

# LAND TENURE IN NEW GUINEA

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Land titles in New Guinea are not derived from the Crown as in Australia. The administration:

- (a) Purchases or leases from natives by mutual agreement.
- (b) Compulsorily acquires or resumes for public purposes.
- (c) Takes possession by proclamation of ownerless land.

The natives own all except 2 or 3 per cent. of all cultivable land in the Territory. There is considerable variation in indigenous systems of land tenure, which are related to the type of social structure in particular communities. Some, for instance, are patrilineal and some matrilineal. Members of clans, villages and larger groups all possess certain rights to land in common with other members of the same groups. There is no such thing as a landless group completely dependent upon employment, and all have the right to claim support from some area of land.

**TITLES** are provided for under the New Guinea Land Titles Restoration Ordinance 1951. New registers and records relating to land, mining, etc., have been compiled to replace those lost or destroyed during the last war.

In Papua no estates can be held in fee simple, although that was possible prior to 1906, in consequence of which a very small amount of freehold land exists. In New Guinea, however, the Land Ordinance enables freeholds to be granted, but the Administration's policy has been to grant leases only. There are 519,380 acres of freehold land in New Guinea, owned by private non-indigenous inhabitants, which the Australian Government "honoured" when it took over from the German administration in 1915. The total cultivable land in the Territory is approximately 18 million acres, of which about 2½ million acres have been alienated as follows: 519,380 acres is freehold, 600,000 acres leasehold, and 1,400,000 acres are held by the Administration available for development.

**SETTLEMENT.** Under the established policy, the community native ownership of the bulk of the land is recognized. No land can be acquired from the natives except by the Government, which, after acquisition, makes it available, under leasehold, to intending settlers. Private individuals are not permitted to have land dealings with the native owners.

To avoid the haphazard acquisition of land and waste of labor in investigating individual applications, the Land Development Board was reconstituted in 1954 to determine a land-use plan or pattern for particular areas, and applications for land are dealt with only in the light of these overall plans of development. Leaseholds can be secured only in the "designated areas."

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Standard "optimum" areas are granted to intending settlers, ranging from 200 acres for coffee and cocoa to 1,000 for coconuts and 1,500 for mixed farming.

The Administration has acquired most of its land by purchase from the natives, but consideration is also being given to large-scale leasing from the natives, of land which it may be expected the natives will require in the future. The disadvantage of leasing seen by the Government are:

- (a) That once leasehold tenure was established the natives would be generally unwilling to dispose of their land outright, and acquisition would become almost impossible.
- (b) Leasing might be instrumental in building up a race of native landed owners, Europeans becoming the workers, as had happened in Samoa.

**LEASING.** Two separate Land Ordinances govern leasing in Papua and New Guinea. Freehold estates cannot be granted in Papua, but freehold grants are provided for in N.G., but the existing policy of the Administration is to make grants of leasehold only.

**LEASES. AGRICULTURAL AND PASTORAL** leases are granted for any period not exceeding 99 years, without limit as to area. The rental is 5 per cent. per annum of the unimproved value of the land, which must be appraised every 10 years for leases up to 30 years and every 20 years for longer leases.

In both Papua and New Guinea no rent is payable for the first 10 years if the term exceeds 20 years and the area does not exceed 1,000 acres.

Town allotment leases are granted for any period not exceeding 99 years. There is no limit to the area in Papua, but in New Guinea the area may not be less than ¼ acre or more than 1 acre. The rental is 5 per cent. on the U.C.V. in Papua and 10 per cent. in New Guinea. The value is appraised every 20 years. Similar conditions are applicable to—Business and residence leases, and rent-free leases are granted to Christian Missions.

All leases in both Territories are subject to a reservation to the Crown of all mines, minerals, coal, shale and mineral oils and of rights of access for the purpose of searching.

The policy of the administration (as stated by the Minister for Territories, Mr. P. Hasluck, in October, 1954) is to respect the native ownership of land and to ensure that enough land is reserved to the natives to meet their present and prospective needs. Land can be acquired by the Administration only when the natives are willing to sell, and the Administration is satisfied that their present and prospective needs for land are safeguarded.

It is clear that the existing system of granting tenure in land in the Territories does not succeed in securing to each individual his full rights in the soil, which, of course, is the chief aim of this movement. However, I feel that the Government deserves our congratulations for its sincerity, so clearly manifested in its efforts to establish equitable relations in the land between the original inhabitants of the Territory and those who seek to settle there.

Possibly this School should endeavor to put before the Government the desirability of modifying existing policy in regard to some features of the present system, e.g., large-scale leasing by the Administration from the natives, having in mind the fears expressed by the Government that this may be instrumental in building up a race of native landed-property-owners.

Perhaps it is not too much to hope that we may succeed in influencing the Government to recognize the principle that to derive its revenues from treating all land as perpetual leaseholds is the natural course of any society, and justice dictates that we must not permit it to be appropriated by individuals or groups of individuals, native or otherwise.