

Land Resources

Government and market attention have been focused over recent months on what's below the land surface, notably gas for LNG and, to a lesser extent, minerals, such as copper and gold, which have provided the bulk of PNG's exports and revenue over the past 20 years.

What is at, or above, the surface is, of course, much more important for the majority of households in PNG, who depend upon the land, agriculture, the forests and surface water for their livelihood, whether gained from food or cash crop production or, for smaller numbers, from agricultural or forestry wage employment.

Land ownership and land user rights are central to people's economic, but also social, cultural and, to some extent, spiritual existence, with territorial disputes still readily erupting into conflict in parts of the country. There was widespread alarm and even some violence in the 1990s following a largely mis-informed campaign, which suggested that customary land was under-jeopardy from a donor-funded project. Recent land reforms introduced by the Government, following a National Land Summit in 2005, have been sensitive to public concern. These reforms focus upon improving the atrocious administration of public land, improving the system of dispute resolution (notably through strengthening Magisterial Service capacity) and ensuring that customary land rights are protected, whilst providing some opportunity for landowners to develop agreed portions of their land, possibly in partnership with outside investors, if they see fit. The new legislation provides safeguards to ensure that decision-making entails all landowners, not a select few, even requiring that all Incorporated Land Group members obtain and provide birth certificates.

However, whilst new legislation seeks to improve land administration and safeguard the rights of customary owners, loopholes, abuses and new provisions in existing lands and forestry legislation are jeopardising landowners' customary rights over vast areas of the country, without their apparent informed consent. About 2 ½ million hectares have been allocated over the past 4 years largely as 99 year "Special Purpose Agricultural and Business Leases", from thousands to hundreds of thousand hectares. That's just under the area of Eastern and Western Highlands and Simbu provinces combined! The landowners in these project areas have had their customary land rights forfeited for a 3-4 generation period, in most cases apparently without even being aware, let alone given approval. Some of the documents sighted seem to be signed by persons who aren't even from the area!

What are these vast land tracts being allocated for? In some cases that's unknown, in many cases it's undoubtedly logging (but without going through the demanding requirements of the *Forestry Act*), often under the guise of oil palm, rubber, bio-fuel or food production (e.g. rice), or even carbon trading. In some cases now they make also be interested in agriculture, following forest clearance. It's true that since the food scarcity and high prices of 2008 many firms and countries are trying to tie up land and supplies in developing countries, from Madagascar to Sudan and probably PNG.

Under the former forestry *Private Dealings Act* deals could be struck with a group of supposed landowner leaders for logging rights, through a local landowner company.

Private Dealings were halted under the new 1991 *Forestry Act* following findings of severe malpractice by the 1997-99 Forestry (Barnett) Inquiry, although large numbers were approved in the final hours of June 1992 before the new Act was Gazetted! Thereafter the main loophole to access logs without having to bid for a timber permit in an approved Forest Management Agreement (FMA) area, was through proposed conversions for agriculture or roads. Many large oil palm schemes were proposed in the most unsuitable locations for oil palm, in Gulf and Sepik provinces, clearly as back ways to access the logs. Most such projects were rejected, or onerous conditions imposed, although some road projects were approved (notably the notorious Kiunga-Aiambak road in Western Province, operated by Concord Pacific, which was ultimately thrown out in Court, but only after thousands of hectares of logs were extracted without due payments to the customary owners. Various smaller logging areas were approved in the 1990s/2000s as supposed cocoa projects and roads, but with little or no crops planted. One major area was also allocated for logging in Gulf province, with a Timber Permit issued, even though no Timber Rights had been acquired from the resource owners. That area is still being logged.

With some loopholes plugged, the latest device being used entails converting the land to leasehold, and thereby side-stepping the requirements for an FMA and what should be a sustainable forestry project. The Agriculture Department readily provides letters for these Forest Clearances (FCAs) confirming the project as a genuine agriculture venture, without any apparent verification by them or other authorities (IPA) of the company's track record. DEC at least sometimes invites feedback on EISs. What is most extraordinary, and in apparent complete contradiction with the purpose of the new land reforms (designed to protect customary landowners' rights) is the use of the discretionary powers under Section 102 of the Land Act, which allows the Minister or his Delegate (e.g. the Secretary for Lands) to grant these special purpose leases. Several of the former mechanisms have been retained, despite the recent land legislation reforms, including land tenure conversion and lease-lease back. Lease-lease back was introduced in the early 1980s for 20 hectare coffee (and subsequently cocoa) blocks to enable customary landowners to secure title and access credit. It has also been used by West New Britain landowners for some estates operated by New Britain Palm Oil Ltd, following a rigorous process of verification and approval.

This mess needs to be cleared up now, with discretionary powers revoked, the lease-lease back replaced with the rigorous new land group incorporation and registration procedures and processes on forestry conversions tightened and strictly applied. The relatively high social and environmental standards applied latterly by oil palm companies in PNG under RSPO, must be the mandatory industry norm, with none of the substandard and destructive oil palm operations prevalent in much of Indonesia permitted here. Processes followed for the special purpose leases issued to date, and the players involved must be rigorously probed and challenges supported for each or all such leases where landowners have clearly not freely granted their consent. As with urban public land granted through apparent back-door deals the rights of the landowners and the public must be protected. Rural landowners need to be able to utilise their land resource for their own welfare and benefit and their children's need, whether through agriculture, conservation and carbon trading or forestry, or some combination. They must make their own decisions based reliable information and choices, but not be pushed around by outside interests, pre-determining their land-use or revoking their customary land title.

DATE	GAZETTE NO.	GRANTEE	TERM (YEARS)	AREA (HECTARES)	LAND DESCRIPTION			PROVINCE
					PORTION	MILINCH	FOURMIL	
03-05-04	G42	TRUKAKE LTD	99	120.70	46	KOKOPO	RABAU	ENBP
14-10-04	G113	BARAVA LTD		244.70	307	KOKOPO	RABAU	ENBP
06-01-05	G113	LOKORU ESTATES LTD	45	1,750.00	1C	GARUA	TALASEA	WNB
28-10-05	G157	BAINA AGRO-FOREST LTD	40	42,100.00	29C	KASE	BUNA	CENTRAL
12-12-05	G184	ROSELAW LTD	99	25.11	2541C	GRANVILLE	MORESBY	NCD
16-06-06	G120	PULIE ANU PLANTATION LTD	99	46,233.00	396C	GOGOR/MIO	RAULT/ARAWA	WNB
20-07-06	G143	VANIMO JAYA LTD & ONE UNI DEV. CORP.	99	47,626.00	248C	TADJI	AITAPE	WSP
21-09-06	G183	ZIFASING CATTLE RANCH	50	8,374.23	79	ONGA	MARKHAM	MOROBE
22-09-06	G186	PERPETUAL SHIPPING LTD	50	283.29	19C	AIRD	KIKORI	GULF
07-12-06	G224	CASSAVA ETAGON WHY LTD	99	20,000.00	884C	DJAUL	KAVIENG	NIP
28-12-06	G234	EMIRAU TRUST	99	3,384.38	53C-58C	ELEOA	EMIRA	NIP
01-02-07	G157	CHANGHAE TAPIOKA (PNG) LTD	40	1,656.00	519C	RIGO	MORESBY	CENTRAL
01-02-07	G157	CHANGHAE TAPIOKA (PNG) LTD	40	74.87	444C	RIGO	MORESBY	CENTRAL
01-02-07	G157	CHANGHAE TAPIOKA (PNG) LTD	40	66.77	446C	RIGO	MORESBY	CENTRAL
01-02-07	G157	CHANGHAE TAPIOKA (PNG) LTD	40	2,514.00	517C	RIGO	MORESBY	CENTRAL
01-02-07	G157	CHANGHAE TAPIOKA (PNG) LTD	40	3,573.00	518C	RIGO	MORESBY	CENTRAL
01-02-07	G185	CHANGHAE TAPIOKA (PNG) LTD	40	2,514.00	521C	RIGO	MORESBY	CENTRAL
01-02-07	G157	CHANGHAE TAPIOKA (PNG) LTD	40	2,514.00	520C	RIGO	MORESBY	CENTRAL
15-02-07	G224	BRILLIANT INVEST. LTD	99	25,600.00	146C	ANGORAM / MARIENBERG	BOGIA / VANIMO	ESP
19-02-07	G234	OKENA GOTO KARATO DEV. CORP. LTD	99	28,100.00	146C	KUPARI	TUFI	ORO
03-05-07	G38	YUMI RESOURCES LTD	99	115,000.00	30C	KASE	BUNA	CENTRAL
03-08-07	G115	KOARU RESORUCE OWNERS COMPANY LTD	99	59,460.00	323C	KUKIPI/CUPOLA	YULE	GULF
17-10-07	G161	RAKUBANA DEV. PTY LTD	99	24,581.00	871C	DOLOMAKAS	NAMATANAI	NIP
17-10-07	G161	TABUT LTD	99	11,864.00	885C	LOVANGAI	KAVIENG	NIP
17-10-07	G161	UMBAKUL LTD	99	25,108.00	886C	LOVANGAI	KAVIENG	NIP
17-10-07	G161	CENTRAL NEW HANOVER LTD	99	56,592.00	887	LOVANGAI	KAVIENG	NIP
22-11-07	G182	MEKEO HINTERLAND HOLDINGS LTD	99	116,400.00	45C	OMERI	YULE	CENTRAL
09-01-08	G38	WOWOBO OIL PALM LTD	99	23,180.00	4C	AURI	KIKORI	GULF
18-03-08	G45	AKAMI OIL PALM ESTATE LTD	99	231.20	104C	MEGIGI/DAGI	TALASEA	WNB

07-04-08	G54	AKAMI OIL PALM ESTATE LTD	99	345.75	2628C	MEGIGI/DAGI	TALASEA	WNBP
09-07-08	G120	POMATA INVESTMENT LTD	99	15,000.00	196C	NAKANAI/WOIPUNA	TALASEA	ENBP
09-07-08	G120	NAKIURA INVESTMENT LTD	99	16,100.00	198C	WOIPUNA	TALASEA	ENBP
09-07-08	G120	RALOPAL INVESTMENT LTD	99	11,300.00	197C	WOIPUNA	TALASEA	ENBP
14-07-08	G124	BEWANI OIL PALM DEVELOPMENT LTD	99	139,909.00	160C	OENAKE/BEWANI	VANIMO/AITAPE	WSP
14-08-08	G145	OIL PALM PLANTATION LTD	99	116,840.00	144C	TRING	WEWAK	ESP
14-08-08	G145	RERA HOLDINGS LTD	99	68,300.00	2C	KAPIURA	TALASEA	ENBP
01-09-08	G152	ATABEDA AGRO FOREST LTD	99	11,700.00	409C	EPO/KAIRUKU	YULE	CENTRAL
25-09-08	G174	AKIVRIU LTD	99	6,111.00	398	MIO	ARAWA	WNBP
25-09-08	G174	IVAGA OUROUINO-MASINAMTA LTD	99	10,741.00	397	MIO	ARAWA	WNBP
25-09-08	G174	POLOPO LTD	99	8,328.00	35	GOGOR	ROUALT	WNBP
25-09-08	G174	KAVUN LTD	99	7,161.00	34	GOGOR	ROUALT	WNBP
25-09-08	G174	GOGORANTO LTD	99	8,893.00	33	GOGOR	ROUALT	WNBP
08-01-09	G4	MUSIDA LTD	99	211,600.00	16C	GONA	TUFI	ORO
18-02-09	G31	EAST WAII OIL PALM LTD	99	21,108.00	5C	BEARA/AURI	KIKORI	GULF
18-02-09	G31	AROWA OIL PALM LTD	99	12,341.00	6C	AURI	KIKORI	GULF
01-04-09	G58	NUKU RESOURCES LTD	99	239,810.00	26C	VARIOUS	VARIOUS	ESP & WSP
28-04-09	G78	TUMU TIMBERS DEVELOPMENT LTD	99	790,800.00	1C	VARIOUS	VARIOUS	WESTERN
30-10-09	G217	LA-ALI INVESTMENTS LIMITED	70	7,170.00	5C	GUAVI	AWORRA	WESTERN
30-10-09	G217	MUDAU INVESTMENT LIMITED	70	10,450.00	6C	GUAVI	AWORRA	WESTERN
30-10-09	G217	GODAE LAND GROUP INC.	70	15,153.00	7C	GUAVI	AWORRA	WESTERN
30-10-09	G217	HAUBAWA HOLDINGS LIMITED	70	11,110.00	8C	GUAVI	AWORRA	WESTERN
30-10-09	G217	FOIFOI LIMITED	70	33,900.00	9C	GUAVI	AWORRA	WESTERN
10-12-09	G245	UNUNG SIGITE LIMITED	99	13,000.00	27C	NAKANAISE	TALASEA	ENBP

2,456,341.00
