



REFERENCE: CERD/88th/EWUAP/GH/MJA/ks

17 February 2016

Excellency,

I write to inform you that in the course of its 88th session, the Committee further considered, under its early-warning and urgent action procedure, reports of allegations received from a non-governmental organization concerning the threat of alienation of indigenous lands through, in particular, the issuance of “Special Agricultural and Business Leases” (SABLs). In this regard, the Committee would like to refer to its letter dated 11 March 2011 (copy attached for ease of reference), to which the State party has regrettably not yet provided any response.

According to information at its disposal, the Committee notes that the State party set up a Commission of Inquiry on SABLs in 2011, which issued its final report in June 2013. It also notes reports of support expressed by the Prime Minister to the Commission of Inquiry’s conclusions as well as the establishment of a task force to develop a new legislative framework to ensure greater respect of the rights of indigenous landowners. However, in spite of these developments, the Committee reiterates the concerns expressed in its previous letter of 11 March 2011. In particular, the Committee is concerned about information that no concrete action has been taken by the State party to cancel SABLs and that logging operations continue to take place.

The Committee requests the State party to provide information on measures taken or envisaged to be taken: to ensure that the application of the Land Act (1996) does not result in alienation of lands belonging to indigenous peoples; to ensure that indigenous landowners are systematically informed about the purposes of land leases and that all leases are granted with prior and informed consent of indigenous peoples; and, to grant indigenous landowners access to justice and an effective remedy in case of violation of their rights. In addition, the Committee would like to be informed of any measures or any action planned to be taken to implement the recommendations of the Commission of Inquiry on SABLs.

Mr. Fred Sarufa
Deputy Permanent Representative of the
Independent State of Papua New Guinea
to the United Nations Office
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Finally, the Committee requests information on measures taken to protect indigenous landowners and those who protest against SABLs from any kind of intimidation, harassment, attack or physical harm.

In accordance with Article 9(1) of the Convention and Article 65 of its Rules of Procedure, the Committee would be grateful urgently to receive information on all of the issues and concerns outlined above before 22 April 2016. The Committee also urges the State party to submit its periodic reports which are overdue since 1984. The Committee would like to inform your Government that, in absence of the periodic reports, it will consider the implementation of the Convention in the State party under its review procedure.

Allow me, Excellency, to reaffirm the wish of the Committee to continue to engage in a constructive dialogue with the Government of Papua New Guinea, with a view to assisting it with the effective implementation of the Convention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'José Francisco Calí Tzay'.

José Francisco Calí Tzay
Chair

Committee on the Elimination of Racial Discrimination