

Reform by design: PNG aligns law with customary reality

by Allan Donigi

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The Kuglkane Tribe signed a conservation deed for 9,000 hectares of customary land in Simbu Province in 2024

Photo Credit: [UNDPinPNG](#)

Papua New Guinea's efforts to design a workable system of customary land registration are often described as an ongoing challenge, yet the intellectual foundations underpinning today's reform momentum have been in place for a while. The arguments now advanced by parliamentary leaders echo themes articulated long before Independence and refined in successive waves of inquiry and legislative drafting. It is this long continuity (rather than sudden innovation) that makes the present reform moment historically significant.

In 1985, [R.W. James's *Land Law and Policy in Papua New Guinea*](#) outlined the fundamental problem: a dual tenure system where over 95% of land remained customary, yet the legal frameworks available to facilitate economic participation were built on foreign assumptions. James cautioned that PNG could neither replicate western freehold nor adopt collectivist state ownership. Instead, he proposed an "evolution from a customary base", rooted in clan authority, group representation and documentation mechanisms that strengthened customary governance rather than undermining it. He recognised the Incorporated Land Group (ILG) — a legal entity through which customary landowning clans can formally incorporate under PNG law to hold, manage and make decisions about their land — as a vehicle for this balance, provided accountability and internal legitimacy were not compromised.

Five years later, the [Law Reform Commission's 1990 Resource Management Workshop](#) grounded these ideas in constitutional values. The workshop emphasised that customary land ownership was to remain vested in clans, even where registration occurs, and that documentation should never convert customary land into an alienable commodity. The workshop stressed the National Goals and Directive Principles: participation, decentralisation, equity and respect for social forms. It warned that unclear mandates and poor coordination would continue to undermine legitimacy unless addressed through transparent, locally anchored

institutions that insulated landowners from manipulation. These principles anticipated many contemporary concerns about land grabbing, administrative opacity and vulnerability to elite influence.

Later in 2005, [Dr Jim Fingleton](#) traced a century of customary land registration. He noted that laws had existed since 1889 but failed because titles were rarely issued, administrative capacity was inadequate and the public feared that registration would lead to alienation. His analysis reinforced several lessons: registration must be voluntary, demand-driven, grounded in group title and accompanied by careful public communication to avoid misinterpretation. Importantly, he argued that political leadership was essential to balance custom and modern governance without forcing transformation of tenure systems.

The 2008 Constitutional and Law Reform Commission (CLRC) [Review of Incorporated Land Groups and Design of a System of Voluntary Customary Land Registration](#) built on these earlier foundations by proposing detailed frameworks for ILG authenticity, genealogical and boundary verification, financial accountability, management committees, transparency safeguards and a staged system in which ILG incorporation precedes voluntary land registration. The report insisted that ILGs must reflect existing customary groups, not opportunistic associations, that registration should apply only to land portions intended for economic use and that clan ownership must remain intact. Importantly, it reaffirmed that customary systems should not be displaced and that voluntary registration must be embedded within PNG's own social structures, anticipating the administrative and governance challenges that continue today.

Placed against this historical backdrop, the nationwide consultations conducted in 2025 by the Special Parliamentary Committee on Customary Land and Land Reforms, chaired by Keith Iduhu, reveal an extraordinary [continuity of concerns](#). The Committee [heard persistent fears](#) of illegal land sales, fraudulent dealings, manipulated ILGs, missing records, weak enforcement and a lack of clarity in existing laws (echoes of the issues described by James, the 1990 workshop, Fingleton and the CLRC). Iduhu reported that landowners consistently insisted on two things: that customary land must remain in clan hands, and that a credible system of documentation was urgently required to protect communities, support SMEs and allow fair participation in the economy. These themes were affirmed across hearings around PNG, with over a thousand participants appearing before the Committee.

The public statements made during the inquiry reinforce this continuity. At the launch of the nationwide inquiry in June 2025, Iduhu reiterated that reform was not about replacing indigenous ownership concepts but about strengthening them in a

rapidly changing society. He stressed Free, Prior and Informed Consent (FPIC), benefit sharing, clear mandates for institutions, stronger ILG governance and safeguards for customary rights as core pillars of the reform vision. These positions align almost point-for-point with the principles developed in the 1990 workshop and refined in the 2008 CLRC proposals.

At a high-level seminar in [January 2026](#), Iduhu highlighted how colonial-era laws and administrative structures continued to disadvantage customary landowners, citing land corruption, forced evictions and displacement as ongoing legacies. His call for land governance reform grounded in human rights, FPIC, anti-corruption safeguards and restitution mirrors long-standing critiques that PNG's legal architecture has not adequately protected Indigenous landowners from historic injustices or contemporary exploitation.

The significance of this long evolution became evident in March 2026 when Parliament unanimously endorsed the Committee's report and passed the *Customary Land Tenure Act 2026*. The framework includes a national clan registry, a customary lands registry, clear rules for leases and subsidiary agreements and transparent, accountable decision-making processes. These mechanisms are almost direct descendants of the proposals advanced by James, the (then) LRC, Fingleton and the CLRC over four decades. Iduhu's [emphasis on safeguarding customary ownership](#) while enabling fair economic use reflects a coherent synthesis of these long-standing principles, culminating in a modern legislative design shaped by public consultation and constitutional values.

This continuity also aligns with the long-standing advocacy of my uncle, Peter Donigi, for a PNG-centred customary land system grounded in Melanesian governance forms. Peter Donigi consistently rejected imported legal frameworks that undermined clan authority and argued for reform that strengthened customary tenure rather than commercialised it. His ideas, while distinct in expression, converge strongly with the combined intellectual tradition from 1985 to 2026.

Together, these sources reveal that PNG has long understood what type of land reform it needs: one that protects customary ownership, ensures transparent representation and provides secure pathways for economic participation without alienation. The work by Iduhu represents a moment in which scholarly analysis, constitutional principles and political will have genuinely aligned. Implemented carefully, the reforms may finally realise the vision articulated for decades — a land system that honours custom while enabling a fair and secure future for Papua New Guinea.

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