

What is Land Administration/Reform?

Land administration includes:

- registering land;
- approving land dealings;
- valuing land;
- dealing with rent setting and collections;
- planning land use and issuing permits;
- surveying and mapping land;
- managing land administration; and
- accrediting land professionals.

Land titling, or land registration, is the process of formally recording rights to land, or land ownership. These processes are based on a western concept of land ownership.

Current discussions on the topic by aid donors, such as AusAID, claim to strive towards achieving a “middle way”, which recognises customary rights to land while at the same time making the land open to development most likely through a registration process. Though cleverly framed to make land reform sound more appealing, it is still doubtful to what extent the majority of people in Melanesia would benefit from such changes.

How is AusAID involved?

Over the past two decades AusAID has been involved in numerous land projects in Southeast Asia and the Pacific. In 2008, the Australian Government announced that in addition to previous bilateral support they would spend a further \$54 million over the course of four years on phase two of the Pacific Land Program. The program is flagged to support land policy reform in Vanuatu, the Solomon Islands, Papua New Guinea and East Timor. Phase one of the Pacific Land Program was the creation of the two volume publication, *Making Land Work*.

Making Land Work is based on misleading assumptions that the land isn't working and therefore change is necessary; that local people desire or will come to changes to existing land systems; and that the integration of land into the

formal legal and economic systems are inevitable. The publication is said to be a resource for undertaking land policy reform in Melanesia, however in its current format is of little use to the majority of people affected by land reform. The position which underpins the publication is that increased formal economic development through land administration will lead to social development.

One major problem with this prescribed development theory is that often the domestic economy does not benefit greatly from the types of large scale or export oriented development that exploit the land, and that wealth represented through GDP does not necessarily trickle down to reach local communities or individuals.

Making Land Work for Whom?

Land is the most important resource for the Melanesian peoples of PNG and Vanuatu. Melanesian land systems are unique in the world, as most of the land still exists under customary title. Customary land systems are flexible and evolving systems of land rights, dealings and usage. In PNG 97% of the land is customary land, and in Vanuatu 98%. Communities depend on the land for food, shelter, and the continuation of culture.

The basis of customary land systems are foreign to western systems as rights to land are not defined as simple individual rights, group rights or property rights. In fact, in Melanesia customary groups are more appropriately called landholder rather than landowners as the concept of ownership misrepresents the complex relationships of people and land.

Customary land is held in accordance with customary law. Rights to land are not formally recorded, but are established through a complex system based on inheritance and usage. Customary land has been working for the peoples of the Pacific for many years in a way that serves everyone in society.

The way in which customary land doesn't "work" is for foreign investors, including mining companies, the forest industry, and cash crop farming industries, which find it difficult to negotiate consent to exploit the land. Many of the land conflicts in existence are a result of land coming under pressure from such development interests, rather than problems inherent to customary systems themselves.

Australian companies have clear interests in gaining access to land for the products of resource industries, real estate markets as well as the opening up of access to service markets. Additionally, Australian companies are set to gain significant project management contracts for carrying out the reform processes.

Australian companies such as the major development contractors Coffey International, Hassall and Associates International (HAI), and Land Equity International (LEI) are notable companies whom stand to benefit from land reform processes. All have connections to engineering and resource extraction industries, raising potential conflicts of interest.

In Vanuatu, Australian real estate companies such as LJ Hooker, The Professionals, First National and the Ray White Group profit through their hold of the local land market, a great portion of which is for the enjoyment of Australians. These residential and commercial developments rarely benefit local people, preventing them from accessing their traditional lands and at times resulting in difficulties securing reclaiming their land once lease terms have expired.

Land reform in PNG and Vanuatu as it currently stands does not benefit the majority of local people. Reform directions are overly geared towards foreign investment interests rather than meeting local and national material and cultural needs. Those for whom this issue is of foremost importance are being inadequately consulted on the future of their land and livelihoods. In opposition to opportunities for community-driven change, land reform threatens to disrupt the security that the land provides to many, including the most vulnerable members of society.

By Octavia Davidson

