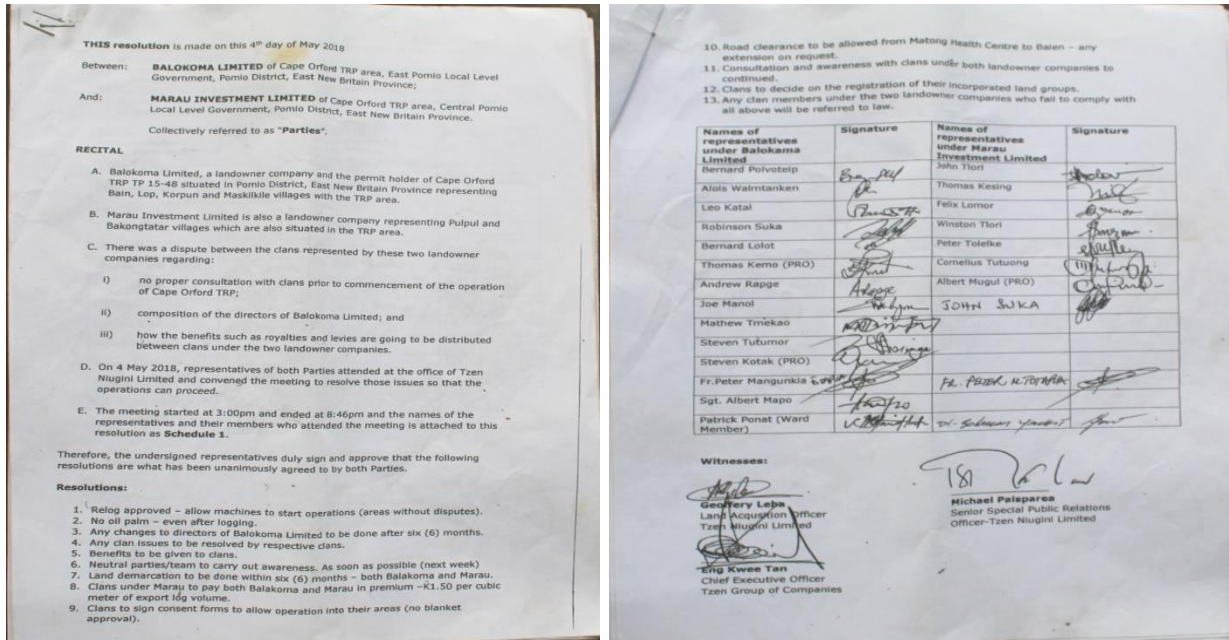


BALOKOMA LIMITED RELOG PROJECT SITUATIONAL REPORT- PULPUL WARD

Introduction

Balokoma Limited is a land owner company and permit holder of Cape Orford TRP TP 15-48 area in East Pomio LLG, representing Bain, Lop, Korpun and Maskiklie villages. Balokoma Limited Company has negotiated with Tzen Niugini Company to conduct relog development project within the Balokoma TRP project area which was logged some years ago. The investor Tzen Niugini Ltd is a proponent of oil palm and logging developer and its subsidiary for logging operation. The agreement was sign between Balokoma Limited Directors and Tzen Niugini Company to fast track the development without proper community consultation and awareness. The project was planned within the administrative structure of the developer and in the month of March 2018, Tzen Niugini Company forcefully shipped some of its machineries from Masrau company camp to Marau camp where the machines were landed. The company started its operation just after the machines were landed on the ground. The landing of machineries at Marau camp trigger many issues and concerns raised before the company started its operation which resulted in infighting between land owner company (LOC), Indigenous land owners and the developer.



Paper showing the recent resolution passed in Kokopo (Tzen Niugini office) by so call land owner company directors.

FACTS ABOUT THE RELOG DEVELOPMENT PROJECT

The relog project was the intension of self elected individual land owner company directors including experts and specialist who are employed by the developer Tzen Niugini and are the key negotiators and initiators of the relog project.

The Balokoma relog project was recently negotiated after the revised Ili Wawas agriculture and integrated development project that was sign by the Governor General of Papua New Guinea. The aim of bringing in the relog project was not clearly explain to the land and resources owners, that the project is part and the extension of the Illi Wawas integrated agriculture development project. The land and resource owners knew nothing about this project and not even forestry or other relevant government authorities visited the communities to explain to the people. The relog project was known by the people for the purpose for doing relogging and nothing else just before the developer moves in to start the operation.

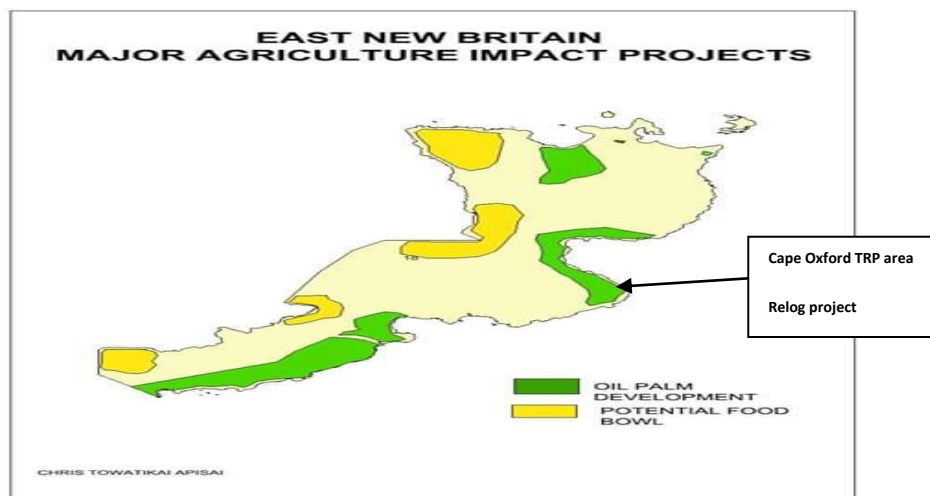
The relog development project issues indicate clearly that the processes taken to bring in development were illegal. Eg. Signatures were forged for and on behalf of land owners.

School fees, Health fees and other basic services are factors used as key basis to negotiate and push for the relog project without proper community consultation and awareness.

The relog project was negotiated and sign by men, not allowing women to participate in the decision making during the initial stage of consultation. This means that women who own the land according to our matrilineal society never participated in the processes.

The project negotiations neglected and ignore all levels of Government starting from the Ward Development Committees, Local Level Government, District and the Provincial Government.

The relog project is a top down development project that was done in higher level and used as a development drive to boost economic cash flow, provide basic services, infrastructures and will improve community living standard.



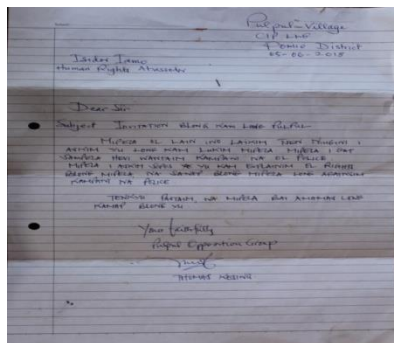
The illegal processes becomes reality when land owners from Pulpul ward raise concerns and stage two protest march against the development, arguments arise between community members, the community has split into two group (for and against). The situation comes to worse when the land owners blocked the company for trespassing into their customary land without their consent and police

officers were involved in violating and abusing land owners rights by brutally beating and mistreating community members. The police officers who are involve on the project site also act as lands officers, land mediators and also as chairman of LOC to power over community members to conduct meeting, move and pass motion for the project to commence and yet the machines were already working.

THE PROJECT CURRENT IMPACT ON PULPUL COMMUNITY MEMBERS

Pulpul community members who oppose the company and were mistreated and abuse by police officers wrote a letter dated 05th June 2018 requesting Isidor Kaupun Yamo –Business and Human Right advocator to attend to their issue in regard to their relationship with the developer Tzen Niugini and the police.

On the 18th June 2018, a team comprising of Isidor Kaupun Logi, Ward Member East Bain, Ward Recorder Wawas /Toimtop, Wide Bay Conservation Executive Officer and a staff from WBCA left East Pomio LLG to assess and conduct interviews with community members according to their request. The team arrived at Pulpul at about 12noon and started the meeting and interviews immediately after all members expected to attend the meeting arrived. A total of 45 people were present (19 women &26 men) at the meeting. We were told the ward member was away with the developer in Kokopo and only the Ward recorder and the magistrate were present.



Letter showing the invitation

During the meeting with the community members, they express themselves saying all meeting organise by the developer were held at the camp site (not in the village). Community members express themselves saying they had nothing to do with the operation as from the beginning, during meetings that were organised and held with representatives from the company they already opposed the operations from entering into their land. This was due to their experiences from the last operation and the continuous outstanding land disputes within the different clan groups. From their understanding the new operation was signed by those who claim to be land owners but live in Kokopo and other communities outside of their village and there was no representative from their community in the arrangement and signing of the new agreements for relog.

The issue arise when they were surprise to see the developer landed its machineries at Marau camp. Before the developer landed its machineries there was no proper consultations and awareness. The community was not prepared for the developer to come into their village as they already gave their

decision during previous meetings with company representatives (Bernard Lolot, Michael Paisparea and Cornelius Tutuong). They protested when the machineries landed because they have already made their decision clear against the operation. Despite their protest and decision, the developer pushed in their machines into their customary land area.

Listed below are their reasons for their continuous opposition against the operations:

1. The project for relog was not initiated and discussed by clan groups or our ward development committee members within our village.
2. There was no review of the previous project.
3. Land owners who claimed Land ownership within our community never visited and discuss with us their interest to introduced relog into our village. They live in Kokopo or outside of our community and do not participate or live to see, hear and listen to what we discuss and do in our community. They have also created a division within our community. Some of those leaders involve in this project were respective directors and executive members in the previous project and are responsible to inform the community about the benefits of the previous project before they decide for relog. Until to date they have not done their job.
4. There was no prior Informed consent done in the village and if there was during the meetings held, community has already given their consent by saying NO.
5. Land owners already stage two protest marches against the operation saying NO to the project.
6. Company trespassing into their land even after landowners have already given their consent saying NO
7. No proper community consultation and awareness carried out to communities before the operation.
8. No ILGs form, No representative of the landowners of Marau Investment as directors in Landowner Company because we are not in for the project and are not aware.
9. Clan groups still have outstanding land disputes in the community that needs to be settled.
10. The legal processes are fast tracted in order to speed up development without considering the implications the communities will face and are facing.
11. There is no environment impact study report, no forest inventory report and no proper land demarcation conducted before signing and allowing the developer to start its operation.
12. Pulpul ward or Pulpul community members are not members of BALOKOMA Landowner company, even though they operate under the same TRP area. Pulpul community members are members of MARAU Investment.
13. Balokoma Landowner company has never consulted Marau Investment and its members before they brought in the developer to their area.
14. Balokoma Landowner company and Tzen Niugini have trespass into Marau Investment Landowner company area without their consent. Balokoma landowner company negotiated for the development and therefore Tzen Niugini should landed its machines in the Balokoma landowner company area not in Marau Investment landowner company area.



Pulpul community members who fight for their Rights and being mistreated by the police officers



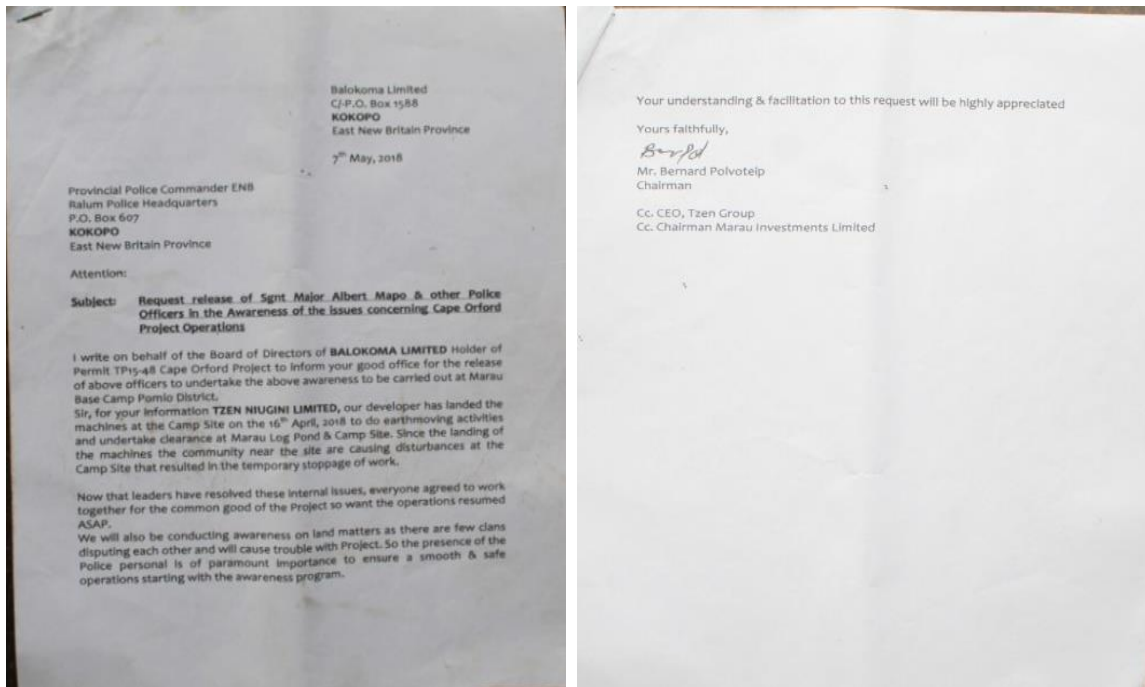
Protest march being stage by land owners saying no to the destructive development.

Despite the voices of the community, the following happened:

- The voices of the people at Pulpul were not heard instead the landowner company and the developer brought in police officers from Kokopo. Police officers- Sgt. Nigel was already on the ground when the others came. The three that came were Sgt Albert Mapo, a local from the area, Sgt David and Sgt Milton. Operations were already taking place on our land and on Monday 4th of June 2018 community members were told to attend a meeting that was going to be held at Mr Bernard Lolot Land area (Mr. Lolot is the public relations officer with Tzen Niugini).
- 16 men were specifically identified to be there at the meeting. Two of them were teachers at Pulpul Primary school. Arriving at the meeting area the men were told to sit on pallets .Instead

of the meeting they were force by police at gun point to walk into the cocoa shed that was already open. The was no time given to explain to the men why they were put into the cocoa shed or to explain to the men why they were put into the cocoa shed and locked away. The men were left in the shed for 5 hours and they had to use the same building during nature call. Finally when the men were let out of the cocoa shed they were force to sign the agreement even though the developer was already operating on their land.

- While the men were locked up, the women were verbally abuse by Sgt David. The women were told if they have K500 they have to bail out their husband. They were also told that their kitchen will be cold that night and that it was also a chance for the women to find new husbands. The police held the gun, shouted at us and said if he held a fan belt he would beat the women. He was pointing the gun at the women while talking to them. The village court magistrate was taken away and beaten. He received 14 punches on his head by Sgt Milton and beaten seven times with the fan belt by the police officer Sgt David.
- The policemen use their power to beat, swear, threaten abuse and violate the rights of those who oppose the project. The actions of the police officers towards community members were totally inhuman and injustice.
- To date the community told us they no longer go to the gardens in fear of the police and very soon they might run out of food. People are emotionally and physically affected.



Copy of letter by LOC directors requesting police officers to participate in awareness.



Some of the victims that were mistreated and locked away in the cocoa shed by police officers



Pullets and the cocoa shed that the police officers force the landowners to sit on and locked them up.

COMMUNITY CONCERNS QUESTIONS TO RELAVANT AND AUTHORITIES TO CONSIDER AND GIVE RESPONSES.

East Pomio Local level Government, Central Inland Local level government and Pomio District.

1. What are the two LLGs and the District doing about the developments happening in the Local Level Governments and the District and the development issues affecting the communities?
2. When do you monitor your LLGs and for how long do you spend in communities to listen to their feeling about development agendas.
3. How much support do you provide to communities in regards to the development of projects and the process to follow in designing such projects?

4. What policies do you have in your Local Level Government to protect people's rights and resources and culture?

5. What is your thinking as Local level Government about individuals from communities (opportunists) within the two LLGs who are not living within the LLGs but are involved in initiating projects such as the relog project without proper consultation with their clan members AND are not following the process through their ward and local level government?

6. What are the plans for the LLGs and District to address law and order issues within the LLG and within the project areas?

BALOKOMA LIMITED COMPANY+

1. We the affected land owners have used many forms and ways (disputes, awareness, protest march, meetings and forums) to express ourselves so that our voices can be heard but yet the land owner company still insists on bringing in the developer. Are there hidden motives behind this type of development?
2. We know that the development should go through legal processes, starting from us the landowners at ward level with Preparatory stage (consultations and negotiations) Our ward development committee must also be involved and our Local level government then the official stage where ILGs are formed and LOCs and then the development stage where the LOCs negotiate with the developer (MOU and MOA are signed). Can the land owner company explain how they go about to bring in the development without Land owners and other stakeholders involvement?
3. What process did the LOC follow to elect the LOC directors? How was the ILG formed? Who owns the project?
4. Can the LOC directors explain to us where are the levies from the previous TRP project and what are the impacts to our living standard, our economic cash flow, our infrastructure and the basic services?
5. Tzen Niugini Ltd is a proponent of oil palm and logging developer and its subsidiary for logging operation. Does the company have a logging licence? What is the assurance in this case?
6. Why is the land owner company using police officers to protect them and the company during awareness, forums and during the operation? Are we criminals or foreigners? If we're indigenous land owners then why requesting police to attend if the project has gone through legal processes? The presence of police officers is questionable. Can you explain why?

PROVINCIAL FOREST BOARD AND FORESTRY?

- Cape Orford TRP expired in 2012 under the TRP Act. When did they Balokoma Landowner Company submit for relog?
- Pulpul ward in Central Inland Pomio LLG, not members of Balokoma Landowner Company but is part of Cape Orford TRP that has already expired in 2012. What criteria/ process were used to include Pulpul ward in the development without their consent?

- How was it done without awareness and consultation to the community members of this area?
- There is a need for full explanation from the Provincial forest board and the forestry Division to the people of East Pomio and Central & Inland Pomio outlining the reasons that warrant the extension of Illi –Wawas to extend from Illi in Sinivit Local Level Government to East Pomio Local Level Government and to Tokai in Central Inland Pomio covering 3 local level Government areas under Illi –Wawas Revised Integrated Project. What process was used to guarantee the revised extension without the project meeting the 18 requirements to setting up the extension or the new project? If this relog process is done outside the normal legal process, can the project be disqualified?
- Cape Orford in its previous operations covered land areas in Wawas bordering with Toimtop village; these areas are overlapped by Illi –Wawas Project. What does it mean? When was it discussed and agreed upon to include Bain in East Pomio to Tokai in Central Inland Pomio to be part of the revised Illi – Wawas Project. Communities within Bain in East Pomio to Tokai in Central Pomio are not aware and have not participated in signing any agreement. The people want informed information and their communities excluded from the project.
- What criteria is used to determine that project proposals are genuine and truly represent the Landowners and not a landowner living in Kokopo or town residents who have the opportunity to take advantages of their communities ignorance and plan, decide and sign on behalf of their clan members without their consent for a project.
- To revise the Forestry agreement so that it has a very clear process that includes the ward level government, the local level government and endorsed before it is presented at the PFMC Board, then to the developer. It must not go directly from Land owners to Developers.

THE Provincial GOVERNMENT

1. The government is for the people, by the people and it's the people. The police officers involved in mistreating and abusing us indigenous land owners promotes injustice and inhuman. What is the responsibility of the Government in this situation?
2. Is the government aware of this project or issue? If yes or no, is the government going to encourage such corrupt practices or approaches to happen to its own citizens?
3. Who funded the police involvement? The LLG, District, Provincial Government, the company or the land owner company? Is it their duty to protect corruption and interest of foreigners or the people?
4. If police are involved in abusing and mistreating indigenous land owners, who gave the direction and authorized them to do so, the Provincial government through the police department, the LLGs or the company?
5. Are there any policies in place to guide development?
6. The Police Minister has ordered and refrained all police officers not to be in project sites. Why are police officers still in the project areas?
7. Already protest March, forums and meetings are held which signal the authorities that the legal processes are breached or illegal but yet relevant government authorities still support land

owner company and the company to facilitated the development. What is the stand of the government?

8. We have supported the government through the different development inform of taxes from our resources and other economic means. Why do we lack basic services from the government and yet our lives are being threatened, abuse and being violated through such corruption practices? Why does the government continue to push for development that is illegal? Where, how and in what ways your implementing structures are implemented and what are the impacts? Is this the only development part way to improve our living standard and providing economic cash flow to access basic services? Are there any monitoring mechanisms in place to monitor developments in all level of government?
9. We're facing allot of issues due to breaches of legal processes to bring development which totally defeats and contradicts the five National Goals of our country. What is the government doing to defend human dignity and indigenous people in these corrupt practices?
10. The Provincial Government of ENB Province has passed a Moratorium to stop new projects, new extensions and other projects and allow investigations and also to review all agreements in all projects in the province. Why is the government not implementing this policy?

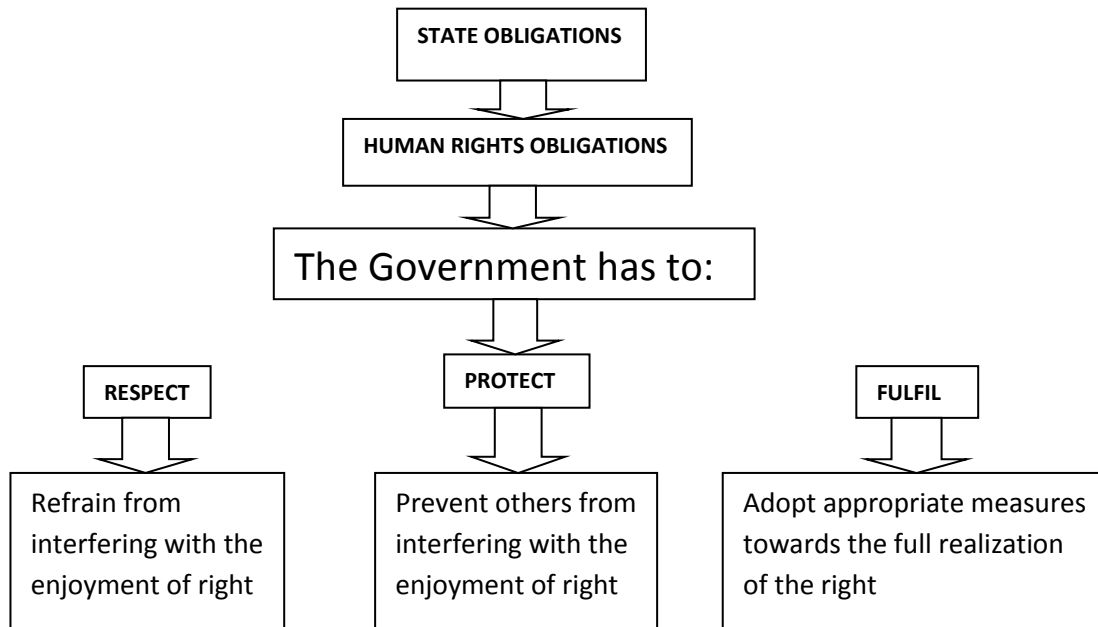
The relog development project in Pulpul Ward covers two LLGs, East Pomio and Central Inland Pomio under Cape Orford TRP. The project has brought us to light to value the real issues affecting the land owners when legal processes are not adhere to or done without land owners consent. The land owner companies, government and companies have always ignore implications, issues and focus to defend and protect themselves using the rule and court of law so long as the land owner company meet legal processes requirements even legal processes are breached or illegal. The affected land owners are trapped in between and with no choice and accepted the consequences so long as they earn less than 150 kina, access to short term infrastructures, enjoys using development vehicles and having pleasure that there is development.

The relog development project in Pulpul repeated the same issues being faced by indigenous land owners in other development projects within our LLGs, Districts and Provinces in the country. Our so call save man use land owners as rubber stamps to breached legal processes to make processes legal with support from relevant government authorities and the company.

Feed backs from interviewing land owners shows that Land Owner Company is using attendance form from meetings and awareness to cheat the company and government authorities that land owners agreed for the development. This is a trick that land owner company directors use to trap those who oppose the development to be victimised and lie to the state that consultation and awareness and all legal processes have been done. This is where the rule of law comes to effective in protecting the developer and the LOC. That is what actually happens to land owners in Pulpul ward where the relog project operates.

The assessment and feedback from interviewing clearly indicate that peoples' rights are being violated and abuse through corrupt officials breaching legal processes. This totally defeats the integrity of Human Rights and Human Dignity where all human beings deserves to live freely, without fear, free of

depression, free of slavery and free from being abuse in any forms. The UN Human Guiding Principles on Business and Human Rights (UNHRGP) clearly states that;



- The UNGPs apply to all business enterprises and covers all Human Rights
- Organised around Three Pillars:
 - i. State *duty* to **PROTECT** Human Rights
 - ii. Business *responsibility* to **RESPECT** Human Rights
 - iii. Access to *effective* **REMEDY**

All three pillars are interrelated and inter-linked. Both states and business have a role to play

RECOMMENDATION

We therefore make recommendations for the following.

1. This issue clearly indicates that the processes involve to bring the relog project are illegal and need to be investigated. We request a Commission of Enquiry to conduct an investigation into this project?
2. The Police Officers involvements are questionable and needs to be investigated and be dealt with accordingly. Their actions are totally inhuman and injustice which paint bad image of the Police force. We recommend that relevant authorities carry out an investigation into this matter and must take actions against these Police officers.
3. Both the state and the company have the duty and responsibility to protect Human Rights in any form of development and both states and businesses have to play their part in realising effective remedies:

- ✓ states must take appropriate steps to ensure that affected people have access to effective remedies [Principle 25]
 - ✓ companies should establish effective operational-level grievance mechanisms [Principle 29)
4. The Government and the company must take appropriate measures to realizing Human Rights and allow the affected land owners to take effective remedies.
 5. The Provincial Government must implement its Moratorium policy and allow investigations to be conducted into the existing projects in the province and also review all agreements and the processes involved.
 6. The government must also conduct investigations into the different Developers operating within the province and must have policies in place to guide and control companies and the state itself in the development drive and Human Rights.

The situational report will be presented to all relevant authorities with a copy of the documentary video of the affected land owners. A fight for Freedom, A fight to end slavery!
A fight to end corruption! A fight to end greed, abuse and violation of Human Rights.

ACT NOW!!

Isidor Kaupun Logi

Business and Human Rights Advocate