



LETTER TO THE PRIME MINISTER, RT HON. PETER O'NEILL, MP, CMG

Friday 22nd May, 2015

Our Dear Prime Minister,

RE: PNG'S CLIMATE CHANGE (MANAGEMENT) BILL SHOULD NOT BE PASSED AS LAW

We the members of the PNG Eco-Forestry Forum with partner NGO's and Civil Society Organisations concerned, on behalf of the people of this beautiful country wish to bring to your attention the fact of the poor quality and faulty status of the Country's Climate Change (Management) Bill (Bill) and the REDD+ Policy of 2015 and would like to seek your support as a responsible Government to ensure wide and thorough consultations by all stakeholders on the proposed legislations and that the proposed Bills be subjected to a valid peer review before it is passed as law.

The Bill

The Bill including the Climate Change Policy sets the framework from which climate change action will be coordinated in PNG and is an important step towards grounding the institutional setup of the Office of Climate Change and Development (OCCD) as coordinating agency in preparing the country and its citizens to take adaptation and mitigation actions more seriously. This Bill must therefore aim to show leadership and engender confidence providing linkages with other concerned sectors, therefore needs thorough consultations to accomplish the desired mission of making PNG a climate resilient and progressive country. We are appalled with the ad hoc manner in which the Climate Change Policy, the REDD+ Policy and its implementing legislation is being developed.

To ensure sustainability, ample time must be given to key stakeholders, including rural resource owners who are most affected by the issue. The two weeks allocated for comments from a few stakeholders is insufficient and is not good practice. It is indicative of gross irresponsibility and undue consideration of the need for adequate consultation on a proposed law that is supposed to address a cross cutting issue such as climate change and is required to have an impact globally.

Our concern is that the Bill in its current state is not good law as it does not promote good governance and due consideration of rights of citizens regarding public participation, access to information and access to justice. It operates in isolation and does not complement existing laws and policies that relate to the management of the environment, forests and other natural resources. There are crucial elements missing and its application now if enforced as law will be detrimental for the citizens of this country.

One point that should be primarily noted is that the Bill does not give prominence to REDD+ as a key mitigation action directly leading to the reduction of effects of climate change. The Climate Change Bill supposedly, the overriding/overarching legislation applying generally to regulation of climate change matters and mitigation of climate change impacts, should include sufficient elaboration on REDD+ as a significant component of climate change mitigation. The Bill in referring to mitigation mechanisms does not make reference to REDD+ which is an important for PNG and should have been highlighted here for the sake of consistency.

The REDD+ Policy

Also disconcerting is the likelihood that the REDD+ Policy is going to be accorded the same treatment as it is currently being rushed through for comments and no heed is given to thorough consultations with stakeholders. The following are reasons why the REDD+ Policy should not be subjected to a hasty approach;

- There is generally a lack of awareness on the subject of REDD+ at the community level which is where REDD+ projects are likely to be implemented, managed and monitored. Local people and community involvement is crucial if the State is going to guarantee the sustainability of REDD+ projects and as a start they need to understand the concept. For the sake of our people, and sustainability of REDD+ projects, the REDD+ Policy must take a rights based approach.
- Currently there is lack of collaboration between line state agencies of the government who have similar mandates which require control and management of forests and the environment and interlinking functions necessary for REDD+ development in the country. OCCD should not be working in isolation as it does not have capacity and should be drawing from the experiences of other relevant state line agencies including the PNG Forest Authority (PNGFA), the Conservation and Environmental Protection Authority (CEPA), Agriculture and Lands Departments. The bad quality of the Bill and the draft REDD+ Policy do suggest there has been no collaboration with these state line agencies including the Constitutional and Law Reform Commission (CLRC).
- At the global level, and the United Nations Framework on Climate Change Conventions (UNFCCC) arrangement, REDD+ is still a talking point subject to ongoing discussions. Concrete resolutions have yet to be reached which suggests there is no justification for rushing REDD+ development in the country. PNG should ensure ultimately, that its systems and institutions are in place before REDD+ can be implemented. Recent reports from studies carried out so far of the country's performance, do confirm our systems and our institutions are a far cry from good and we as a country and a responsible government should take note.
- The current draft of the REDD+ Policy lacks substance largely due to the fact that that it is not based on proper scientific observations of PNG's forests context and did not involve a thorough analysis of the existing legal/policy frameworks on the environment and Forests. Further, relevant analysis of existing systems and institutions with similar legal mandates have not been duly undertaken to ensure consistency, avoid duplication and ensure enhanced collaboration.

Our concerns with a plea for an extension to the period for consultations on both the Bill and the REDD+ Policy have been raised with the Minister responsible, the Honourable John Pundari, Minister for Environment and Conservation in a letter dated the 8th May 2015, however have not received any response. The same letter was also copied to the Executive Director of the Office of Climate Change and Development, Mr. Varagini Badira, the Secretary for Justice and Attorney General, the Secretary, CLRC and we also are still awaiting a response.

We are also inclined to believe your government is misinformed on the preparedness processes arrived at developing such important legislations to achieve a climate resilient and low carbon growth pathway that is envisioned in the Vision 2050 and other country plans and strategies. As the Government of the day we would be grateful if careful consideration is given to this request.

Our preliminary points raised on the Bill and the REDD+ Policy to the Minister responsible are being attached separately for your reference.

We thank you for understanding and are hopeful that the decisions you make as a responsible government will be for the welfare of our people and the benefit of this country as a whole.

Yours sincerely,

Cosmas Makamet
Chairman - Board of Directors
PNG Eco Forestry Forum Inc.
On behalf of the Collation

cc The Honourable John Pundari, Minister for Environment & Climate Change

Mr. Varagini Badira
Executive Director; Office of Climate Change and Development