

**ABG Department of Lands, Physical Planning,  
Environment and Conservation  
and  
Papua New Guinea Governance Facility**

**REGIONAL LAND AWARENESS WORKSHOP REPORT**

By  
DLPPEC Team and Adviser to DLPPEC.

*Participants having a group discussion at the Tsiroge Catholic Church hall during the Northern Regional Land Awareness Workshop.*

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**BUKA – United Church Hall – Buka Town.**

*Lands Acting Valuer, Zoe Yal presenting her session on Valuation legal core functions and its part of the three technical divisions with Department of Lands, Physical Planning, Environment & Conservation.*

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• **Acronyms**

ABG	Autonomous Bougainville Government
Abt Associates	Abt Associates
ARoBG	Autonomous Region of Bougainville Government
BEC's	Bougainville Executive Councils
CoC's	Council of Chiefs
CoE's	Council of Elders
DFAT	Department of Foreign Affairs and Trade
DLPPEC	Department of Lands Physical Planning Environment &
Conservation	
ILG	Incorporated Land Group Act
LDSA	Land Dispute Settlement Act
LO's	Land Owners
MFAT	Ministry of Foreign Affairs and Trade
OCA	Organisation Capacity Assessment
PGF	Papua New Guinea Governance Facility
PPP	Power Point Presentation
VCLR	Voluntary Customary Land Registration Act

**BUKA – United Church Hall – Buka Town.**

*Minister for Lands Hon John Tabinaman with opening speech to formally declare the Buka Regional Land Awareness Workshop open.*

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*Minister for Lands Hon John Tabinaman with opening speech to formally declare the Buka Regional Land Awareness Workshop open.*

- **Acknowledgement**

The Regional Land Awareness Workshop conducted in June 2017, would not have been made possible without the financial support from Department of Foreign Affairs and Trade (DFAT) from Australian Government and Ministry of Foreign Affairs and Trade (MFAT) from New Zealand Government and Autonomous Bougainville Government (ABG).

The DLPPEC Team wish to go on record with sincere thanks to the tireless working coordinating team who work behind the scene from Abt PGF – Buka office.

**BUKA – United Church Hall – Buka Town.**

*Secretary Mr Raphael Nagual for DLPPEC welcome participants and provided an Overview of the Regional Land Awareness Workshop & Land Policy mandate under the ABG Constitution.*

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### **3. Executive Summary**

In June 2017, the Department of Lands, Physical Planning, Environment & Conservation conducted a series of six one-day workshops throughout the three regions of Bougainville. The purpose of the Regional Land Awareness Workshop was to show-case the Department's work as the ABG government agent that deals with State and customary land matters. It was also an opportunity time to raise issues about the current status of the policy for land in Bougainville. This Workshop Report addresses how policy and legislations for land laws might be further progressed now.

The series of 'dry run' sessions were conducted being supported by PGF did demonstrate and reveal that Department of Lands, Physical Planning Environment and Conservation divisional heads lack professional confident and self-belief to run the Regional Land Awareness Workshop. The real challenge and pressure was on the divisional head presenters, who need assistance to improve their PPP presentation skills and improve quality of their slides as part of their hand out materials. It was also a challenge to build and develop their public confident to stand and speak in front of a crowd audience of about not less than 60-70 participants at each six regional districts. The successful completion of the Regional Land

Awareness Workshops is a clear testimony that each divisional presenters did prove that they do know their legal functional duties and did deliver as expected as confirm by the post evaluation responses.

The Department of Lands is constitutionally mandated and obligated under section 44 and also under the Corporate Plan 2017 – 2021 to advance development of the land policy for Bougainville. The Regional Land Awareness Workshop was a follow-up to the Land Summit in 2011 as per the BEC decision in 2014 that endorsed further consultation on a lands policy. It is therefore this very conclusion that compel the DLPPEC to conduct the Regional Land Awareness Workshop in early June 2017 with the assistance from PGF and the Workshop was successfully completed covering the three regions in Bougainville.

However, as it turn out that the Department of Lands priority need is to up-skill its manpower capacity and institutional strengthening and capacity development on its current process and procedures to align its core functions with information management systems, to mention a few activities, as reveal by the recent Organisation Capacity Assessment Report.

The real challenge that emanate from the general theme of the Workshop after analysis of all six districts responses is an overwhelming desire for the general public to be more empowered through the right information about the Lands Department legal functions and how to access them user friendly.

- **Introduction**

The Regional Land Awareness Workshops was conducted through Bougainville region-wide to show-case Departments of Lands, Physical Planning, Environment and Conservation of what it does under its legal mandated duties through its respective enabling laws. However, it was an excellent opportunity to really find out the positive reception and awareness level on Bougainville land policy and its land laws, as well as lands department legal core functions.

- **Purpose**

The Regional Land Awareness Workshops were delivered by DLPPEC Team, however the outcomes were not the ones that were originally anticipated. The primary original intention was to use the workshops as the basis for advancing and developing further Bougainville Lands Policy, which was partially drafted in 2014. However, this turned out to be too optimistic an objective, and instead the focus was on filling in the dearth of information that existed within the general public about lands, physical planning, environment and conservation issues and the work of the department. This was the gap that the workshops sought to fill. The current needs than focus on the great need for Bougainvillean to help develop creative choices on land for the future of ABG and its people. To do nothing, is not an option but the time to make that informed choice is now. The range of main objectivity and desired outcomes of the Regional Land Awareness Workshops was centred on to show-case the Department of Lands, Physical Planning, Environment and Conservation and to inform the participants that at the end of this six Workshop Venues, they should be able to:

- know and distinguished the differences between the alienated lands from customary land;
- take appropriate steps to register their customary clan land on voluntarily registration basis to acquire a perpetual customary title that is bankable;
- know and apply which enabling legislations that governs, regulate and control both alienated land and customary land through DLPPEC office;

- take steps to protect and conserve their natural resource and to protect endanger species through world best practices to sustain and protect environment conservation and biodiversity; and;
- understand and appreciate the constitutional basis for land policy and natural resource in Bougainville and current legal framework that govern and regulate land matters in Bougainville under Department of Lands, Physical Planning, Environment and Conservation.

- **The Lands Department: Roles and Functions**

The primary roles and functions of the Lands Department is to promote the balanced use of land for sustainable economic, social and environment and conservation development while guaranteeing land rights to Bougainvillean, provided under the ABG Constitution and Bougainvillean landowners mineral rights declared under Bougainville Mining Act.

The Department of Lands, Physical Planning Environment and Conservation's primary purpose is to manage and provide legislative superintendent over the State land and to generate revenue through State lease rentals and fees. However, it has multi-discipline legal functions of three technical services divisions that come under DLPPEC, as well. That is, to uphold land service delivery standards and ensure the optimum administration and coordination of land services through physical planning, surveying and valuation of State lands within the Autonomous Region of Bougainville Government (ARoBG).

Historically speaking the Lands Department in Bougainville was a Provincial Office, an extension of the office of Secretary of National Lands Department from Port Moresby under the auspicious of North Solomon Provincial Government before 2003. But since Autonomous Region of Bougainville Government acquired its Constitution in 2004, the Provincial Lands Office under Autonomous Bougainville Government (ABG) elevated its legal entity and acquired Departmental Status, which is now called Department of Lands, Physical Planning Environment and Conservation (DLPPEC). This an historical milestone development because the Environment and Conservation Authority is a separate entity under PNG Government as State Agent known as Conservation and Environment Protection Authority (CEPA) operates under Environment Conservation Act, but for ABG the Environment and Conservation is house under the Department of Lands and Physical Planning therefore, if amalgamation is by default, the legal entity must be created under Land Law for Bougainville.

- **Vision:**

Land is utilized to achieve the sustainable development of resources and to conserve and manage land, air, and sea and water resources in a balanced and environmental friendly manner for current and future generations of Bougainvillean

- **Theme:**

The theme for the Regional Land Awareness Workshop is “To unlock the economic potential to sustain natural resource development and environmental conservation on land and sea”

- **Bougainville Land Summit May 2011.**

The theme for the Bougainville Land Summit was then to “learning from the past

experience to plan for the present and future". The key issues that were identify and to be further progress in future awareness consultation process, like now, were to further explored in the areas of:

- Autonomy – (Bougainville Way)
- Empowerment – incorporate traditional livelihoods into modern systems.
- Partnership – collaboration and networking. (Land Task Team & COEs).
- Sustainable Environment Management.
- Equity – Fairness, benefit sharing, gender, recognition of different values, coexistence, information sharing.
- Strategic Planning – healthy environment, social, cultural and economic wellbeing of people and communities.

- **Methodology and Approach**

The DLPPEC Team approach the delivery appropriate methodology and approach for the Workshop was through short lecture presentation followed by group discussions to illicit information feedback from the participants. This was the methodology and approach adopted althroughout the region. The Workshop sessions were presented by DLPPEC Team through divisional technical directorate head, who were task to prepare relevant administrative materials for their divisions to supplement their Power Point Presentation slides handouts together with their divisions' relevant legal materials. The DLPPEC Team comprise of the following administration and technical divisions and deliver their session presenting in this order. They are:

- State Land under Land Act, presented by Ms Judith B. Kova – Senior Alienated Lands Officer.
- Customary Land, Incorporated Land Group Act and Voluntary Customary Land Registration Act, presented by Mr Sam Roroga – Director Lands Administration.
- Bougainville Physical Planning Act, presented by Mr Fidelis Piruke. Physical Planner.
- Survey Act, presented by Mr Paul Ivape - acting Chief Surveyor
- Valuation Act, presented by Ms Zoe Yal – Chief Valuer.
- Environment & Conservation, presented by Mr Rooney Solly – Senior Policy & External Relationship Officer with Environment & Conservation.
- Summary of all of the above divisional sessions presentation presented by Mr James Kunnopi – Director of Technical Services – Arawa; and
- Mediation and Dispute Track under Land Dispute Settlement Act, presented by Mr Stephen Oli – Adviser to DLPPEC.

In each districts the eight separate discussion groups were assign to deal with one question each, out of eight, by choosing their favourite number from one to eight. The groups were given 45 minutes to discuss that one question only and write their results on the butcher paper for groups' reporting. At the end of the group discussion each group report back their groups' discussion results presented on flip chart butcher papers by their nominated group spokesperson to the participants. The flip chart butcher papers with results of group discussions were retrieve by the DLPPEC Team for compilation of this report.

The total participants who recorded their attendance was 371, this number comprise of 281 male and 90 female that attend the Regional Land Awareness Workshop from each Districts althroughout the three Bougainville Regions from

North, Central and South.

**Table 1.** Shows the total number attendance in each district throughout the Bougainville Region, held in Buka, Tsirigo, Wakunai, Arawa, Buin and Siwai.

The participants upon registration were given their Workshop folder with Pre and Post Workshop Questionnaires' and the participants were asked to fill the Pre-Workshop two question before the Workshop was open to gauge their pre-workshop expectation outcomes and what they expect to contribute during the Workshop. The second part to the Post-Workshop question ask the participant to confirm whether their expectation were met by the presenters of what they know or expect from the Department of Lands, divisional presenters. The Regional Land Awareness Workshops were not recorded except the Group discussions were recorded by in-house DLPPEC rapporteur Ms Zoe Yal, as cost effective option, who play a dual role as a Chief Valuer, who presented the Valuation session but at the same time record all the regional district groups reporting presentations with her Mobile cell phone, when each group spokesman presented their conclusions and recommendations as results from the group by using the Flip Chart butcher paper delivery mode.

- **Pre-Workshops Evaluation Responses.**

- Deal with what participants expected to get from before the Workshop open
- Did their expectation was meet at the end of the Workshop

The general question as to what participants expect to get out from the Workshop was an individual question. It was indeed an individual question to gauge their individual expectation and wish list to get from the Workshop and the reason for attending the Workshop. The question gather quite ranging issues and expectations were in the areas as refer to hereunder as:

- |  |
|--|
| <ul style="list-style-type: none"><li>• Intermarriage how and why land user rights granted because of intermarriages.</li><li>• Reclaiming back alienated land to customary landowners including (plantations) or needs clarification on how customary land was transferred to freehold (especially plantations).</li><li>• Concerned with mining activities happening on customary land.</li><li>• Customary land ownership, ILGs, LTC and stopping individual sale of customary land.</li><li>• To gain knowledge to assist with land mediation</li><li>• Discussing and planning ahead for future land use and the contributing to Bougainville land policy and eventually land laws that will mutually benefit all. Bougainvillean from all walks of life must capture and codify our customs and traditions in those land laws (<i>the Bougainville way</i>).</li></ul> |
|--|

The general theme that became apparent after analysis of all districts responses is an overwhelming desire for the general public to be more empowered through the right information about the Lands Department legal core functions and how to access them. But the people still express great need for empowerment in the following areas so as to:

- know their rights as title holders or occupants of State land, its administration and the associated laws that govern State land.
- understand the change of tenure and its ramifications (both negative and positive). This is evident through the government's processes of State

Compulsory Acquisition of customary land, Voluntary Registration of Land and Incorporated Land Groups. This also covers the pressures to reclaim back land that was once alienated and say, *reverse* government processes through Land Tenure Conversion process.

- actively contribute to a home-grown Bougainville land policy and land law and to be formally recognised, having their rights fairly reflected and protected through Lands Department bureaucratic process level.
- improve land mediation skills to enhance and ensure positive outcomes for customary land dispute resolution through customary land tribunal at the community level.

### **11.1 Comments.**

The general theme of Pre-Workshop question one is really addressing the participants expectation from the workshop. The responses did confirm that participants express eagerness and were prepare to learn, and understand how they could better utilise or manage their customary land (resources) to support their livelihoods. They were also prepare to deal with future challenges (such as population increase and individual land sales). However, some obvious but contemporary struggles and ideas as short comings as options to be address such as:

- how and what legal ways of reclaiming back their “alienated” abandon plantations and how they can transfer title to their Incorporated Land Group (ILG) corporate entity.
- how abandon plantation lands could be return to the traditional landowners and that they wanted this to be addressed through the eventual drafting of the Bougainville Land Policy.
- how by reviewing land laws from PNG for possible adoption with appropriate variations to incorporate Bougainville taste and flavour consistent with Bougainville Ways.
- how to address intermarriages by Bougainville would impact on their patrilineal and matrilineal land tenure system, in order to address landless group of people through the marriage union within and outside of Bougainville.
- ways to improve capacity and skills of land mediators to community level.

These were some of the obvious issues and concerns raise by participants in the pre-workshop questionnaire.

### **• Post-Workshop Evaluation Responses.**

Dealt with session presenters and their materials:

- did they learn anything new?
- did they find sessions materials and presentation relevant
- how would they rate the sessions
- how sessions could be improve in future

The Part 2 Post – Workshop questions deals with Session Presenters style of Presentation and the relevancy of handout materials including Power Point Presentation slides plus other additional materials. The participants were ask to rate the presenters style and quality of presentation including the slides and handout materials and indicate their rating on the scale ranging from Poor = (1), Fair = (2), Good = (3) and Excellent = (4).

**Table 2.** Participant Assessment of Presenters' rating on scale range from (Poor = (1), Fair = (2), Good = (3) and Excellent = (4)).

**Note:**

For Buka Workshop the Pre and Post-Workshop evaluations questionnaires is nil return though they were giving out at the registration desk. Participants were reminded to return their completed evaluation form at the end of the workshop session but fail to hand them in before they leave. The lesson learnt from this workshop, avoided repeat in other five district workshop venues. The presenters scale ratings represent general acceptance by participants in the region that information delivered by DLPPEC Team about Department of Lands was rated excellent. For many participants this was their first time to hear about Lands Department core legal functions. Most of the participants find the information on ILG and VCRL was an eye opener to many who want more awareness on it in the near future. The DLPPEC Team rating by the participants on presentation quality and style was rated excellent althroughout the region, except one person in Siwai rated it poor. The participant fail to articulate the reason nor qualify what aspect of the presenters' style of presentation and or aspect of materials quality as handout, etc. But that point is noted and certainly there is still room for improvement in future presentations of the same.

Generally, it was an overwhelming response that overall session presentations were well received by participants' and some expectations were met well, except some general areas of concerns where positive comments were advance for improvements and wider regional coverage of participants' refer to hereunder:

- wider scope spread of participants coverage to reach other district venues.
- more time for consultations was needed (group work/ brainstorming etc.)
- presentations could have gone on for a longer time span and more details.
- enough hand outs (better preparation of resources) and perhaps time to go through the hand outs with the participants needed.

Whilst there is obvious different views and ideas about ILG concepts coming from participants responses however, some of these ideas and views may be further addressed either through the long awaited Bougainville land policies and land laws. But some short term remedial gains suggested by participants' were for:

- actual ILG workshop to be held in the districts
- more information/ training to support Land Mediators
- more surveyors working for the government to assist the LO's with their ILGs
- the ABG government to play a more supportive role and help by subsidising the costs of formalising ILGs. Say LO's pay 40% and the government covers 60% of the associated costs.
- help on legal advice over changing land tenures especially with plantations. LO's are feeling the effects of global warming and need their land to be free. They need assistance from ABG for legal representation on such matters where there is a legal title holder.
- the environment & conservation should really be a separate agency within ABG Agencies.

## 12.1 Comments

The post workshop questionnaire was divided into two parts. The first part dealt with the quality of the presentations facilitated by the department personnel and its impact on the participants. The second part of the post workshop questionnaire looked at the materials used to compliment the presentations on PPP slides that flow on to the group discussion questions activities.

Generally, the overall quality of the presentations rated was of high standard whilst at the same time it was show-case of Lands Department legal core functions at the level of the participants understanding as sessions delivered by presenters in pidgin though slides content text were in English language.

The participants show positive reception appreciation of information presented and delivered during workshop session and feedback receive were very encouraging. The participants were made aware of the ABG link to DLPPEC as ABG Department to deliver core legal functions on land matters in Bougainville. Whilst it was an excellent opportunity for the participants to witness the DLPPEC personnel manpower capacity to deliver, but it was an opportune time for participants to have some insight into how Bougainvilleans want their land policy and land laws to be. The majority of the participants rated the presenters' presentations as "excellent" as per the rating scale provided on the questionnaire.

However, the participants made admission that they did learnt new ideas, especially on the aspect of Incorporated Land Groups (ILG) and its benefits and challenges on customary land. The suggestion on survey assistance and support on customary clan land boundary from neighbouring clan land boundary should come from government surveyors through DLPPEC, is highly welcome and it should be on shared cost basis. The same idea should be extended to property valuation, physical planning on major town expansion future plans. This is because the customary land owners are plaque with little cash income opportunity but rely barely on subsistence farming market income as the only source of cash income. But being made aware of ideas on processes involved with State land administration and incorporation of their traditional customary land through ILG regime process and eventual issuance of perpetual customary land title is bonus and very empowering information.

The Workshop materials that were distributed were many and required some degree of reasonable time to explain to the participants' level of education and understanding to really absorb it well. However, some find the materials easy to read, while others requested that they be converted and interpreted into Tok-Pisin version. Some find the slides print hand-out with small font made it very difficult to read. The need to have similar workshops on ILG to be run for at least a week in each (13) district areas in the region will be an ideal duration as one day workshop felt by majority was too short. But overall rating by the majority was pitched at (3) was good and the quality of materials as part of hand-outs did compliment the workshop session presentations reasonably well.

- **The Six Districts Responses On Eight (8) Topical Questions.**

*BUKA – United Church Hall – Buka Town Group discussions.*

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- **Q.1. Landless People.**

The issue on Landless People becomes a concern in Bougainville is largely due to intermarriages, direct resource developmental impact and climate change that contribute to global warning that causes the sea water level to rise that displaced people from atolls and small islands in the region. Some of these causes are:

- Firstly, through intermarriages with non-Bougainvilleans through Patrilineal and Matrilineal marriages. In this case the Clan Chiefs must take full responsibility to cater for obvious consequential marital relationships that contributes to landless children through these intermarriages union.
- The second cause is through resource developmental impact that displaced

landowners from their own land. It is strongly echoed concern that the ABG must work with the developers to find land to resettle the displaced landowners.

- The third cause is through the unavoidable consequential effect of global warming due to climate change that causes sea level rising where people are displaced and the ABG and landowners ought to work together with landowners to find lasting solution for ABG to lease land from customary landowners to provide Resettlement Schemes to avail their traditional land through ILG regime for lease-lease back program by those affected as landless.

- **Q. 2. One man decision – Individuals selling land, if clan land is sold, can the clan take it back?**

The one man decision that result in individuals selling of clan land is greatly disapproved and must be discouraged by the people of Bougainville in the three regions because the clan land is communally owned by the clan members. The following preconditions suggested are:

- Firstly, it is traditionally accepted norm that the individual clan members have only use right, unless it is sanction by the clan hierarchical structure to be granted expressed permission according to the custom to do so.
- Secondly, the second part to this question, of which, is of paramount importance is the issue on the fact that whether the clan hierarchical structure leadership has the right according to Bougainvillean way to take clan land back if seller did not followed the proper traditional channel.
- Thirdly, the clan hierarchical structure leadership resolution according to custom is easy to manage, however, the pertinent legal issue that the clan hierarchical structure leadership resolution may have real legal issues on transfer of interest in customary land under PNG ILG law and land laws under Voluntary Customary Registration Act (VCRL). This two (2) piece of legislations prescribed the cut off period since 2013 that interest in customary land is non-transferable except land use rights. What this effectively means is that those who bought land through individual clan members only bought use right only and not transfer ownership right after 2013. It may be an issue the Bougainville Land Policy may have to address and provide an answer and right response to this obvious unfortunate legal situation, according to Bougainville Way, learning lessons from PNG ILG experience.

- **Q. 3. Occupation and tenure confusion caused by the Crisis**

The above situation on occupation and tenure confusion caused by the crisis is the direct result of the displacement by the unavoidable physical effect cause by the crisis. However, its direct impact on occupation on State land including customary land, as well by default. The above issue also affect the abandon plantations land and the mission acquired abandon plantations land, as well. The tension and the unfortunate perception by the people of Bougainville, who were affected by the direct result of crisis were displaced and resettled, whether their occupation and tenure confusion caused by the crisis amount to legitimate occupation on State land and or customary land, as well? The answer to these legal propositions is “NO” for State land and customary land as well. It is incumbent on the DLPPEC staff during the post

conflict restoration program to verify through the proactive State land audit to confirm the current tenants' status on the State land, as well as the customary land in order to clear misunderstanding in respect to the above question, as the post conflict restoration and normalcy is slowly beginning to set in althroughout Bougainville region main towns and peripheral town colonial boundary.

- **Q. 4. Historical Land Grievances.**

The historical land grievances apply to colonial administration acquired land where current Bougainville towns are located as well mission occupied plantation land. Some of these plantation lands have change hands and some have been abandon, as well. There is a strong desire by landowners' that they should be given the first right of refusal through ILG process under PNG law to acquire these abandon plantation lands. There is express concern raised by customary landowners that the token purchase of this colonial administration government land were through exchange of following items such as laplap, tobacco, and salt, axe and knife plus food stuff were highly valued items then. These valued personal property items were use as legal tender to purchase colonial customary land are now being question on today's property market value, is indeed under value in today's market value. However, it is not disputed that it was an transaction then between former colonial administration and landowners ancestors, some 50 plus years ago which was accepted by landowners' ancestors. This transactions should not be undone by new generation now, was the strong voice came from Wakunai participants that colonial administration land purchase transactions should be honoured and respected and left alone. The contrary view expressed on this issue, is that let the 3% of State land alone and concentrate on 97% customary land should be the way forward under the ILG regime for customary landowners' to pursue now, and not waste time on 3% State land which provide common good for all and represent State presence with the people and to maintain law and order and community stability in the region. The stability in the community is the prerequisite condition for landowners to have the golden opportunity to participate meaningfully in sustainable economic natural resource, environment and conservation development to contribute toward reduction of poverty level at the community.

The participants did made reference to colonial legislations use then, that facilitate compulsory acquisition of land for public purpose mining, however, the disbursement of royalty proportionality payment were fix and range from 5% on occupation fess, 1.2% on royalty payments and 10% on landowner shareholding to landowners. It was suggested that all these should be reviewed in the Bougainville land policy and land laws. However, classic examples on unfair distribution of resource royalty is reflected in Bougainville Copper Agreement (BCA) 1967. The other relative colonial legislations in non-renewable resource development sector is Mining Act 1967 and other remanent colonial legislations on land law is Land Ordinance 1928, 1962 and 196, of which are obsolete by now.

- **Q. 5. Incorporated Land Group and Voluntary Customary Land Registration Regime**

The legal concept on Incorporated Land Group (ILG) and Voluntary Customary Land Registration (CVRL) process and procedures is news for all

participants, but one that fit well with the theme and rationale of the Regional Land Awareness Workshop. It is so relevant today, and that is: “*To unlock the economic potential to sustain natural resource development and environmental conservation on land and sea*”, and that “*There is a great need for Bougainvilleans to help develop creative choices on land for the future of ABG and its people. To do nothing, is not an option. The choice is ours now*” The participants express high desire and interest and the need for more future workshops to be conducted to actually allow the participants opportunity to have hands on to do the real ILG application and to walk through the process step by step to register their Clan ILG and Clan land to the point of issuance of the customary legal Title per se. The Title is a bankable document that opens up any viable commercial transactions for financial assistance with any commercial banks in PNG and landowners are able to have their customary land title as collateral security to the principal loan with the bank on any commercial business transactions.

The ILG process involves survey component over the Clan Land demarcated boundary as oppose to the other nearest neighbouring customary land boundary. The cost to engage the services of a registered private surveyor is quite expensive and therefore ABG through DLPPEC should expand survey division manpower and through ABG land policy directive to DLPPEC to extend its surveying service to customary land owners on shared cost basis.

The other main indispensable component to ILG registration of customary land that results in land dispute, after settlement through mediation mechanism fails, always end up with land dispute track to Local Land Court and on appeal to the Provincial Land Court on appeal from Local Land Court under Land Dispute Settlement Act with Magisterial Service, ought to be maintained in the absent of ABG to have its own Court System in place according to ABG Constitution. However, DLPPEC can tap into the Mediation track to effectively empower the Executive Managers (EM) at Community Government, as well as the Land Mediators plus the Council of Chiefs and Council of Elders including Woman Chiefs to deal with family feud dispute plus boundary and landownership disputes through traditional tribunal under community government structure. The training on mediators for effective mediation is short term measure for Executive Managers (EM) as well as the Land Mediators plus Community leader as well to up-skill their knowledge on effective mediation and negotiation on customary land disputes training program. In the absence of Bougainville customary land law, the PNG Land Dispute Settlement Act 1975, will be an option to fill the gap.

- **Q 6. Customary Land**

The PNG is the only Country in the Pacific Island Countries in the Pacific, except Vanuatu, in the recent through land reform that all customary landowners own and enjoy 97% of the land mass in the country. The balance of 3% is the land where colonial administration acquired and developed and set Government stations throughout the country as we see the towns and cities today in PNG, and Bougainville is no exception. The onus is on the customary landowners to participate with the land reform under Incorporated Land Group Act (ILG) to register their customary land to acquire perpetual Customary Land Title to unlock the economic potential to sustain natural resource development and environmental conservation on land and sea. It is

indeed a great opportunity for Bougainvilleans to help develop creative choices on their land for the future of ABG and its people. Therefore to do nothing, is not an option, but to act now, is the only sensible choice available to Bougainvillean sons and daughters now to plan present and chart the future generation to meaningful prosperous future.

The suggestion to established traditional tribunal forum for Bougainville under its land reform program is a step in the right direction. Its primary purpose is to effectively deal with all range of family feud disagreements and real boundary and landownership disputes between clans should be strengthen and encourage.

- **Q. 7: Environment & Conservation**

The Environment and Conservation on biodiversity agenda was receive with much enthusiasm because the people do not know that Environment and Conservation and biodiversity laws do or ever exist as policy and law in PNG. The ABG take the view to house Environment and Conversation division under the Department of Lands, Physical Planning Environment and Conservation rather than the separate Department like the National Government of PNG. However, there a need to have a Bougainville Environment and Conservation Act to incorporate biodiversity policies and protection of environment biodiversity endangered species, like flora and fauna including customary traditional heritage and sacred sites.

The Environment and Conservation cover the aspect of protection and conservation of sustainable natural resource economic development and it support sustainable environment and conservation approach to undisciplined economic development. The environment and conservation biodiversity policy and law covers wide areas of land policy and law that ought to include and protect the environment and protection of biodiversity opposing force on the other side of economic development platform that may have its own laws and policy are in the areas as follows:

- **Land:** includes State Land, customary land, mining, forest and LNG and others ought to embrace sustainable development goal to manage, conserved and protect environment for future generation and not just destroyed environment in the name of economic resource development for quick gain only.
- **Air:** includes pollution, climate change and global warming, sea level rising and others to secure clean air.
- **Sea:** includes marine resources, economic zone, fisheries and others to sustain marine resources.
- **Biodiversity:** includes Environment & Conservation and protection of endanger species and others to protect but promote economic opportunity through Tourism business.
- **Hazardous poisonous: from mining operations or alluvial gold mining** discharge poisonous chemical onto the land and into water streams, may cause trans-boundary regional pollution. A land policy to address this hazardous poisonous chemical discharge onto the land and into water causes, it is imperative that the polluter must pay compensation with relevant land laws to enforce and protect customary and citizens' rights.

- **Q. 8. What is the Bougainville Way?**

*Group Presentation in Arawa town by Mr Sam Kauna who report back his group response on the question of “what is Bougainville Way?”*

*Group Presentation in Arawa town by Mr Sam Kauna who report back his group response on the question of “what is Bougainville Way?”*

- (i). Inter-marriage,
- (ii). Clan to clan gift,
- (iii). Agreed compensation payments between allied clans, through the giving of names (Namesake), and;
- (iv). Inheritance through custom adoption.

However, Traditional Land Use right can be limited to: Hunting, Gardening, Building a vacation house, Livestock and farming. But the Modern Way of participating in economic development activities where clan land can be used and released for communal benefit may fall under the areas of:

- Plantation developments,
- Mining developments,
- Farming for commercial purposes,
- Reforestation for mainstream timber harvest, and;
- Protection of declared endangered biodiversity area for tourism business opportunity.

The landowners must take proactive interest to protect natural resources through sustainable environment economic development goals. The selling of clan land is an option but not a preferred option under the current ILG regime therefore must be discouraged at all cost.

### **13.1 Comments**

The participants in their post evaluation responses made passing remarks that they consider and felt that having one day regional workshop to showcase Department of Lands Physical Planning and Environment Conservation legal core functions was too short and preferred a week long duration to adequately cover every aspect of the all the legal core functions of the department. The profound real signal that is echoing from the majority of the participants is that they did not have sufficient time to thoroughly cover the full content and the extent of each discussion questions. However, the group discussion questions were framed to achieve dual outcomes.

- Firstly, the majority of the questions deal with legal functions of the Lands Department reflected through the session presenters power point presentation slides were based on departments' legal core functions. This effectively maps out the legal core functions and provoke group discussion deliberations that provide basic information about the different functions of the Lands Department and how to get that information and from which division. For example, ILG and VCRL matters, the division to see would be Customary Lands division and same goes for other technical divisions and land administration within the Lands Department as well.
- Secondly, the half of group discussion questions were taken from Bougainville Land Summit 2011, and they are not related to Lands Department main core legal functional duties. They were such as:
- Landless people due to intermarriage, climate change cause global warming

and high rise sea level in atolls displace people end up with no land for resettlement,

- colonial acquired plantations land abandon during crisis, including those acquired by mission,
- one man decision to sell customary clan land, and;
- the final group discussion question was on the issue on what is Bougainville way. It was purposely included to elicit information to advance the development of Bougainville Land Policy and land laws according to Bougainville Way.
- It became very obvious that there was a demonstration of high spirited interest expressed during group discussion from each group from all districts in the region. Most said that it was their first time to hold such a Regional Land Awareness Workshop to show-case Lands Department of what it does on both 3% State Land and the 97% of Customary Land. However, there was a general desire that they wanted Lands Department to run the same Workshops in the region and they wanted to know more information on the process and procedures that deal with ILG and VCRL regime that results in the issuance of perpetual Customary Clan Land Title for the Clan that is bankable legal document. This is where the participants connect well with their customary land to unlock the sustainable economic opportunity await them at the corridor of their clan customary land through ILG and VCRL program through Department of Lands.
- The reference to Bougainville Land Policy gain momentum when participants discuss issues that deals with landless people, climate change cause by global warning, and abandon plantation lands during crisis and the list goes on. The ABG is challenge to come up with Bougainville Land Policy through Department of Lands to deal with these pertinent issues on behalf of the people mandated under section 44 of the ABG Constitution.
- **Main Challenges Learnt from the Regional Workshops:**  
The main challenges that people of Bougainville has so much passion and would like to know more in order to be really involved in the development of Bougainville land laws and land policy are hereunder refer to as:
  - Customary land -ILG & VCLR, people need more awareness is needed
  - Survey assistance with ILG process by ABG through Lands Department.
  - Landless people due to intermarriages and climate change due to global level with high rise sea.
  - Plantation Land abandon after conflict should be given the first right of refusal to the clan landowners to have the land return to the clan through ILG regime.
  - Dispute Track – strengthen and empower CoC's and CoE's to sit as Customary Tribunal to mediate land disputes, failing the matter should be refer to Local Land Court under Land Dispute Settlement Act.
  - Bougainville Way – The express desire from participants to be involved in the development of Bougainville Way ought to be seen and develop through the lenses of Bougainvillean who are passionate about traditional ancestral way of life before and now, but to the extent to which it is not repugnant to the general principals of humanity according the ABG Constitution and PNG Constitution.

- **Benefit to Department of Lands, Physical Planning, Environment and Conservation and the DLPPEC Team.**

The Regional Land Awareness Workshop undoubtedly present an excellent opportunity for the Department of Lands Physical Planning Environment and Conservation staff to show-case the ABG Department of Lands & Physical Planning Environment and Conservation capacity and ability to effectively discharge its core legal functions to date. But the event come as a bonus also to allow the Department of Lands to do an in-house environmental institutional capacity assessment audit to assess its current ability to deliver core legislative functions to client as service provider under 13 current PNG land laws.

The big step forward is exposing the real organisation manpower capacity under radar, of which was confirm by number of “dry run” sessions before Workshop proper really gets underway. The ‘dry run’ sessions reveal that presenters did show their true colour and were challenge to come out from their comfort zones to align themselves to self-capacity enhancement opportunity to learn. The opportunity come as a timely chance to each divisional leaders to show their professional ability to carry out their own internal research to develop legal materials and to prepare a PPP session presentation slides as part of their handouts materials. The real challenge and pressure was on the presenters to improve their PPP presentation skills and quality of their slides and their public speaking ability and to develop self-confident to stand in front of a crowd audience of about not less than 60-70 participants at each six regional districts. The successful completion of the Regional Land Awareness Workshops is a clear testimony that each presenters has live up to their task and deliver as expected and commend them for a job well done.

The big gain for Lands Department as an Institution is that it has the opportunity to uncover its strengths and weakness through this regional workshops of its manpower capacity and ability to deliver their core legal functions through their respective enabling legislations. The learning gaps learnt from this Regional Land Awareness Workshops will form the way forward to take institutional commitment to drive and immediate implementation and execution of the Organisation Capacity Assessment (OCA) findings to dovetail into Bougainville Programme through ABG Lands Department institutional planning and implementation processes.

- **Risk Management**

The anticipated risk pertains to Regional Land Awareness Workshop, particularly with logistic arrangements was a shared responsibility between an officer nominated from Abt PGF Buka Office Ms Karen Samo and Simon Kelle – Corporate Affairs from Lands Department to organise the Workshop venues, accommodation, transportation needs on land and sea from Atolls, and the list of attendees provided by Department of Community Development. The Workshop went through as programed with no major hiccups. However, only minor hiccup was experience at Buin Workshop where lunch was delayed till 4pm due to lack of coordination by DLPPEC Team logistic coordinator with the local refreshment provider in Buin. However, it was in Buin that the PNG

Power was not functional and Buin High School stand by generator was also non-functional that cause the workshop to operate without the portable PA system. However, a Good Samaritan from New Dawn Radio at Buin, who did the coverage for the entire Workshop Session presentation came to our rescue, when he lend us his portable generator to run the Workshop till 5pm with no extra cost except fuel to power the PA system for the Workshop.

The New Dawn Radio personnel volunteer to cover all the session presentations came as a blessing in disguise as New Dawn Radio undertake to broadcast the sessions on air with no cost to the Department of Lands, but a great benefit to the people of Bougainville and an added bonus to the Department of Lands on information dissemination to all Bougainville people on air on behalf of the Department of Lands and ABG.

- **Recommendations**

*Arawa Town – Sam Kauna delivering his Closing Remarks in support of the Regional Land Awareness Workshop and support the development of the lands policy and land Laws in Bougainville.*

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**17.1.** Immediate Short Term gain activities that Lands Department can do comprise of:

- Regional Total Audit on all State Leases in each districts as soon as possible to institute issuing of rental notices and forfeiture notices and eviction notices as the case may be.
  - Induction for Executive Managers (EM) for (Capacity building program for EM) from thirteen Districts in the three Regional Centres on ILG and VCLR on their customary land. Include CoC's and CoE's for mediation skill training with EM's
  - After this induction it is propose to roll it out to each thirteen district to reach the community for more awareness on ILG and VCLR on their customary land.
  - In-house training to strengthen institutional capacity to realign the existing manpower capacity prepare to handle the anticipated increase work load and demand on ILG and VCLR regime for Clan to register their land to obtain perpetual Customary Land Title.
  - Also to incorporate and implement OCA quick-win and other recommendations under the five main pillars of Bougainville Program and DLPPEC identified institutional strengthening capacity activities focus areas under its new recommended Activity Plans for DLPPEC through OCA Report.
  - Proactive Consultation program with designated economic sector and service providers' stakeholders to gauge their land needs or how they are currently connected with their current existing relationships as ABG State Agency to further advance toward the development of the Bougainville Land Policy.
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- Long Term gain activities that comprise of two major Institutional Commitment mandated by ABG Constitution that are being supported

by the Program are:

- Strengthening Organisation Capacity toward advancing the development of the Bougainville Land Policy by aligning the DLPPEC Management Information System on core functional focus areas consistent with OCA recommended outcomes, and;
  - Legislation reviews to develop Bougainville Land Laws to replace Land Act of PNG and review the other (12) current PNG land laws apart from ABG Physical Planning Act that are being applied in the Lands Department now as the interim measure before ABG has its own land laws.
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- **Appendices**
    - Regional Lands Awareness Workshop Program.
    - Participants list from six districts workshop venues.
    - Regional Participants Pre & Post Questions for the Workshop.
    - Regional Participants Pre & Post Evaluation Workshop Responses.
    - Regional Group Discussions on eight (8) Questions.
    - Regional Group Discussions Results from eight (8) questions
    - DLPPEC Divisional Session Presenters PPP Slides.
    - DLPPEC Divisional Session Presenters handout materials (hard copies).
    - Key Note address by Land Minister Hon John Tabinaman delivered at Buka and Tsirigo to open the two Regional Land Awareness Workshops.
    - Land Summit Report 2011.