

# Presentation on Special Agriculture Business Leases (SABL)

- Its implications and the way forward
- Experiences by CSOs.

# Presentation outline

Background

Implications

Way forward

# Background

- PNG has a largely rural-based population with around 85% of people living in rural communities and depending on their land for subsistence agriculture, hunting and the materials to provide their homes. People also have a very strong cultural connection to land that helps bind their communities and sustains social norms. Until recently over 95% of land was still in community hands with customary land recognized and protected by the Constitution and national laws.

# Cont...

- However, between 2003 and 2011 rights to 5.3 million hectares of land were taken from indigenous customary landholders and given to national and foreign corporations using a scheme known as Special Purpose Agriculture and Business Leases. Seventy-seven leases were issued giving corporations exclusive rights to the land for up to 99 years.
- SABL is a system where customary land can be freed up for Agriculture development by the Lands Dept with the consent of customary landowners. Forestry comes into play by issuing FCAs (forest clearance authority) for forest clearance before the Agriculture project takes place.

# Provinces Affected

- East New Britain
  - Oro
  - East Sepik/West Sepik
  - Madang
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- CSOs are currently assisting them through court cases because the process of SABL was illegal.

# Implications

- More than 5.3 million hectares of land has been unlawfully taken from rural communities in a huge land grab that threatens to impoverish more than seven hundred thousand Papua New Guineans.
- Over the past 10 years fraudulent Special Agriculture Business Leases have been used to steal rights to more than 5 million hectares of customary land from local communities without their consent
- Customary landowner rights have been suppressed through the illegal process of SABL
- No tangible benefits have been triggered down to the customary landowners
- This resulted in LOs and other stakeholders pressuring the Govt to relook into the SABL scheme

# Cont...

- A Commission of Inquiry (COI) was commissioned in 2011 to look into the SABL land grab, found a number of significant flaws with the process of establishing and granting the scheme. These included:
  - the majority of the leases were granted under threat, intimidation, and bribery and without the free prior, and informed consent of the land owners. This means that people were forced to give their consent
  - support to such arrangements through different forms of coercion;
  - people had been intimidated, abused, and misinformed, while individuals were bribed or hired to strike deals on behalf of communities.
  - Talking to people from West Pomio with regards to the Sigite-Mukus project it becomes clear that they didn't understand the legal status of a State lease or what would happen when the 99 year life of the lease expired;
  - there were incidents of false names and false signatures placed on official documents including
    - signatures of children ;( this includes documents which give approval to surrendering the land to the State);
    - land surveys and field investigations were not conducted properly;
    - there was not the appropriate documentation completed.

# Way forward

- Revoke illegal SABLs as found out by the Commission of Inquiry and ask the leaseholders to surrender all land leases.
- Re-apply for SABL following the right process

DON'T

- Go for Voluntary Customary Land Registration!

# Why?

**One: Conversion will again deny landholders their legal and constitutional rights**

**Two: Communities will still lose control of their land**

**Three: Land will still remain in foreign occupation**

**Four: The land area involved is enormous and represents a loss of national sovereignty**

**Five: Conversion will allow the illegal logging to continue**

**Six: Conversion will undermine the Constitution**

**Seven: Lands Department dysfunctional and corrupt**

# Conclusion

Converting the SABL leases to registered land would not only repeat the injustice and human rights abuses inherent in the original SABL leases

- Land registration would actually be worse than the SABL leases as it is not limited by time and once commodified, land can be sold, leased or mortgaged again and again. It is the first step to making people slaves and excluding them permanently from their land.
- **The only right and proper course of action is for the government to cancel the SABL leases and return the land to the customary landowners. It will then be for the people to decide on the future for their land.**
- **WE NEED TO KNOW SUSTAINABLE DEVELOPMENT & OUR RIGHTS/RESPONSIBILITIES TO DEVELOPMENT..**