

## MY LAND, MY LIFE

### **TO MANY PAPUA NEW GUINEANS LAND IS BOTH A LINK WITH THEIR ANCESTORS AND A RESOURCE THAT BRINGS DEVELOPMENT. BUT JOYCELINE TSEHAHA FINDS OUT THAT LAND AND DEVELOPMENT DO NOT ALWAYS HAPPILY GO HAND-IN-HAND**

Sweat was running down Wasem's face despite his efforts to wipe it off. It was not only the scorching heat of the afternoon. There was something else raising his temperature. He was talking about land.

Land in Papua New Guinea is associated with many rituals and taboos and is treated with much respect. It is seen as the source of life. But this is changing today as more developments are taking place in the country. A way of making money

Under the pressure of economic development, land has become a source of cash and, at the same time, a source of many disputes. People who feel that the land is rightfully theirs are finding that while it will always be their 'place', their official claim on it is less clear.

Wasem Lambert, 28, is a landowner of the Maiwara and Vidar land in the Rempi area of Madang Province. He was talking about land he claims to be his, which was lost in the time of his grandfathers. He believes the land belongs to him because his father would have passed it on to him. His father died three months ago. But Wasem knows the long story of the land - to whom his grandfathers gave it, and who has ended up with it.

The 860 hectares at Vidar and Maiwara was initially given to Madang Catholic Archdiocese by the German administration in 1905 under freehold title. The mission planted cocoa, coconut and trees for making furniture on it. In the early 1980s, problems arose when customary landowners wanted their land back. A few times they destroyed mission properties. By then, the mission did not have the money to develop the land for the people so it decided to return it to the government.

Br Theo Becker, former procurator of Madang Archdiocese, said that Vidar and Maiwara were under freehold title, which the archdiocese handed over to Madang provincial government in 1996. "The reason the land was given to the provincial government was that the

provincial government wanted to do some projects in that area, for the benefit of the people," he said.

"The archdiocese was not able to do development on this place for the people and we already had problems with the land before. So we sold our properties which our brothers had developed, and gave the land to the provincial government, to help give the people the opportunity for further development on this property," Br Becker explained.

He said the archdiocese believed that the only institution which could really work with the people was the provincial government.

He believes there was an understanding between Catholic Archdiocese and the provincial government about the use of the land.

"The provincial government did not follow the agreement that the land should have actually gone back to the people, for their benefit," Br Becker said.

The traditional landowners are confused as they do not understand why they did not get back the land.

Wasem recalls: "We were told by the Madang Catholic Archdiocese that after they had given the land to the provincial government, we would get it back and do our business." But this did not happen.

The disputed land is now occupied by the Filipino-owned RD Tuna Cannery's cocoa and coconut plantation. The provincial government auctioned the land in 1997 and RD Tuna bid K3 million for it.

The landowners asked the provincial lands office to explain how the land ended up with RD Tuna. Wasem said: "The lands authorities told us that the land now belongs to RD Tuna and the provincial government cannot do anything about it." He said if the provincial government did not want to give them back the land, it should have paid them royalties.

The land problem has created divisions among the landowners and their families. "Before the company came in, we were living peacefully together. But there are now divisions in my family and in the community, between those working for RD Tuna and those of us who want to get back our land," Wasem said.

He still believes that if everyone in their community had one aim, to get the land back, they would have succeeded by now.

But is it already too late for the landowners?

Acting Lands Advisor Michael Larry said they could not look into the landowners' complaints. Mr Larry explained that a freehold title owner has the same ownership rights to the land as a customary landowner. He said: "If the landowners are unhappy, they have the right to take their complaints to court, but as for us, we can't do much." He said the landowners of Vidar and Maiwara had been told who had the authority to make decisions about the land. Land was leased

Provincial Customary Lands Officer, Mark Zorro, agreed.

He said the archdiocese sold the land, including its properties, to the provincial government, who then leased the land to ZZZ, a fishing company from Guam. When ZZZ failed to develop the land, the provincial government auctioned it and RD Tuna won the bid. He said: "The land is still under freehold title and RD Tuna is the landowner."

Mr Zorro said the provincial lands office has no records of any agreement between the provincial government and the archdiocese about the use of the land.

Meanwhile, the lawyer for Vidar and Maiwara landowners, Jacobus Puringi, has a different story. He said under the PNG Lands Act, a freehold title is a type of lease. Therefore the Vidar and Maiwara land had a maximum of 99-year lease under freehold title.

"I am still investigating the transactions of how the land ended up with its present owner. If I find a fault in the process of transaction, then I will get the Lands Title Commission to deal with it," he said.

RD Tuna, on the other hand, has started its expansion projects for coconut and cocoa two years ago. So far they have planted about 261 hectares of coconut and 70 hectares of cocoa. RD also has other projects. "We have a cattle ranch, which we started off with 55 cattle and now we have more than 100. We are not exporting any right now, only multiplying the cattle," said Fred Hoguis, RD's plantation manager.

RD also started a betelnut plantation last year. They have already planted about 30,000 betelnut trees. Mr Hoguis said they are not going

to sell locally, as they do not want to clash with local betelnut sellers. "The betelnut plantation is experimental and we would like to explore other uses for it overseas." Mr Hoguis said they are looking at selling in the Philippines and Taiwan.

Mr Hoguis said the land problems have had no effect on the new projects. He said the locals did complain when the company started its expansion projects on the land. It was explained to them that part of the company's policy was to help the locals earn income. He said lands officers were also brought in to explain to the landowners how RD Tuna Cannery came to own the land. "The only way forward is for them to pursue it in court," he said.

Siar and Nobonob

But it is not only the landowners of Vidar and Maiwara who want land back. Landowners from Siar and Nobonob villages have also asked the provincial government to return over 500 hectares taken away from them during the colonial era.

In an interview on ABC Radio, Siar landowner Simus Take said before the cannery was built, the Siar landowners tried to get their land by lobbying the provincial government. "Let the land come rightfully to its traditional owners, and then we can talk about development. But the government has ignored that and went further on in getting investment into it. We still have that with us, the problem is still there," Mr Take said.

Bill Kiati, a Nobonob land-owner, expressed a similar view to ABC. "At Nobonob, we have not yet seen any development or help in our area," he said.

For all of these landowners, the conflict will only be over when they reclaim their fathers' land. "We have tried everything and now we are planning to try our luck in court. If we don't succeed in getting back our land, we will take physical action and that's our last resort," Wasem said.

Someone no stranger to land issues is Madang's Divine Word University President Fr Jan Czuba. He has been dealing with land issues since 1987 and is on a Lands Committee looking into land problems at the University of Goroka.

He said land problems come about because many landowners do not understand the Western laws that are used to regulate land in PNG.

Fr Czuba said: "There's no room in the Western law to adopt the Melanesian way of understanding land. Papua New Guineans are born onto land and, for them, land is like blood and is not for sale.

"We have to build a bridge between the Western and Melanesian ways of dealing with land, to create a common understanding that is acceptable to Papua New Guineans."

This is one of many land disputes that arise because of the people's relationship with the land. It is so strong that they cannot emotionally accept that a piece of land is no longer 'theirs'. Legally, on paper and in court, a piece of land may belong to someone else, but in the hearts of customary landowners, the land is still their's and their son's.

