

## Who are the landowners affected by the Ramu nickel mine?

While the mining companies involved in the Ramu nickel mine claim “the legally recognized landowners” have shown their “strong support for the project” the truth is there are no “legally recognized landowners” over any of the mine impact area, only “disputing claimants” to the land.

The truth is that there are currently 360 landowner clans/groups involved in 60 REGISTERED land disputes with the Land Titles Commission over the areas covered by the mining tenement. The disputes started in the Local land Court in 1999, but as there were SO many disputes the PNG government in 2001 suspended the Local Land Court and said it would put in a Special Land Titles Commissioner to determine the disputes. However, no Special Lands Title Commissioners were appointed until 2004 and even then only one was appointed.

The Commissioner called for everyone to file their disputes and supporting material and eventually all the 360 parties involved in the 60 separate disputes were registered with the Land Titles Commission in Madang. As one dispute normally takes months to hear and determine the poor Special Land Titles Commissioner had a huge job and in fact the size of the task demanded that at least ten Commissioners be appointed if the government were serious about resolving the disputes so the GENUINE landowners could be involved in the development and use of their land.

Sadly the Special Land Titles Commissioner died in June 2009 having resolved not ONE dispute. Three further Commissioners have been appointed but no real steps have been taken to progress the disputes to hearing

So, to date not ONE dispute has been resolved by the Land Titles Commission or by anyone else and nobody else has ANY jurisdiction to determine who are the genuine landowners: not the mining companies and certainly not the PNG Government.

ALL 360 landowner clans have the same legal status - all are "disputing claimants".

So how has the mine construction managed to go ahead since the Mining Act says the mine company CANNOT enter into the mine tenement until a compensation agreement has been signed up by the LANDHOLDERS (defined in the Mining Act Section 2 as those person recognized as the owners of customary land)?

In order to proceed quickly and not be bogged down by petty human rights issues - such as identifying the people who have customary ownership over land so they can be involved in the use of their land - the PNG government decided to set up "Landowner Associations" and PRETEND that these associations represent all customary landowners in the respective areas.

They made up 4 Landowner Associations covering the 4 geographical areas of the mine - Kurumbrukari, the Ramu Pipeline, the Coastal Pipeline and Basamuk. A few chosen people were then allowed to take up positions in these Associations and it was these people that signed up the compensation agreement with the miner. The people that took up the positions, however, are of the same status as all the others - just "disputing claimants".

Now when this issue is raised with the PNG government, they say - oh it's OK when the mine gets going - any royalties will get put in a trust fund and whoever wins the land disputes will get it. It's OK - The people in the executive positions represent all the disputing claimants in their areas.

Problem is - is this is just another lie.

For example - whilst the government says the Kurumbrukari Landowners Association represents all 25 disputing clans at Kurumbrukari - the actual 4 people in the Executive positions in the Kurumbrukari Landowners Association say they do not - they only recognize their own 4 clans and say all the other clans are not landowners. So effectively the Kurumbrukari Landowners Association only represents 4

disputing clan claimants out of the 25 registered. BUT the government has given them the power to negotiate and sign agreements TO THE EXCLUSION of the other 21 clans.

This is the basis for deceitful claims that the mine is supported by “legally recognised landowners” – what they mean is the mine is supported by four Associations that represent a minority of the disputing landowners.

But why does this matter if what the PNG government says is true - that the royalties will go into a trust fund and whoever wins the land disputes will get it?

This is where the lie really has devastating effects for the landowners.

Compensation agreements aren't just about royalties - they cover environmental issues before, during and after the mine including mine rehabilitation and landowner involvement, spin off business during construction and the life of the mine, employment opportunities, membership of trust funds and also of infrastructure planning committees and the list goes on and includes RELOCATION.

So the four disputing clans of the Kurumbrukari Landowners Association can negotiate for the RELOCATION of those clans that they are disputing against. It is legally and morally wrong not least because "genuine" landowners are deprived of their rights to negotiate over their own land and LIVES - because remember for a rural based people - land is life.

The Chinese State owned mining company openly say that they have given spin off business contracts already in the sum of K80 million - but they have gone to just a SMALL proportion of the "disputing claimants".

Further - only the Landowner Associations get access to the documents regarding the mine. So in regards to all the environmental permits, compensation agreements, mine development contracts, royalty agreements etc - the other disputing claimants are just kept in the dark and ignored.

So it is not just as simple as the land dispute winners will get the pot of gold at the end of the day.

And who knows when the land disputes will be resolved - they have only been going on for 11 years now... and DON'T think it somehow the landowners' fault that there are disputes and shift the blame, there is just NOTHING they can do to hurry up the process – while there are GOOD laws in PNG for the resolution of customary land disputes the PNG government does not resource the institutions properly so that the land disputes can be resolved.

ALL the stakeholders are aware of this situation, but it is easier to just ignore it and build the mine and keep repeating how GOOD this mine is going to be for the country.

And what about those customary landowners OUTSIDE the geographical area of the mine tenement?

The government of PNG has determined that landowners affected by the mine are only those who have customary rights over land on which the mining tenement is located, thus excluding many who might be affected by the tailings being dumped into the sea or by waste entering the Ramu River. They are just left out completely - so whilst the science says that the people of the Ramu River will be effected and that the people of the Rai Coast and all the way to KarKar will be effected by the tailings and the waste waters, they have absolutely no say whatsoever