CUSTOMARY LANDOWNER IDENTIFICATION
COUNTER STUDIES & REGISTRATION
DILEMMAS AT PRE-DEVELOPMENT STAGE
WITHIN LNG IMPACTED AREAS BY AFFECTED
PROVINCIAL GOVERNMENT

(Experiences from Stanley Gas Condensate Project PRL 4
(PDL10)– Land Investigation Report Patrol by WPA– 2013)

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WHAT IS MY QUESTION?

1. SHOULD LNG IMPACTED PROVINCIAL GOVERNMENTS FORMALLY ACCOMPLISH CUSTOMARY LANDOWNER IDENTIFICATION COUNTER-STUDIES USING L.I.R. APPROACH?

2. (IF YES ABOVE), IS IT APPROPRIATE TIMING TO ACCOMPLISH THIS STUDIES AT PRE-DEVELOPMENT STAGE OF THE PROJECT & REGISTER ALL CLU’S UNDER ILG ACT PRIOR TO B.S.A.?
WHY IS THIS QUESTION INTERESTING?

QUESTION 1 ISSUES:

- CUSTOMARY LANDOWNER IDENTIFICATION – COUNTER STUDIES NEED TO BE DONE BY THE IMPACTED PROVINCIAL GOVERNMENT (PG); as Oil & Gas Act 1998, Section 169 (4), stipulates that, “Submissions” by affected Local Level Governments or PG must be provided to Minister Petroleum & Energy to be considered in the determination.

1. PG’s & LLG’s are responsible & have the onus of being the government on the ground and must be recognised in accomplishing such issues, as the have long serving Patrol Officers or Kiaps/Mediators etc., who tend to be “Local Antropologist” in their own right. Eg., (Mr. Charles Papa/Kaiomen Bokdap)

2. PG’s use LIR in Land Acquisitions which have defined Reg. Survey Plan dermarcation – similar principal MUST apply to LNG License Area boundary within Graticular Blocks;

3. PG’s must be sanctioned to accomplish this Counter Studies, by way of LIR Instruction Numbers requested & granted by Secretary DLPP;

- It complements the full scale social mapping and landowner identification studies by the Licensee as per Oil & Gas Act 1998 Section 47 (5), as an Independent Report;

- Therefore the **LIR approach** is used as the most appropriate Land Ownership Identification form as the Governments Administrative Tool. As the LIR is applied to an enclosed area as per Survey Plan – resembling the Project Development Area Boundaries;

- Application of LIR is widespread in SABL, ILG, Land Acquisition – and recommendations to adjust LIR should consider each scenario;

- (NB: CLU = Customary Landowning Unit)
QUESTION 2 ISSUES;

• Current **Ministerial Determinations (MD)** identifying Sub-clans which are in conflicting to the ILG Act 2009 (Ammendment) which requires only Major Clans to be registered; *(Whether ILG Act be relaxed to allow evolving ethnic groups, cultural settings & Land Tenure Systems);*

• Also, likelihood of MD including CLU’s that do not own land within the Development Area or excluding CLU’s that own land within the same area is possible – LIR should verify;

  # Need for Licensee/Developer to provide to PG’s Resource Map over Project Area; substantiate, which communities to be targeted;

• All Land Disputing Issues preventing CLU’s to participate as beneficiaries– *(Main Disputes over -Clan Name, Land Portion or Boundary Issues); Disputes must be address via Mediation and Village Court which must be part of the Counter Studies Team.*
**QUESTION 2 ISSUES;**

• Licensee or Developer must make available copies of Registered Survey Plans over dedicated Project Facility Area’s to PG’s including Topographic Map of Proposed Development License Area – proper Sketching of CLU’s Land Boundaries – if need be LIR Boundary Walks must be completed;

• ILG Application process over such Defined LNG Project Areas as well as other resource sector areas requires formal Identification of Impacted CLU’s, to be identified using the Land Investigation Report (Adjusted) approach. *(Proposal for LIR be a Pre-requisite to ILG Applications within such projects)*;
Illustration: Stanley Project Area
WHAT IS MY ANSWER?

- IMPACTED PROVINCIAL GOVERNMENTS MUST BE FORMALLY SANCTIONED AND FUNDED TO DO COUNTER STUDIES WITHIN LNG PROJECT FOOTPRINT,
- OIL & GAS ACT 1998, MUST ALLOW AT THE RE-DEVELOPMENT STAGE OF THE PROJECT FOR PROVINCIAL GOVERNMENT TO TAKE LEAD IN THIS COUNTER STUDIES (NATIONAL AGENCIES & LINE AGENCIES TO TEAM TOGETHER);
- LIR APPROACH, MUST BE USED BY PG’S; LIR MUST BE ADJUSTED TO SUIT LNG REQUIREMENTS; VERIFICATION SOUGHT FROM COLONIAL KIAP RECORDS/SOURCE FROM NATIONAL ARCHIVES ETC.,
- LIR APPROACH – MUST BE DONE COMMUNUNALLY; IMPACTED VILLAGES MUST BE MOBILISED TO A LOCATION WITHIN PROJECT AREA TO ADDRESS THEM & CONDUCT THE STUDIES ACCORDINGLY SO THE CLU’S IDENTIFIED VERIFY & WITNESS EACH OTHER IN SUCH COMMUNUAL GATHERING;
- IMPACTED PG’S MUST CREATE THE AVENUE – CAPACITY, OFFICE SPACE, ACCOMMODATION, EASE OF TIMELY ACCESS TO MOBILISATION FUNDS ETC., TO CONDUCT SUCH PATROLS
ANSWERS cont.,

- LICENSEE MUST PROVIDE TO PG’S DETAILS OF;
  
  A). PROPOSED PDL AREA TO BE DEVELOPED (REDUCTION/INCREASE FROM PRL AREA) or RESOURCE MAP OF PROJECT;
  
  B). REGISTERED SURVEY PLANS OF PROJECT FACILITY AREA – PRODUCTION AREA, PIPELINE ROUTE & LOADOUT/STORAGE FACILITY AREA;
  
  C). LOGISTICAL SUPPORT IN PATROL;

- REPORT FINDINGS BE ENDORSED BY PG & TABLED WITH SMLI REPORT TO DIRECTOR – DPE FOR CONSIDERATION PRIOR TO GAZETTAL OF BENEFICIARIES;

- FORMAL REGISTRATION OF CLU’S CAN THEN EVENTUATE, VIA I.L.G. (AMENDMENT) ACT 2009;

- IT IS PROPOSED THAT SPECIAL CONSIDERATION BE GIVEN TO - PROJECT FACILITY AREA’S; VIA LAND REGISTRATION (AMMENDMENT) ACT 2009; REGISTER CUSTOMARY LEASES & LEASE TO DEVELOPER ACCORDINGLY;
CONCLUSION

This approach is consistent with the first priority of PNG government’s Medium Term Development Plan”

“Unlocking land for productive use” and development. It provides a secure, well administered land market that serves the needs of landowners and contributes to the nation’s strategic development.
The END

QUESTION TIME