104

6 Citizenship in Papua New Guinea
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Traditionally, the people and land of Papua New Guinea were not ruled by a feudal system, but by many individual tribal groups, each of whom applied traditional customary law. Citizenship is thus tied to clan lineage, to common land tenure policy, and to little else. The current population, which is made up primarily of Melanesians, is estimated at 4.3 million, of whom 80 per cent live in rural areas.

New Guinea, in the north, which had been under German rule, became a mandated territory of the League of Nations administered by Australia in 1921. To the south, Papua was a colony of Great Britain from 1888 until it was transferred into Australian control in 1906. Following World War II, Australia established a single civilian administration for the two territories. The Papua New Guinea Act 1949 had set out the terms of the new administration, but without establishing the rights of the people. Section 71 only went as far as prohibiting the slave trade and forced labour. In 1973 Papua New Guinea gained self-governing status and on 16 September 1975 became independent. The Constitutional Planning Committee (CPC) was given the task of defining citizenship and making suggestions concerning the application of citizenship laws in the new state.

The citizenship regime established in the constitution broadly followed the CPC’s recommendations, which indicated the strength of Melanesian views about the nature of citizenship. Citizenship laws should first and foremost protect the interest of Papua New Guineans, while bearing in mind the country’s historical relationships with such neighbours as Australia, Indonesia (Irian Jaya) and the Solomon Islands. The nation was established primarily for the Melanesian and minority cultural groups already living there. Thus, the constitution minimizes the rights of nonnationals and of minority groups –
including Melanesians – who were not within its territorial boundaries before independence.

The CPC’s second report recommended that, in principle, Papua New Guinean citizens should hold no other citizenship. Those born in Papua New Guinea before Independence Day who had two indigenous grandparents and who had ‘no real citizenship’ (that is, had Australian citizenship by virtue of birth in Papua or New Guinea, but did not have a right of residence in Australia) would ‘automatically’ become citizens at that time (section 2). ‘Indigenous grandparents’ were defined as those whose own grandparents were all born in Papua New Guinea or in an ‘area adjacent to Papua New Guinea’ (2.iii), which was in turn defined to mean Irian Jaya, the Solomon Islands, and that part of Australia known as the Torres Strait Islands. This distinguished between those descended from grandparents who were themselves wholly descended from Melanesians, and those whose forebears had married into non-Melanesian families (principally European and Chinese).

The CPC recommended that persons born within Papua New Guinea would become citizens automatically, provided that at least one of their parents met with these citizenship requirements (3.1); persons born outside Papua New Guinea after independence, who would have acquired citizenship automatically had they been born inside the country, could obtain citizenship by registration within one year of birth.

The CPC envisaged the acquisition of citizenship by naturalization. To ensure that the adoption of the new constitution did not render anyone stateless, those living in the country at the time of independence who had ‘no real citizenship’ would able to apply for naturalization after a further three years’ residence. After independence, non-citizens wishing to become citizens would be eligible to apply after eight years’ residence. Non-citizens who held positions for which automatic citizens were not eligible, or who had voluntarily voted in national, provincial, state or local elections in another country, or who had been the recipient of social services as a consequence of being a citizen in another country, should not be eligible to apply for naturalization.

The CPC suggested that in determining whether an applicant was a desirable candidate for citizenship, the relevant