

## **Finding common ground: relational concepts of land tenure and economy in the oil palm frontier of Papua New Guinea**

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**Abstract:** In the oil palm frontier regions of West New Britain and Oro provinces, Papua New Guinea, customary land tenure arrangements are changing in response to the growing demand for land for agricultural development. This paper examines one aspect of these changes, namely the gifting and selling of customary land for oil palm development to people who have no customary birthrights to the land. By analysing how access rights are maintained over the relatively long cultivation cycle of oil palm (approximately 25 years), and in the context of the rapidly changing socio-economic and demographic environments of the oil palm frontiers, the paper demonstrates that while land transactions seemingly entail the commodification of land, land rights and security of land tenure remain embedded in social relationships. For customary landowners, the moral basis of land rights is contingent on ‘outsiders’ maintaining particular kinds of social and economic relationships with their customary landowning ‘hosts’. In exploring how these social relationships are constituted through the performance of particular kinds of exchange relationships, the paper provides insights into relational concepts of land rights and how these are able to persist in Papua New Guinea’s oil palm frontier regions where resource struggles are often intense and where large migrant populations are seeking land for agricultural development.

**KEY WORDS:** Papua New Guinea, land tenure, migration and ethnicity, social embeddedness, relational concepts of economy

### **Introduction**

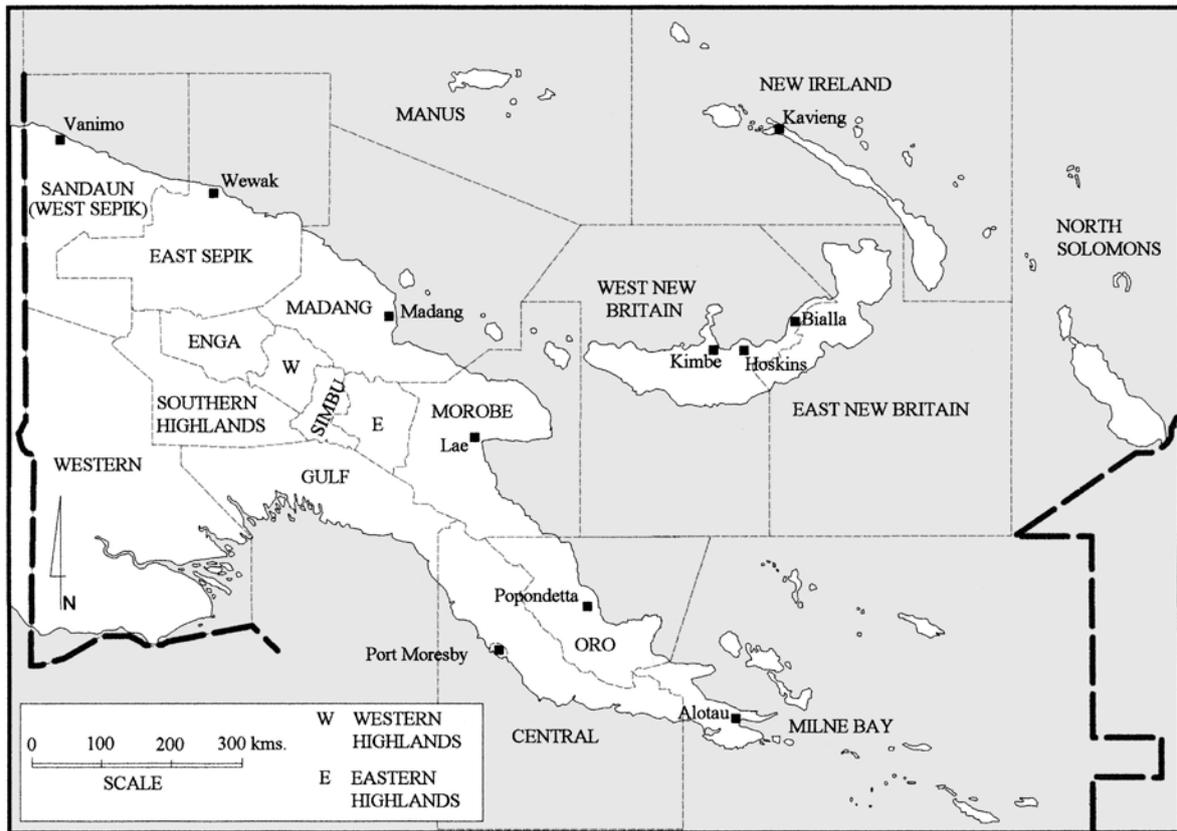
There is growing appreciation within geography of the value of relational concepts of the economy for providing theoretical insights into processes of economic change. Relational perspectives are now influencing research in a variety of contexts in both developed and developing countries (e.g. Amin and Thrift 1992; Lee and Wills 1997; Leyshon 1997; Curry 2003; Yeung 2005a 2005b; Gill 2005; Connell 2007; Sidaway 2007), with much of this work drawing its inspiration from economic sociology and anthropology.

Relational perspectives offer some advantages over under-socialised perspectives like neoclassical economics and political economy for the study of resources, communities, institutions, firms and places. Boggs and Rantisi (2003) contend that in contrast to structural approaches, relational perspectives pay more attention to the role of agency in economic analysis with greater methodological emphasis on the micro level. Furthermore, as Boggs and Rantisi (2003, 114) note, rather than privileging one scale, *a priori*, relational perspectives

consider the interrelations of global and local networks and scales. While it could be argued that some aspects of a relational approach are present in other approaches in geography, one key potential contribution of a relational perspective lies in its capacity to reveal how economy and society are co-constituted. This requires exploring how economic forms, activities and relationships are constructed from social relationships, rather than maintaining the conceptual distinction between the economic and the social (for a discussion of this concept in relation to the firm, see Yeung 2005a).

This paper contributes to these recent discussions by applying a relational approach to the study of resource rights and local-level processes of change in the oil palm frontiers in the provinces of West New Britain (WNB) and Oro, Papua New Guinea (PNG) (Figure 1). In these frontier zones, various actors (migrants, customary landowning groups, multinational corporations and the State) negotiate and regulate access to land for agricultural development. A relational approach appears particularly suited to investigating the dynamics of resource rights within frontier regions, because at these sites economic and societal forms are in a state of flux and resource rights are often highly contested. In the frontier context, a relational perspective offers three main advantages. First, it overcomes some of the limitations of market frameworks for understanding change by revealing the social processes and relationships giving rise to particular patterns of resource use rights. It therefore helps to reveal how these processes of co-constitution of economy and society operate in a rapidly changing context, where a range of agents draw on different values and concepts of property rights in land dealings associated with agricultural development. Second, a relational perspective allows for the recognition of the fluidity and indeterminacy of change because social relationships are constantly shifting, thereby altering the social context within which resource rights are determined. Third, it brings a different perspective to the study of global and local interactions by giving greater recognition to the role of place-based, local-level factors in shaping trajectories of change in the types of governance and regulation of resource rights.

The paper explores how customary land tenure and resource access are changing in the oil palm frontiers of PNG in response to the rising demand for land for oil palm development, through focusing on the informal 'selling' and gifting of small parcels of land to people from outside the customary landowning group. In PNG, the gifting of temporary rights to land for subsistence food production to people with no customary birthrights to the land has been, and continues to be, widespread in the country's largely horticultural societies (e.g. Crocombe and Hide 1971; Curry 1997; Ward 1997; Jorgensen 2007). However, granting or selling land for the cultivation of perennial export tree crops is much less common, and especially so where there are land shortages and where 'outsiders'<sup>1</sup> are from other regions of PNG without marital or trading ties with the customary landowning group.



**Figure 1** Map of Papua New Guinea

This paper investigates how outsiders who have acquired land maintain access rights to that land over the relatively long cultivation cycle of oil palm (approximately 25 years) and in the context of the rapidly changing socio-economic and demographic environments of the oil palm frontiers in each province. While land dealings between customary landowners and outsiders appear to entail the commodification of land and the emergence of a land market, we argue that this is far from the reality. Land tenure remains deeply embedded in social relationships. The social relationships from which land rights are derived and accorded their legitimacy are not pre-given, nor unchanging; rather, they must be constructed and carefully nurtured and from their existence, resource rights flow. The paper shows that by embedding land use rights and practices in social relationships with customary landowners, outsiders without birthrights to the land they occupy are able to locate their land claim in an indigenous morality that legitimises their access to land for the cultivation of oil palm. In exploring how these social relationships are constituted through the performance of particular kinds of exchange relationships, the paper offers insights into the importance of relational concepts of land rights and why these are able to persist in PNG's oil palm frontier regions where resource struggles are often intense and where large migrant populations are seeking land for agricultural development.

Six fieldtrips totalling more than 6 months' fieldwork in WNB and Oro provinces were undertaken between 2000 and 2007 associated with several different research projects<sup>2</sup>. Fieldwork focused on four oil palm villages in WNB and two in Oro. Data were obtained from several sources using a range of methodologies: informal interviews with members of customary landowning groups who were either personally involved in or knowledgeable

about the sale or gifting of customary land to outsiders; migration and family history case studies and informal interviews with migrants and their families cultivating oil palm on land ‘purchased’<sup>3</sup> from customary landowners; informal qualitative interviews with villagers growing oil palm on land gifted to them by another village landowning group (Popondetta only); structured interviews with the land officers and key agricultural extension managers/officers of the Oil Palm Industry Corporation (OPIC), the government agricultural extension service for smallholder farmers; and reviews of documents and records held by OPIC.

## Export commodity production and oil palm development in PNG

In the 5 years from 2002 to 2007, PNG’s gross domestic product grew at an average rate of 3.3% per annum. Agriculture contributed one third of this growth with production spurred by increases in the prices of most export cash crops (Warner and Omuru 2008). Oil palm production has grown rapidly over the last 15 years, and it is the only major agricultural export tree crop that has experienced sustained growth since 1991 (Table 1). Since 2000, palm oil has emerged as the most important agricultural export crop in PNG, with an export value in 2007 of K800 m, double that of coffee and over three times that of cocoa (coffee and cocoa are PNG’s ‘traditional’ export commodity crops) (Orrell 2008).

Table 1. Growth in commodity crop exports quantities 1991-2007 (index: 1991=100).

	Copra	Palm oil	Coffee	Cocoa	Tea	Copra oil	Rubber
2002	36	162	135	97	111	85	136
2007	53	192	121	125	151	163	161
Trend 1991-2007 Per cent per annum	-8.8	4.0	0.6	1.7	2.5	1.5	2.9

Adapted from Warner and Omuru (2008: 7).

Oil palm is grown in five provinces in PNG: WNB (Hoskins and Biella), Oro, Milne Bay, New Ireland and Morobe (Plate 1). All oil palm growing areas operate on a nucleus estate–smallholder model, whereby smallholders supply oil palm fruit to mills operated by the nucleus estate company. Over the past four decades, and especially over the last 20 years, the two major oil palm provinces of WNB and Oro have experienced high rates of immigration by diverse ethnic groups from mainland PNG and the emergence of an array of formal and informal land tenure regimes on customary land<sup>4</sup>. Changes to customary land tenure began in the 1950s and 1960s, with State acquisition and conversion of customary land to State agricultural leases for government land settlement schemes (LSSs) and plantation estates.



**Plate 1** Typical settler's house on the land settlement scheme

When the oil palm LSSs were established in WNB and Oro, people from land-short areas of the country were given priority for resettlement on the leasehold blocks. Settlers acquired individual 99-year State agricultural leases over landholdings ranging from 6 to 6.5 ha (Hulme 1984) (Plate 1). Pre-existing smallholder cocoa blocks on State LSSs in the oil palm project areas in both provinces were replanted to oil palm and incorporated into the new LSS subdivisions. Over time, the population on the leasehold blocks grew steadily, leading many second-generation settlers to seek additional land for oil palm (Koczberski and Curry 2005).

Following the establishment of the oil palm LSSs, customary landowners living on their village lands near the nucleus estates were encouraged to establish village oil palm (VOP) blocks. The expansion of VOP holdings was relatively slow at first, but over the past two decades their numbers have expanded rapidly, as villagers switched from earlier cash crops like cocoa and copra to oil palm. Presently, approximately 43% and 70% of the total area of smallholder oil palm in WNB and Oro, respectively, is classified as VOP plantings. More recently, land tenure arrangements on customary land have included the formal leasing of customary land by plantation companies, as well as informal 'sales' and gifting of land to people outside the customary landowning group.

## **Land tenure in PNG**

Conventionally, customary land tenure regimes in PNG were characterised by two general sets of principles. First, exclusive individual land ownership and inheritance were almost unknown as all land was vested in landholding groups, usually kinship groupings at various scales such as lineages, subclans and clans. Typically, membership in landholding groups was loosely based on common descent, residence and participation in social and ceremonial activities (Crocombe 1971) and, ideally, group members had usufruct rights to land for the cultivation of food crops and access rights for hunting and gathering forest products (Ward 1997). An individual's gardening rights in an area of land waned as his/ her garden reverted to fallow and the fallow period lengthened – there was a gradual reversion of rights to the group (Ward and Kingdon 1995). This system of communal tenure limited the extent to which land could be inherited directly and so prevented individuals from acquiring exclusive control over large areas of land (Ward and Kingdon 1995).

The second set of principles related to the flexible and pragmatic nature of customary land tenure. Rights to land were often modified to accommodate changing socio-political, demographic and environmental conditions (Crocombe and Hide 1971; Ward 1997). The relative importance in land rights of descent, residency and participation in social/ ceremonial and political activities varied, so that no single criterion, such as descent, was sufficient in itself to provide unconditional tenure rights (Crocombe 1971). As Crocombe and Hide (1971, 305) note for PNG, 'cultural norms tended to be local and adaptable and this was reflected in the multiplicity of links through which an individual could acquire land rights, and the degree to which the exercise of land rights deviated from the ideal'. Thus flexible tenure arrangements sustained a system whereby all households had access to land for their daily sustenance (Ward and Kingdon 1995), and a balance was achieved between group and individual rights and obligations, with ownership of land vested in the group, and access and land use rights operating at the individual or household level (Fingleton 2005).

However, the long-term cultivation of perennial export tree crops, such as oil palm, cocoa and coffee, has induced de facto changes in land tenure regimes in many parts of the country (see Epstein 1969; Foster 1995; Curry 1997; Fingleton 2005; Curry *et al.* 2007a; Martin 2007). One of the most significant modifications is that usufruct rights are now vested in the same family or individual for extended periods (oil palm should be replanted at between 20 and 25 years of age), leading some individuals to claim exclusive access rights and inheritance of these resources. In effect, land rights have become 'individualised' and less flexible, as land is excised from the pool of clan land that is governed by customary tenure. Others have argued that with the introduction of commodity crops, land itself becomes commodified as people begin to view land increasingly as a commodity that can be bought and sold (e.g. Fitzpatrick 1983; Holzknicht 1997; Strathern and Stewart 1998). The pressures for change to land tenure are greater in agricultural frontier regions where population growth is rapid and development is more intense.

### **Accessing customary land in the oil palm frontiers**

Initially, when oil palm was adopted by customary landowners living near the nucleus estates, land for its production was allocated by clan leaders and subject to the regulations of customary land tenure principles described above. At first, almost all VOP blocks were established by villagers on their own customary land or by individuals from the same village

as the customary landholding group (lineage, subclan or clan). Some leaders of the major village landholding groups allocated 2 ha blocks of land for oil palm to village families that were land short or faced a functional land shortage for oil palm because they did not have land bordering a harvest road<sup>5</sup>. In other cases, relatives without birthrights to land (e.g. in-marrying males and sisters' sons in Oro Province) and unrelated men, with whom they had longstanding friendships, were granted land for oil palm development. In effect, in some villages there was a redistribution of land in favour of minor landholding groups.

The gifting of land for oil palm development followed earlier land tenure practices in subsistence production (described above), whereby individuals from land-short groups were granted use rights to the customary land of other groups. The land redistribution for oil palm production reduced potential income inequalities among village families by addressing a functional land shortage created by the need for road access and by allowing land-short households access to land for oil palm development.

When perennial export cash crops (e.g. coffee, cocoa, coconuts and oil palm) were first promoted among customary landowners in PNG, it was assumed by the Australian administration that the individualisation of landholdings through titling or other formal legal procedures was necessary for the emergence of family farms and commercial agricultural development. Because communal ownership of land did not provide secure individual tenure, it was considered to be a disincentive to investment in farm holdings and therefore incompatible with commercial agricultural production. Thus, in WNB and Oro, some individuals who planted oil palm without birthrights to the land were advised by government agricultural field officers to sign Clan Land Usage Agreements (CLUAs) with the clan leader that acknowledged their right under native law and custom to have access to the land for oil palm production<sup>6</sup>. The agreement recognised that the land was taken out of the clan 'commons' and use rights were granted to an individual. In addition, agricultural officers in Oro Province encouraged VOP growers to begin the process of transferring the land from customary control to individual freehold title under the Land (Tenure Conversion) Ordinance (1963). Land Tenure Conversion (LTC) blocks were an intermediary step towards freehold title registration (Ogisi and Munnall 2002). Approximately 450 ha of VOP oil palm at Popondetta is classified as LTC blocks (OPIC data 2006). Few, if any, LTC blocks were converted to full freehold title registration<sup>7</sup>, although most LTC blockholders interviewed assumed, incorrectly, that LTC status was equivalent to freehold title and they held their blocks in perpetuity (Curry *et al.* 2007b).

#### *Migrants seeking customary land*

More recently, land-poor migrants in WNB and, to a lesser extent, in Oro, are seeking access to land through the 'purchase' of customary land in VOP villages<sup>8</sup>. With less than 5% of the country's land under State leases or freehold title, many migrants enter into informal arrangements with customary landowners to access land. In WNB, the majority of migrants 'purchasing' customary land are the children or relatives of the original oil palm LSS leaseholders who migrated to the province in the late 1960s and early 1970s, or are in long-term employment, especially as oil palm plantation and mill labourers. In WNB, approximately 2800 ha of customary land has been 'sold' to outsiders for smallholder oil palm development, typically in 2 ha blocks (Curry *et al.* 2007b). The planting of oil palm by migrants on 'purchased' customary land in WNB has expanded markedly over the past decade, with 23% of the total area of smallholder oil palm customary land in the Hoskins area now being 'owned' by outsiders.

Land 'sales' to outsiders in WNB rarely involve formal procedures for the transfer of customary land. Instead, these land transfers involve a variety of informal agreements that loosely define the access and use rights of the 'purchaser'<sup>9</sup>. Most land 'sales' are verbal agreements without documentary evidence of the clan's approval of the land transaction, nor any written record of the agreed 'purchase' price, size and boundary of the land parcel or amount of deposit and instalments paid and outstanding. Most transactions require an initial cash deposit followed by payment instalments that may be spread over several years while the 'purchaser' resides on the land. Many outsiders acquiring land in this way believe that the cash payments give them 'ownership' of the land in the sense that their children can inherit the block or they can sell it on to a third party. This is often not the view of the customary landowning group; nor is it the case in law, as the land remains customary land and the customary landowners retain the legal right to reclaim the block on the death of the 'purchaser' (Curry *et al.* 2007b; Koczberski *et al.* 2009).

Thus, over time, as oil palm expanded in the two provinces, extensive areas of smallholder oil palm were established on the customary land of others. Initially, these were largely gifts of land to relatives of the customary landowners and to minor clans from the same village as the customary landowning group. Some of these gifts of land were recognised by the clan as formal State-endorsed CLUAs and LTC applications. More recently, land dealings have been with unrelated migrants from other parts of PNG and involve a greater reliance on cash payments, thereby instilling among those individuals acquiring land a sense of exclusive ownership and of having purchased the land.

### **Validating land use rights through social relationships**

Establishing oil palm on another's customary land poses risks for outsiders because the legitimacy of their tenure rights might be challenged by members of the customary landowning group. These disputes do not arise primarily from their different understandings of land use rights (e.g. the right to produce oil palm), but rather relate to their different conceptions of how land use rights are discursively produced in the first place. For most customary landowners, land rights granted to outsiders are never permanent and exclusive, despite the land being held under State-recognised CLUAs or having LTC status, or 'paid' in full as a 'purchase' block. Instead, a less exclusive set of rights pertain that are conditional for their ongoing validity on continued participation in indigenous (gift) exchange and fulfilling other obligations.

Indigenous or gift exchange, which is widespread in Melanesia, is a social act with its primary *raison d'être* being the development and maintenance of social relationships (Gregory 1980 1982; Strathern 1988; Jolly 1991; Carrier 1992; Curry 1999 2003 2007; Godelier 1999; Goddard 2000; Evans 2001). It differs from commodity exchange in several important respects (Gregory 1982). On the one hand, commodity exchange is usually thought to involve socially neutral transactions between independent parties where exchange transactions do not alter the relationship between parties. The items of commodity exchange are alienable in the sense that once a transaction has been made, ownership rights in the object are transferred between parties and the seller has no further residual rights in the object exchanged. Gifts, on the other hand, are inalienable because they embody obligations to the giver that alter the relationship between them. Indigenous exchange is therefore central to the social identity of individuals and groups and for building relationships among them. Moreover, indigenous exchange is important for making and marking the boundaries of

social groups which of course has implications for defining the resource rights of individuals and groups<sup>10</sup>.

Many outsiders discursively construct their dealings in land with customary landowners as market transactions, that is, cash payments for land where land is conceived of as an alienable commodity. These outsiders attempt to locate land claims in a market rationality (commodity transactions – see below) that draws on notions of modernity and national development. Such attempts to construct land dealings discursively as commodity transactions may stem from their experience as migrants growing up on the LSSs, where land is held under individually owned State agricultural leases. The legitimacy of these leases is grounded in modern notions of development and land legislation rather than in customary principles of land tenure. For other migrants attempting to construct the land transaction as market exchange, their efforts may reflect land practices they are familiar with in their home villages, where the planting of commodity crops has led to the individualisation of landholdings and/or the commodification of the land. For example, among the matrilineal Tolai of East New Britain, individual men have been able to purchase land on which they have cocoa from their maternal clan, in effect excising the land permanently from the communal pool of land<sup>11</sup> (Curry *et al.* 2007a).

Customary landowners' emphasis on social relationships in land transactions stems largely from the indigenous view of land as an inalienable resource held by the kinship group, with resource rights attached to membership of, or relationships with, the group. The exchange obligations associated with creating, maintaining or strengthening a relationship attachment to the landholding group for oil palm production are not clearly defined. There are expectations, however, that outsiders should demonstrate 'respect' for their hosts by sharing their wealth with them through, for example, contributions to the brideprices and mortuary payments of their 'hosts', as well as participating in the communal activities of their 'hosts' such as fund-raising for church events. Many of the first swathe of oil palm blocks that were gifted to fellow villagers in Oro Province in the 1970s and 1980s – including those where the approval of the clan was formally documented in CLUA or LTC applications – were often reciprocated with large feasts hosted by the recipient of the land at which gifts of cash, pig meat and large quantities of other foods were presented to, and consumed by, the host lineage or subclan. At these feasts, called *pondo* in Oro, other village landowning groups participated, especially clan leaders, and witnessed the gifts received by the customary landowning group. Large-scale communal feasting and gift giving legitimised and gave public recognition to the moral rights of the outsider to plant oil palm. Thus it is from the formation and maintenance of social relationships that the moral underpinnings of the land rights of outsiders are derived and sustained.

While many migrant settlers attempt to construct land transfers discursively as market transactions or formal legal transactions, others also recognise the importance of these social relationships, particularly the significance of ensuring that specific acts of gift exchange for the construction and maintenance of these relationships with host landowning groups are displayed publicly to the broader group of customary landowners and to the leaders of other village clans. For example, outsiders related how, at the funerals of clan leaders, they would make public presentations of cash, bags of rice and cartons of tinned fish. One outsider, whose tenure to his oil palm block was under threat, told how in addition to making presentations of cash and food at the clan leader's funeral, he wept publicly to demonstrate to the assembled mourners the close personal relationship he had with the deceased from whom he had 'purchased' his oil palm block. Another recalled how he was invited to a village committee meeting where the clan leader publicly announced his support for him, the

outsider, because of his generosity in buying the clan leader an air ticket to attend to village business in the nation's capital of Port Moresby.

Public performance through gift exchange of the social relationships upon which land rights are based is critical for resisting challenges to an outsider's land rights. If an outsider's land tenure is contested by a new generation of landowners following the death of the clan leader, leaders from other clans and from within the community who were present at the original feast may be called as witnesses to previous gift exchange, thereby strengthening the moral basis of the occupancy rights of the family which received the land. The importance of these public feasts in the gifting of land to village lineages and relatives for the planting of oil palm was expressed by an outsider in Oro as follows:

We invite all the bigmen [of the different clans] and the broader community to a meeting, where I [as the person acquiring the block of land for oil palm] distribute small amounts of money to the bigmen and distribute large amounts of pork to provide a large feast [there is a separate payment of up to K2000 paid to the clan leader of the customary landowning group] . . . The community leader will publicly declare to the people attending the feast: 'Now I give this ground to [person named] because he has provided this feast for us . . . he is our affine, he has provided this food so that all the landowners and their families can feast now. [Then, addressing the customary landowners:] In the future your children and other relatives will not be able to try and take the land back because he [the person providing the feast] has made *pondo* [met his full customary obligations for the land]',<sup>12</sup>  
Translated from Melanesian Pidgin (August 2006)

The indigenous morality of gift exchange means that the more frequent and intense previous gift giving has been, the stronger the moral basis of an outsider's land claim and the more difficult it is for the customary landowners to reclaim the land. By placing gift exchange in the public arena, the broader community can be enrolled in support of an outsider's land rights by providing wider public recognition of the moral basis of land claims. By first developing and then maintaining social relationships with their 'hosts', migrants forge a social identity for themselves which is attached to their host group. In this process, they move from the identity of outsider to insider, which brings with it resource tenure rights which flow directly from their relational identity with their 'hosts'.

### **Death, replanting and the restructuring of social relationships**

When customary landowners believe outsiders have failed to maintain exchange relationships adequately, the quality of the social relationships between them declines, thereby eroding the outsider's moral claim to the land. As the moral basis of tenure rights weakens, there is a corresponding strengthening of the customary landowners' own moral claims to the land, despite the land having been previously 'sold' or gifted to the outsider. Despite these risks, as indicated above, some individuals 'purchasing' land attempt to construct the land transaction as a market transaction resembling the purchase of a government leasehold block on the LSS. In doing so, they are attempting to disembodiment the land 'purchase' socially in an effort to extinguish any of the customary landowners' residual rights in the land. This may appear to work for a time, usually when both the original purchaser and clan leader are alive and the first oil palm plantings are still in production<sup>13</sup>. However, at the death of either of the parties involved in the original land transaction, or at the replanting stage when palms are about 20–25 years old<sup>14</sup>, land use rights and the social relationships in which they are embedded may be reassessed.

The death of either the clan leader or the outsider involved in the initial land transaction, or when oil palms need to be replanted, are potential rupture points in the web of social and generational relationships underpinning resource access, because it is at these points that old patterns of social relationships partially dissolve to re-solidify as new webs of social relationships. At these two major events, the social relationships underpinning land use rights are reassessed, for both death and replanting mark a new cycle of social relationships and a new round of wealth generation. Death marks the ascendancy of a new generation with interests in the land, and thus requires a restructuring of social relationships, while the poisoning of senile palms and the replanting with seedlings begins another cycle of wealth generation. It is at these potential rupture points that a reckoning occurs of the status and value of the relationships between outsiders and their 'host' lineages – a reckoning in which the land rights of outsiders may be renegotiated or terminated.

The perceived failure of outsiders to meet their exchange and other social obligations to their 'hosts' over the passage of time can lead to relationships breaking down, resulting in customary landowners opposing replanting by outsiders, demanding compensation to maintain their access rights, or even evicting them and reclaiming the land. In the case of the death of the leader who originally 'sold' or gifted the land to the outsider, the new generation of clan leaders may not feel morally obligated to recognise the tenure interests of the outsider if they did not receive a share of any past gifts (e.g. cash) made to the deceased clan leader and if they believe that the outsider was complicit in this arrangement. If the block is still in its first cultivation cycle, then eviction is less likely, and the new clan leaders may try to establish a new exchange relationship with the outsider for continued access to the land. Similarly, when the outsider who originally acquired the land dies, his sons may have difficulties inheriting the block. If their father did not maintain exchange relationships with the host lineage after acquiring the block, or the clan leader failed to share the outsider's gifts with other customary landowners, then their inheritance of the block may be challenged. The customary landowners may claim that they do not 'know' the second generation of outsiders now occupying the oil palm block. To not 'know' in this sense means the absence of a relationship with the new generation of outsiders and implies that they lack the moral right to remain living on the block. In such situations, there may be pressure on the deceased outsider's sons to re-establish the exchange relationship with the host lineage to legitimise their continued occupation of the block. In other cases, 'not knowing' the new generation of outsiders may be used as a pretext for their eviction, which is sanctioned by customary landowners' moral authority to evict 'strangers' from their customary land (Koczberski *et al.* 2009).

The uncertain tenure status of outsiders, particularly for second-generation outsiders raised on 'gifted' or purchased land, is illustrated by Herman (pseudonym), a migrant who 'purchased' 2 ha of land almost 20 years ago. In 2007, he decided to return permanently to his home village in another province. Prior to his proposed departure date, he informed the clan leaders of his intention to transfer his oil palm block to his recently adopted adult son (he had no sons of his own), but they refused to recognise his adopted son's right to assume 'ownership' of the block. They explained 'we do not know this man who has suddenly appeared on the block . . . He didn't grow up on the block [did not derive his sustenance from the block and had no previous relationship with the customary landowners]'. It is likely their decision was also influenced by the death several years before of the clan leader who had originally 'sold' the land to Herman. The relationship between Herman and the customary landowners was further strained when he proposed selling the block to a third party. This would have led to a situation where the customary landowners had no relationship with the new occupant of the

block – an intolerable situation bordering on the ‘theft’ of customary land. He was given two choices: to remain on the block until his death, after which the block would be resumed by the customary landowners; or he could return to his home village leaving the block to them.

As indicated above, the poisoning of palms in preparation for replanting also marks a new round of wealth generation. Replanting by outsiders is sometimes viewed by customary landowners as attempts by the former to renew or reassert claims of ‘ownership’ over oil palm blocks from which they have already received the benefits of a full cultivation cycle. In this view, the original gift or ‘purchase’ of land was for the productive life of the palms (20–25 years), in the same way that a gift of land for subsistence food production is typically for one gardening cycle of 3–4 years, after which the land is fallowed and returns to the pool of communal land held by the customary landowning group. A second round of oil palm cultivation in the absence of a renewal of the social relationship, from which use rights are derived, is akin to stealing the wealth of customary landowners. Because landowners tend to emphasise the role of land in wealth generation, not the labour in generating that wealth, the income earned by an outsider from an oil palm block which was replanted without the approval of the customary landowners is income that rightfully belongs to them.

The ruptures in social relationships at death and replanting that can sometimes lead to outsiders being evicted from their blocks can often be avoided by building relationships anew through increased exchange to allow a new cultivation cycle to begin or an outsider’s son to inherit the block. Commonly, following the death of the clan leader or the person who originally ‘purchased’ the block, these exchanges are focused on the new principals in the exchange relationship: the son of the original ‘purchaser’ or the new clan leader. In cases where the land was originally gifted to a fellow villager, these new relationships are cemented with transfers of shell valuables, pig meat and cash to the customary landowners. Like the original exchange to establish or reinforce the relationship (e.g. the *pondo* exchange discussed above), these wealth transfers are often made at communal feasts attended by customary landowners and the leaders of other village clans who, by participating in the feast and witnessing the exchange, ratify the renewal of tenure rights to the block. The exchange recognises and legitimises the moral rights of the outsider or the outsider’s son to continue oil palm production or to commence replanting. As noted above, these exchange relationships do not remove the land from customary tenure in perpetuity. If the outsider’s son later wishes to pass the block on to his own children, he must ensure that his social relationship with the customary landowners is sufficiently robust to provide moral justification for the intergenerational transfer of tenure rights.

While the tenure status of outsiders can be greatly influenced by the quality of their long-term relationships with the customary landowners, there is a myriad of other factors that may undermine their tenure security, especially if the customary landowners wish to reclaim the land for use by ‘core’ members of the customary landowning group. Indeed, given the long time period of 20–25 years of one cultivation cycle, it is probable that the demographic, social and economic context in which the original negotiation of land rights occurred has changed dramatically, placing the outsider in a more vulnerable position. For example, an expanding population may exacerbate functional land shortages for oil palm as a younger generation of customary landowners seeks to acquire land for oil palm. This might be at the expense of those people known not to be ‘true’ landowners. Similarly, rising land values through time and substantial increases in oil palm prices, which greatly alter the income potential of oil palm blocks, will also have a bearing on the renegotiation of tenure rights. If such changes are accommodated in the ongoing exchange strategies of outsiders with their

hosts during the first cultivation cycle (e.g. by increased levels and values of gift giving in line with higher land values or oil palm prices), then renewal of social relationships on the death of the clan leader or the original recipient of the land is less likely to be contested by the customary landowners. However, if these increases in land values and oil palm prices were not accommodated in the exchange strategies of 'guest' lineages as they occurred, then renewal of social relationships at these potential rupture points is much more likely to be problematic, and customary landowners may demand additional compensation to reflect these changed values before consenting to the block being replanted or inherited by an outsider's son. Where the moral basis of occupancy rights has become so eroded by inadequate levels of exchange to the extent that customary landowners believe the outsider is 'stealing' the wealth from their land, then eviction may follow.

### **The resilience of relational concepts of land rights**

The resilience of relational concepts of land tenure in the oil palm frontier regions may seem paradoxical, given the pressures for the commodification of land and what it entails, its permanent alienation from customary ownership. Several factors explain this resilience. First, some village lineages which were gifted land for oil palm, as well as some migrants who 'purchased' land, continue to subscribe to the view that indigenous ways of accessing land depend on the maintenance of exchange relationships with customary landowning groups. This view appears to involve the carry-over of indigenous values and moralities associated with accessing subsistence resources into the modern context of export cash cropping. The importance of social relationships for accessing subsistence resources, as discussed previously, has widespread recognition in PNG, especially for individuals and lineages without primary access rights to land (e.g. Meggitt 1965 1971; Reay 1971; Mandeville 1979; Cooter 1991; Curry 1997; Mosko 2005). This relational concept of rights to subsistence resources stems partly from the way in which land (and ownership more generally) is conceptualised in PNG. Land in PNG holds a prominent position in social and ritual activities, in cultural and spiritual beliefs, in social organisation and in creating one's sense of social identity and belonging (see, for example, Sillitoe 1999; Kalinoe and Leach 2004; Strathern 2004; Banks 2008). Thus land is intimately tied to social relationships and the social milieu of everyday life.

Similarly, the concept of ownership more generally is relational based in PNG, which may add to the resilience of the concept in relation to land. For example, in her examination of ownership claims in PNG, Strathern notes that:

It is along [these] relationships that rights flow. For whether one is talking of rights to tangible or intangible resources, it is often the case that someone 'owns' something *by virtue of* it having come from another, socially distinct, person, and thus from somewhere else; if they can trace a connection or recite a name then that relationship is part of what 'ownership' means.

Strathern (2004, 5)

Thus one probable explanation for some outsiders not contesting customary landowners' expectations that 'sales'/gifts of land should be reciprocated on a long-term basis, concerns the still common practice of accessing a range of material and non-material resources through social relationships. For these outsiders, land 'sales' are like other transactions involving material and non-material resources. That is, they are in reality gifts grounded in social

relationships that must be reciprocated in a manner that reflects the value of the gift which, as discussed earlier, can fluctuate through time (e.g. with changing oil palm prices).

A second factor explaining the resilience of relational concepts of land ownership concerns differential power relations. It is probable that the extensive social and kinship networks of customary landowning groups in both provinces explain this power differential. Within these social and kinship networks, that are spatially extensive, intergenerational, and involving large numbers of people, there is a shared understanding of the moral basis of land rights. Although these networks are relatively fluid and shifting, kinship and a shared cultural infrastructure serve to reinforce the collective morality of a discourse of a relational basis to land rights, despite the intense pressures for change characteristic of a frontier zone. In contrast to the depth and breadth of customary landowners' networks, those of outsiders are truncated, socially and spatially. As outsiders, they lack the discursive power which extensive networks would provide for them. Moreover, because outsiders are from diverse ethnic and cultural backgrounds, a common identity is difficult to forge and even harder to maintain (see Koczberski and Curry 2004).

Finally, the dominance of relational concepts of land tenure over market-based land rights in these frontier regions is also partly explained by the weak and diminishing authority of the State in PNG and the corresponding growing assertiveness of landowners in their relationships with the State and capital. This is illustrated by the rising numbers of compensation claims and other landowner demands on government and developers, and the strong bargaining position of landowning groups in resource development negotiations on their land (Filer 1997; Standish 2001; Banks 2008). For example, compensation claims are now being made over government infrastructure, such as roads, utilities and schools, which were settled with the customary landowners decades ago by the Australian administration (Standish 2001). The growing numbers of compensation claims and other demands placed on government and developers point to landowners' attempts to redress local inequalities, reclaim alienated land and maintain control of natural resources on their land by asserting their customary rights as landowners. In so doing, they are directly challenging State authority, and 'deny[ing] the state's right to govern, both symbolically and in practice' (Standish 2001, 290). Such trends signify a resurgence in the moral authority of customary law pertaining to land tenure *vis-à-vis* the perceived diminishing authority of the State in land matters (Koczberski and Curry 2004). In this environment, where the legitimacy of the State is perceived to be low, new spaces are opening for local landowners to assume greater authority in land dealings.

## **Conclusions**

This paper has demonstrated how the demand for land in the oil palm frontiers of PNG is driving changes in customary land tenure, as illustrated by the 'selling' of land to people from outside the customary landowning group. However, even in these frontier zones, where global capital in the form of oil palm production interacts with the local, customary landowners are still able to maintain an indigenous, though partly modified, system of land tenure that remains grounded in place-based social practices and values imbued with an indigenous morality. These new forms of tenure arrangements do not constitute a transformation of indigenous land tenure, nor are they simply reproducing traditional forms. Rather, they reflect a reworking of customary land tenure which, while still compatible with

longstanding principles of indigenous land tenure, has clearly been modified to meet the new requirements of commodity production, particularly long-term access to land.

These new forms of tenure continue to derive their legitimacy from concepts of economy and society grounded in relational identities which remain central to the determination of resource rights. That is, claims of ownership of resources, such as land or oil palm or the potential wealth to be derived from oil palm or land, are embedded in and flow through social relationships. It is through such social relationships that land rights are given their moral validity, not through market exchange in which alienable land rights are bought and sold. Such paths to securing access to land have parallels with broader concepts of ownership in PNG described earlier which involve relational concepts of resource rights.

As noted above, relational concepts of resource rights in PNG are widespread. Relational concepts of the economy in both market and non-market societies also have a long tradition, as epitomised by the work of Karl Polanyi (1944; Polanyi *et al.* 1957). In recent decades, there has been a resurgence of interest in relational concepts of economy (e.g. Granovetter 1985; Zukin and DiMaggio 1990; Swedberg 1994; Hefner 1998). As outlined in the introduction, these ideas are now fruitfully being applied in geography in a variety of contexts to generate new insights into the co-constitution of society and economy.

As the present study has demonstrated, relational concepts of resource rights can also be usefully applied to the study of local-level processes of change in agricultural frontiers. By revealing the underlying social processes and relationships that give rise to particular patterns of resource use rights, relational perspectives overcome some of the limitations of market and structural approaches of explanation. Importantly, because social relationships are not static and must be created and maintained, relational perspectives enable us to recognise the fluidity and indeterminacy of change, such that *not* investing in social relationships allows us to see the corrosive effects on resource rights and the ensuing enmity, just as investment in social relationships will tend to enhance resource rights and strengthen relationships. Thus, in the oil palm frontiers of PNG, where the impacts of globalisation are perhaps most visible as large-scale industrial production of palm oil, where there are high levels of in-migration of diverse ethnic groups, and where pressures are perhaps most intense for the transformation of economic and social relationships, a relational perspective reveals why indigenous social and economic relations are proving so remarkably resilient to the transformative powers of globalisation.

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## Notes

- 1 'Outsiders' are persons without birthrights to the land they occupy.
- 2 The research is also informed by earlier fieldwork on land issues in East Sepik Province between 1988 and 1990 and in WNB in 1994. Also, much information relating to land tenure was collected during interviews for projects not directly related to land (e.g. household livelihood strategies, migration and use of marine resources). Because land is central to people's lives, it often arose as a topic for discussion. This additional information informs the present paper.
- 3 Inverted commas are used to denote land transactions (e.g. 'sales' and 'purchases') where their usage in the text does not correspond with their exact meaning in English.
- 4 Almost all (97%) land in PNG is held under customary tenure arrangements. State intervention is limited on customary land. Customary land tenure is recognised by the constitution of PNG and the Underlying Law Act 2000.
- 5 Oil palm fruit bunches weigh up to 35 kg and are carted by wheelbarrow to the harvest collection point, usually the roadside edge of the block where the fruit is weighed and collected by a truck from the milling company. Also, for transport efficiencies, OPIC would not approve the construction of harvest roads until a sufficient number of blockholders were identified for contiguous planting of oil palm blocks along harvest roads. This encouraged customary landowning groups with insufficient numbers of people for contiguous planting along harvest roads to allocate land to individuals from other village clans.
- 6 CLUAs acknowledge that the landowning clan endorses the transfer of the customary land to a person outside the clan for the cultivation of oil palm. Under such an agreement only the access and use rights have been individuated, not the land itself. In effect, the agreement recognises that the land has been taken out of the clan 'commons' and use rights have been granted to an individual.
- 7 The conversion of LTC blocks to freehold title is a cumbersome and expensive process, and requires a formal survey of the landholding, the cost of which is beyond the means of most smallholders. Not one smallholder with whom we spoke understood the process of conversion of LTC tenure to freehold title.
- 8 Section 132 of the Land Act (1996) prohibits the sale of customary land except to citizens in accordance with customary law.
- 9 OPIC at Hoskins is encouraging outsiders acquiring customary land to sign CLUAs.
- 10 Items of indigenous exchange can be in many forms, including cash, tradestore goods, oil palm fruit, cooked and uncooked food, harvesting rights to a portion of an oil palm block for a single harvest round, labour for subsistence or cash crop production as well as traditional knowledge, magic, ritual and wealth items like shell valuables and sleeping mats.
- 11 This is not to be confused with freehold title where ownership rights are alienable. The individual acquiring the land may not be permitted to sell the land on to someone outside the customary landowning group.
- 12 This outsider is overemphasising the discursive power of the single original act of *pondo* to allow him to remain on the land after the death of the customary landowner involved in the original transaction. As discussed later in the paper, the original *pondo* transaction may not be sufficient on its own to allow this to occur.
- 13 Signs that this discursive strategy is not working include petty theft from the food gardens of outsiders by members of the landowning group, often youth who feel that the outsider is trying to steal their 'inheritance' (Curry and Koczberski 1999; Koczberski and Curry

2004). While being a nuisance to the outsider, he may not perceive any serious threat to his land tenure status.

14 At this age palms become difficult to harvest because of their height. While palms keep producing fruit well beyond this age, harvesting rates and labour efficiency decline sharply.

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