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One Hundred Years of Land Reform on the Gazelle Peninsula

A Baining Point of View

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Abstract

People who write about customary land in Papua New Guinea commonly make the observation that it accounts for ninety-seven per cent of the country's surface area. If they are right, then the 'bare facts' of land tenure have not changed since Independence in 1975. In fact they are wrong, but the appearance of a static division of space continually motivates a debate about what (if anything) should be done about the 'mobilization' of customary land to facilitate 'rural development'. Behind the ideological trappings of this argument, we find a rather curious double movement: on the one hand a substantial increase in the proportion of 'customary' land which is subject to specific forms of modern property right; and on the other, a simultaneous increase in the area of 'alienated' land subject to successful rental claims by customary landowners. In this chapter we investigate one case of this double movement on 'alienated' land claimed by the Kakat Baining people of east New Britain to illustrate some of the contradictions embedded in arguments about the relationship between 'land mobilization' and 'rural development'.

Introduction

The common starting point for academic debate about land reform in Papua New Guinea (PNG) is the observation that ninety-seven per cent of the country's land area is 'under' customary ownership, while the remaining three per cent has been 'alienated' from its customary owners. The proponents of radical reform argue that the institutions of modern capitalism can only thrive on the tiny proportion of land which has been alienated, and this proportion therefore needs to be expanded (Gosarevski *et al.* 2004; Jones and McGavin 2000; Lea 2002). One defence of custom then claims that development has taken place and can be made

to accelerate on the vast area of land which has not yet been alienated, so there is no inherent contradiction between a process of land reform and the basic principle of customary ownership (Fingleton 2005; Ploeg 1999; Ward 1981). A second defence of custom takes aim at any kind of land reform which supports a foreign or capitalist model of 'development' and therefore threatens to create a class of landless citizens (Anderson 2006; Lakau 1997). The appearance of a stalemate in this policy domain may be ascribed to a lack of indigenous ownership over the reform process itself (Levantis and Yala 2008) or to the power of a class of smallholders whose attachment to customary land is part of the Australian colonial legacy (Fitzpatrick 1980; MacWilliam 1988). But whether or not the participants in the debate believe that some amount of customary land ought to be 'mobilized for development', they all seem to share a common assumption that complete or partial alienation of land is a one-way street, and that traffic along this street has either been blocked by an inappropriate or dysfunctional institutional framework, or else successfully opposed by a coalition of national political interests.

When the Commission of Inquiry into Land Matters observed in 1973 that '[a]lienated land comprises only 2.8% of the total land area of Papua New Guinea' (PNG 1973:46), it relied on evidence contained in the government's register of freehold and leasehold land titles. It can be argued that the proportion of alienated land has declined since then because areas of customary land that have been freshly alienated are more than offset by the areas of alienated land whose official records have been lost or stolen. On the other hand the loss of alienated land can also be represented as the continuation of a trend already established during the period of the first Somare government (1972–7), which returned 220,000 hectares of 'vacant government land [almost one per cent of PNG's land area] to the original customary owners in areas of land shortage' (Fingleton 1982:119). If this trend is accepted as a fact, then it looks like the radical reformers have an even harder task ahead of them because we cannot simply say that 'nothing has changed' over the last thirty-five years. Yet the current debate is still framed by mutual acceptance of the 97:3 ratio. In 2008 the Australian government aid agency could still observe that 97 per cent of PNG's land is 'customary', 2.5 per cent is 'public' and 0.5 per cent is 'freehold' (AusAID 2008:4). Perhaps the desire to preserve this 'fact' against the sweep of history reflects a genuine belief that nothing much *has* changed over the last thirty-five years and hence to underline the argument that *something needs to be done* to 'make land work', even if it is not just the acquisition of more public land or the creation of more freehold titles. Be that as it may, our argument is that relatively small movements in the frontier separating parcels of alienated land from the vast unregistered hinterland of custom are only one aspect of a much bigger double movement which involves *the partial alienation of customary land* and *the partial customization of alienated land*.

This movement takes different forms in different parts of the country. In this paper we investigate its manifestation in the vicinity of Lassul Bay on the north coast of the Gazelle Peninsula in East New Britain Province. East New Britain has a special place in the history of PNG's land policy debate because the Tolai people who constitute the dominant ethnic group in that province were at the forefront of the movement to restore colonial plantations to national and local ownership during the late colonial period (Chowning *et al.* 1971; Grosart 1982; Grosart and McColl 1975). The struggle for land in their densely populated corner of the Gazelle Peninsula has remained a major subject of ethnographic inquiry and a major influence on the course of national policy in the postcolonial period (Fingleton 1985; Kean 1998; Lowe 2006; Martin 2006). However, in this paper we turn our attention to the much bigger, but far less densely populated area traditionally occupied by the Baining people, where the struggle for land has not been a major subject of ethnographic inquiry, but where the double movement of property rights has taken its own distinctive form. This will enable us to see how the creation of a hybrid space with fuzzy boundaries is not just the result of people competing for access to a scarce resource, nor simply the reflection of a grander contest between the forces of 'custom' and 'development'. What appears at first sight to be a double movement in the ownership of land is revealed at the local scale as a sequence of transactions and appropriations, attachments and detachments, possessions and dispossessions, in which land is only one of several 'things' at stake.

The Lassul Bay Landscape

Lassul Bay is located along the north coast of the Gazelle Peninsula, about sixty kilometres west of Rabaul. The communities around Lassul Bay are counted amongst the twenty-one wards of the Lassul-Baining Local-Level Government (LLG), which is one of three LLGs which make up the Gazelle Open Electorate or District. The indigenous people of this area are generally known as the North Baining or Kakat Baining – one of five Baining populations who speak distinct but related languages and occupy most of the mountainous interior of the Gazelle Peninsula as well as some parts of the coastal zone.[1] Their traditional territory extends across the northwestern part of the peninsula, including most of the area represented by the Lassul-Baining and Inland Baining LLGs. Nevertheless, the Baining people now constitute a minority of the population in the Gazelle District.

Figure 8.1 shows the spatial division of the coastal zone around Lassul Bay into numerous blocks of alienated land with a customary 'hinterland' to the south and east of them. In this case at least, most if not all of the records pertaining to ownership of the alienated land parcels are still held by the Lands Department in Port Moresby. Most of these are freehold titles, suggesting that they were

alienated under the German colonial regime before the First World War, although part of the area covered by these titles has since reverted to state ownership. The minority of leasehold titles (Portions 41, 45, 796, 800 and 803) may have been created after the Australian government secured a League of Nations mandate to administer the Territory of New Guinea in 1921. Most of the alienated land titles in the area, including the five leasehold titles, currently belong to an agribusiness company, New Guinea Islands Produce, which local people know by the name of its marketing subsidiary, 'Agmark'.

The lines that clearly separate the space of alienation from the space of custom in this area have no counterparts in the division of the local population. The area shown on Figure 8.1 contains all or part of five council wards, each of which is subdivided into a number of census units whose names are shown on the map, but there is no official map which shows the spatial boundaries of these political units. In that sense they are simply groups of people who are periodically distinguished by the conduct of a census and whose political interests are officially represented by different councillors in the Lassul-Baining LLG whose headquarters are located on the shores of Lassul Bay.

The North Baining people have their own way of dividing the coastal zone into fairly large territorial units, which Fajans calls 'districts', separated by the major rivers which flow north into the Bismarck Sea. In precolonial times the residents

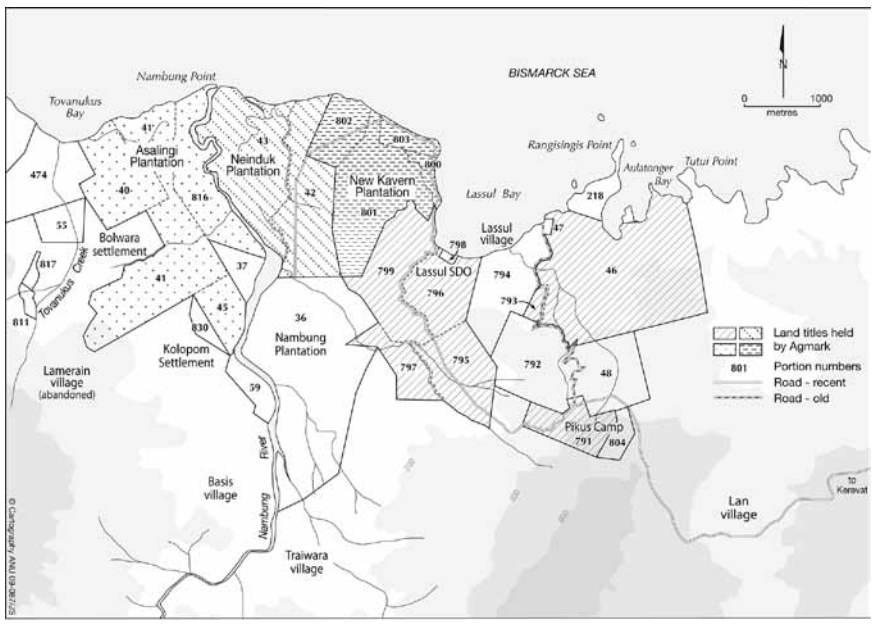

Figure 8.1 Map of census units and alienated land titles in the vicinity of Lassul Bay.

of a single 'district' did not form a unified political entity because raiding and fighting took place both within and across their boundaries (Fajans 1997:16), but these territorial units have become more like political and religious communities since the Catholic mission entered the area and turned them into 'parishes'. So Lan is not just the name of a village and a larger council ward, it is also the name of a district or parish that stretches from the Nambung River in the west to the Karo River in the east, and all of the Baining people who live between these two rivers regard themselves in some sense as members of a single community. Most of the families in this community maintain houses, gardens and cocoa blocks in several different parts of the parish, so the division of the local Baining population between council wards and census units is both artificial and unstable. The Baining settlements which now comprise Pikus Camp, Lassul village and Traiwara village have all been established as outposts of Lan village within living memory, but Lan village itself has never been more than a loose cluster of hamlets. As some of its residents have recently moved east towards the Karo River, it is now divided between the original area of settlement, known as 'Lan 1', and the newer area, known as 'Lan 2'. A similar process of dispersal has resulted in the division of both Lassul and Traiwara villages into two spatially discrete groups of hamlets.

While the population of Lan parish is officially divided into three council wards, each with its own elected councillor, the physical boundary between one ward and the next is only recognized as such when it coincides with the boundary between two blocks of alienated land that belong to different plantations. Thus the boundary between Traiwara and Lassul wards appears to follow the northern and eastern boundaries of Nambung Plantation (Portion 36) until it reaches the point at which a wedge of customary land separates Portion 36 from Portion 797 of Lassul Plantation. Beyond that point the three Baining councillors have no evident interest in delineating or protecting the boundaries between their jurisdictions. Even the boundaries between alienated and customary land have become increasingly porous as Baining people have occupied (or reoccupied) parts of the Nambung, Lassul and Seeberg plantation lands that have not been commercially managed for many years.

Very few Baining people have been formally employed as plantation workers since the end of the German colonial period, so the bulk of the population now resident on the four plantations in the area which are still counted as distinct census units (New Kavern, Neinduk, Nambung and Asalingi) is the residue of a plantation workforce recruited from other parts of PNG. Some of the Sepik and Highland labourers formerly employed on Nambung plantation came to an arrangement with the Bainings of Traiwara ('Dry Creek') village which enabled them and their families to settle on customary land and establish cocoa blocks along the upper reaches of the Nambung River.[2] The Sepik settlement is located on the western side of the Nambung River, but its inhabitants are evidently

counted as part of Traiwara census unit because that census unit contains the customary owners of the land in question. Even where this type of settlement has been established, the social division between the Baining and non-Baining sections of the local population now seems quite clear, and there is little evidence of intermarriage between the two groups except where non-Baining children or adults have previously been adopted by Baining families.

In Baining terms the area west of the Nambung River, including Asalingi plantation, belongs to Nangas district or parish, and we might therefore infer that the people with strongest claims to customary ownership of most of this territory are concentrated in Nangas village, which is not shown on Figure 8.1, because its hamlets are located west of Tovanakus Creek. Baining people form a majority of the population in Basis village and part of the population of Kolopom Settlement, but many of these people have migrated to this area from other Baining communities in the mountain ranges to the south. The timing of this migration and the degree of their integration with the Nangas 'community' has not been established. The non-Baining population of Kolopom ward, including the settlement of Bolwara, includes a substantial number of Tolai people, Duke of York islanders, and members of other ethnic groups who were formerly employed as plantation workers in the area but who managed to acquire blocks of land from the customary owners. This helps to explain why the local councillor is himself a Tolai, but the history of land transactions in this ward has also been a bone of contention with the Baining population of Lan parish because of the long history of antagonism between Bainings, Tolais and Duke of York islanders. Recent census figures suggest that people who identify themselves as Bainings account for about half of the thousand or so people who currently reside in the area shown on Figure 8.1.

The Double Movement in History

Our own interest in the history of this area stems from the conduct of a social baseline study that was triggered by plans to build an industrial facility on the shores of Lassul Bay. If these plans are implemented, then the double movement will take a new turn, but we shall see that there have already been several turns along the road that leads to the present state of affairs. From the point of view of the indigenous Baining population, the history of this area over the last century or so is a history of land lost and partially reclaimed. We get a clear sense of this from a version of recent history recounted by three senior Baining men of Lan parish in 2007.

According to the local census book one of our Baining informants was born in 1950, and he says that he was born and brought up in a Baining settlement on land

now occupied by Lassul 'Sub-District Office' (Portion 798). The story goes that the Australian colonial administration told the inhabitants to vacate this settlement to make way for the new government station, but failed to offer any compensation for their loss. The residents supposedly moved to Lan village, but after a short while (three years or so), a group of ten men from that village jointly founded the settlement now known as Lassul 1 on the eastern shore of Lassul Bay within the boundaries of Portion 794. It is said that Traiwara village was established shortly afterwards, also by a group of ten men from Lan village, at a time when Nambung Plantation was owned or managed by a white man called 'Backhouse'. Both settlements are now seen as part of a deliberate strategy to occupy areas that might be vulnerable to colonization by Tolai settlers migrating westwards from around the Catholic mission station at Vunamarita. Our informants did not suggest that they were part of a strategy to reclaim customary rights to land alienated by German planters or Australian colonial administrators over the course of the previous century.

At the time when Lassul 1 was founded, the 'boss' of the Lassul, New Kavern and Neinduk plantations – along with another plantation called 'Cacao' – is said to have been a Chinaman called 'Achok'. Achok apparently had a series of meetings with the new settlers through which it was finally agreed that they would retain the right to occupy and use the land around the settlement and could plant their own coconuts on it. Around the time of PNG's independence in 1975, Achok is said to have 'given' his plantations to a mixed-race man called 'Pauli'. Some years later Pauli moved to Australia and 'gave' the plantations to a Tolai businessman and politician called 'Konga'.

Konga brought a Malaysian logging company into the area, thus causing a lot of damage to local people's land and resources, especially their water supplies and food crops, with little or nothing by way of compensation. Some of the money which customary landowners should have received as royalties was supposedly invested in a trade store on New Kavern plantation, but no more was seen of that money when Konga 'gave' the plantations and the trade store to Agmark after the logging operation had come to an end. One informant (the Lassul ward councillor) claimed that the area of flat land immediately behind Lassul government station was sold by Konga to the Lassul Baining Community Government (as it then was) for K15,000, but the value of this land was reduced when the loggers blocked the channel through which a creek formerly drained into Lassul Bay. Parts of the land in question are now described as a 'swamp' whose waters occasionally flood the government station and adjacent hamlets of Lassul village.

Let us now see how these fragments of oral history square up against the written historical records of the area. These records reach back to the German colonial period, well beyond the memory of anyone living in the area today, but there is one event from that period which still has legendary status for local people.

On 13 August 1904 a Baining man called Tomaria led an attack on the Catholic mission station of St Paul, which was located east of the Karo River in the Baining 'district' of Puktas. Two priests and eight other German missionaries were murdered (Hempenstall 1978:149). At the time of the massacre the missionaries had already been working in the area for eight years and had drawn the attention of Albert Hahl, chief justice and later governor of German New Guinea, to the Tolai practice of raiding Baining territory, killing and eating any adults they could find, then kidnapping and enslaving their children. Tomaria himself was one of the Baining orphans who had been enslaved in this way, but had then been freed by the German administration and returned to the care of the missionaries. While he and his fellow killers were rounded up and shot, the German authorities continued to regard the Bainings as subjects in need of protection from their Tolai neighbours.

The subsequent alienation of Baining land along the north coast of the Gazelle Peninsula could be construed as an act of reprisal for the St Paul's massacre (Rohatynskyj 2001:26), but may also have been intended to create a sort of European 'buffer zone' between the two native populations (Hempenstall 1978:150). Immediately after the massacre, Governor Hahl took a personal interest in the recruitment of German farmers from Queensland to settle in the hillier areas above 400 metres, where it was thought they would be less susceptible to malaria (Sack and Clark 1979:261; Hahl 1980:113). One of the blocks alienated for this purpose included the current Portion 791 and the Baining settlement of Pikus Camp takes its name from the fig trees planted at that time which are still a prominent feature of the local landscape. By 1914 the hill farm experiment had proved to be an economic failure (Sack and Clark 1979:301; Hahl 1980:118), but coconut plantations had been established all along the coast. In the period before the First World War Baining men were recruited to work on the plantations and to build the network of riding tracks connecting them together. The track from Vunamarita mission station reached as far as Neinduk plantation by 1911 and a track connecting Pikus Camp to the old 'Bolten' plantation (Portion 46) was completed shortly afterwards (Sack and Clark 1979:318, 370).

When the Australian government took formal control of the area in 1921, it promptly embarked on a program of expropriating German land assets and selling them to new owners in order to secure war reparations. This process was completed by 1927. In the 1930s the names and shapes of plantations in the area were much the same as they are today. One account of plantation society in this period may be found in the memoirs of Margaret Wood (Boys 1993), whose husband Eric was the manager of Neinduk plantation (then owned by W.R. Carpenter & Co.) from 1931 to 1934. She tells us that Lassul plantation (Portions 795–799) was still in operation, although it had been classed as a second rate property when being sold by the Expropriation Board, while the old Seeberg plantation (Portions 48

and 792) and Bolten plantation (Portions 46 and 793) had both been abandoned. It seems that most of the plantation workers at this time were recruited from the mainland of New Guinea, especially from the Sepik region, while the Baining people had retreated into their mountain settlements, and only made occasional visits to the coastal plantations to exchange root crops for tinned meat and salt. We know from other sources that government officials were worried by the evident decline in the Baining population in this period (Fajans 1997:39) and this partly explains the steps taken by the government and the Catholic mission in the late 1930s to gather some of the survivors together in the present villages of Lan and Puktas (Kokopo Patrol Report[3] 2–46/47).

If sickness was already taking its toll on the North Baining population in the 1930s, worse was to come when Japanese soldiers occupied the area from 1942 to 1945. The Bainings were forced to work on construction of a track connecting Rabaul to Open Bay (in the south of what is now the Lassul-Baining LLG area), then forced to carry cargo along it for up to fifteen hours a day (Fajans 1997:41). The Japanese plundered their gardens, consumed all their pigs and chickens, and executed anyone who showed signs of resistance. They were aided and abetted in these activities by some of the plantation workers who had been left behind by the retreating Australians and who now volunteered to join the Japanese native police force (Nelson 2006:340). Several hundred Bainings, including some from the mountainous interior, were confined in a labour camp within the boundaries of Nambung plantation and more than 400 of them apparently died in a dysentery epidemic (Kokopo PR 2–46/47). From a pre-war population of more than 2000 in seven 'Coastal Baining' villages, only 813 were left at the end of 1946 and barely 600 four years later (Nelson 2006:340; Kokopo PR 3–50/51).

In 1946 231 survivors from the pre-war population of Lan village had established a new village called Lassul 'on ground owned by the natives' in Lassul Bay, and a temporary 'native hospital' had been established in the same location (Kokopo PR 2–46/47). A later patrol report tells us that this was indeed the place now occupied by Lassul government station (Rabaul PR 5–64/65). A smaller group of forty-five Baining people from the mountain village of Lamerain (which still exists today) seem to have established a village of the same name on customary land near the boundary of Tovanakus plantation (Portion 474). In 1949 a patrol to investigate the 'Reported Stealing of Coconuts from Plantations at Massaw Bay and Lassul Plantation' found that the people of Lassul village had been selling copra to the manager of Guntershoehe plantation (east of the present site of Lan village), but when he left the area towards the end of 1948 they took to harvesting coconuts from the unoccupied Lassul plantation and selling the copra to Chinese traders (Kokopo PR 5–48/49). By 1952 Nambung, New Kavern, Neinduk and Asalingi plantations were all back in production, but Lassul plantation was still unoccupied.

By this time it seems that the villages of Lassul and Lamerain had both moved from their previous locations. The people of Lamerain were said to be 'moving back to their own native-owned land from their present position on the beach' (in Tovanakus Bay), while Lassul village was said to be 'moving back to its old site … about 1½ miles from the present village' (Kokopo PR 3–51/52). The new settlement of Lamerain was about '3 miles inland', directly south of Tovanakus Bay (see Figure 8.1), while the people of Lassul seem to have moved to what is now the site of Lassul 1 (on Portion 794) and then moved back to the site of the native hospital (Portion 798). However, by 1955 Lassul village had been 'abandoned' in favour of a new village at Lan, possibly because the native hospital had closed in 1952 (Rabaul PR 5–54/55). There is no indication in the patrol reports that the villagers had been obliged to resettle themselves in order to make way for a new government station and, although a new aid post had been opened on Portion 798 by 1956, a new government patrol post was not established on this site until the end of 1965, replacing the one formerly located on Portion 47 (Rabaul PRs 5–64/65 and 6–65/66). Portion 798 was registered as state land in 1967, but we have not found any record of the process by which it was acquired.

The post-war demographics of these coastal Baining settlements are something of a puzzle. Patrol officers remarked on the preponderance of 'elderly natives' and the shortage of women and children and one declared in 1950 that Lamerain was 'finished' because there were only 10 children to replace 49 adults (Kokopo PR 3–50/51). But they also record a high incidence of intermarriage between Baining women and plantation labourers, some of whom are said to have taken their wives away on the completion of their labour contracts while others remained in the area and may have been partly responsible for sparking local interest in cocoa production (Rabaul/Raunsimna PRs 4–56/57 and 1–57/58). The subsequent cocoa boom of the 1960s then seems to have encouraged some of the inland Baining people to resettle in the coastal zone, including the area around Lassul Bay, and hence to reverse the former process of depopulation and ethnic dilution.

The villagers of Lan and Puktas began planting cocoa in 1954 (Rabaul PR 1–55/56, Rabaul/Raunsimna PR 1–57/58) and local people still recall that this endeavour was encouraged by the Catholic priest then in charge of Vunamarita mission station. By 1965 a group of Lan villagers was cultivating and processing cocoa on a portion of Guntershoehe plantation which had been 'given' to them by the manager (Rabaul PR 4–64/65). By 1967 Baining villagers had apparently abandoned their former 'policy' of selling wet beans to the local plantations and were shipping or trucking dried beans direct to Rabaul for private sale (Bainings PR 3–66/67; Pomio/Bainings PR 1–67/68). Meanwhile two former members of the local plantation workforce – one a Tolai, the other from the New Guinea mainland – had obtained leases over two blocks of government land west of Tovanakus Creek (Portions 811 and 817) and were hiring local Baining men to

plant, pick and process cocoa on these blocks (Rabaul PR 4–64/65; Bainings PR 1–68/69). We do not know when or how these two blocks had been removed from customary ownership, but one government officer felt moved to remark on the absence of any 'feeling that this form of tenure in any way is superior to customary tenure' (Bainings PR 1–68/69). By this he seems to have meant that local Baining villagers continued to expand the area planted to cash crops on their own customary land. In 1969 Lamerain village had 28,000 cacao trees (75 per cent bearing), while Lan village had 40,000 (90 per cent bearing) (ibid.).

Despite these signs of vigorous economic development, the cocoa boom added further impetus to the double movement of land rights. Patrol reports from the 1960s already note the emergence of coastal Baining resentment over the previous alienation of so much land for plantation development and the more recent 'encroachment' of Sepiks, Tolais and Duke of York islanders onto the remaining areas of customary land or the 'native reserves' established by the colonial administration (Rabaul PRs 4–64/65 and 6–65/66). It is hard to tell whether Baining men who were sometimes employed by the owners of alienated land were simply seeking additional income or seeking to reassert their customary land rights. On the other hand the Baining practice of 'leasing' land to non-Baining members of the plantation workforce continued apace. The last Australian officer in charge of Lassul government station says that he was authorizing paper records of such transactions in the early 1970s, but admits the possibility that some of these transactions may have related to parcels of alienated land which Baining people had already 'repossessed' (Ron Brew, personal communication, March 2009).

PNG Lands Department records indicate that the titles to Lassul plantation (Portions 795–9), the former Bolten and Seeberg plantations (Portions 46, 48, 792 and 793) and the area around Pikus Camp (Portion 791), were indeed held by a man called Achok in 1969. Achok's full name was Engelbert Chok Chow and the titles were held jointly with his partner, John Sing Fat Chow.[4] Another branch of the Chow family held the titles to New Kavern plantation. Most if not all of the titles belonging to this family were transferred to Lassul Trading Company in 1970, but the officer in charge of Lassul government station in 1973 believes that Achok was still the real owner of Lassul plantation, while Pauli Aming was merely the manager. According to this informant Joe Backhouse maintained that he had been 'given' Nambung plantation after the Second World War as a sort of reward for his service as the military officer responsible for executing natives found guilty of collaborating with the enemy, but post-war patrol reports do not seem to support this claim. Local Baining people apparently allowed the manager of Guntershoehe and Tovanakus plantations (Jim Swallow) to build a house on a small offshore island east of Lassul Bay, but when he joined the expatriate exodus around the time of Independence, his plan to sell this house to the son of

a prominent Tolai political leader (Matthias Toliman) was immediately thwarted.[5] The customary owners are said to have dismantled the whole edifice in the space of single weekend and removed all the parts to the mainland (Ron Brew, personal communication, March 2009).

In 1985 the land titles held by Lassul Trading Company were acquired by another Tolai politician, Nakikus Konga, who was elected as Member of Parliament for Gazelle Open Electorate in 1987. He probably purchased the titles to Neinduk and Asalingi plantations at the same time. In 1999 he sold all these titles to the company which local people know as 'Agmark'. Agmark thus owns the titles to four of the five local plantations that were operating in the 1930s, along with the abandoned Bolten plantation (Portions 46 and 793) and the abandoned German hill farm around Pikus Camp (Portion 791). For some unknown reason it does not own the titles to the abandoned Seeberg plantation (Portions 48 and 792). One explanation would be that this is the area of land which Achok 'gave back' to the local Baining people.

The recent history of Nambung plantation is still something of a mystery. Local informants say that the titles were sold to a company called Las Ples ('Last Place') sometime around PNG's independence in 1975. This company was apparently controlled by Tolai and Sepik interests, and its operations were funded by two K1 million bank loans, one of which was unsecured. Whatever the financial arrangements, the plantation was poorly managed and soon fell into disrepair. That is why some of the labourers began to make encroachments onto customary land outside the plantation boundaries. When local Baining people received a windfall of baitfish royalties in the late 1980s, there were plans to use some of this money to purchase Nambung plantation, but they were evidently unsuccessful.[6] One Agmark manager told us that his company had tried to add Nambung plantation to its local collection, but was unable to complete the transaction because the title is held by the Department of Lands while the Rural Development Bank holds the unsecured mortgage over the property.

In 1990 or 1991 Nakikus Konga entered into an arrangement with Niugini Lumber, a subsidiary of Rimbunan Hijau, to log the 'Konga Freehold and Taraiwara' Timber Rights Purchase (TRP) area (Fajans 1998:20). The records of the PNG Forest Authority relating to this timber concession have not been sighted, so we do not know the precise boundaries of the TRP area, nor the content of agreements that should have been required in order for the logging company to operate on customary land in the Lan 'district'. But we do know that the operation attracted a good deal of negative publicity in 1993 because of the damage caused to 'gardens, houses, cash crops, trees and water sources' (*Times of PNG*, 28 October 1993) and the use of coral from the reef around Malai Point (Portion 803) to fill in part of the swampy area around the log pond on the western shores of Lassul Bay (Portion 800) (*Times of PNG*, 30 December 1993). Officers from

the East New Britain Provincial Government conducted an investigation, but it seems that no further action was taken against the logging company. The logging operation apparently came to an end in 1994.

The Double Movement Today

While the records of the PNG Lands Department might seem to suggest a clear-cut distinction between alienated and customary land in this area, the current situation is far more complex. According to Agmark management, the Baining people of Lan 'district' have recently been 'encroaching' on parts of Portions 797 and 799 of the old Lassul plantation land. Observations in the field suggest that this is only the most recent phase in a longer term process of encroachment which extends to several of the other alienated land titles in the area, but it does seem to be a process which has recently gathered additional momentum. Over the same period, former plantation workers and other non-Baining people have continued to 'encroach' onto customary Baining land without necessarily obtaining the consent of the customary owners.

One of the reasons for the current complexity of the land tenure situation is that Baining society, like that of some other Melanesian peoples with very low population densities, traditionally lacked corporate landowning groups with clearly defined boundaries. One could not say that they were 'patrilineal' or 'matrilineal' because they did not have any rules of inheritance. When people died, their personal assets, the products of their own physical labour, were normally destroyed by their grieving relatives (Fajans 1997:21). Since land was in plentiful supply, individuals and families were free to make gardens, hunt wild animals or gather forest resources in any place where they felt safe to do so. It was not very safe to do so in areas near the coast because of the risk of attack by Tolai raiding parties or by other groups of Bainings, but people did occasionally come down to the shore to collect shellfish and saltwater (for its salt content) (ibid.:33). Baining ideas and institutions pertaining to the ownership of land only began to change when Europeans and other Papua New Guineans began taking their customary land away from them (ibid.:47), and later through their own engagement in the cultivation of perennial cash crops or their negotiations with logging companies. While the colonial authorities might have thought that large swathes of Baining territory were effectively 'waste and vacant', the Baining for their part have a well-deserved reputation for refusing to accept that the alienation of customary land can ever be more than a temporary arrangement.

For reasons previously indicated, the old Lassul plantation (Portions 795–9) is the most complex and potentially contested of the landholdings in the area. When direct management of the plantation ceased in the 1980s, the entire labour force

left and most of the buildings and facilities were also removed. This encouraged local Bainings to establish temporary food gardens within its boundaries, but for the people of Lassul village in particular, this was little more than a continuation of the arrangements or understandings that had apparently existed for many years about some of the other 'alienated' land portions south of Lassul Bay. Portions 46, 794 and 796 had long been used for food gardens and cocoa blocks and individual houses (now the hamlets of Lassul 2) had been built on the last of these areas.

During the 1980s and 1990s there was a further movement of people out of Lan village to occupy land along the eastern boundary of Nambung plantation and the southern boundary of the old Lassul plantation in settlements which are now sometimes grouped together under the name of 'Traiwara 2' because they are counted as part of Traiwara census unit. These people then began to establish food gardens and some cocoa blocks in the southern sections of Portions 797 and 795, while people from the original Traiwara village (now 'Traiwara 1') began to establish temporary food gardens in the southern parts of Nambung plantation (Portion 36).

The present decade has witnessed further acts of 'encroachment' on both of these abandoned plantations, along with unprecedented incursions into the southern part of New Kavern plantation (Portion 801), which is still notionally under Agmark management. Aside from food gardens, new cocoa blocks have been planted, and new houses, cocoa fermentaries, chicken and pig pens have been built in their midst. These recent developments are said to have followed a meeting at Lassul government station in 2002, at which local Baining people asked the provincial governor to help them reclaim formal ownership of Lassul plantation. Local people now say that they took the matter into their own hands because the governor failed to keep a promise to 'look into it' and they fear the plantation might otherwise be used in ways that would involve a further influx of 'outsiders' to the area.[7] Provincial authorities are also thought to have promised or planned to purchase New Kavern plantation from Agmark in order to establish a new government station on one part of it (Portions 800 and 803) while turning the rest of it (Portions 801 and 802) over to Lassul village farmers. The periodic flooding of the current government station is cited as evidence in favour of this move.

In 2006 a local Baining leader and provincial public servant, who lives in Traiwara 2 and works in the health centre at Lassul government station, took further steps to establish full control over Nambung plantation. Some of his family members settled around the derelict plantation house, took over management of the cocoa fermentary, and began to plant new seedlings. The small number of former labourers still living on the plantation were then told that all their wet cocoa beans would henceforth be purchased and processed by the local fermentary now under Baining management. The leader justified this action by claiming that

Figure 8.2 The cocoa fermentary at Nambung plantation.

one of his own ancestors had originally sold the plantation land to the Germans, his father had been one of two men who tried (unsuccessfully) to buy it back in 1975 and repossession was now warranted by the years of subsequent neglect and (once again) by the threat of a further influx of 'outsiders' to the area. But this was also represented as a pioneering attempt to prove that local Baining people could successfully manage a plantation in a modern way and therefore qualify themselves to take over the management of the other plantations in the area.

While Agmark managers grumble about Baining acts of 'encroachment', they have not made any attempt to defend their property rights by force, either by deployment of plantation labourers as security guards or by calling for police assistance to evict the squatters. There is no policeman based at Lassul government station and the maintenance of public order in the area rests in the hands of a village court whose magistrates are all senior Baining men. Government agricultural officers from outside the local area have assisted Baining farmers in their recent acts of encroachment. Most of the cocoa harvested and fermented by local Baining farmers, whether on customary or alienated land, is sold to Agmark at a purchasing point located on Portion 800, although Baining farmers complain about the price they receive and sometimes look for alternative ways of getting their product out of the area. Indeed the purchase and export of cocoa grown

Figure 8.3 The labourers' compound at Nambung plantation.

Figure 8.4 The Agmark purchasing point on New Kavern plantation.

Figure 8.5 Noticeboard at the Agmark purchasing point.

by local smallholders is now Agmark's primary economic activity in the area. The old copra-based plantation economy, commemorated by the ancient coconut palms which still dominate much of the alienated landscape, now looks to be dead and buried because the price of copra relative to the price of transportation is too low for anyone to make money out of it.

Conclusion

The double movement of land rights around Lassul Bay has primarily taken the form of a two-way process of 'encroachment' across the legal boundary between alienated land and customary land. The origins of this process can be traced back to the years immediately following the Second World War, when local Baining men first helped themselves to the coconuts growing on Lassul plantation while apparently 'giving' some of their women or their land to plantation labourers from other ethnic groups. Yet with the passage of time there has also been a role reversal in the relationship between 'insiders' and 'outsiders'. For while the outsiders were leading the insiders (and some of their customary land) to the rewards of cocoa production in the 1960s, it is the insiders who now assert control over the work

of the outsiders left within the ever more porous boundaries of the old plantation economy.

This agricultural version of the double movement has been accompanied by a more erratic version which involves the distribution of rent from different forms of extractive industry. In the 1980s local Baining people were somewhat taken aback by the government's 'gift' of baitfish royalties that were derived from a marine resource which they had never thought they owned (Turner 1990). Around the same time some of them agreed to sell their customary 'timber rights' to the State because they hoped that logging might bring a form of economic reward that would not offer further opportunities for outsiders to plant cash crops on their customary land (Fajans 1998). The logging operation came and went, the rewards did not meet local expectations, but it was indeed local Baining farmers who made use of the logging tracks to access new land for cocoa production. Now these people face the prospect of negotiating the distribution of 'landowner benefits' from the processing plant which a mining company would like to build on part of the 'alienated space' that is the subject of their agricultural encroachment (*Post-Courier*, 14 August 2008).

All such transactions across the boundary between customary and non-customary spaces or places entail new forms of reflection on the organizing principles of customary ownership (Filer 2007). For example, the government's gift of baitfish royalties and purchase of timber rights were both conditional on the identification of 'clan agents' who could sign receipts and agreements on behalf of the clans which Baining society did not have. The social consequences are neatly but rather sadly illustrated in an undated letter written to the chairman of 'Poiniar Landowner Company' on behalf of 167 members of the 'Luanpracha Clan'.[8] The letter states (in Tok Pisin) that since the logging operation of the early 1990s, 'we have not received any royalties, so now we have a clan'. The letter goes on to make four 'recommendations' in which the demand for the unpaid royalties is linked to a proposal to register clans and their landholdings and appoint 'clan directors' for the purpose of distributing the missing money.

The North Baining people seem to have migrated from a world in which space was not conceived as a transactable good, to one in which it was taken or given or borrowed in asymmetrical transactions with members of other ethnic groups, to one in which it yields rents and royalties which have to be redistributed between the constituent parts of Baining society. That might seem like a one-way street. But behind this appearance of 'development' there is another double movement. On the one hand the Baining have grown more like the other Papua New Guineans who have 'encroached' onto their customary land, and they have done so in the very process of resisting that encroachment. On the other hand the process of resistance has created a stronger sense of Baining identity which conceals the demographic history of inter-ethnic marriage and adoption.

What we have sought to demonstrate in this paper is that the double movement of local property rights – the partial alienation of customary space and the partial customization of alienated space – is liable to create distinctive hybrid forms of authority, identity and society in each of the places where it occurs. The story of Lassul Bay is not just a story about the creation of a hybrid property regime in which modern and traditional land rights are mixed up by a series of ambivalent transactions – 'gifts' which are not really gifts or 'sales' which are not really sales. It is also a story about the peculiar sense of ownership which has emerged from a long history dispossession and repossession. In Australian sporting jargon a player is said to be 'owned' if he or she is dispossessed by foul play that fails to attract a penalty. It seems to us that Baining people think about the ownership of both land and persons in much the same way, for reasons which should now be evident, and this way of thinking about the most fundamental act of appropriation cannot be captured in any classification of specific forms of economic transaction.

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Notes

1. The name 'Baining' is itself derived from the word for 'bush people' in the language of the Tolai people.
2. It is not clear that the Bainings freely consented to this arrangement. By one account, the plantation workers began to cultivate the land without consulting the customary owners and government officers had to mediate an agreement by which no further encroachments would occur without prior negotiation and appropriate payment.
3. Henceforth abbreviated PR. Kokopo PR 2–46/47 refers to Kokopo Patrol Report Number 2 of 1946–47.
4. John Chow had been recorded as the owner of Lassul plantation in 1952 (Kokopo PR 3–51/52).
5. Toliman was a member of PNG's House of Assembly from 1964 until his death in 1973. Lassul Bay was part of his constituency.
6. By one account, the Lan people did manage to purchase a shareholding in the company that owned the title to the plantation (Fajans 1998:20; Turner 1990:43). If so, the fate of this shareholding still remains a mystery.

7. Their greatest fear is a resettlement scheme that would bring more Duke of York islanders to the area.
8. According to Fathers Hesse and Aerts (1996: 27), Luanbracha [sic] is the name of a pond that is recognized as the abode of the dead by all North Baining people.

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