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Climate Responsive Land Governance and Disaster Resilience: Safeguarding Land Rights



Presented at the FIG Regional Conference 2024,
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CUSTOMARY LAND TENURE REFORMS IN PAPUA NEW GUINEA (PNG): WILL THEY EMPOWER THE RURAL WOMAN?

Flora Kwapena (PhD)

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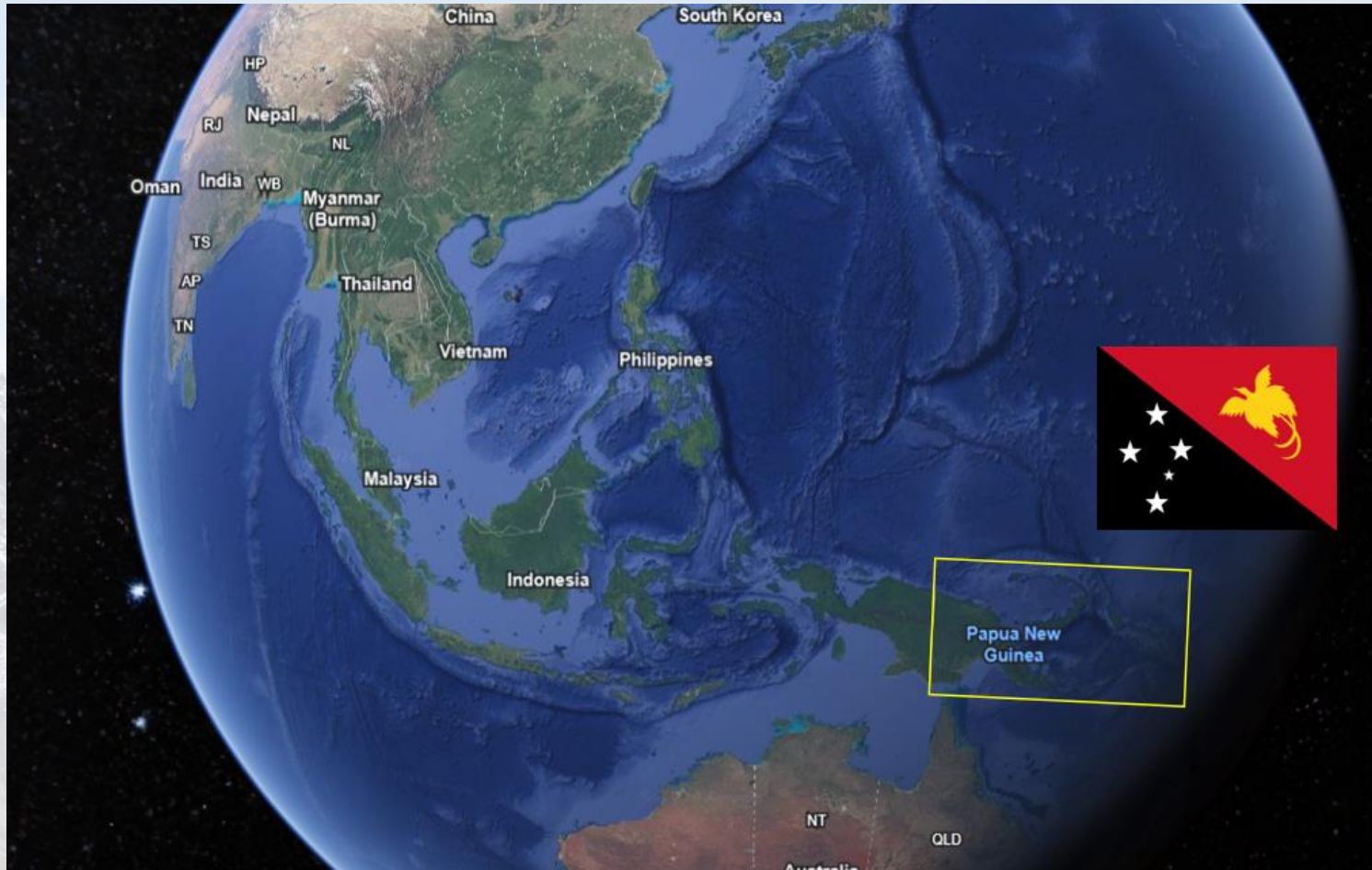
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- Papua New Guinea (PNG) lies in southwestern Pacific region
- PNG is a middle-income country
- Estimated population of 10.3 million
- Female (% of total population) in PNG was reported at 48.47 % in 2023
- 21 different provinces in PNG
- Approx. 840 different languages spoken
- 95 to 97% of the land is customarily owned by

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Presentation Outline

- **Introduction**
 - Background to study
 - Problem Statement
 - Research Questions
- **Literature Review**
- **Research Strategy & Case sites**
- **Research Findings & Discussion**
- **Conclusion & Recommendations**



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Background to the study

- **Research was stimulated by the most recent customary land reform program in PNG:**
 - Voluntary Customary Land Registration (VCLR) Process implemented in 2012.
- **Land reform constitutes amendments to two specific land legislations in PNG:**
 - Land Group Incorporation (Amendment) Act 2009
 - Land Registration (Amendment) Act 2009
- **Notable amendment in the Land Group Incorporation (Amendment) Act 2009:**
 - Mandatory inclusion of two women in the ILG executive/management committee.



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The Legal Framework of Customary Land Tenure Reform in PNG



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Problem Statement

The main objective of this research was to examine the impact of customary land tenure and reforms on rural women and their empowerment.

- PNG was ranked 153 out of 187 countries worldwide for gender inequality with regards to education, access to resources, health, employment and political representation (Wilson, 2012).
- PNG ranked 160 out of 161 countries on the United Nations Development Program's 2021 Gender Inequality Index.
- Critical knowledge gap exists about the impact of customary land reform on rural women and their empowerment in PNG.



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Research Questions

- What is the reality of customary land tenure for rural women, given matrilineal society verses patrilineal society in PNG?
- What is the impact of customary land reform on the landowners and who is benefiting from customary land tenure reforms?
- How do the gender dynamics in the rural community affect equal participation in access to resources; the empowerment of women and their decision making?



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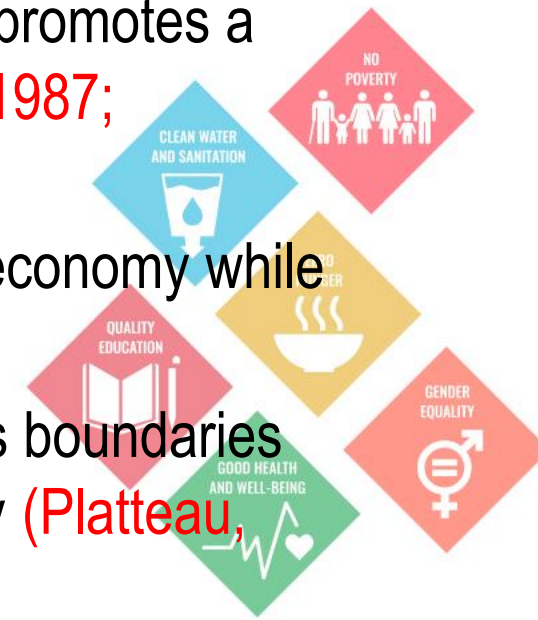
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Literature Review – Customary Land reform

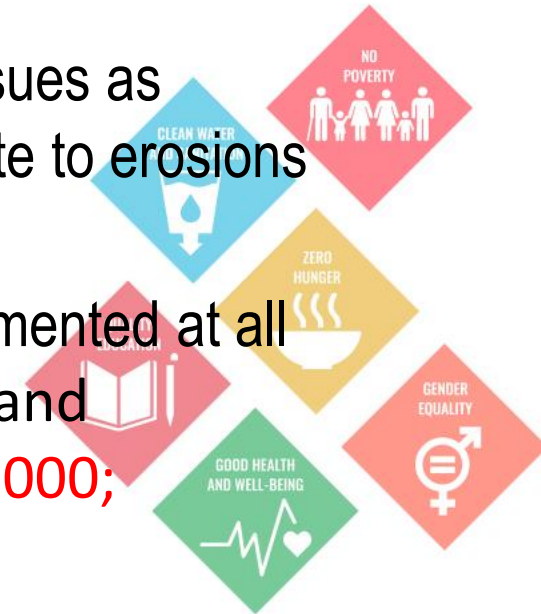
- Capitalism and the market economy have prompted significant modification to customary land tenure in developing countries such as PNG. (approx. 97% is CLT)
- Formalising customary land holding systems through the issuance of land titles promotes a means of securing land ownership rights (De Soto, 2000; Feder and Noronha, 1987; Deininger, 2003).
- Customary land ownership possesses the characteristics to develop a modern economy while protecting the land rights of members of the community (Lightfoot, 2005).
- Governments recognize customary tenure groups and demarcates and monitors boundaries between communities but leaves internal land administration to each community (Platteau, 1999; Fitzpatrick, 2005).





Literature Review – Impact of Customary Land Reforms on Women

- Increasing women's ownership of assets enables equality between men and women because rural women's ownership of land is closely associated with their well-being and empowerment (Agarwal, 2003).
- National governments view international norms (CEDAW) on gender equality issues as contradicting traditional cultural systems and resist implementation and contribute to erosions in women's status (Burn, 2000; Deere et al., 2003; Cornhiel et.al, 2014).
- For women to have “effective rights in land” gender equality laws must be implemented at all levels of society that enable women to have more power over resources and decision-making (Agarwal, 1994; and Agarwal, 2003; Datta and Kornberg 2000; Kambewa et al. 2007; Jacobs, 2001 and Walker. 2002).

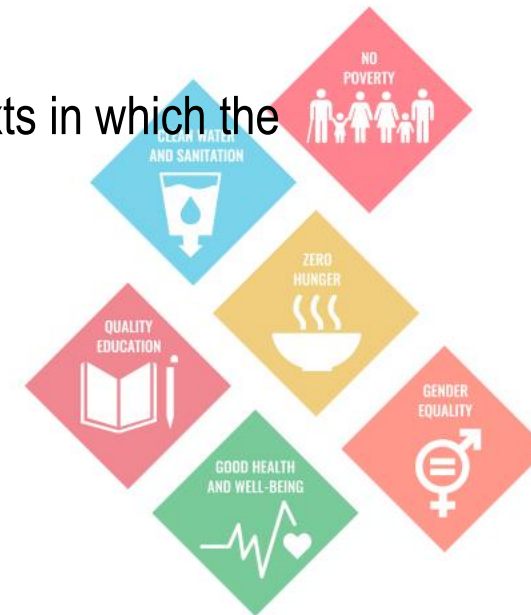




Research Strategy

Three (3) cases selected one matrilineal and two patrilineal societies in PNG.

- Research was conducted in two (2) of the 21 provinces of PNG: Milne Bay Province and Morobe Province.
 - **Nonparticipant Observation**
 - To gain an in-depth understanding of the physical, social, cultural, and economic contexts in which the study participants live
 - **Semi structured interviews with key informants (37 interviews)**
 - Purposive sampling
 - Clan leaders/elders, women's group leaders, ILG Executives
 - **Focus group discussions (4 groups)**
 - Men and women in the case study sites.



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Case Study Sites



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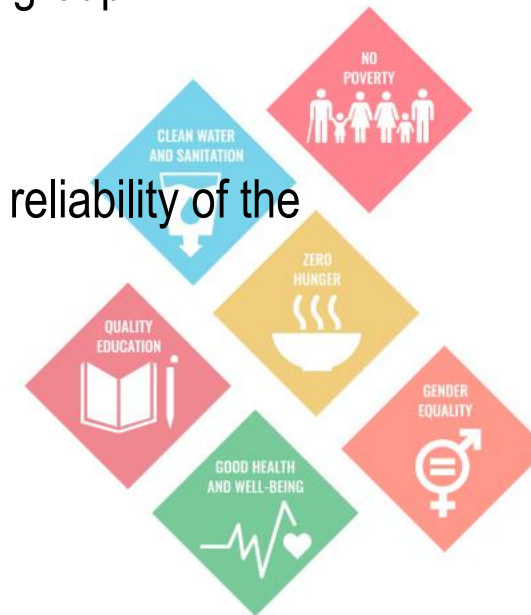
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Research Strategy

- **Data analysis**
 - Application of a coding system;
 - data was analysed to derive themes from the recorded semi-structured interviews and focus group discussions.
- **Triangulation of the data and critical discussion of each case.**
 - Case study data for each case was triangulated from multiple sources to ensure validity and reliability of the themes that emerge.
- **Cross-case comparison, from the findings of the three case studies:**
 - Matrilineal (Case Study 1) vs. Patrilineal (Case Studies 2 & 3)
 - Rural (Case Study 3) vs. Peri-urban (Case Studies 1 & 3)
 - Adopted VCLR (Case Studies 1 & 2) vs. Non VCLR (Case Study 3)



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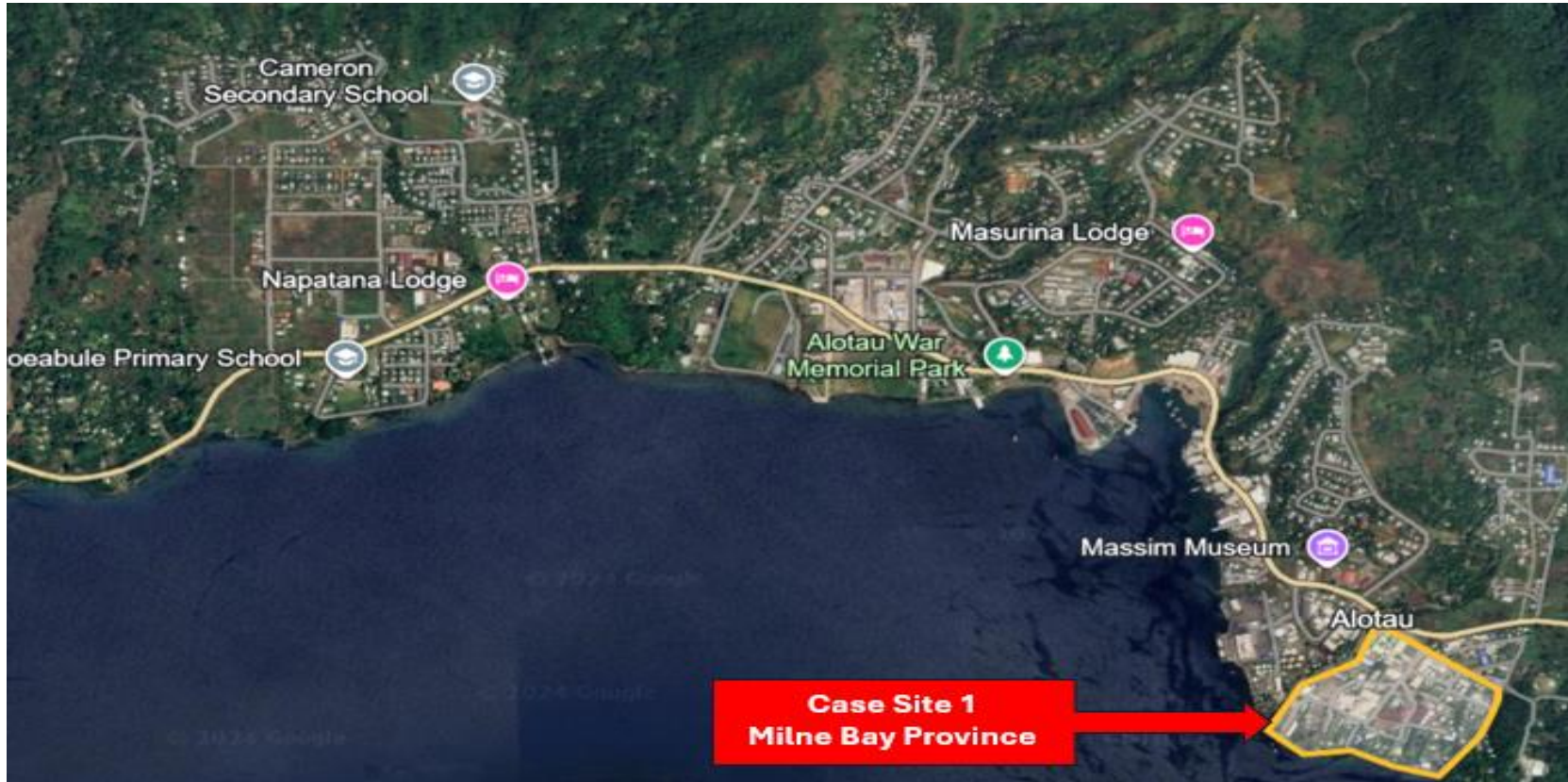
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Case Study One – Toudikwa ILG, Alotau, Milne Bay Province, PNG



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Case Study One – Toudikwa ILG, Alotau, Milne Bay Province

- Toudikwa are a peri-urban landowning family clan that practice the matrilineal land tenure system.
- Dominant culture favours women over men.
- Toudikwa Estate lies on the periphery of Alotau Town which is the provincial headquarters for Milne Bay Province.
- Toudikwa Clan are the owners of a subdivisional development that is legally registered and is locally known as the Toudikwa Estate.
- The women of the clan directly benefit from the proceeds derived from the development; this also applies to other members who are listed in the Incorporated Land Group.



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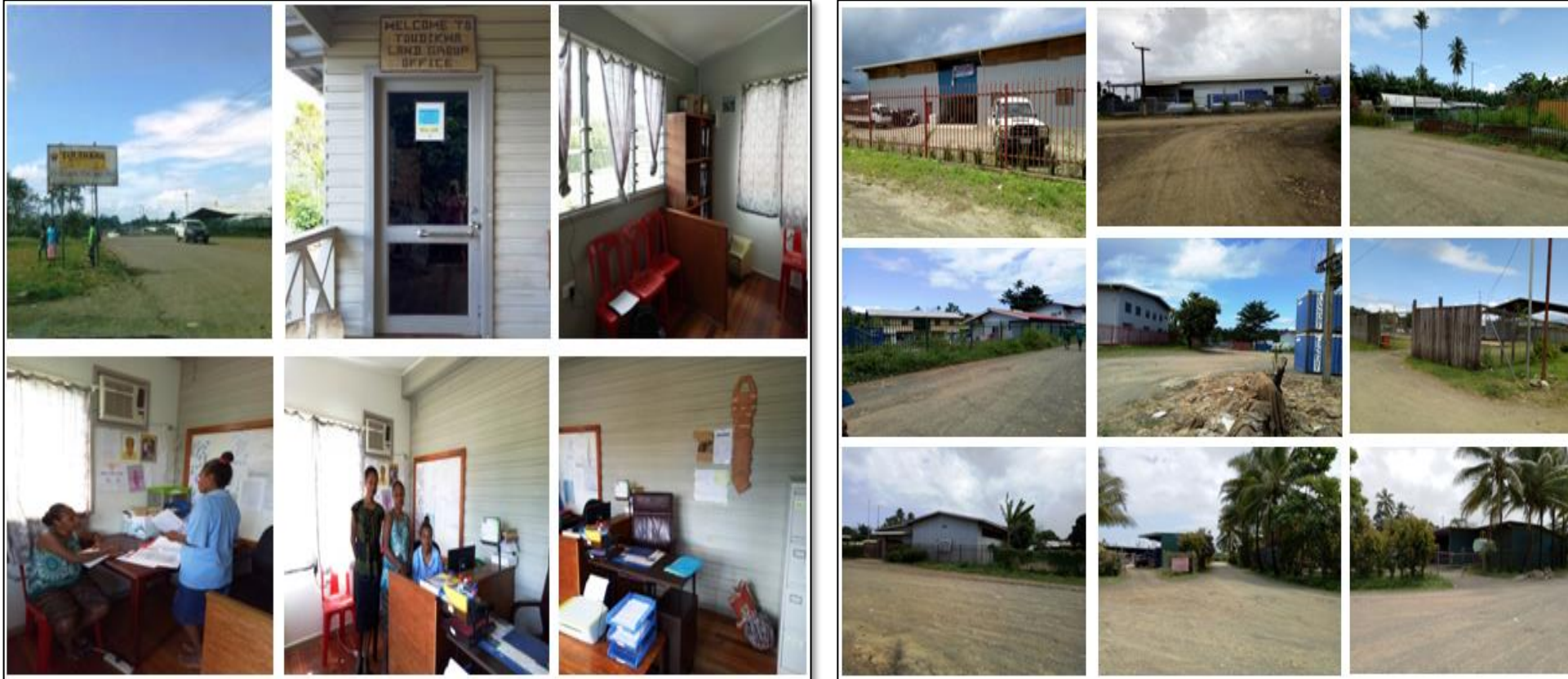
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Case Study One – Toudikwa ILG, Alotau, Milne Bay Province



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Case Study Two – Aridagin Clan, Morobe Province, PNG



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Case Study Two – Aridagin Clan ILG, Morobe Province

- The Aridagin Clan are a rural land-owning group from the Markham Valley District in the Morobe Province.
- The Aridagin clan are the owners of the land known as Ngaru No.1. As stated in the registered title, the land covers an area of 2.850 hectares.
- This portion of land has been divided into separate sub-leases issued to three different developers.
- Dominant culture tends to favour men over women.
- The social structure is like a pyramid in which the village leaders (the elders) with high status occupy the top social strata.



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Case Study Two – Aridagin Clan, Morobe Province, PNG



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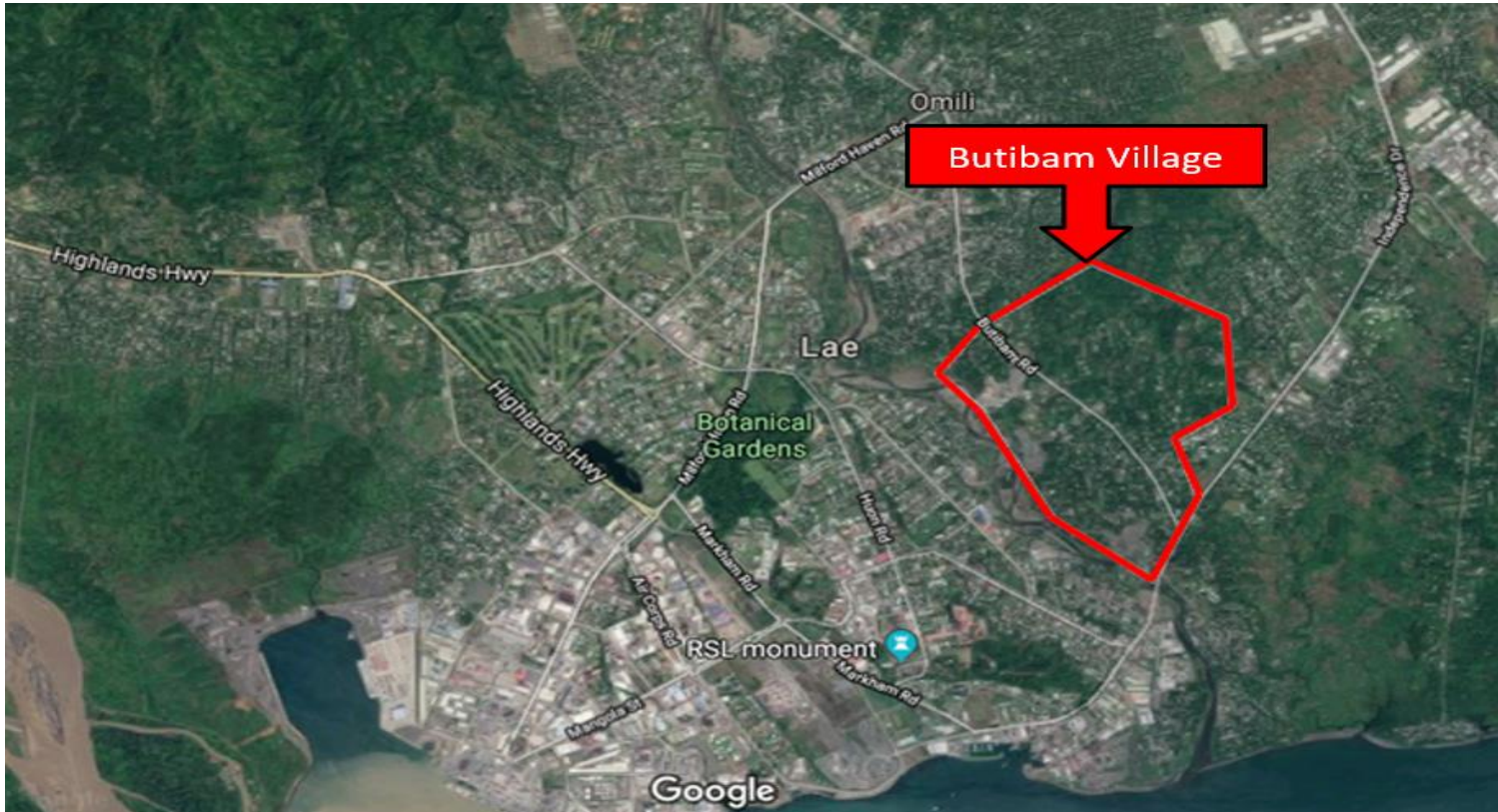
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Case Study Three – Butibam Village, Morobe Province



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Case Study Three – Butibam Village, Morobe Province

- Butibam Village are a patrilineal and peri-urban society.
- The men are the decision makers and take the lead in all activities relating to the management of the clan and community.
- Cash economy and social impacts of urbanisation challenge the traditional clan/village interests and customs.
- Butibam is in the path of urban expansion and is subjected to the increase of informal settlements resulting from rural-urban drift.
- Traditional succession and inheritance rights to land continue to limit Butibam women's ownership in land.



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Case Study Three – Butibam Village, Morobe Province



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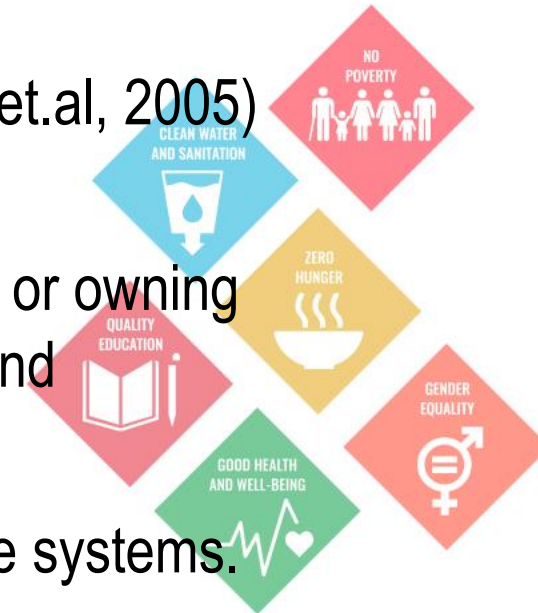




Findings and Discussion

CONTINUITY OF CUSTOMARY LAND TENURE SYSTEMS

- Fundamental principles of inheritance, communal ownership, and an inherent gendered distribution of property rights, appear to have remained more or less intact.
- Gender relations in matrilineal societies are found to be more egalitarian (Takyi et.al, 2005) but can be undermined by men (Braun, 2012; Macintyre, 2003; & Byford 2002).
- Customary tenure arrangements often pose difficulties in women accessing and or owning land. Disrespecting the culture could also make women vulnerable to violence and displacement.
- Marriage also influences access and user rights to land in customary land tenure systems.





Findings and Discussion

IMPACT OF CUSTOMARY LAND REFORM

- Voluntary Customary Land Registration (VCLR) process is a **hybrid model** that promotes communal ownership; as it incorporates customary law and statutory law.
- VCLR tenure arrangements that demonstrate that economic production on customary land can be achieved without full privatisation and individualisation.
- VCLR codifies land rights and locality boundaries in government systems and for market purposes.
- VCLR fails to combat entrenched gendered bias through patriarchy.





Findings and Discussion

IMPACT OF CUSTOMARY LAND REFORM

- Participation of women in the incorporated land group management committee not effective (Section 14B subsection (2) of the Act).
- Dominant culture tends to favour men over women, the progression of empowering the rural women remains at low levels irrespective of government legislations and policies.
- Educational access is equally important alongside land reform; educational equity is perhaps more important than land reform for women.
 - In the matrilineal case it can ultimately help the women from being undermined by the more educated men folk.





Findings and Discussion

IMPLICATIONS OF CUSTOMARY LAND REFORM ON WOMEN'S EMPOWERMENT

- VCLR does not specifically have enforcing clauses in the legislation to promote and protect women's rights to land or access to it.
- PNG ratified CEDAW in 1995, it is evident that gender inequalities still persist in all aspects of a rural woman's life.
- Resistance to gender equality is exacerbated by the insistence on customary norms and disinterest (particularly from men) in introduced policies.
- Papua New Guinea's Parliament has only **2 women** in Government as of the 2022 national election.





Findings and Discussion

IMPLICATIONS OF CUSTOMARY LAND REFORM ON WOMEN'S EMPOWERMENT

- VCLR is not CEDAW compliant mainly because of the persisting customary laws that prevail in communities.
- Clear tension between the global principles of gender equity concerning land inheritance and its gender discriminatory aspects and customary laws and practices.
- Gender asset gap in customary land in PNG due to three factors:
 - male preference in inheritance;
 - male privilege in marriage;
 - male bias in their respective community.



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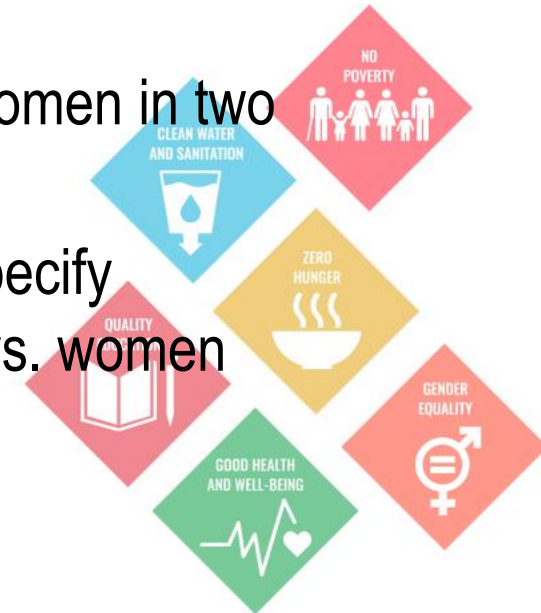
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Conclusion and Recommendations

SIGNIFICANCE OF THIS STUDY

- Contributes to new insights into the knowledge about the impact of customary land tenure and customary land reforms on rural women in Papua New Guinea.
- Provides a cross-case assessment on the reality of customary land tenure for women in two distinct societies; matrilineal and patrilineal.
- Provides evidence to develop a more robust process, strategically-focused to specify particular rights in an Incorporated Land Group Constitution (i.e. denoting men vs. women rights).



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Conclusion and Recommendations

RECOMMENDATIONS AND FUTURE RESEARCH

- Opens dialogue for future discussion in researching relationships between customary laws/practices, unequal access to land and property rights, religious teachings and women's empowerment in PNG.
- Women's customary land rights can impart social recognition and can potentially improve women's socio-economic empowerment.
- This study concludes that customary land reform is complex in its impact on rural women's empowerment in PNG.



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