



1 April 2015

Chief Secretary to the Government
Department of Prime Minister and NEC
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WAIGANI
National Capital District

ACT NOW!
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Dear Chief Secretary,

RE: United Nations Human Rights Council Universal Periodic Review

The United Nations Human Rights Council is preparing to review the human rights situation in Papua New Guinea under the Universal Periodic Review process. The situation in PNG will be considered by the UPR Working Group in its 25th Session in April/May 2016.

ACT NOW! as a community advocacy group and non government organisation is actively involved in campaigning on a number of serious human rights issues including the Special Agriculture Business Lease land grab, illegal logging and experimental seabed mining.

Each of these issues place the government in breach of its Constitutional and international human rights duties and obligations. In particular we note:

1. "The PNG Constitution is one of those few unique Constitutions around the world because it contains almost all those rights and freedoms articulated in the Charter of the UN and more particularly under the Universal Declaration of Human Rights 1948". This statement was made by PNG in its 2011 *National Report* as part of the previous UPR process.
2. In that report PNG also affirmed, "The government is legally obligated and committed to the promotion and protection of human rights in PNG".
3. The *Universal Declaration of Human Rights* (1948) includes, inter alia, the rights to:
 - Equality before the law,
 - To an effective remedy for acts violating fundamental rights,
 - Freedom from arbitrary interference with family or home,
 - Freedom from arbitrary deprivation of property,
 - An adequate standard of living
4. The UN *Declaration on the rights of indigenous people* (2007), includes, inter alia, the rights for indigenous people to:
 - Effective mechanisms for the prevention and redress of any action that dispossesses them of their land or resources
 - Freedom from forcible removal from their land
 - Participate in decision making in matters that affect their rights

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- Free, prior and informed consent for any administrative measures that may affect them
 - Security in the enjoyment of their own means of subsistence and development
 - Just and fair redress for deprivation of their means of subsistence and development
 - Maintain and strengthen their spiritual relationship with traditional lands, waters and coastal seas
 - The land, territories and resources they have traditionally owned, occupied or used
 - Redress where lands and resources are taken, used or damaged without free, prior and informed consent
 - Conservation and protection of the environment
 - Maintain, control, protect and develop their cultural heritage
 - Access to and prompt decisions through just and fair procedures and effective remedies for all infringements of their rights
5. PNG is a Party to the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR) (1966). It includes these rights:
- In no case may a people be deprived of their own means of subsistence
 - The right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing
 - The right to take part in cultural life

In this context, we believe the SABL land grab is a outrageous abuse of the fundamental human rights of customary landowners who are already suffering from a lack of government services. The government's failure to protect citizens in the face of the overwhelming evidence of illegality since 2013, only compounds its culpability.

Similarly, illegal logging, both in SABL areas and other concession areas is a serious abuse of fundamental human rights.

In this context we note that as part of the 2011 UPR process, PNG accepted the recommendation to step up efforts to improve and conserve the environment and to increase scrutiny over extractive and logging industries to reduce their negative impact on the environment and the full enjoyment of human rights. However, since 2011 the situation, as evidenced by the SABL land grab and the wider issue of illegal logging, has only worsened.

Experimental seabed mining and the Solwara 1 project are being carried into effect without the informed consent of local people and in defiance of the internationally recognized precautionary principle. It will also directly impact on the cultural life and traditional practices of the people of New Ireland. This is in direct contravention of their human rights.

The government support for ESM also contradicts PNG's commitment in the last UPR to enhance the transparency of its public decision making and the use of public resources for public purposes,

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The three issues of the SABL land grab, illegal logging and experimental seabed mining all contradict the State's commitment in the last UPR process to increase human rights awareness at a community level and ensure rights to property and right to environment are respected and promoted.

ACT NOW! intends to raise these and other concerns as part of the National Consultations leading to the production of PNG's National Report.

ACT NOW! will also be making direct submissions to the UN Human Rights Council.

Could you please advise of the arrangements for the National Consultations and how civil society can get involved?

Yours faithfully

Effrey Dademo
Program Manager

cc United Nations Delegation. Port Moresby
UPR Info, Geneva

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