

**UNITED NATIONS 12th SESSION OF THE EXPERT MECHANISM ON THE RIGHTS
OF INDIGENOUS PEOPLES (EMRIP12) 15 -19 July 2019**

Agenda item No. 6 and 9: Country Engagements and Future work of the Expert Mechanism, including focus of future thematic studies.

I today stand tall amongst the crowd who are present here today for United Nations 12th Session of the Expert Mechanism on the Rights of Indigenous Peoples and first of all acknowledge my word of appreciation to DOCIP for the capacity building training to be the “**Train the Trainer**” for Indigenous and Human Rights and secondly thank the Chair for giving me this opportunity to present my statement before the Chair and EMRIP members in my capacity as 2014 UN Indigenous Rights Fellow and Executive Director of Papua New Guinea Mining watch Group Association Inc and our work involves advocacy programs and promote transparency and good governance in the extractive industries sector.

I state here that 97% of land throughout the country is owned under communal land rights by indigenous Papua New Guineans and is clearly protected from unjust deprivation by Section 53 of the PNG Constitution BUT Section 5 of the Mining Act 1992 and Section 6 of the Oil and Gas Act 1998 contradicts Section 53 of PNG Constitution and states that all minerals, oil and gas found below 6 feet on land owned by the indigenous peoples throughout the country is property of the State. The past PNG Government relied on the said provisions to partner with the developers to undertake all mining and petroleum development projects and the indigenous peoples were not given opportunity to participate and were left out and as a result, PNG today faces so many social issues in the mining and project communities and provinces as a whole.

The provisions under the Mining Act and Oil and Gas Act allow the State to participate through equity participation as well. The current practice is that developer pays sum of Ten Thousand Kina (K10,000.00) which is equivalent to US\$2,500,00 as Mining Exploration and Petroleum Prospecting Licensing fee and the State transfers all its property rights to the developer upon the payment and the State has been losing Billions of Kina and failed to realize that the provisions were there to create a liability to the STATE.

The current Government under leadership of Prime Minister Hon. James Marabe, MP has identified the problem and has announced to rectify the situation by reviewing the Mining Act of 1992 and the Oil and Gas Act of 1998 and all other natural resources laws to ensure that the State and indigenous landowners equally benefit from their resources.

I would like to bring to the attention of the Chair that I have since 2011 attended the Permanent Forum in New York and EMRIP here in Geneva and no PNG Government representatives were present as seen today and as such the PNG Government failed to implement the United Nations Declaration on the Rights of Indigenous Peoples and the International Covenant on Economic, Social and Cultural Rights signed by PNG Government on 18th July 2008.

I finally state that the Hela indigenous peoples where Prime Minister and I come from, were used as slaves and labors to develop all the plantations throughout the country to bring Papua New Guinea to where it is today and I assure the Chair that HELA will today lead to ensure that PNG gain economic independence and become one of the richest black Christian nations in the world in ten (10) years time as officially announced by Prime Minister after his election.

Madam chair, my recommendation is for the EMRIP expert members and the Special Rapporteur on the Rights of Indigenous Peoples for a country engagement and visit Papua New Guinea with the assistance of the OHCHR in Port Moresby to conduct seminars, workshops and advice my Government prior to the review of ALL NATURAL RESOURCES LAWS to allow indigenous peoples to participate and ensure that the laws are reviewed and made to benefit the indigenous Papua New Guineans in accordance with Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and true aim and spirit of the Constitution of Papua New Guinea.

Thank you and May God Bless Papua New Guinea.

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