance of power between the two poles of the double movement since 2012 has largely destroyed the illusion that formerly informed that part of the informal underworld that consisted of agreements between the residents of informal settlements on alienated land and people purporting to be the customary landowners. Although Section 133 of the Land Act does allow the

lands minister to declare that previously alienated land should be ‘unalienated’, there is next to no chance that this power will ever be successfully exercised in the NCD.

The residents of informal settlements on state land now have much less reason to believe that people claiming to be the customary owners of this land will be able to help them resist the prospect of demolition and eviction. Appeals to decisions of the Land Titles Commission during the colonial period fall on deaf ears when they reach court because the people making the appeals fail to recognise that the Commission never had a mandate to decide whether or not the land had been alienated, only to decide who the customary owners might have been, and the principle of indefeasibility is unaffected by a previous finding that the customary owners had been wrongly identified. This means that the settlers have had to rely on other legal arguments to delay the prospect of eviction and have grown even more dependent on the grace and favour of their elected representatives in the national parliament to assist them in this enterprise. But these elected representatives have developed their own vision of formalisation in the shape of the Settlement-to-Suburb program. What that means is that some of the former settlers may, with luck, sooner or later, get formal titles to the land on which they have come to reside while the rest must look for other options.

If claims for informal reclamation are doomed to fail in court, the customary owners of alienated land can only call for some form of ‘compensation’ for previous acts of alienation, or for some form of ‘participation’ in the accumulation of urban capital. The Land Commission retains the power of the former National Land Commission to make decisions on the question of compensation, but decisions on this question become more problematic with the passage of time since the original act of alienation took place during the colonial period. Nevertheless, it does seem likely that some of the Motu-Koita land groups incorporated since 2013 have been established for the purpose of pursuing such claims and not for the purpose of registering titles to what is still customary land. And some might even have been incorporated for a more ambitious purpose. In 2019, landowner representatives submitted a petition to the national parliament in which they demanded, amongst other things, that state leases over ‘vacant state land’ should be awarded to urban ILGs (Nao 2019). If they were hoping that this could be a way to formalise the process of informal reclamation, it still seemed rather implausible, even to

the petitioners, in the absence of an additional legal mechanism that would turn such leases into bankable commodities.

On the other side of the ledger, the failure of the voluntary registration scheme to produce a significant number of land titles for these urban ILGs should not necessarily be taken as evidence that the customary landowners are averse to the process of formalisation. As indicated in Section 5, some landowners have been exploring several alternative pathways to the establishment of formal land titles for the past 20 years, and these endeavours have already produced more legal titles over a larger area of customary land. While no special agricultural and business leases have been issued since 2012, the more recent upsurge in applications for freehold titles under the terms of the Land (Tenure Conversion) Act suggests that they are still willing to participate in this process. While the Land Commission continues to deliberate on the merit of these applications, it is hard to tell how much of the impetus for this type of formalisation is coming from the landowners themselves as opposed to the outsiders with whom they have been making informal agreements. The outsiders who lodge such applications on their own account have an obvious interest in overcoming the principle of reversibility, but this interest might well be shared by the roughly equivalent number of land groups or individual landowners who have submitted such applications in their own names.

The latest Urban Development Plan continues to assert that the failure of the voluntary registration scheme is proof that 'landowners are reluctant to mobilise land under the formal system [because] they prefer to continue informal arrangements with their kinship groups'. It then goes on to say that their preference for informality is unacceptable and unsustainable because 'mobilising the potential supply of customary land is fundamental to meeting the demand for land and maintaining affordability', and if customary landowners refuse to meet this demand by 'voluntary agreement', which would be the government's 'preferred approach', then 'compulsory acquisition is the last resort' (NCDC 2020: 130).

As if to prove this point, the compulsory acquisition of the land area known as Farea (Portion 5448C) in 2025 turns out to have been the fulfilment of a promise made by Moresby North-East MP John Kaupa in 2024, when he said that part of this area would be used to resettle some of the people who had been evicted from the Bush Wara

settlement in 2020. Mr Kaupa reportedly said that a sum of K4.4 million had been earmarked for the purchase of roughly 61 hectares of land within this area, and the lucky settlers would receive ‘permanent land titles’ once the land had been subdivided through the Settlement-to-Suburb (STS) program (Anon. 2024). It is not clear how much of this money would be paid to members of the Moiha ILG as compensation for the act of compulsory acquisition, or what would become of the remaining 117 hectares covered by the acquisition notice published in the National Gazette. However, as previously noted, the notice did say that representatives of this group had agreed to alienate the whole of the land area to the NCDC in July 2024.

The question raised by this transaction is whether the interest of the landowners in the formalisation of titles over customary land has recently been transformed, either by the threat of informal encroachment by people evicted from informal settlements on alienated land or else by the threat of compulsory acquisition by state actors attempting to implement the STS program in order to deal with the social and political consequences of involuntary resettlement. It is hard to answer this question in the absence of any hard evidence on the current whereabouts of the thousands of people who have been evicted from such settlements since 2012. Approximately one third of the 3,000 people evicted from the Paga Hill settlement in 2012 were reportedly resettled by the Paga Hill Development Company at Six-Mile, or by Curtain Brothers at Gerehu, but it is not clear whether one or both of the resettlement sites were on customary land as opposed to state land, or what arrangement might have been made with the customary owners, whoever they might have been (Aid/Watch and Jubilee Australia 2020: 29, 36).³⁹

In 2013, Miria Ikupu, former chairman of the Motu Koita Assembly, was already voicing his support for members of the Ogoni Dabunari ILG who were complaining about the

³⁹ Dame Carol Kidu, who was directly involved in the process of resettlement while still the MP for Moresby South, has told me that the land at Gerehu was purchased from customary landowners in Baruni village, while the land at Six-Mile was purchased from customary landowners in Korobosea village (personal communication, February 2026). She has not told me which clans or ILGs were involved in these transactions or what legal mechanism was used to acquire the land.

'sudden escalation of illegal settlers on their customary land', which was said to have followed 'in the wake of recent evictions of illegal occupants of state and private land' in the NCD (Anon. 2013d). As previously noted, the leader of this ILG was at that time attempting to reclaim customary rights over what turned out to be alienated land around the suburbs of Gerehu and Morata, which might cast some doubt on the validity of the complaint. Nevertheless, as the wave of settlement demolition gathered strength in subsequent years, it does seem likely that some proportion of the victims have attempted to resettle themselves on customary land, either in the NCD or else across the border in Central Province. In 2016, provincial governor Kila Haoda was already complaining about this latter form of cross-border encroachment (Anon. 2016b), and one provincial government official subsequently promised to conduct a survey to distinguish between the 'illegal squatters' and 'genuine settlers' who were 'spilling' across the border (Amba 2020). However, there are no known survey results, either in Central Province or the NCD, that can tell us the numbers involved in these population movements.

Powes Parkop and John Kaupa have both expressed their enthusiasm for the formalisation of titles over customary land as a means to absorb at least part of the surplus population evicted from informal settlements on state land. Indeed, Mr Kaupa's personal application for freehold title over three blocks of customary land with a combined area of almost 37 hectares, which has apparently been successful, may well be part of his own attempt to satisfy the demands of constituents who fall into this category. However, it has been argued that the formal alienation of customary land for the purpose of resettlement might only encourage the establishment of more informal settlements on customary land because the number of people needing to be resettled is bound to exceed the number who can ever hope to acquire formal land titles through the STS program (Nao and Kutan 2022).

This argument appears to overlook the possibility that many of the people who want to build new homes on customary land are not the victims of settlement demolition. As previously noted, very few of the people who had taken up residence on customary land in the Taurama Valley by 2017 were found to be the victims of eviction from informal settlements on state land, and most were found to be members of the urban middle class (Kopel et al. 2023). Despite Governor Parkop's description of this rapidly expanding

settlement as a deplorable mess of informality in 2020, it is quite clear from the Land Commission's current list of applications for tenure conversion that many of the customary landowners and many of the middle-class residents are now trying to get legal recognition of their land titles. From this we might infer that one of the drivers of formalisation is the desire of customary landowners to make their own decisions about the identity of the people to be granted more or less permanent rights to the use of their customary land.

Given the fact that customary landowners constitute an ever-diminishing fraction of the national capital's booming population, we may understand why they might now be less willing to engage in acts of informal alienation and more inclined to accept the demands of outsiders who are powerful enough, or wealthy enough, to provide a desirable level of financial compensation for the loss of their customary rights. While many of them might prefer to sustain the principle of reversibility that they would regard as an essential feature of the informal underworld, their ability to exercise this preference has been progressively undermined by the sheer weight of numbers on the other side of their imaginary fence. Whatever the legal mechanism adopted to accomplish the act of formal alienation, the key question is whether they end up with a lasting financial benefit or a 'mere pittance'. The answer to this question would have to be sought in the deals done with the actors on the other side.

8.2 Resistance to alienation

Although it might seem as if the customary landowners have been quite keen to alienate portions of their own land (or their neighbours' land) in one way or another, there is also evidence that they or their representatives have sometimes attempted to block or reverse the process of alienation. One thing that does seem reasonably clear is the lack of general community agreement about what should or should not be done. If there are now more landowners who support the formalisation of titles over customary land, there might still be an increase in the number who are opposed to acts of informal alienation.

Section 145 of the Land Act provides for eviction (by the police) of anyone who 'enters, occupies or uses' public land *or customary land* without authority' (my italics). If

indigenous community leaders have been unable to find a way to prevent members of their own communities from selling or leasing land to outsiders, they might at least have found a way to expel those who have settled on customary land without the consent of any customary owner. But there is not much evidence of this happening either. The only case I have been able to identify dates from 2019, when it was reported that members of the Kaevaga-Reiva Gomara ILG from Baruni village had obtained a court order to evict about 1,000 settlers from customary land along the Koura Freeway which links June Valley to Konedobu (Faiparik 2019). Governor Parkop reportedly opposed this move.

Landowner representatives elected to the Motu Koita Assembly (MKA) have long been under pressure from some of their constituents to protect customary land rights but have not been able to do much more than complain about their erosion. Section 24 of the Motu Koita Assembly Act of 2007 states that one of the MKA's functions is to 'protect the customary lands and resources of the Motu Koita people', while Section 36 gives the Assembly power to make by-laws on the subject of 'land and land development' in 'Motu Koita areas' of the NCD. However, the powers of the MKA are the same as those granted to all local-level governments in PNG, and they can only be exercised if they conform to the legislation administered by national government agencies. In this instance the MKA has no more power than the NCDC, and both bodies are constrained by the legislation administered by the Lands Department and the Land Commission. The MKA could have tried to block some instances of informal alienation by appeal to Section 132 of the Land Act, which states that a 'customary landowner has no power to sell, lease or otherwise dispose of customary land or customary rights otherwise than to citizens in accordance with custom', but this could only be done by taking particular cases to court. It is not clear whether the MKA has ever taken such action.⁴⁰ Now that this section of the Act has been amended to remove the landowner's power to dispose of customary land 'to citizens in accordance with custom', we might suppose that acts of informal alienation

⁴⁰ According to Adam Delaney (2024: 293), Dadi Toka Junior did manage to secure some court orders to block developments on customary land that was said to have 'been "acquired" illicitly and illegally through informal agreements with some Motu-Koita individuals' without the consent of their customary social groups, but I have not seen any records of the proceedings. This may be a reference to the action taken to block Larry Andagali's plans in 2019.

have now been outlawed. While the prime minister hailed this amendment as a device to protect the customary land rights of Motu-Koita people, it could equally well be read as part of the national government's drive to stamp more of its own authority on the 'mobilisation' of customary land for the purpose of 'urban development'.

Back in 2010, Chairman Miria Ikupu announced that the MKA would undertake an 'audit' of customary land in the NCD, with advice from several prominent lawyers, but the purpose of this exercise was only to establish how much customary land had not yet been alienated rather than find ways to prevent any further acts of alienation (Erero 2010). In any case, the audit seems to have made no progress because the Lands Department failed to provide any funding for it (Delaney 2024: 248–9), so Mr Ikupu demanded the establishment of a commission of inquiry, similar to the one that had been established to investigate the grant of SABLs, with a remit to establish how much customary land had been illegally alienated (Anon. 2011). In 2012, a new body called the Motu Koitabu Association demanded the establishment of a national government task force 'to investigate claims of illegal land grabbing' through 'unauthorised and unmonitored deals with purported landowner representatives' (Anon. 2012). In 2015, the president of the Hiri Local-Level Government, Haoda Rogea, proposed the establishment of what he called a 'land management entity' to control all dealings in Motu-Koita customary land in both his own jurisdiction and in the NCD and prevent any further sale or lease of customary land to outsiders because he had 'received many complaints from clan members and groups whose rights and interests are being denied due to hasty decisions by some of their own relatives for selfish gain without proper consultation' (Salmang 2015). Shortly afterwards, the 'Council of Chiefs' in Pari village announced its intention to remove all the 'illegal settlers' who had been granted land by individual villagers (Zarriga 2016).⁴¹ In 2017, another body called the Indigenous National Capital District Urban Landowners Association was set up with a view to getting one if its members elected to replace Powes Parkop as governor of the NCD in order to advance the cause of protection (Anon. 2017).⁴² The 17 resolutions presented

⁴¹ These would presumably have included people settled in the Taurama Valley.

⁴² The MKA chair already holds the position of NCD deputy governor ex officio.

to Prime Minister James Marape by MKA chairman Dadi Toka Junior in 2019 could therefore be regarded as one more step along a road of public resistance to acts of informal alienation that does not seem to lead anywhere — unless it leads to a greater willingness to accept the indefeasibility of formal land titles over what would no longer be customary land.

9 Conclusion

The persistent assertion that 40 per cent of the land in the NCD is still customary land is clearly wrong. Of the 10,000 hectares presumed to be customary land at the turn of the millennium, it seems safe to say that more than 2,500 hectares have already been formally alienated. That figure includes the area alienated to ILGs through the voluntary registration scheme, the area covered by special agricultural and business leases that are still legally valid, the area covered by land tenure conversion applications that have already been successful, and the area subject to compulsory acquisition by the lands minister. To this we might add the amount of land already covered by informal acts of alienation that have not yet been formalised, but that is an unknown quantity.

So what should we make of Dadi Toka Junior's prediction that all the remaining customary land in the NCD could be alienated by 2030? There is no immediate prospect of further alienation under the lease-leaseback scheme and not much prospect of further alienation under the voluntary registration scheme. Another 1,500 hectares could be covered by freehold titles if all current land tenure conversion applications are approved by the Land Commission, and while that seems rather unlikely, political pressure from some of the applicants could well result in the alienation of another 1,000 hectares. To judge by recent statements from the lands minister and other national politicians, further acts of compulsory acquisition are also quite likely to occur over the next few years. The 250 hectares of Ohobidudare land acquired by the state under Section 10 of the Land Act is already included in the area previously covered by special agricultural and business leases, but the enthusiasm shown by state actors for acts of formal alienation under Section 10 suggests that more land could be alienated in this way, especially if the landowners regard this as the best way to avoid the threat of compulsory acquisition. Further acts of informal alienation seem rather less likely if the

landowners have been obliged or persuaded to opt for the legal avenues preferred by the government.

It is unlikely that Mr Toka's prediction will prove to be correct, even if no political steps are taken to slow down the process of formal alienation. That is firstly because of institutional obstacles to the alienation of urban village land on which Motu-Koita people are already resident and secondly because much of the other remaining customary land has little economic value. In 2010, the UN agency responsible for promoting 'sustainable urban development' produced a report which not only repeated the commonplace observation that 40 per cent of the NCD land area was still customary land, but also went on to observe that '35–40% of the total land area is unsuitable for future built development due to physical and environmental constraints' (UN-HABITAT 2010: 42). Most of this 'unsuitable' land would presumably be customary land since the colonial administration would not have bothered with the purchase of large swathes of unusable land. The customary land still remaining as such by the end of this decade might either be land that is occupied by the urban village enclaves or land that no one wants to rent or buy because it is virtually useless.

Vai Nou Heni's recent appeal to the UN Secretary-General was based on the common assumption that 60 per cent of the land in what is now the NCD was alienated from its customary owners during the colonial period at prices that were well below what it was worth at the time. But his invocation of the UN Declaration on the Rights of Indigenous Peoples raises another question, which is whether the customary owners gave their free, prior and informed consent to these colonial acts of alienation, or whether they were somehow cheated out of their customary rights. The questions of consent and compensation have been repeatedly raised by Motu-Koita community leaders since they began making appeals to the Land Titles Commission in the 1960s. The establishment of the National Land Commission at the time of Independence was motivated by a desire to address these questions at a national scale. By combining the functions of both entities, the new Land Commission has been given an even larger national mandate, but the main focus of its attention is now the new wave of applications for tenure conversion in the NCD and surrounding areas of Central Province.

The question posed by this new push to extend the process of alienation is whether the longstanding questions of consent and compensation have the same answers now that they had during the period of colonial administration. From a strictly legal point of view, that would appear to be the case in the sense that many of the relevant safeguards were put in place during the late colonial period and are still in place today. For example, the Land (Tenure Conversion) Act still requires that '[a]ll persons with rights and interests in the land must agree to the conversion order and, unless they are made joint owners, or have their rights and interests protected on the Register as "encumbrances", they must be adequately compensated for loss or reduction of their rights' (James 1985: 120).

But from a broader sociological point of view the answers might be different. That is partly because of a widespread belief that instances of fraudulent and corrupt behaviour in land dealings have multiplied during the post-colonial period, regardless of legal constraints, and partly because of an equally widespread belief that customary social institutions have lost their capacity to constrain the selfish behaviour of individuals purporting to be the rightful owners of customary land.

The findings of the commission of inquiry into special agricultural and business leases exemplify both of these beliefs (Mirou 2013; Numapo 2013). While that inquiry only investigated one such lease in the NCD, much of the public debate about the formal and informal alienation of customary land in the NCD over the past 25 years has been informed by the same pair of assumptions. While Motu-Koita community representatives have continually raised the spectres of fraud and corruption, Frank Nouairi's letter to one of the national newspapers exemplifies the equally prevalent belief that younger members of the Motu-Koita community must bear part of the blame for the absence of proper consent and adequate compensation.

Anthropologist Michael Goddard appears to agree with the main thrust of Mr Nouairi's argument, albeit with less flamboyant rhetoric. He regards the voluntary customary land registration scheme and the consequent proliferation of incorporated land groups as the triggers for a political contest that has done away with the Motu-Koita 'tradition of negotiation, situational agreements and moral considerations in land inheritance and land use which had survived into the 1990s'.

The young entrepreneurs, socialized more fully into a post-colonial, globalized, market economy, see the old processes as an impediment. Engulfed by a spreading migrant city, and reduced to a minority on their own traditional territory, they see the 'mobilization' of land as a realistic economic strategy. Their individualization of the dogma of patrilineal descent serves their commercial exploitation of individual plots of land. (Goddard 2019: 141)

Legislation intended to facilitate the 'mobilisation' of customary land by customary social groups is thus held to account for the paradoxical emergence of a new form of possessive individualism in the process of alienation.

Goddard's observations were made at a time when the voluntary registration scheme appeared to be the only viable avenue for the formal alienation of customary land, even though the National Land Summit was about to conclude that it had failed to live up to the expectations of its architects. Despite this failure, Motu-Koita land groups and landowner associations continue to function as the institutional vehicles through which both sides of the political contest articulate their positions. But is there sufficient evidence to indicate that this is a contest between an older generation defending the collective power 'custom' and a younger generation whose members have sold their individual souls to 'market forces'?

To judge by the numerous accusations that Motu-Koita people level against each other in the course of disputing their customary rights to particular parcels of land, there seems no reason to believe that this is simply an inter-generational contest. When community leaders like Mr Heni represent themselves as the 'indigenous' people of Port Moresby, they invoke an image of themselves as the custodians of a set of traditional beliefs and practices that have somehow survived a process of alienation and marginalisation that began with the establishment of Port Moresby as the capital of British New Guinea (Delaney 2024). Yet it could equally be argued that Motu-Koita 'custom' — especially with respect to the ownership and use of customary land — has been continually reinvented — and disputed — by successive generations for many decades past. In 1956, anthropologist Murray Groves devoted the whole of the second half of his doctoral thesis to a discussion of 'the disintegration of the traditional Motu political system' (Groves 2011). At the same time, anthropologist Cyril Belshaw remarked that the

‘traditional economy’ of Hanuabada had completely disappeared by the end of the Second World War (Belshaw 1957: 1). And these observations were made before the ‘dogma of patrilineal descent’ became part of the ‘traditional’ political and economic system in the 1960s (Goddard 2020).

There is nothing new about the idea that groups of indigenous people can reinvent their traditions without losing their sense of collective identity. But the key point about the evolution of a sense of collective identity amongst the customary landowners of the NCD is that leading members of this community were already prominent members of the national ‘indigenous elite’ at the time of Independence (Premdas 1977; McKillop 1982). The total population of the NCD has since grown far more rapidly than the population of its customary landowners, so in a strictly demographic sense the landowners have been increasingly marginalised (Lavu 2012). But if Motu-Koita people are no longer so prominent as members of the national elite, they can probably still be counted as a distinctive ethnic fraction of Port Moresby’s urban middle class. To be sure, living conditions in their ‘urban villages’ are far from ideal, and we do not have any recent census or survey data that would enable us to measure the socio-economic status of their residents, but their situation is far less precarious than that of the much larger number of people living in informal settlements since there is much less risk that they will be dispossessed and evicted from their homes. Nor is the progressive alienation of customary land beyond their village boundaries likely to have any negative impact on their standard of living, since most have long been accustomed to secure their livelihoods from employment in the formal economy. That is the social and economic context in which we should understand their willingness to allow for further alienation of their customary land provided that the beneficiaries are equally respectable.

So what has become of the double movement in which the principle of reversibility is opposed to the principle of indefeasibility? Insofar as the NCD’s customary landowners have been backing away from informal acts of alienation and reclamation, it would seem that the principle of indefeasibility is gaining the upper hand. But it is equally clear that many Motu-Koita people — perhaps a majority — are strongly opposed to any further acts of alienation, whatever their legal form, even if they lack the power to prevent them from happening. We cannot count the numbers here without having a better idea of how decisions are actually being made by the members or representatives of different ILGs.

However, the evidence presented in this paper does not enable us to conclude that we are witnessing a new kind of struggle that more closely resembles Polanyi's original version of the double movement. In other words, we cannot simply conclude that this is a contest between a group of 'young entrepreneurs' who subscribe to the ideology of possessive individualism and a group of older people who count as social protectionists because they still subscribe to a traditional form of moral economy.

Motu-Koita people, when presenting themselves as customary landowners, continually accuse each other of putting their own personal interests ahead of those of the customary groups to which they belong, but in doing so, they all subscribe to the ideology of landownership. No one espouses the ideology of possessive individualism in public debate. If a relatively small minority of Motu-Koita people have the power to make decisions about the disposition of customary land, there is no good reason to think that they must all belong to a single generation or even share a common set of beliefs about the reasons for their decisions. If they stand accused of being traitors to the ideology of landownership by selling out to the principle of indefeasibility and giving up on the principle of reversibility, they can still keep their motives hidden behind the curtain of hypocrisy mentioned in Mr Nouairi's letter.

Nor is it obvious that the proliferation of Motu-Koita land groups can simply be construed as a process of structuration that has the intentional or unintended effect of facilitating the process of alienation. It can equally be construed as part of a wider process of structuration that has produced a number of representative bodies, including the Motu Koita Assembly. Taken together, these bodies function as vehicles for maintaining the principle of reversibility through the articulation of demands for landowners to be compensated for past acts of alienation, and even for current acts of alienation undertaken by some of their own members. In this sense, it could be argued that the ideology of landownership has been progressively detached from the actual pattern of land transactions and more closely attached to a set of local political institutions dedicated to the maintenance of a distinctive ethnic identity. If we look back to the late colonial period, and observe that Motu-Koita people were then being compensated for the loss of their customary land rights through the allocation of white-collar jobs in the colonial administration, we might come to the conclusion that they have since been compensated with a degree of political influence in the economic affairs

of the national capital that is quite out of proportion to the size of their resident population. The next step in this process will be the promised creation of their own open electorate at the next national election in 2027, for that will surely be the smallest open electorate, not only in the NCD but in the whole of PNG. It remains to be seen whether this political process will have any discernible effect on the process of alienation.

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