

Law and Policy Research Paper Presentation

A Few Critical Perspectives Concerning the Managing of the Kokoda Trail Tourism Activity: Is There a Need for a Paradigm Shift?

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Summary Abstract

- Kokoda Trail is the greatest tourism activity in a single location in Papua New Guinea.
- This potential is yet to be realised.
- This failure is due, primarily, to a **missing genuine and viable working arrangement and partnership of trust between the various stakeholders and the traditional custodians and host communities of the resource.**
- We describe the key stakeholders and the current legal and organisational framework, policies and business practices.
- We bring into light the main challenges and issues involved, including regulatory compliance by tour operators, particularly foreign companies.

Summary Abstract (continued...)

- We argue that the current paradigm and modus operandi is underpinned by a strong **top-down policymaking and implementation approach**.
- We strongly call for a **paradigm shift that integrates a bottom-up approach where the rights, roles, interests and responsibilities of the traditional resource custodians are duly recognised and placed at the forefront of the planning and implementation**.
- We assess a few reform proposals are their potential strengths and limitations.

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Part I:

Introduction

The Kokoda Trail and Its Significance

- An ancient traditional footpath that connects that two sides of the Island of New Guinea, used by Koiari (Central Province) and Orokiva people (Oro Province).
- In World War II hosted the Kokoda Campaign (1942) where the Australian army repelled the Japanese forces who came from the north-west to conquer Port Moresby.
- Signifies the shift of power in the Pacific between the Japanese and the Allied Forces and overcoming a real threat on Australia.
- Thousands died and wounded on both sides (Australian and Japanese), as well as many indigenous people who helped them.

The Kokoda Trail and Its Significance (continued...)

- War pilgrimage on the Trail constitutes the greatest tourism activity in single location in Papua New Guinea.
- 3,200 trekkers (mainly Australians) generating about K32,000,000 (~AUD15,000,000) per year on average.
- Only about 20% of this goes to the traditional resource custodians, in the form of trek permit fees, wages for guides and carriers, campsite fees and village purchases.
- A properly managed tourism activity could host about 7,000 trekkers generating K7,000,000 a year.
- It could also provide significant development opportunities for the local people who have seen little benefit and still live without access to basic proper services (health, education, electricity, products, etc.).



Brigade Hill
Memorial
([Wikimedia
Commons](#))
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Walking the Kokoda Trail,
photo by Luke Brindley
([Wikimedia Commons](#))



Crossing a bridge
on the Kokoda
Trail([Wikimedia
Commons](#))

The Key Classes of Stakeholders

1. The traditional resource custodians and host communities
2. Tour operators and trekkers
3. Governmental bodies responsible for:
 - a. provincial, district and local-level administration
 - b. promotion of tourism
 - c. regulation and control of domestic and foreign business activity
 - d. preservation of historical and cultural assets
 - e. conservation and protection of the environment

Part II:

The Current Framework for the Management of the Kokoda Trail Tourism Activity

Preliminaries: The “Owner” of the Trail

- The legacy of the Kokoda Trail belongs to all Papua New Guineans (as well as to the Australians and Japanese); a shared heritage of past, present and future generations.
- The physical resource itself is “owned” by its landowners, better described as **traditional resource custodians** and **host communities**.
- The Trail is regarded as “customary land”: land held according to traditional practice and custom (the equivalent of a freehold or even an allodium).
- They have an exclusive right over the use and enjoyment of their land.
- Due to the nature of traditional resource custodianship, it is arguable that the interests in the Trail in its totality are held collectively by all the host communities.

The Kokoda Track Authority (KTA)

- A Local-level Government Special Purpose Authority (Koiari Rural and Kokoda Rural) established in 2003.
- Mandated to “focus on the significance of the Kokoda Track due to its part in World War II and promote this legacy for present and future generations and promote tourism related activities” (*National Gazette G151, 3 August 2006*)
- Governed by a Management Committee consisting of representatives of Governmental Departments (DPLGA, CEPA, TPA), Provincial and Local-level governments (provincial administrators and LLG presidents), and host communities representatives (9 members in total, plus non-voting member representing tourism operators).

The Kokoda Track Authority (KTA) (continued...)

- Main functions (*KTA Constitution* Sections 2-3):

- Collect mandatory trekking permits for individuals (K350/175) and issue Commercial Operation License (COL) for tour operators (K1,200).

These fees are KTA's main revenue and are used to fund administrative expenses and staff salaries (50%), track maintenance (25%), and ward development funding (25%).

- Oversea and regulate the conduct of tour operators to ensure resource sustainability and respect for the locals and their culture.
- Consult local communities on their needs and priorities, distribute benefits and implement development projects.
- Consult and cooperate with PNG and Australian governments on the implementation of the Kokoda Initiative.

The Kokoda Initiative

- A coordinated and shared effort between the Papua New Guinean and Australian governments.
- Envisions the Kokoda Trail as part of a greater conservation region for:
 1. Environment and biodiversity
 2. Hydropower and water supply to Port Moresby
 3. Tourism
 4. Enhanced quality of life for local communities

Tour Operators, Governmental Bodies and other Interested Parties

- About 40-50 tour operators, with 11 most dominant (60%-80% of trekkers) Australian based (Kokoda Tour Operators Association).
- Governmental bodies:
 - Provincial Governments (Central and Oro) and Local-level Governments (Koiari Rural and Kokoda Rural);
 - Tourism Promotion Authority (TPA);
 - Conservation and Environmental Protection Authority (CEPA);
 - National Museum and Art Gallery (NMAG);
 - National Cultural Commission (NCC);
 - Investment Promotion Authority (IPA) and Internal Revenue Commission (IRC).
- Other interested parties: churches (SDA, Anglican), NGOs (Network Kokoda, Kokoda Track Foundation).
- Australian governmental bodies: International Heritage section of the Department of Agriculture, Water and the Environment (DAWE); Australian Aid program administered by the Department of Foreign Affairs and Trade (DFAT); Department of Veterans' Affairs (DVA).

Part III:

Challenges and Issues with the Current Model

and Management of the Kokoda Trail

Tourism Activity

The Unrealised Potential of the Kokoda Track Authority (KTA)

- Ongoing management and administration challenges:
 - Non-appointment of members of management committee;
 - Corruption allegations;
 - Currently only Acting CEO with no management committee (board) meetings and no accountability.
- Failing its important role as a platform for the key stakeholders to balance respective interests and plan, solve problems and oversee a smooth, fair and equitable Trail operation.
- Was administratively placed under CEPA, moved to DPLGA (should it be under TPA?).

The Kokoda Initiative and Its Shortcomings

- **40% tourism decreased since KI's creation.**
- Kokoda Initiative Development Program (DIDP) performed in a less than satisfactory manner with too little tangible benefits to local communities (2014 Report).
- Progress too slow on hydropower plans and framework for environment protection.
- Shortcomings due to **too much planning in higher levels and not enough coordination and management at community level** (2014 Report).

Regulatory Compliance Issues by Tour Operators

- The largest tour operator companies are owned by foreigners and are regarded as “foreign enterprises” (*Investment Promotion Act 1992* Section 3).
- Foreign enterprises are required to get a “Section 25 Certificate” from IPA, however the Certificate should not be granted for activities that are reserved for citizens (reserved activities).
- Tourism and hospitality are reserved activities (*Investment Promotion Regulation 1992* Section 3A).
- A foreign enterprise that operates without a Section 25 Certificate is subject to K100,000 fine and can be prosecuted by IPA (Section 41, see *Investment Promotion Authority v Niugini Scrap Corporation Pty Ltd* [2001] PGNC 114).

Host Communities Dissatisfaction

- The traditional resource custodians may lawfully refuse foreign access to the Trail, or impose a system of licensing, permits and fee-collection as they deem fit.
- There has been dissatisfaction due to:
 - Lack of consultation and participation
 - KTA mismanagement and alleged frauds
 - Development programs and projects not reticulating to the people
 - Mistreatment by foreign tour operators.
- They closed the Trail for tourists in 2009 and 2018.
- The 2021 season was affected by host communities threatening to block the Trail.



A group of landowners stand by their blockade of the Kokoda Track. (Photo by Eric Tlozek, [ABC New, 8 Feb 2018](#))

Part III:

**Top-down and Bottom-up Policymaking and
Implementation Approaches, the Mandate of the
National Goals and Directive Principles, and the
Need for a Paradigm Shift**

Top-down versus Bottom-up Policymaking and Implementation Approaches

- The shortcomings we highlighted are due to the failure to fully involve the host communities in the planning, implementation and management of their resource.
- This was pinned by a **strong top-down policymaking and implementation approach**.
- A viable Kokoda Trail tourism activity requires a **paradigm shift** that is fully inclusive of the host communities and puts them, both conceptually and practically, at the forefront of the planning, negotiation and implementation processes.
- At the end of the day, any new policy and framework (no matter how good they look on paper) will have to “go through” (be recognised, supported and actualised by) the host communities.

The National Goals and Directive Principles

The Kokoda Trail tourism activity demonstrates how things can go wrong when government and stakeholders lose track of the NGDPs, as well as providing the perfect opportunity to follow the NGDPs and realise the noble vision of the founding fathers and mothers.

1. **Integral human development:** endeavours to achieve integral human development of the whole person for every person; development to take place primarily through the use of Papua New Guinean forms of social and political organization.
2. **Equality and participation:** political structures that allow everyone to be able to participate in things that affect his or her individual and communal interests.
3. **National sovereignty and self-reliance:** political leaders to be committed to and base their planning on the NGDPs, without compromise to foreign agendas and interests.
4. **Natural resources and the environment:** sustainable use of resources and conservation and replenishment of the environment.
5. **Papua New Guinean ways:** economic development primarily through small-scale artisan, service and business activity; traditional villages and communities to remain as viable units of Papua New Guinean society, and for active steps to be taken to improve their cultural, social, economic and ethical quality.

Part V:

A Few Reform Proposals and their Potential

Strengths and Limitations

The *Kokoda Track Management Authority Bill* 2021

- NEC decision (2019) to replace KTA with a statutory authority called “Kokoda Track Management Authority” under its own legislation.
- The first draft (Zero Draft, Feb 2022) heavily focuses on the environment at the expense of tourism.
- Traditional resource custodians not allowed to sit on the board and must “not reasonably reject” any advice given to them by KTMA.
- Circumvented due process for new legislation: Bill was drafted without the awareness of and proper consultation with landowners.
- Our concern: copying policies/frameworks from overseas (developing nations) without first building **capability for policy implementation** (Andrew, Pritchett & Woodlock, 2017)

Working With and Building Upon Existing Framework

- This embraces the positive challenge of upholding the integrity of existing institutions.
- Empowering KTA and making sure its functional.
- Increasing host communities' representation on KTA Management Committee.
- Placing KTA administratively under TPA rather than CEPA or DPLGA.

The Abel Reverse Spiral Model

- PNG home-grown model of sustainable tourism applied successfully in more than 10 locations nationwide (surfing and more).
- Traditional resource custodians are fully included and involved in the “four key pillars” of:
 1. Negotiation
 2. Planning
 3. Implementation
 4. Management

Conclusion

- The lessons highlighted in this paper may serve to inform, inspire and educate policymakers, stakeholders and traditional resource custodians on how to better go about utilising similar resources and the **paramount importance of doing so in full consultation and in a genuine and viable working arrangement and partnership of trust with their traditional host communities.**

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Thank You!

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