

CD: LAND OWNERSHIP DISPUTES, LAW & DEVELOPMENT

EXAMINATION

NAME: _____ ID: _____

SUBJECT: Land Ownership Disputes, Law & Development **SUBJECT CODE:** CD228

TIME: 8:20AM-11:20AM

DATE: WEDNESDAY, 28 OCTOBER 2020


RAW SCORE: 100 MARKS.

WEIGHTING: 40%

VENUE: CDS ROOMS 205 & 207.

SUBJECT EXAMINER: Mr. Winuan & Mr. Mitio

THIS EXAM. PAPER IS MADE OF SIX (6) PARTS:

PART	TYPE OF EXAM. ITEM	TOTAL MARKS AWARDED
A	Multiple Choice Questions.	15
B	True and False Questions.	15
C	Diagram Questions.	15
D	Matching Questions.	15
E	Cloze/Fill-in Questions	15
F	Short-Answer Questions.	25
Total Marks 		100

INSTRUCTIONS FOR THE CANDIDATES:

1. This is your final examination for Semester 2.
2. You have **3 hours** to complete this examination.
3. Read each question carefully before you attempt to answer it.
4. Make an attempt to answer all questions.
5. Write **all** your answers on the **same Exam. Question** paper.
6. If you are in doubt, raise your hand for clarification.
7. **DO NOT START UNTIL YOU ARE TOLD TO DO SO.**

PART A: Multiple Choice Questions (15 MARKS)

Instruction: For each multiple choice question, circle the letter that represents the correct answer.

1. There are two types of land systems in PNG – alienated and unalienated lands. Of these, we have studied that alienated land is:
 - A) Land that is converted from customary ownership to state and private-owned land.
 - B) An area of land that is yet to be converted to state lease.
 - C) Land that is still held by customary ownership.
 - D) Land that is converted from customary ownership to private freehold only.

2. We also have learned that amount of land still being held by customary ownership in PNG is set at:
 - A) 50%.
 - B) 73%.
 - C) 97%.
 - D) None of the above.

3. The distinction between state land and private freehold is that:
 - A) State land is owned by government and is acquired by force; while, private freehold is acquired by companies through land purchase.
 - B) State land is held on behalf of the people, while private freehold the owner controls his land for his own benefit.
 - C) State land is usually leased out for a maximum period of 99 years; while, the life of freehold is indefinite.
 - D) Both B and C.

4. Under what legislation do ILGs register to get a Certificate of Recognition?
 - A) Land Act 1996?
 - B) Land Groups Incorporation Act 1974?
 - C) National Registration Act 1977?
 - D) Customary Land Registration Act 1977?

5. Under what legislation do ILGs register to get a Certificate of Title?
 - A) Land Act 1996?
 - B) Land Groups Incorporation Act 1974?
 - C) National Registration Act 1977?
 - D) Customary Land Registration Act 1977?

6. What is a scheme created after several attempts by the PNG National Government to register the customary land and give titles to government for commercial agriculture development purposes?
 - A) Special Agriculture Business Lease.
 - B) General lease- lease back.
 - C) Land tenure system.
 - D) 99 Year lease.

7. In the recent years there has been an increase in the special agricultural business lease activities throughout PNG. What is the primary objective of SABL?
- A) SABLs were established to increase economic activity and empower local communities. It was anticipated at the time that customary landowners would benefit from rental payments, employment opportunities and increased welfare services and facilities.
 - B) Increase the land use systems that are currently practised in PNG customary societies.
 - C) To increase the general community participation in the development process.
 - D) To enable all stakeholders to collaboratively pursue their common interests.
8. Who usually register a customary land?
- A) The Village Land Team.
 - B) Dispute Settle Authority.
 - C) Village Magistrates and Provincial Government officers.
 - D) The registrar of Titles who is employed by the Department of Lands.
9. An Act or law enacted by the parliament that deals with all matters relating to customary land disputes.
- A) Land Dispute Settlement Act.
 - B) ILG Act.
 - C) Land Act.
 - D) Mining Act.
10. A person who, unless authorized by a Provincial Land Court, a Local Land Court or any other law, wilfully or knowingly removes, obliterates or defaces a natural feature indicating a boundary on land to which this Act (Land Disputes Settlement Act) applies is guilty of an offence, for which the following penalty is applied.
- A) K500.00 fine or imprisonment for a term not exceeding eight months.
 - B) K200.00 fine or imprisonment for a term not exceeding six months.
 - C) K1000.00 fine or imprisonment for a term not exceeding twelve months.
 - D) K100.00 fine or imprisonment for a term not exceeding two months.
11. Under which Act can a land dispute be settled involving Private freehold?
- A) Land Act (1996).
 - B) Land Groups Incorporation Act (1974).
 - C) Land Titles Commission Act.
 - D) Land Disputes Settlement Act.
12. Similarly, under which Act can a land dispute be settled involving State land?
- A) Land Act (1996).
 - B) Land Groups Incorporation Act (1974).
 - C) Land Titles Commission Act.
 - D) Land Disputes Settlement Act.

13. Under which Act can a land dispute be settled involving customary land?

- A) Land Act (1996).
- B) Land Groups Incorporation Act (1974).
- C) Land Titles Commission Act.
- D) Land Disputes Settlement Act.

14. Who appoints Land Mediators?

- A) Local Land Court.
- B) Provincial Land Disputes Committee.
- C) The Registrar.
- D) A Magistrate of Provincial Land Court.

15. What is the three-tiered system for settling land disputes in PNG?

- A) Mediation, arbitration and appeal.
- B) Resolution, appeal and Mediation.
- C) Arbitration, mediation and reconciliation.
- D) None of the above.

PART B: TRUE AND FALSE QUESTIONS (15 MARKS)

Instruction: Write **True** if the statement is True and **False**, if it is False.

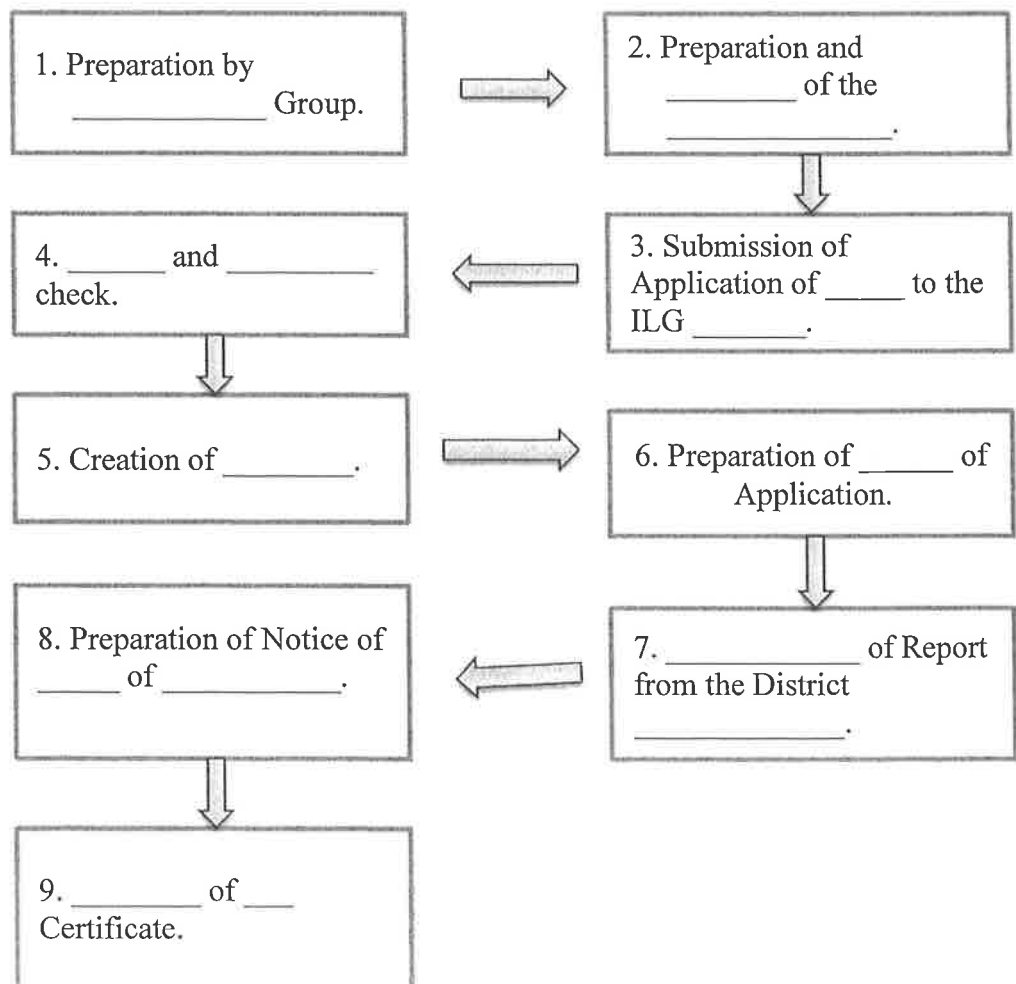
1. According to the 1992 Mining Act all minerals ten feet under the land belongs to the state _____.
2. Under Forestry act of 1993, forestry activities can only occur on privately held land _____.
3. According to the Mining Act, mining leases are granted regardless of landownership _____.
4. According to the Land Dispute Settlement Act, a landowner can be represented by a lawyer in a customary land dispute case _____.
5. A Dispute Settlement Committee of an ILG must have more than one person _____.
6. A landowning group that wants to have its land registered with a title must first have a registered ILG _____.
7. A Certificate of Title is granted to an ILG under the Land Groups Incorporation Act _____.
8. From 2018 onwards, it is illegal to sell customary land to other Papua New Guineans _____.

9. For the purposes of administration of the ILGs, the Minister may appoint an officer to be the Registrar of Incorporated Land Groups _____.
10. Customary Law and practices governing lineage land use in PNG is a written and codified document _____.
11. A fixture is a legal concept which means any property that is permanently attached to real property (usually land) _____.
12. Chattel property, while not fixed, cannot be converted into a fixture by the process of attachment _____.
13. When land lacks adequate legal, institutional, and customary protection, it becomes a commodity easily subject to manipulation and abuse _____.
14. Conflict can be generated when there is insecurity of tenure _____.
15. Developing property claims registries can be one way of managing sources of land conflict _____.

PART C: Diagram-Completion Questions (15 MARKS)

Instruction: Complete the diagram below by filling in the correct missing key terms.

Process of Establishing an ILG



PART D: MATCHING QUESTIONS (15 MARKS)

Instruction: Match each of the following components in the Third Column to its respective description in the Fifth Column. Write the **correct description number** in the **Your ANSWER column** (First Column) of the table.

Your ANSWER		Components		Description
	A	Arbitration	1	This is a license granted for a term not exceeding 2 years and renewable for another 2-year term over an area not exceeding 2,500 km ² .
	B	Exploration License	2	An officer attached with the Department of Lands & Physical Planning who assists, monitors and oversees the formation of ILGs.
	C	Land Registration	3	A legal document that provides for just, efficient and effective machinery for the settlement of disputes in relation to interest in customary land.
	D	Mediation	4	A course or principle of action adopted or proposed by an organization or individual.
	E	Certificate of Title	5	Process of recording a description of the land and its boundaries and the ownership of that land.
	F	Act	6	Someone who rents out some form of property, like land, a house, etc...
	G	Land Mediators	7	Granted for a term not exceeding 20 years and renewable for terms of up to another 10 years. Normally, these are granted for small- to medium-scale mines and some alluvial mine developments.
	H	Policy	8	A person who rents something, typically some form of property, to other people.
	I	Eminent Domain	9	is a statute/bill enacted as primary legislation.
	J	Land Lord	10	People appointed to act between two opposing parties in a land dispute.
	K	Mining Lease	11	Customs and traditional practices dealing with use and management of communal land.
	L	Disputes Settlement Act	12	Process of dispute resolution whereby the parties to the dispute are bound by any decision made.
	M	Registrar	13	Showing legal ownership of land.
	N	Tenant	14	The power of government to compulsorily acquire or take private property as long as it is for a legitimate 'public' use.
	O	Customary Law	15	Process of dispute resolution whereby the parties to the dispute reach a settlement with the help of a neutral third party.

PART E: Cloze-Filling-In Blanks Questions (15 MARKS)

Instruction: Complete the passage below by filling in the blanks with missing words. These words are to be chosen from among the ones in the box. Use each word only once.

decrease, loss, social, Conflict, negative, marginalized, violence, different, expenditures, political, investment, costs, livelihood, economy, tax.

Consequences of Land Conflicts

Land ownership conflicts have _____ effects on individual households as well as on the nation's _____. They increase _____, slow down _____, can result in the _____ of property for a conflict party and reduce _____ income (land tax, trade/commercial tax) for the state or municipality. The lower the transparency in land markets, the less equal is information being disseminated, and the weaker constitutive and regulatory institutions are, the more likely it is that land conflicts occur. People therefore need to spend a lot of time and money on searching for information and monitoring agreements/contracts. This means that land conflicts are associated with high transaction and agency costs or vice versa, that (relatively) high transaction and agency costs indicate a high probability of land conflicts.

_____ over the use of land generally have a negative impact on the poor or on the natural or building environment. They either _____ quality of life for parts of society or, if they are addressed and ameliorated, contribute to additional state _____ and therefore have an impact on the national wealth.

Land conflicts also increase _____ and _____ instability. Where ever there occur a lot of multiple sales, evictions, land grabbing etc., people lose confidence in the state and start mistrusting each other. Social and political stability suffers even more when land conflicts are accompanied by _____. Dealing with land conflicts therefore also means to re-establishing trust and confidence in public as well as private institutions.

Land conflicts affect different groups in _____ ways. Not only do they generally have a stronger impact on the _____ of the poor than that of the rich, but they also impact differently on men and women, urban and rural populations, farmers and pastoralists etc., with groups such as squatters, ethnic minorities or orphans being extremely _____.

PART F: Short-Answer Questions (25 MARKS)

Instruction: Supply short and clear written answers to the following questions.

1. Provide one of the main purposes of the *Land Group Incorporation Act* (1Mark).
2. According to *Section 5* of the ILG Act, in recognition of registering an ILG group, what will the registrar issue? (1Mark).
3. According to the Land Dispute Settlement Act, name the person whose task is to chair a Provincial Land Dispute Committee (1 Mark).
4. Name a document or information that the Registrar of ILGs will require (as per *Section 52*) when an application for the registration of an ILG is made (1 Mark).
5. What three important provisions does *Section 21* of the Incorporated Land Groups Act stipulates to be adhered to? (3 Marks).
6. Name the two forms of land tenure system in PNG (2 Marks).
7. The Land Dispute Settlement and the Integrated Land Group Acts seem to have some relationship with one of the five National Goals and Directive Principles of The Constitution of the Independent State of Papua New Guinea in its Preamble which refers to Papua New Guinea ways. What number of the five goals is it (1 Mark)?
8. Which resource extraction industry Act requires social mapping and customary landowner identification to be carried out (1 Mark)?
9. If mining, forestry or any business activity occurs on traditional land and there is any dispute on that land what Act will be used to solve the matter (1Mark)?
10. Define what customary land tenure means (3 Marks)?
11. State five reasons, from the discussion in class, about what land means to most Papua New Guineans. (5 Marks).
12. According to the Land Dispute Settlement Act, which person helps magistrates to settle land disputes (1 Marks)?
13. Give two advantages and two disadvantages for customary land registration.
 - a) Advantages:
 - b) Disadvantages: (4 Marks).

END of Examination