

Date: 25th November, 2015

Ref: **PNG CC (M) BILL - Jul 2015/EFF**

**To:** UNFCCC Secretariat

**Copied:** UNREDD POLICY BOARD  
WORLD BANK FCPF BOARD  
UNDP PNG Office  
SPECIAL RAPPORTEUR ON RIGHTS OF INDIGENOUS PEOPLES TO THE HUMAN  
RIGHTS COUNCIL  
PNG GOVERNMENT  
MEDIA

**Subject:** CSO CONCERNS ON THE CLIMATE CHANGE (MANAGEMENT) BILL FOR  
PNG

The government-sponsored Climate Change (Management) Bill for PNG has been passed in Parliament despite requests by the PNG Eco-Forestry Forum and other Civil Society members and partners to properly consult all concerned stakeholders. The request came after it was identified that the Bill had serious flaws in having a proposed governance system for Board and Climate Change Trust Fund that was highly corruptible. The Bill was circulated to stakeholders for comments within two weeks from the 15th April 2015. This was in total contradiction to the best practice of adequate consultation processes.

Addressing the issue of climate change is paramount as we are already witnessing the impact of it on an increasing scale and the costs associated with it far reaching. Grounding our efforts on strong Laws and Policies is key in not only addressing the issues but also defining and establishing the required institutions to take responsibility. We consider therefore that the Bill is an important step in grounding the institutional setup of the Office of Climate Change and Development (OCCD) with clearly defined role in coordinating all-of-government approach in preparing the country and its citizens to take adaptation and mitigation actions more seriously. Considering its far reaching consequences for all sectors concerned in the country, the Bill should have been developed through thorough consultations with these sectors, to ensure broad acceptance and ownership. It must not be done in a rushed top-down approach to meet the Paris COP 21 deadline.

The Eco-Forestry Forum and its members and Civil Society Partners have played an active role in the discussions on climate change and REDD+ both nationally and internationally. At the policy level, we were represented at the Technical Working Groups (TWGs) and the Policy Executive Board of the PNG UN-REDD Programme. We have represented the Asia-Pacific Region on the global UN-REDD Policy Board as the indigenous peoples representative three years ago.

We have consistently attended and contributed to all the workshops and meetings organized by OCCD and at the same time carried out awareness and capacity building programs with local communities throughout PNG. At the community level, we have, through our members promoted sustainable land-use planning, including trialling Payment for Environmental Services and forest carbon inventory, with full community involvement. Our work have been utilized in informing and shaping policies on climate change in PNG. This led to CIFOR identifying PNG Eco-Forestry Forum as the top two REDD+ Policy influencers in PNG, second only after OCCD in one of their recent surveys.

Due to seriousness of the issue, the Civil Society in two separate letters to the Prime Minister and Minister for Environment and Climate Change (attached) requested ample time be given to all concerned stakeholders for their concerns to be incorporated as climate change was a cross-cutting issue. To date, we have not received any response to our letters.

The Bill is now before the Legislative Council for vetting and Certification by the Head of State before becoming effective. It has become apparent that whilst some of our concerns were accommodated, there are still particular important concerns on points raised on the issue of governance and benefit sharing which grossly undermine rights of resource owners as rights holders including Civil Society participation as key stakeholders in the issue.

### **Membership of the Board**

We would like to make particular reference to **Section 16, Membership of the Board**, and **Section 17, Appointment Committee**, of The Climate Change (Management) Bill, 2015, in which the Civil Society participation in the entire Climate Change Authority governance was deliberately excluded/omitted from the Draft version of the Bill sent out for consultation. In the version of the Bill that was voted on by Parliament (Draft of 16/07/2015), changes were made, which appear to now include Civil Society, but in effect are no more than window dressing.

Section 16 (2) (i) now states that one member of the National Council of Women (NCW) of PNG is to be appointed as member of the Board. The NCW is a dysfunctional organisation, which has not been involved as an active Civil Society member in national level Climate Change Mitigation and Adaptation issues. Then Section 17 (2) (g) states one of the members of the Appointment Committee shall be a *“civil society representative, who should be resident in PNG, as nominated by the PNG Chamber of Commerce.”*It must also be noted that Chamber of Commerce has not been active on Climate Change issues, therefore, the CSO representative nominee must be left to the group that have been active on the issue from the beginning.

There are many Civil Society members that have been very actively involved with Climate Change Mitigation and Adaptation issues from the beginning. We have been working along government colleagues on Technical Working Groups, UNREDD Policy Executive Board for PNG Program, and contributed meaningfully to key government documents regarding climate Change mitigation and adaptation.

The deliberate exclusion of active CSO members from such governing boards are contrary to international principles of inclusion and participation, and brings into question transparency and accountability issues. Such situations not only creates suspicion but fertile opportunities for possible fund mismanagement and abuse, therefore any Climate Change activity undertaken in PNG would be risky, given PNG's unique tenure system.

#### **Establishment of Trust Accounts /Benefit Sharing**

We note that various Trust Funds will be created and Managed by the OCCD itself. This will be risky for businesses in PNG where we have the lowest rating on the Corruption Perception Index, therefore these Trust accounts will be prone to abuse. We instead requested for a separate Fund Board to be created comprising all stakeholders including Civil Society and representatives from Communities. This would ensure transparency on the management of the fund, and benefits equitably distributed through mechanism already vetted and accepted in the Bill.

#### **No reference to REDD+ as a mitigation mechanism**

Forestry and Land-use sector contributes to approximate 98% of PNG emissions as correctly identified in the Climate Compatible Development Strategy, therefore emphasis should be given to REDD+ to capitalises on that opportunity apart from other sectors. Lack of emphasis on REDD+ could be detrimental to resource owners who see REDD+ as a viable option. The Bill should also address drivers of deforestation including the Special Agriculture Business Leases (SABLS) which seeks to expedite emissions in the LULUCF sector.

#### **Ownership of Carbon**

The Bill should as other resources, also clearly define ownership of Carbon from which consultation, FPIC and Benefit Sharing would hinge on. This is crucial as most emission reduction activities will take place on customary owned land/areas, and rights of customary landholders duly considered and respected..

We, members of the civil society and NGOs in Papua New Guinea would like to express our dissatisfaction at the manner in which the Government and UNREDD have approached REDD+ development in this country.

The Eco-Forestry Forum wrote to the UN REDD Policy Board in 2010 when the UN REDD PNG Program was initiated. Among points raised, 4 conditions among the 16 were approved for the PNG Government on condition that they were addressed in country. These points included participation of Indigenous Peoples and Civil Society ensuring transparency and accountability in handling climate change issues in PNG.

This Bill reflects otherwise. Our observations are that, the Bill is manipulative, Industry oriented, and contradicts spirit of good governance, hence leaves room for influence and manipulation.

We therefore demand the following;

1. The Bill Must **NOT** be certified by the Head of State, as it is already considered Bad Law,
2. Proper and transparent consultation must be conducted on the Bill throughout the 4 Regions, including wider stakeholder input, and involvement of all relevant Government Departments,
3. Proper governance systems for Boards, Committees and Trust Funds must be established in the Bill, including meaningful wider stakeholder representations including active Civil Society partners in the issue of Climate Change,
4. The Bill must substantively cover for REDD+ as Mitigation option, including Forest Protection, duly addressing main Drivers of deforestation such as SABLs,

We hope that you will consider our demands as a matter of good practice in our quest to a climate compatible and resilient development pathway for PNG. This will also ensure PNG follows a proper Climate Change Adaptation and Mitigation preparedness process in line with all international requirements. PNG Eco-Forestry Forum and its members and partners have been working with the Government of PNG as constructive partners to help develop this pathway, and we are committed to doing so. However, the complete lack of response by the government on the essential concerns on the Bill raised by the Civil Society members, and the rushing through of this flawed Bill cannot be tolerated, and is now forcing us to put out these demands.

This disregard shown by our Government in the role of civil society as important partners, together with lack of action against SABLs, a main driver of deforestation in PNG makes it obvious that the governments' intentions in its Climate Change and REDD+ Policy development readiness work questionable.

We therefore kindly ask that the Papua New Guinean Government meets the demands to restore trust among Civil Society and concerned stakeholders to secure our willingness to continue to engage.

Yours Sincerely



Cosmas Makamet  
Chairman  
PNG Eco-Forestry Forum Inc.