

TAKING ON THE LOGGING PIRATES

LAND DEFENDERS IN PAPUA NEW GUINEA SPEAK OUT!



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The Oakland Institute

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Cover photo: An excavator works the ground next to a palm oil nursery © Paul Hilton / Greenpeace

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Introduction

With over 800 indigenous languages spoken,¹ forests and waters teeming with more than 20,000 species of plants, 2,000 species of trees, and 700 species of birds,² Papua New Guinea is one of the most diverse countries in the world.

Historically, this abundance has been one of the country's greatest assets. Most Papua New Guineans have been able to maintain traditional lifestyles based on a mix of cash crops and subsistence agriculture, hunting, fishing, and gathering. Until recently, 97% of the country's land was maintained under customary ownership, a system in which the land is owned and controlled by the clans and the tribes who live on it.³ Most people live in small communities of a few hundred villagers who maintain intimate relationships with the land and natural resources. Rural families get their income from the sale of produce from family gardens, forest products, and small-scale cash crops such as cocoa, coconut, vanilla, betel nut, and coffee.⁴

However, this natural bounty is threatened by a massive land rush that is currently taking place in the country. In recent years, dozens of foreign companies have signed land deals under a government scheme called Special Agriculture and Business Leases (SABLs). Ostensibly formed to launch agricultural projects, SABLs are used for harvesting timber that is then exported to overseas markets. With the SABL scheme, foreign companies have found a new and relatively easy way to open new areas for logging, while oil palm plantations are established after the rainforest has been cleared.

Some 5.5 million hectares of land have been leased through this scheme. Added to pre-existing logging concessions, over 15 million hectares—more than one third of the country—are now in the hands of foreign firms.⁵ In recent years, the country has surpassed Malaysia to become the world's top exporter of tropical wood.⁶

Behind these land deals is the government's strategy of "freeing up land for development,"⁷ which officially justifies giving people's land away for the development of the country.

However, research conducted by the Oakland Institute reveals that these land deals are not benefitting the people or the economy of PNG.⁸ Whereas these so-called investments

have a high human and environmental cost, economic benefits appear to be marginal, especially given widespread financial malpractice and tax evasion, as documented in *The Great Timber Heist*, a report released in 2016 by the Oakland Institute⁹.

Most important, these land deals are taking place against the will of the people and in violation of the country's laws and of its constitution, which protects customary land rights and sets self-reliance, sovereignty, and the sustainable management of natural resources as the overarching principles for the country.

In May 2011, the government established a Commission of Inquiry (CoI) to look into the operations behind the SABLs. The CoI report released in 2013 details how the majority of them were granted illegally, without proper informed consent, or were granted under threat, intimidation, or bribery.¹⁰ As confirmed during the Institute's field research, land deals involved all sorts of irregularities, including faked signatures and coercion or sheer bullying of communities. When presenting the CoI report to the parliament in 2013, the country's prime minister, Peter O'Neill, said that the report revealed a shocking trend of corruption and mismanagement and that the program had, in his own words, "failed miserably." He later announced that all illegal land deals would be cancelled and the land returned to the people.

Over three years after this promise, the government has taken no action to reverse any of the 70 land deals and return land titles to landowners.

Meanwhile, citizens and communities all over the country have confronted SABLs in a number of ways, including public protests, civil disobedience, petitions,¹¹ and pursuing court cases to have their land returned to them.¹² However, people's resistance to the theft of their land and destruction of the environment has been met with violence and intimidation. In a number of cases, residents who tried to resist these land deals through peaceful protests or roadblocks were arrested, beaten, or relocated.¹³

Legal action to wrest control of the land back to its rightful owners has been successful in several cases.¹⁴ In 2014, the National Court ruled in favor of returning 38,000 hectares in Oro Province following a suit by landowners.¹⁵ In September

2016, a court decision in East New Britain Province and a Supreme Court ruling on an SABL in East Sepik Province returned a total of 150,000 hectares.¹⁶

This report features the voices of some of the leading figures in this struggle as well as citizens who share their experience of resistance. The testimonies tell the story of the steady destruction of traditions and natural landscape and describe the impact on people's livelihoods. They also recount the various forms of resistance, including legal battles, with their setbacks and their successes. All voices in this report make it clear that they reject the deceitful development rhetoric of the government, conveniently used to take away people's land and forests. Instead, they advocate for a model of development that respects people, their culture and values, and their natural environment. All are speaking out and rising up against the inaction and complicity of their own government and call their leaders

to stand with the people instead of foreign firms that have inflicted corruption, conflict, and devastation.

Governor Gary Juffa of Oro Province carries this message of hope forward in the afterword, stating "the country is rising up to defeat the pirates . . ."

"Of course, there is hope. Not all are convinced that greed and profit are the only way of life. Many are realizing that the forests are them. Lose the forests, lose yourself. They are rising up. Their sons and daughters are learning to live in this ruthless and globalized world.

The forests will not be lost. The pirates' days are numbered. The corrupt politicians and public serpents will be identified and dealt with and the forest, as it has always done, will reclaim its territory."



The Oakland Institute dedicates this report to the memory of Gabriel Molok, who passed away on November 28, 2016. Gabriel was a dear friend and a close partner who led the struggle against land grabbing and illegal logging in his province, East Sepik. As the executive director of Turubu Eco Forestry Development Program, a community-based organization, Gabriel has worked tirelessly for many years to save PNG forests and to promote a development model respectful of the people and the environment. His most recent achievement was a landmark victory at the Supreme Court against a logging and palm oil company. His courage, generosity and integrity will continue to inspire our work against injustice and corporate greed. We will miss Gabriel, a brave land defender!



Glossary of Terms and Actors Mentioned

Acronyms

- CoI—Commission of Inquiry, a government led investigation into an issue of national importance; in this case, the legality of Special Agricultural Business Leases.
- ILG—Incorporated Land Group, the legal identity for a group that holds customary land, allowing it to be leased to a private company.
- LLG—Local Level Government, an administrative division below district and above ward.
- PNG—Papua New Guinea.
- SABL— Special Agriculture and Business Lease, a government scheme under which customary lands are leased out to foreign companies. In 2011, it was revealed that the majority of SABLs had been established illegally.

Logging and Palm Oil Companies

- Kuala Lumpur Kepong Berhad (KLK)—A Malaysian multinational corporation that specializes in oil palm. KLK is part of an ongoing conflict in Oro Province, where two of the lots operated by them have been shut down by the National Court, but a third plot remains in operation.
- New Britain Palm Oil Ltd. (NBPOL)—A PNG-Malaysian group focused on producing and exporting palm oil. It is mostly involved in West New Britain Province, though its activities have expanded to other provinces in recent years.
- Rimbunan Hijau Group (RH Group)—A Malaysian multi-industry company and the largest logging firm in PNG. The group is involved in many sectors, including forestry, oil palm plantations, media, information and communications technology, biotechnology, plastic manufacturing, mining, real estate, insurance, oil, and gas. RH controls dozens of subsidiary companies in PNG including one of the country's two major newspapers.
- Gilford Ltd.—A subsidiary of RH Group, operating in West Pomio.

NGOs

- ACT NOW!—A community advocacy organization that helps ordinary people make their voices heard in relation to matters of national importance in PNG.
- Center for Environmental Law and Community Rights (CELCOR)—An organization that assists customary land owners in PNG with their legal battles.
- Forest Management and Production Certification Service (Forcert)—A non-profit that assists local communities and promotes sustainable forest management.
- Turubu Eco Forestry Development Program Inc.—A community-based non-profit focused on preserving forests around Turubu Bay.

West Pomio, East New Britain Province

East New Britain Province is the location of eleven SABLs totaling almost 350,000 hectares, or about 20% of the province's area. Several of these SABLs are controlled by subsidiaries of Rimbunan Hijau, a Malaysian group, which is the largest logging firm in the country.¹⁷

Three of these subsidiaries are operating in West Pomio. Gilford Ltd., controlled by Prime Resources Corporation Ltd., which is registered in Malaysia and obtained the SABL lease for logging and the establishment of a palm oil operation on about 40,000 hectares; Sinar Tiasa Ltd., controlled jointly by Gilford Ltd. and Monarch Investments Ltd. (a subsidiary of Monarch Logging Pte. Ltd., which is registered in Singapore); and Niugini Lumber Merchant Ltd., a subsidiary of Wilmington Co. Ltd. registered in British Virgin Islands. These companies operate with two Incorporated Land Groups (ILGs), Pomata Investment Ltd. and Ralopal Investment Ltd.

Paul Palosualrea and Ana Sipona are residents of West Pomio who have dedicated their lives to mobilizing and fighting against the theft of their land and the fraudulent practices of the logging firms.



*Our sacred sites, our land,
our forest, and our environment
will be totally destroyed by
permanent environmental damage.*

—PAUL PAVOL PALOSUALREA*

I share here how our land was signed away for 99 years without the consent of the true landowners. The district of Pomio has five Local Level Government (LLG) areas, and is approximately 12,000 to 13,000 sq km. It holds some of the most beautiful, virgin tropical rainforests, some of the deepest, most beautiful caves, clear running rivers, white and black sandy beaches, underwater coral reefs, and creation of all kinds that need protection on land and in the sea.

This story is about me and my people, the Mengen tribe of the West Pomio.

The traditions, culture, and customs of the Mengen tribe are very unique and rich. They've always promoted peace and unity in the communities of West Pomio. Today, these practices are disappearing. Forests and lands are the wealth and foundation of traditional culture and customary practices, meaning we must have land and forest in order to practice our culture, a God-given birthright. The forests and the lands are God-given rights too.

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Land is our life. Land is our future generations' life. These lands provide our “wholesale,” “retail,” and “bulk” stores. God provides all of our “hardware” goods for free to sustain our living. We use hard work as our currency to buy what we want and need and preserve the rest for our future generations.

Two Incorporated Land Groups (ILGs) in the center of Pomio, Pomata Investment and Ralopal Limited, hold Special Agriculture and Business Leases (SABLs) on our land.

Pomata Investment claims to be the owner of my people's land. They harvest vast timber resources in West Pomio. After Pomata came Ralopal Limited to also harvest the timber in the western side of West Pomio. At the same time, the people of Mauna, Lau, Bairaman Mu, and Puapal had their eco sawmill projects operating. The sawmills were producing and selling timber locally and internationally, including to New Zealand and Australia. The communities involved in this endeavor used land use maps to help them look after and manage their land and their forest with high governing standards. They eventually partnered with the Papua New Guinea Forest Authority, the Island's Regional Eco Program (IREP), and the European Union's Eco Forestry Program. The sawmill communities now continue to work with Forcert.

In 2007, all of West Pomio was moved again. Pomata Investment and Ralopal Ltd. engaged with Memalo Holdings Ltd., an umbrella company headed by John Parulria, who does not own land in West Pomio. The plan was to control the LLGs [Local Level Government] of Melkoi, West Pomio Mamusi, and Central Inland Pomio. This plan was not made known to the people in all of those LLGs. Truly, only a few people supported the plan because they were misinformed. A majority of the true landowners stood up against the logging plan. There was much confrontation and arguing. The true landowners had their own small-scale sawmill logging initiatives in place. We objected by writing a letter in November 2007 to the Papua New Guinea Forestry Authority and the LLGs. We did not receive a reply from anyone.

In 2008, signing took place at the district headquarters of Pomio, Palmalmal. No one thought to check whether the landowners truly gave their consent and that every document was filled out honestly. As a result, the Pomio SABL case became the most controversial deal in the country. The people of West Pomio—my people—didn't even have the chance to know what was signed. There was no awareness, consultation, or negotiation. The delegation arrived at Palmalmal, and that very day began their business. After signing, they got on the plane back to Kokopo [the Provincial Capital]. I was present with a lot of other concerned landowners. No one was given a chance to have his or her voice heard. The delegation did not care about us, the landowners.

We were treated like animals and second-class citizens on our own land.

After signing, all the documents were kept a secret. It took us three years to find them. The Land Division of East New Britain Province did not help us. We, the true landowners, wanted to know what exactly was included in the land deal.

In November 2010, Gilford Ltd. landed its machines at the old run down Drina plantation. My people and I started to mobilize and protested to stop the ship from landing its machines. We even went to the Pomio District Administrator, but he failed us. It was like David fighting against Goliath, except that Goliath won.

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The people in my village had to do something. I managed to travel to Port Moresby to meet with a CELCOR lawyer because our attempts as villagers and true landowners had failed. In March 2011, we went to CELCOR again. We filed our case at the National Court in Waigani while anti-land grabbing campaigns in Port Moresby reached a high point. Land grabs, the SABL, and the lease-lease back programs became the leading national issue. That was the first time my people and I learned about SABLs and the lease-lease back program. I also started to learn then about the legal requirements of the program—I could confirm that everything was not done right. The court ordered all of the documents of the land deal to be made available to all parties. They were released, but the Supreme Court dismissed our case on technical grounds stating that we did not file our case within the required period. We tried to explain through our lawyer that we village people knew nothing about the court system and that it took us nearly four years just to search for the documents.

After we got access to the documents, we discovered many of the flaws and irregularities of the land deal. First of all, it was signed by five people from Pomata and Ralopal, not the true landowners. Besides, several official documents, including the Land Investigation Report (LIR) contained false information and fraudulent names and signatures. Some were of unknown people, and others of individuals falsely represented, such as children, and infants who were not even born at the time the LIR was produced. According to the law, the investigation should have involved all clan members in all villages involved, as well as a survey to determine land boundaries but none of this happened. Someone had simply done a “cut and paste” job of their signatures.

During the trial, we the landowners continued to set up road blockades and invited international organizations to help us get support for our cause, but we are still waiting for justice. We have told the truth, but no one believes in us. We face a lot of hardship. Police have confronted our families and clan members, intimidating us and suppressing our rights. Some of our community members faced police brutality. They used abusive language, belted us with sticks, made us stand under the hot sun for hours, and arrested us. But no one has cared for us. Our rights as original landowners have been totally denied and abused.

We managed to file land court proceedings to conduct mediation, but the local, district, and provincial land courts dismissed our attempts. The question of how our land was signed away was never considered. We have collected all the fraudulent information and evidence, which we will present before the court.

Our second trial attempt does not have the support from the member of Parliament from Pomio nor the LLG presidents because they too are beneficiaries of this land grab.

Our sacred sites, our land, our forest, and our environment will be totally destroyed by permanent environmental damage. Our children will not be able to enjoy what we enjoyed in the past. They will never be able to walk the forest, learn from it, and see for themselves the unique creation of God.

This is very sad.

*Paul is the 2016 recipient of the Alexander Soros Foundation Award for excellence in environmental and human rights activism.





Customary landowners from Pomio villages converging for a protest © Paul Hilton / Greenpeace



We have been struggling for some years now...the project is really not doing anything good for the people of Pomio.

—ANA SIPONA

I have been involved in the struggle for our land for several years now. The situation has gone from bad to worse. The land has been taken away from us. The land—it's our life. For generations we have lived on this land and our ancestors survived on the land. Their livelihoods were based on the land and the forest. Now, it's like the rug has been pulled from under our feet. There are lots of problems that we face because of the alienation of the land from the people. Things have changed drastically for the worse.

The land that was used to make gardens now has been taken away for the RH-Gilford Ltd. palm oil project. With the coming of the project, gardens were removed. This is a real situation in our village: you plant your garden and if they want to make a road they will just cut through it. Since this is a matrilineal society, the land is at the discretion of females and because the women are the ones that are responsible for families, it has caused much hardship to us.

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The resistance started from the beginning. I was in the village in 2008 and we voiced our concern that we didn't want the project to go in. We did not want oil palm to go in, although the majority of people didn't know what was going on. They did not understand what they said about the ninety-nine year lease. The few people who brought the project in didn't tell the truth about the impact it would have on the people and the land especially.

I remember there was a meeting in our village and one of the old women asked a question. "If we allow [our land] to be used, are we going to get it back?" And a chairman of the project responded, "Your land is not going to be taken away; the government is just going to use it and then it will be given back."

The chairmen of the palm oil project keep on talking about development. That's the word they keep using. It's going to bring development. I can't remember the advantages they said that the people would get, but one of the things they did mention is that people were going to get royalties. Village people were being village people—they didn't understand these terms. I guess because they needed money for some things, like school fees, they thought they were going to get money. Most people today have not received anything.

Village people are very afraid, but we have resisted in some ways. For example, we have protested, marched, gone to the district and written letters. The villagers are afraid because of the police and if you voice your concern or say something against the developer, the police will come. I was involved in a couple of meetings where we met the forest officer, but at the end of the day, with the forest officer being a government officer, it appears that our concerns weren't considered to be anything serious.

We have been struggling for some years now. I want to appeal to the government to give our land back. The project is really not doing anything good for the people of Pomio. What I want to say to the government of PNG today is that the people of Pomio are Papua New Guineans, and what has happened to us is something that is hard for us to take because our land has been taken away and given to foreigners to use through SABLs. We have lost our land.



Logging concessions in Pomio © Paul Hilton / Greenpeace



Turubu Bay, East Sepik Province

In 2009, Sepik Oil Palm Plantation Ltd established operations around Turubu Bay, in East Sepik Province, promising to bring development through the expansion of oil palm plantations. Their lease, section 144C, encompasses over 116,840 hectares.

While failing to contribute to development, the project has resulted in the expansion of logging operations in the area, with dozens of shiploads of tropical timber exported from a log pond in Turubu Bay.



Turubu Eco Forestry Development Program is a local NGO, created to inform landowners of their rights and support them through the process of challenging SABLs in court. Gabriel Molok of the Turubu Eco Forestry Development Program is a leading figure in the fight against land grabs in PNG.



... it's like a ripping away of our tangible resources; it's more or less like we have been robbed.

—GABRIEL MOLOK

My name is Gabriel Molok and I am the executive director of Turubu Eco Forestry Development Program Inc., which is a community-based organization, not for profit, which works to save our forests—our natural environment within the coastline and forests.

Papua New Guinea is a beautiful country covered with vast tropical rainforests. We live in close connection to the forest, and our culture and identities depend on it. Now, with the illegal logging, the trees are gone, the resources are gone and the people have nothing. Traditional hunting and food gathering grounds as well as our waters have been spoiled. Our sacred sago groves have been cleared. The sago palm trees are our livelihood. The starch of the sago is a staple of our diet. If you clear sago groves, you destroy Papuan people.

Sepik Oil Palm Plantation Limited was granted an SABL in 2008 and they began their operations in 2009. Soon after they acquired the permit, we learned that our land had been bought freely for a period of 99 years. They occupy all of this land, not only in Turubu but throughout East Sepik Province. We are under a section called 144C. It covers a total of 25,000 people living on 116,840 hectares.

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The company intended to complete a palm oil project, which was promised to bring development including increased access to transportation, jobs, education, and health care. At this time, we have not seen these things so I think we'd better let it go. Now we have realized that this is not development. Development is about people, it's about improving quality of life, standards of living, improving infrastructure—that's development. Looking at what is happening right now, it's like a ripping away of our tangible resources; it's more or less like we have been robbed.

When the company came to our village, they couldn't get access to their objective. They had to really push their way through. People actually did not accept the idea of this oil palm. We said, "No, we will not allow the road." The village said no but the company used certain individuals and they bulldozed by force. My people came, standing, objecting, and they used police to assault them.

The presence of police officials causes anxiety within the communities. The government authorities are involved as well. People in higher places force the villagers to get into these deals. It is corruption at its best.

The PNG Land Act of 1996 requires the consent of local landowners for companies to acquire SABLs. However, rural communities are given little information before signing the documents. People are not aware of their rights. Corporations and government employees give them papers to sign and they give their consent. They give their rights away, to extract the natural resources out of the forests that these people own.

We have been doing a lot of work through training workshops in far-out, remote communities; bringing together the landowners from various affected areas to be informed of their rights. They learn how best they can negotiate. We want to get to the communities before this so called development happens. We want to get their rights into their mindsets so that when a negotiation team comes, they can strike a better deal.

The National Court decided in 2014 to nullify the SABL pertaining to our land in East Sepik and in July of the same year, we obtained a National Court order to halt logging and oil palm operations. However, the company appealed to the Supreme Court, and operations continued during the two years that it took before the case could be reviewed. On August 31, 2016, we received the successful Supreme Court decision affirming Judge Gavara Nanu's decision in 2014.

We were happy to note that the State Lawyer supported the land owners, told the court that the government position is not to sell the customary land in such a dealing, and asked the court to honor the decision of the trial court.

I am very, very happy with the decision and would like to thank all the national and international organizations for the research, lobbying, and financial support that made this case a success. I also would like to thank the NGOs and individuals in Papua New Guinea who contributed to the success in one way or another. Our special thanks to Oakland Institute for their tremendous support in producing the film and report on the timber heist.

We will now move on to environmental, social, and economic compensation claims. Doing so will require funding for land owners to hire consultants to carry out the assessment and compile reports for the court. Negotiation for the assessment has started. Turubu Eco Forestry is calling on all possible help to fund the damage assessment.



Kimbe, West New Britain Province

West New Britain is home to the country's oldest and largest oil palm plantations. Recently, SABLs have been used as a way to expand palm oil production. Most of the plantations are controlled by a Malaysian group, New Britain Palm Oil Limited (NBPOL). Despite NBPOL's promises to contribute to development, and their certification by the Roundtable on Sustainable Palm Oil, research by the Oakland Institute found that decades of oil palm production has not brought development to the province. Villages lack access to basic infrastructure and services such as clean drinking water, schools, and health facilities.



In 2009, the Women in Oil Palm Association, a community-based NGO, was established to raise awareness of women's issues within the PNG oil palm industry, and campaign for more beneficial and sustainable agricultural practices. Rose Avusi and Celine Tabali are both members of this association.



I want to use this community as a role model for other communities.

—ROSE AVUSI

Oil palm is seen as a greedy crop in the province. The reason why oil palm is a greedy crop is because with a coconut plantation or a cocoa plantation, you're still able to plant other food crops beneath and along with those plantations, whereas with oil palm, it's just the oil palm on its own and nothing else, no food crops can be grown.

The purpose of Women in Agriculture is to work with women in poverty. We're trying to create awareness and education within the communities for women to start relying on themselves and start working on their own. We're encouraging them to look at alternatives to oil palm such as coconut or cocoa production, and also encouraging them to plant food crops that they could sell in the market for money.

West New Britain has been demarcated in the country as an oil palm growing province, and when NBPOL came in, they targeted the flatlands to plant all the oil palms. When they did that, they pushed the people towards the fringes of the coastline, and so this is where the people have settled now as opposed to living on the flatlands.

One of the problems that they encountered, when they started planting oil palm further inland, is

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Poisoned coconut trees to be replaced by palm oil trees
© The Oakland Institute

with NBPOL on some of their projects, but I refused. The reason I refused to work with NBPOL in some of their community activities is that I've seen the company fail in a lot of their promises. Especially in estate arrangements, they promise to bring in health services and education services, even water supply, but that failed in those provinces.

In terms of water supply, what happened where the mini-estate was established at Lolokoro, where I'm from, the water supply only extended up to where the mini-estate was. There were no pipes into the villages. So when there was flooding and soil erosion, it damaged some of the water source of the community. Villagers had to go and dig up some of the sand to access clean drinking water, and the company didn't do anything to assist them with that. These are huge problems that oil palm and NBPOL are bringing into their communities.

After the training I received from CELCOR in Women in Agriculture, I came back and decided I was going to find an alternative to oil palm, so that I can go out there and educate the communities about it. So that's what I'm doing now.

I had three hectares of oil palm. After being involved with the Women in Agriculture project, I've killed off two hectares of all the oil palm plants already and now I'm planning on killing the last hectare of oil palm. I'm now going into cacao growing and piggery with eighteen pigs and five thousand cacao trees.

Now that I've gone into growing cacao and selling it—I started harvesting last year—I'm making 1,500 kina [USD 475] per day, as opposed to waiting two weeks to make 300 kina [USD 95] from the oil palm.

There are a lot of women now who are taking the experience as a good example of what they can do apart from growing oil palm on their land. Women in Agriculture works through the clan system. I've started this work within my husband's clan. I want to use this community as a role model for other communities.

that the root system does not go in because they cut down all the trees that had stopped soil erosion before. There's now flooding that impacts the coastal communities. This hasn't happened before, and the soil has been washed down to where the reefs are and damaged the reefs. Oil palm is not something that I want in my province.

Look at the communities that NBPOL has gone into and how have they benefited? I don't see any benefit to the community. There is no education facility, no health services. The price of oil palm is still very low, so it doesn't bring any benefit to the people and any change to their lives. I don't understand how the price is set because the price is very low.

Because of my role within the NGO sector, I had opportunities where I could have worked





When you talk about land grabbing, it's definitely happening in the oil palm industry.

-CELINE TABALI

In this province, the oil palm industry is the major developer. When we look at the consequences, yes we can say that it gives us some avenues for our people but, in the long run, when we think of food security, it's hurting us.

It's definitely driving our women and girls to go further, to really rough areas to look for firewood and do their gardening. It takes up more time and it places the women and girls in dangerous situations. When you talk about violence against women and girls, there has been a very high increase since this industry came into being. So on one side, maybe, we can say it's development, but it comes with consequences.

When you talk about land grabbing, it's definitely happening in the oil palm industry.

I feel that I'm a local woman here, and seeing this place "develop"—it started in 1968—I would have been just a couple of years old, and I can still remember when it first started.

Before that, I used to walk across this whole area from one end of the town—this was all coconut plantations. I'd walk to school down there and back, go home. Takes about two hours for little children, they walk and run and all that. But now— it's all gone. I cannot enjoy this place anymore like I used to. I know that my children didn't enjoy what I thought they should enjoy. And I know that my grandchildren have lost completely the value that I thought they would enjoy out of this land.

It's something that our government decided on, for development to take place. Like up the hills there, behind Kimbe Town, from the East to the West, on the back of that mountain there used to be all fruit trees, and we used to go swing. We went all over that mountain range to look for fruit nuts, mangoes, and breadfruit trees, and whatever you can imagine from the wild forest. It was so beautiful. I can't have that now because at the back it's just flat. It's not rainforest. It's just grass. Because with the oil palm taking so much land, people had to cut down trees so they can do gardening for their food and some income.



Mosa Village, West New Britain © The Oakland Institute

Development brought in dwellers. Not local people, but people who were brought in here, searching for a job, to make ends meet. So really, I feel like I'm a stranger in my own land.

Collingwood Bay, Oro Province

Kuala Lumpur Kepong Berhad is a Malaysian multinational company specializing in palm oil plantations.²¹ Since 2012, KLK has controlled two SABLs totaling 38,350 hectares in Collingwood Bay.

After the release of the Col report, Oro Province placed a moratorium on land dealings, and in May 2014, Oro became the first province in which an SABL was successfully challenged in court and nullified. However, KLK has not yet left Collingwood Bay, and residents like Lester Seri continue to be active against both the SABL system and the presence of KLK.



*All customary land
is governed by custom.
No ifs and buts
about that.*

—LESTER SERI

My name is Lester Seri and I am a Maisin landowner in Collingwood Bay, Papua New Guinea. I come from the Wofu Clan, belonging to the Wo Ari Kawo tribe, and I have been mandated by the Wo Ari Kawo Elders to speak on behalf of them on tribal land matters.

My people—the Maisin people—along with our neighboring communities in Collingwood Bay have fought to protect our customary land from illegal land grabs for logging and palm oil development for nearly three decades. Logging and palm oil development threatens the livelihoods of the nine tribes of Collingwood Bay, an area rich in primary forests, biodiversity, and mangroves. For generations, the tribes and families relied on and controlled this land before the Malaysian palm oil company Kuala Lumpur Kepong Berhad (KLK) fraudulently acquired their SABL.

In 2010, all nine tribal chiefs in Collingwood Bay came together to discuss and decide on the use of ancestral land for development proposals. At this meeting, we irrevocably stated our rejection to palm oil plantation and logging concessions. We determined that we would establish on our own terms how we wished to pursue development on our land and our maritime boundaries. Collectively we stood together to protest in the strongest possible terms any plans to introduce the oil palm industry in Collingwood Bay.

—continued



In 2002, we won a four-year court battle against the government for illegally leasing our land for logging and palm oil projects without our consent. Yet, in 2012 this same land area was leased again to Sibo Management Limited and Wanigela Agro-Industrial Limited. Both leases were ultimately sold to KLK in October 2012. The two SABLs were issued by the Department of Lands despite the moratorium on SABLs and the ongoing Commission of Inquiry (CoI) into SABLs. Once we discovered that our land had been leased without our consent again, we took our case to court once more. In November and December 2013, KLK came to our land to commence activities with their large machines and materials, where we met them with community-led protests.

On 20 June 2014, landowners across Collingwood Bay were in jubilation when the National Court finally ordered the state to cancel the two SABLs. The two SABLs (Portion 113C and 143C) were granted for a period of 50 years and covered a total area of 38,350 hectares. The court accepted that we had never given consent for our land to be leased and the lease applications themselves contained serious flaws.

While this court victory was important, KLK has not yet left Collingwood Bay and our struggle continues. KLK was forced to give up two leases through the court case, but the company still claims a third lease in Collingwood Bay called Lot 5 that occupies 1,650 hectares. In recent communications, KLK stated that it has no intentions to leave Lot 5, despite the fact that it is within Maisin customary lands and holds primary forest and small patches of 'kunai grass' that our people use annually for game hunting.

As a member of the Roundtable on Sustainable Palm Oil (RSPO) and through its own voluntary commitments, KLK has also pledged not to clear primary forests, high conservation value forests, or high carbon stock forests, so there is absolutely no way KLK can develop palm oil on Lot 5. In January 2014, RSPO mandated that KLK stop all work immediately and required that they demonstrate proof that we had given our consent.

Not until March 2016 did KLK issue a response to our grievances. KLK stated that they did not have any operations or any workers in Collingwood Bay, except for some machines, which are stored in Lot 5. Additionally, they stated that if we were not to give our free, prior, and informed consent by the end of December 2016, they would commit to leaving the area. We are skeptical of this pledge.

KLK will never receive consent from Collingwood landowners. The issue of contention here is NOT oil palm. It is about the conversion of customary land. Since it is customary land, KLK has no right to meddle with how the land should be converted. Who gave them that mandate? KLK will not dictate to our Chiefs and our people who has the right to consent to dispose of customary land. It is the prerogative of the Chiefs and Clan members. All customary land is governed by custom. No ifs and buts about that. They might as well forget that there will ever be oil palm on our land and save whatever little respect we have left for them by leaving.

Court cases are expensive and beyond the means of most village people. Our people have been fighting companies like KLK for too long, and we are fed up with their attempts to undermine our local economies and culture and rob us of our rich natural resources. Our Chiefs and Clan Elders have said no to these forms of development.

We are mindful of the innocent families and other communities struggling throughout the country with the same problem, particularly in Turubu, Pomio, and elsewhere in East Sepik, East New Britain, and Oro Provinces. In light of recommendations by the CoI, we are urging the government to take firm and decisive action by cancelling all the illegal leases.



Hon. Gary Juffa, Governor Oro Province

Afterword

Hon. Gary Juffa, Governor Oro Province

Somewhere in the deep rainforests of Papua New Guinea, a family wakes up to an orchestra of birds and insects greeting the new day. The lush greenery is moist with dew and the village stirs as people prepare to manage their day in a small, ancient village. Children are playing in the village center, their pets—wild dog pups, cassowary chicks, and hornbills—are close to them. Mothers are chatting about their new garden and fathers and older brothers have already gone ahead to check traps and collect dry firewood. Work is the order of the morning before the hot tropical sun rises and angrily seeks out shadows. No one works when the sun is up and at its hottest. This time is used for naps,

sitting under the shade of some exotic rainforest tree or in a cool grass hut, mending tools and weapons or engaging in cultural activities, singing, making instruments and carvings or teaching children the tribe's history through elaborate legends passed on through the generations.

In the early morn, with mist still in the crisp, fresh air, the villagers will prepare gardens for yams they intend to plant by the hillside. They will clear the undergrowth and brush and leaves from the giant trees, which are the pillars of the forest and considered by many tribes to be ancient forest spirits. Typically, an area around the large trees is cleaned of



shrubs so crops can be planted. In months, the fresh garden will become one with the forest and the shrubs will grow back but be pruned and kept at bay to ensure that the main crops are given the best opportunity to grow. Many crops are planted along with specific unique plants, which help stave off pests and weeds are kept in check by the village folk. Everyone works in the garden—men, women and children. Their efforts are not destructive.

In the first stage, certain crops are planted such as taro, sweet potatoes, yams, and a variety of bananas. Papua New Guinea is the originator of the sugar cane and it is now believed that the banana was first cultivated here. The varieties in size, shape, color, and taste are prolific. In the second stage, another lot of crops are planted—sugar cane, pumpkins, and different species of giant banana and taro. The third stage of the garden involves allowing the forest to reclaim its territory. Trees are planted, mainly forest fruits. Generations have been taught by experts how to survive in the forest, live with it and live for it, maintaining it and preserving its fundamental pillars: the giant trees and all that they protect.

Down to the savannahs and coastlines, tribes move about in similar fashion. Taking only what is needed, promoting and teaching dance and song and hunting and fishing techniques that ensure that a plant or an animal is never depleted. Huge tracts of forest, savannah, swamp, rivers, and oceans are cordoned off from human activity, taboo for humans to hunt, fish, farm, or even walk through. These are traditional conservation areas that will be off limits to all for decades. As the areas farmed and used for human activity reach a stage where they must be completely shut off, the tribes call gatherings and impose taboos to ensure that they are never touched again for decades until they have completely recovered.

So lived the people of Papua New Guinea, never deigning to modify their forests to their detriment, but living in them and with them, in an environment of consideration and preservation, in harmony with the forest—their pantry, their entertainment center, their pharmacy, their shelter, and their security.

Today, those forests are fast disappearing. Massive tracts of forest are plundered by logging pirates who compromise the elected representatives of the people, and convert the State entities—designed to protect and promote the interests of the people—into facilitators of the plunder.

The people, already conditioned by decades of colonization and Christianization to believe that their traditional policies and philosophies are inferior, are easily manipulated and turned against each other.

Greed and profit are a powerful force harnessed in a philosophy of destruction peddled by corrupt politicians and selfish members of the tribes. They partner with ruthless transnational criminals to create a formidable syndicate that cannot be resisted by a gentle people who are far too trusting and completely unaware of the dangers imposed by the poison of profit.

The forest managers, custodians of their forests, those born to protect the home of an exotic plethora of flora and fauna, buckle and desperately fight a losing battle against this greed. They are unable to stand up and offer any real resistance. They are convinced that they must plant cash crops and live in shanty towns and work long hours to earn money to purchase processed carcinogenic food to be “civilized.” They are informed that their forests are a mere means to profits, and they are paid crumbs, if anything, as the giant spirits of the forests crash and fall and all that lives because of them dies. Elaborate schemes and scams, policies, and even laws have been designed by the pirates and their agents to allow them access to the forests to rape and plunder at will and whim.

The Special Agricultural Business Lease is just one such recent example. The fact that the Government continues to drag its feet and has failed to act upon the recommendations of a comprehensive report on the SABL scam is testament to the power and influence that the logging pirates wield. It has been long rumored that the logging pirates control the political landscape in PNG or at least have significant influence over the government, purportedly elected by the people.

That is the reality here in Papua New Guinea.

Of course, there is hope. Not all are convinced that greed and profit are the only way of life. Many are realizing that the forests are them. Lose the forests, lose yourself. They are rising up. Their sons and daughters are learning to live in this ruthless and globalized world.

The forests will not be lost. The pirates’ days are numbered. The corrupt politicians and public serpents will be identified and dealt with and the forest, as it has always done, will reclaim its territory.

Endnotes

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