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THE NEW LAND GRAB IN PAPUA NEW GUINEA: A CASE STUDY FROM NEW IRELAND PROVINCE

INTRODUCTION

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On the fourth of March 2011, the *Post-Courier* newspaper reported that the whole island of New Hanover (or Lavongai) in New Ireland Province, Papua New Guinea (PNG), was sold by a company called Tutuman Development Ltd (TDL) to a Singaporean company called Palma Hacienda Ltd in June 2009 for the princely sum of USD1.6 million. The source of this information was apparently a man called Ishmael Passingan, who was described in the report as the secretary of a landowner company called Central New Hanover Ltd. On the tenth of March, the *Post-Courier* carried another story, reporting that Central New Hanover Ltd was one of three landowner companies that had acquired Special Agricultural and Business Leases (SABLs) over different parts of the island in October 2007. The article said that these companies had subsequently issued sub-leases to TDL, and these were the commodities that had since been sold to Palma

Hacienda Ltd. According to this story, the Secretary for Provincial and Local Level Government Affairs, Manasupe Zurenuoc, had asked his lawyers to investigate the sale.

On the eleventh of March, the *Post-Courier* carried two more stories about this case. One of them (which does not appear in the online version of the newspaper) reported the content of a media release sent to the newspaper by Young and William Lawyers on behalf of the directors of TDL, including its chairman, Pedi Anis, who was the Premier of New Ireland Province from 1987 to 1990. In this statement, Anis claimed that the allegation made against his company had come from “a minority group of Central New Hanover landowners” acting in concert with a foreign logging company called Growmax Ltd. By this account, Growmax Ltd had previously been operating under a contract with TDL, but this was terminated when it was found to have engaged in illegal logging

activities on the island. In the second newspaper story published on the same day, Anis claimed that criticism of his plans to bring foreign investment to “the forgotten island of New Ireland Province” was motivated by the knowledge that he would be standing as a candidate for the Kavieng Open Electorate in the 2012 national elections, and such uninformed criticism had already caused “bloodshed” in some villages.

In this paper, I explain this episode by reference to what I call the “new land grab” in PNG. I have already presented a general account of this phenomenon, along with case studies from Central and East New Britain provinces, in another publication (Filer 2011). A more detailed account of the way that customary land has recently been “grabbed” in New Ireland Province is partly warranted by public interest in the episode I have just recounted, and also by the fact that New Ireland is one of the provinces where this activity is both well entrenched and reasonably well documented. An examination of land grabbing in New Ireland can therefore help us to answer two of the key questions that have arisen in broader national debate about the land grab. The first is whether and why some customary landowners might have consented to the expropriation of their own land; the second is whether the formal unity of the legal process through which their land has been expropriated conceals a variety of motives and outcomes on the part of the actors who either support or oppose this process.

THE NATIONAL LAND GRAB

The new land grab in PNG involves the use of a legal mechanism generally known as the “lease-leaseback scheme” to convert customary land rights into formal titles which are then allocated to private companies. Section 11 of the Land Act 1996 says that the Minister “may lease customary land for the purpose of granting a special agricultural and business lease of the land”, while section 102 states:

... a special agricultural and business lease shall be granted: (a) to a person

or persons; or (b) to a land group, business group or other incorporated body, to whom the customary landowners have agreed that such a lease should be granted.

Section 11 also states:

... an instrument of lease in the approved form, executed by or on behalf of the customary landowners, is conclusive evidence that the State has a good title to the lease and that all customary rights in the land, except those which are specifically reserved in the lease, are suspended for the period of the lease to the State.

The lease-leaseback scheme has been used and abused in a variety of ways since it was first devised in 1979, but the recent surge in the grant of SABLs to private companies began in the period between the national elections of 2002 and 2007, and has accelerated over the past four years. In the eight years from 2003 to 2010, the total amount of customary land alienated to private companies through this scheme was just over 4.2 million hectares, but four new leases already gazetted in 2011 have brought the total to more than 5 million hectares, which is more than 10 per cent of PNG’s total land area (about 46 million hectares).

Table 1: Leasebacks to private companies 2003–2010

Year	No.	Total area (ha.)
2003	1	11,800
2004	2	365
2005	3	44,094
2006	6	125,901
2007	16	475,618
2008	15	444,140
2009	10	1,154,842
2010	16	1,959,307
Total	69	4,215,848

Source: PNG National Gazette.

Tables 1–3 show the temporal and spatial distribution of the different acts of expropriation that were announced in the national government gazette in the years from 2003 to 2010. Although there are 69 different acts of expropriation documented in Tables 1 and 2, the number of development proposals associated with these transfers is considerably smaller than the number of gazetted leases, as can be inferred from the fact that several leases over adjacent areas have sometimes been issued on the same day, and even to the same corporate entity.

Table 3 shows that the land grab has gone much further in some provinces than in others, and there are some provinces (such as Enga, Manus and Milne Bay) where it has not yet begun. New Ireland ranks fourth in terms of the proportion of its land area (14.19 per cent) that was grabbed between 2003 and 2010. In this province, six SABLs were announced in the national government gazette during this period, but, as we shall see, the 141,529 hectares of land covered by these six leases are associated

Table 2: Size of areas covered by leasebacks to private companies 2003–2010

Size of lease area	No.	Total area
Very small (< 100 ha.)	6	330
Small (100 – 1000 ha.)	7	2,041
Medium (1000 – 10,000 ha.)	14	65,000
Large (10,000 – 100,000 ha.)	30	803,161
Extra large (>100,000 ha.)	12	3,345,316
Total	69	4,215,848

Source: PNG National Gazette.

with four different development proposals, and two of these projects share the same architect.

EMIRAU

In December 2006, a SABL over an area of 3384 hectares (Portions 53C–58C) on the island of Emirau in the Murat LLG area was

Table 3: Provincial land areas covered by leasebacks to private companies 2003–2010

Province	Total area	Area converted	% converted
Western	10,084,400	2,120,880	21.03
West Sepik	3,601,200	704,395	19.56
Oro	2,251,000	348,160	15.47
New Ireland	997,400	141,529	14.19
E. New Britain	1,567,800	177,545	11.32
Central+Capital	2,995,700	299,750	10.01
East Sepik	4,475,200	196,824	4.40
W. New Britain	2,101,200	89,794	4.27
Gulf	6,220,000	128,172	2.06
Morobe	3,309,000	8,374	0.25
S. Highlands	2,569,800	358	0.01
W. Highlands	889,700	65	0.01
Total		4,215,848	

Source: PNG National Gazette.

granted to a company called Emirau Trust Ltd (ETL) for a period of 99 years. The six land portions included in this lease appear to cover the whole of the island, and the state is said to have acquired these land portions from 29 incorporated land groups in January 2005 (*The National*, 9 September 2008). The island is approximately 130 kilometres north-west of Kavieng, the provincial capital (see Map 1).

In May 2005, one of the islanders wrote a letter to one of PNG's national newspapers expressing concern that the SABL had not yet been granted in April of that year (*The National*, 9 May 2005). According to this correspondent, ETL was the brainchild of the island's most well-known political leader, Ben Micah, former MP for Kavieng Open Electorate and long-time supporter of former prime minister and fellow New Irlander, Sir Julius Chan.¹ Micah was said to have been negotiating a deal with the national government and an Australian, Edward Carr, to invest millions of *kina* (hereafter PGK) in a combination of "fishing, redevelopment of old World War II airfields on the island, tourism and communication development". A certain amount of seed capital might have been required for this venture, since the correspondent also recorded that Micah had organized a "fundraising" event in Port Moresby in March 2005, and that is where he is said to have announced the imminent finalization of the leasing arrangements.

The national newspapers carried no further news of this project until December 2007, when an article entitled "Chan Eyes Riches" appeared in the *Post-Courier*. Sir Julius had re-entered the national parliament as Governor of New Ireland Province in July of that year, and was now announcing "an integrated business strategy and practices which project immense monetary gains for the people of Emirau, Mussau, the Murat Local level government, New Ireland Province and the country" (*Post-Courier*, 12 December 2007).

The role of Emirau in this strategy was apparently derived from the island's role as an American airbase during the Second World War, and ETL, under the chairmanship of a former pastor called Stephen Wilson,

who was supposedly keen to bring this fact to the attention of potential foreign investors. In September 2008, Ben Micah submitted a proposal for what was now described as "Project Emirau" to the Department of Commerce and Industry (*The National*, 9 September 2008). At the same time, Micah and Chan jointly issued a press release invoking New Ireland's aim to become "a self-reliant autonomous part of Papua New Guinea that is efficient, market oriented and internationally competitive", and "appealing to the Government to approve [Project Emirau] as a national public investment programme project, declare NIP a special economic zone and Emirau island a free trade and export processing zone". However, the capacity of ETL to participate in this scheme may have been somewhat reduced when the Investment Promotion Authority removed the company from its company register in May 2008 (*Post-Courier*, 16 October 2008).

ETL and Project Emirau have since vanished from the radar, except for a curious website maintained by Edward Car [sic], the Australian who appeared as a potential foreign investor in 2005, but who seems to regard himself as a "Total Artist" (<http://emirau.asia/index.html>). Car says that he first visited Emirau Island in 2003 in his capacity as "the Leader of a Value Based Expedition run by WIND AUSTRALIA visiting the most distant point on the map that had land in the Pacific Ocean in the most remote corner of PNG". Although he has some very general ideas about the island's actual and potential place in the global capitalist system, Car represents Project Emirau as a joint venture between ETL and a company called Wind Trader Ltd (perhaps his own family company) to develop something called the "Emirau Mother's Haus" (http://emirau.asia/e_house.html). This is described as:

... a contemporary modern living air conditioned high tech Home Office designed around the mother and her roll [sic] in the community [and] ... a self sufficient building that provides its own Permaculture Food, Rain Water, Green Electricity, Grey and Black water treatment, Methane for cooking and cooling and Telecommunications and Internet.



Map 1: New Ireland Province, showing towns and sites mentioned in the text.

The cost of the building itself is estimated at USD30,000–40,000, but the cost of relocating all 600 islanders to a cluster of new buildings around it is estimated at USD4–5 million. The Total Artist believes that a bank loan used to finance the development of this new community infrastructure could be paid off within ten years: the cost of the new housing would be covered by the sale of “Export Organic Food and Water, Export Wild Fish, Boutique Accommodation and Electricity”, while the cost of the entire project could be covered by a “Building Material Production Plant” selling building materials “to the rest of Melanesia”, and the sale of other items like “Tuna Sashimi Fish” and “Medical Tourism” would simply add to the overall profitability of the scheme.

It is not known whether or how these fantasies were included in Micah’s submission to the Department of Commerce and Industry or how they might figure in the latest iteration of New Ireland’s Provincial Development Plan.

KAUT

In December 2006, a SABL over 20,000 hectares of land in the Tikana LLG area, south-east of the provincial capital of Kavieng, was issued to a company called Cassava Etagon Holdings Ltd for a period of 99 years. This lease seems to include the 17,600 hectares over which local landowners granted timber harvesting rights to the state through a Timber Rights Purchase (TRP) agreement signed in June 1969, which expired in June 2009. The state granted separate Timber Permits over the East Kaut area (6410 hectares), which was logged in the 1980s, and the West Kaut area (11,190 hectares), which was logged in the 1990s.

Cassava Etagon Holdings Ltd is not a company registered with the PNG Investment Promotion Authority, but appears to be a wholly owned subsidiary of a South Korean company called Changhae Ethanol Corporation. In February 2007, another Changhae subsidiary, Changhae Tapioka (PNG) Ltd,

was granted SABLs over seven areas of land totalling 12,913 hectares in the Rigo District of Central Province for a period of 40 years. Changhae's declared interest in both provinces is the production of ethanol from cassava and other crops.

This investment had apparently been under discussion since 2003 (*Post-Courier*, 25 July 2006). In February 2005, Prime Minister Michael Somare reportedly signed an agreement with Changhae that would grant the company 20,000 hectares of land in Central Province. Martin Aini, the MP for Kavieng Open Electorate (who incidentally hails from Lavongai), reportedly expressed his confidence that local landowners in his electorate would make at least 40,000 hectares — perhaps as much as 80,000 hectares — of land available for this purpose (*The National*, 7 February 2005). Shortly afterwards, surveyors were reportedly at work on the registration of 23 incorporated land groups so that 26,000 hectares of customary land could be part of a total of 43,000 hectares which the New Ireland Provincial Government would provide for the investment (*The National*, 21 February 2005; *Post-Courier*, 7 March 2005). In August that year, it was announced that similar work would be carried out in Central Province because the 6000 hectares of state land attached to the Laulakalana agricultural station would need to be supplemented by 14,000 hectares of customary land in order to meet the government's commitment to the investor (*The National*, 29 August 2005; *Post-Courier*, 31 August 2005).

When the project agreements were first announced in 2005, the size of Changhae's investment was valued at PGK82 million (USD26 million) (*The National*, 7 and 21 February 2005). In 2005 and 2006, Korean newspapers reported that the PNG government had agreed to grant Changhae a local monopoly over ethanol production, along with a government subsidy of PGK30 million and a variety of tax concessions into the bargain, while the company undertook to build five factories with a combined annual output of 200 million litres of ethanol (Moon Hong, personal communication, March 2009). In December 2006, the PNG newspapers

reported that Changhae would invest USD6 million in the commercial cultivation of cassava, to be followed by construction of the first bio-ethanol plant at a cost of USD26 million, with the creation of 5000 jobs for local people. The Secretary of the Department of Agriculture and Livestock reportedly said that domestic consumption of ethanol would help PNG to meet its greenhouse gas targets under the Kyoto Protocol, while Changhae's chief executive officer reportedly said that the project would help local farmers to become "biofuel sheiks" (*The National*, 12 December 2006). In 2007, the Government declared that the Changhae project in Central Province was the first project to be supported and financed under the terms of the National Agriculture Development Plan (*The National*, 23 April 2007). By that stage, the project in Central Province was said to have a total value of PGK283 million (or USD90 million) (*The National*, 24 April 2007).

The subsequent progress of Changhae's investment in Central Province need not concern us here, although the company does seem to have made more progress than it has in the Kaut TRP area (Filer 2011). While Changhae seems to have gained access to a larger area of customary land in New Ireland Province, it has also met with some political opposition to its development plans for the area. When the Prime Minister, Sir Michael Somare, arrived to launch the project in April 2008, he was preceded by two other government ministers attempting to deal with "outstanding land issues". The Prime Minister was also obliged to conduct a reconciliation ceremony with Martin Aini, the local MP who had supported the project in 2005 but had been sacked from his ministerial position in 2007, while the Provincial Governor, Sir Julius Chan, simply absented himself from the proceedings (*Post-Courier*, 30 April 2008). Chan was later reported to oppose the project because "illegal logging in his province had cost the province millions and he was considering imposing a suspension on logging for an indefinite period" (*Post-Courier*, 13 May 2008). This statement is somewhat ironic, since Chan had once been a champion of the logging industry in his own province, and the

area now being leased for the biofuel project had already been degraded by logging operations. However, local landowners were also complaining about a lack of consultation over the new land use proposals (*Post-Courier*, 28 May 2008). Local informants have told me that Changhae's plans for the Kaut area continue to be thwarted by land disputes.

Land disputes are not a new phenomenon in the Kaut TRP area. In 1989, I sent a group of students from the University of PNG to conduct a mid-term evaluation of a New Zealand-funded Demonstration Reforestation Project in the area covered by the East Kaut Timber Permit. They found that the local landowners were not planting any trees at all because they were too busy disputing the distribution of royalties from the logging operation which had previously been undertaken in the area (Filer 1989). Similar disputes may well have occurred in the wake of the subsequent logging operation in the West Kaut area. And this is where TDL enters the picture.

It appears that TDL assumed control of logging operations in the Kaut TRP area in the year 2000, and exported more than 72,000 cubic metres of logs from the area over the course of the next four years, at prices which appeared to be remarkably low by PNG standards. This sparked a degree of speculation about the possible existence of a transfer pricing scheme to which officers of the National Forest Service may have turned a blind eye because two of its former staff members were now working for the company (Anon.: 2003). The Forests Minister sought to refute this argument by pointing out that the area had been damaged by fire in 1997, and the low price of the logs being exported was due to it being a "salvage operation" undertaken in preparation for the development of an oil palm plantation. However, the critics maintained that the records produced by SGS PNG Ltd, the company engaged by the government to monitor raw log exports, did not warrant the claim that these were low-grade logs (Anon.: 2004).

It is not clear when TDL finished its logging operation in the Kaut TRP area, but by 2007 it was already operating in two other TRP areas between Konos and Namatanai (see Map 1). In that year, the company exported almost

23,000 cubic metres of logs from the Central New Ireland TRP area, which covers 98,100 hectares, and more than 15,000 cubic metres from the adjacent Konogogo TRP area, which covers a much smaller area of only 1315 hectares (SGS 2008). While the TRP agreement for the Central New Ireland area is not due to expire until 2017, the agreement for the Konogogo area expired in 2002, so it is not entirely clear what form of approval might have been granted for the logging of this area. To the best of my knowledge, neither of these two areas has ever been covered by a SABL.

In January 2005, it was reported that TDL had already been logging in the vicinity of Kono village for several months, and local landowners were complaining to their MP, Byron Chan,² that the company had failed to keep its promise to reforest the area and improve the local road network (*Post-Courier*, 25 January 2005). It therefore seems likely that TDL had moved its logging equipment from Kaut to Central New Ireland at some point in 2004. In January 2007, it was reported that "a party of Masi villagers led by their leader and former Defence Force academic instructor ... William Bartley" had put a stop to TDL's logging operation because of the damage done to local waterways (*Post-Courier*, 16 January 2007). On this occasion, provincial forestry officials and police officers were said to have descended on the area to "demand" that local landowners lift their blockade. To judge by the volume of logs exported in 2007, TDL was able to keep its equipment busy for some months after this encounter, but there is no official record of logs being exported from the area since then.

DANFU

In October 2007, on the same day that three SABLs were granted over the island of Lavongai, a fourth was granted over an area of 24,581 hectares in the Namatanai LLG area, southeast of Namatanai town, to a company called Rakubana Development Pty Ltd for a period of 99 years. It has since transpired that the area covered by this lease approximates the Danfu Extension TRP area (25,400 hectares), over which the TRP agree-

ment between the landowners and the state was signed in 1987 and expired in 1997.³

In December 2008, TDL produced an Environmental Impact Statement for what it described as the “Danfu Special Agriculture & Business Lease Area”.⁴ Not long afterwards, the company submitted a development plan for what was now described as the “Danfu Integrated Agro-Forestry Project” to the PNG Forest Authority (PNGFA) by way of application for a Forest Clearing Authority under Section 90B of the Forestry Act (as amended in 2007). This second document included letters of endorsement from the New Ireland Provincial Administrator, the Director of the Provincial Division of Primary Industry, and the President of the Namatanai LLG Council, all written in the month of February 2009. The project was granted an Environment Permit in August 2009 and a Forest Clearing Authority in September.⁵

The project proposals submitted to the national government describe Rakubana as a company owned by sixteen or seventeen incorporated land groups, representing a population of some 2000 landowners, which has agreed to sub-lease its land to TDL, although no copy of the sub-lease agreement was attached to either proposal. Both documents describe TDL itself as a 51 per cent nationally owned company, originally incorporated in 1999. However, the second document states that 49 per cent of the shares are owned by a Malaysian woman, Mrs Regina Hii, who is the company’s chief executive officer, while the remaining shares are divided equally between four other shareholders, one of whom is another Malaysian, Mr Deodatus Hii. By this account, Mr and Mrs Hii own 61.75 per cent of the shares between them, while the rest are divided equally between the chairman (Pedi Anis) and the other two Papua New Guinean shareholders (TDL 2009b: 14).

TDL was proposing a five-year salvage logging operation, with an annual harvest of roughly 70,000 cubic metres of timber, of which 50,000 cubic metres would be exported as raw logs, while the balance would be processed onshore by small-scale sawmills and sold on the domestic market.

In the course of this operation, an area of around 15,000 hectares would be clear-felled each year and replaced by some combination of commercial timber, hybrid cocoa and coconut plantations. In the Environmental Impact Statement, this proposal was justified by reference to the National Government’s “Export Driven Economic Recovery Policy, Sustainable Development Policy, National Forest Policy ... ‘Green Revolution’ Strategy ... Poverty Alleviation Strategy and other related policies under the Medium Term Development Strategy” (TDL 2008b: 16) .

TDL actually started to export logs from the TRP area in June 2008. By the end of that year it had exported more than 23,000 cubic metres, and over the course of the next two years it exported another 48,000 cubic metres (SGS 2009, 2010, 2011). It may seem rather odd that logs were being shipped out of the area for a period of fifteen months before the grant of a Forest Clearing Authority, and so it might have seemed to the PNGFA. In July 2008, the PNGFA is reported to have issued TDL with a stop-work order on the grounds of its failure to comply with the relevant provisions of the Forestry Act. The company is said to have challenged this order in the National Court on the grounds that it was operating on private land over which the PNGFA had no jurisdiction and more than 120 workers would have to be laid off if the logging operation were to be suspended (*The National*, 4 August 2008). Whatever the outcome of the court proceedings, the logging operation seems to have continued in the months that followed, and TDL seems to have obtained a licence to export the logs (SGS 2009).

In March 2009, officers of the national Department of Agriculture and Livestock and the New Ireland Provincial Administration seem to have conducted a public hearing in one of the local villages in order to ascertain the level of popular support for the project, as is required under the regulations pertaining to the grant of Forest Clearing Authorities (PNGP 2008). National newspaper coverage of this event appears to have been informed by a press release subsequently issued by TDL chairman Pedi Anis, although the

company representatives who spoke at the meeting were said to have been Miskus Maraleu and Janette Rauveve (*The National*, 19 March 2009).⁶ It was reported that part of the area covered by the SABL — apparently the portion dedicated to the production of hybrid cocoa — would be divided into 200-hectare blocks allocated to each of the seventeen incorporated land groups holding shares in Rakubana Ltd, with smaller areas (5–8 hectares) allocated to individual clan members, and that TDL would not sub-lease this land, but would only purchase and market the cocoa. Pedi Anis was reported to have said that “the majority of the land and resource-owning clans had unanimously supported the initiative”. Since no dissenting voice has since found its way into the pages of the national newspapers, this could well be true.

LAVONGAI

Thus we return to the island of Lavongai (see Map 1). In October 2007, three SABLs were granted over different parts of the island, and although they do not cover the whole island, they do cover more than 75 per cent of it.⁷ The largest of the three leases — covering an area of 56,592 hectares in the middle of the island — is the one that was granted to Central New Hanover Ltd. The second largest — covering an area of 25,108 hectares on the western side of the island — was granted to another landowner company called Umbakul Ltd. And the smallest — covering an area of 11,864 hectares on the northern side of the island — was granted to a third landowner company called Tabut Ltd.

The area covered by the lease to Central New Hanover Ltd is described in the 1996 National Forest Plan (PNGFA 1996) as a “potential area for future development”, which means that it had not so far been subject to a large-scale logging operation. There is no evidence to indicate that the state has since acquired timber harvesting rights over this area through a Forest Management Agreement with the customary landowners. The area covered by the lease to Umbakul Ltd is known to the PNGFA as the Umbukul forest

area. This area is subject to a TRP agreement between the state and the customary landowners that was signed in June 1992 and is due to expire in June 2012. The area covered by the lease to Tabut Ltd is known to the PNGFA as the Mamirum forest area. This area was subject to a TRP agreement that was signed in October 1974 and expired in October 1989. As we shall see, both areas have previously been subject to controversial logging operations.

By April 2010, Tutuman Development Ltd had asked the PNGFA to grant Forest Clearing Authorities for the “Central New Hanover Integrated Agro-Forestry Project” and the “Tabut-Mamirum Integrated Agriculture Project”. PNGFA records indicate that both requests had been referred to the New Ireland Provincial Forest Management Committee for its “deliberation”, and that committee had deferred its decision “pending a 2nd Public Hearing to gauge landowner views”. At that stage, TDL had not applied for an FCA over the area leased to Umbakul Ltd.

As in the case of the Danfu area, the absence of an FCA did not prevent TDL from undertaking logging operations in the two areas over which it had applied for one. The company exported more than 36,000 cubic metres of logs from the Tabut-Mamirum area in 2007, and almost 18,000 cubic metres in 2008 (SGS 2008, 2009). In April 2008, it also managed to export about 8000 cubic metres of logs from the Central New Hanover area (SGS 2009). These exports may have been authorized through the grant of multiple Timber Authorities to local landowner companies in accordance with section 87 of the Forestry Act. There is no official record of TDL exporting any logs from Lavongai in 2009 or 2010 (SGS 2010, 2011).

TDL produced an Environmental Inception Report for the Central New Hanover agro-forestry project in 2008,⁸ which was followed by a full Environmental Impact Statement in November 2009. No equivalent documents have so far been discovered for the Tabut-Mamirum project. The documents relating to the Central New Hanover project bear a close resemblance to those that were submitted for the Danfu project (TDL 2008b, 2009b), and

the Lavongai project is justified by reference to the same set of national policies and strategies, with the Fourth Goal of the National Constitution thrown in for good measure (TDL 2009a: 16).⁹ As in the case of the Danfu project, the crux of the proposal is a salvage logging operation lasting five (or possibly ten) years, with part of the logged-over area to be clear-felled and replaced by a mixture of cash crops. The annual log harvest volume is estimated to be just over 43,000 cubic metres (TDL 2009a: 7). The Environmental Inception Report says that 19,000 hectares of cocoa, coconut and oil palm will be planted over a ten-year period, while another 14,000 hectares will be reforested (TDL 2008a: 1), but the Environmental Impact Statement reduces the extent of new timber plantations to around 4000 hectares (TDL 2009a: 34) and says that 15,000 or 16,000 hectares will be planted with oil palm, leaving only 3000 hectares for cocoa and coconuts (*ibid.*: 5, 7). Clearance of forests in the adjacent Umbukul and Tabut-Mamirum areas will then enable the new oil palm plantations to cover a total of 20,000 hectares (*ibid.*: 30). The Environmental Impact Statement says that shares in Central New Hanover Ltd are owned by 25 incorporated land groups representing 10,000 customary landowners (*ibid.*: 5, 62), but the Environmental Inception Report indicates that only eleven of these shareholding groups would represent the customary owners of the land cleared for commercial agriculture (TDL 2008a: 1).

Palma Hacienda Ltd appears in the Environmental Impact Statement as a Malaysian, not a Singaporean, company, and is described as the local subsidiary of another Malaysian company called Ayamkuat Maju Sdn Bhd (TDL 2009a: 19). The latter is said to have planted more than 5000 hectares of oil palm on state land in Sarawak, and its local subsidiary had supposedly made a commitment to cover more than 80 per cent of the PGK175 million which it would cost to develop the agricultural component of the agro-forestry project over a five-year period, which would not include the cost of the logging equipment already owned by TDL (*ibid.*: 20). The inference would seem to be that Palma

Hacienda would take sole responsibility for the capital cost of Lavongai's new oil palm scheme, while TDL would be responsible for all the other components of the project, which might make sense in light of its undertakings in the Danfu area.

The Environmental Impact Statement clarifies the role of Miskus Maraleu as a "company representative" by representing him as TDL's lawyer (TDL 2009a: 118). Mr Maraleu has an interesting track record in the development of New Ireland's timber resources — not least on the island of Lavongai. "Timber Exploitation in New Ireland" was the subject of one of seven interim reports produced by the PNG Government's Commission of Inquiry into Aspects of the Forestry Industry in 1989. In the years covered by the Commission's investigation of this subject (1986 and 1987), Mr Maraleu was the chairman of the PNG Investment Corporation, acting chairman of the Forest Industries Council, principal of a timber consultancy company called Metepikai Holdings Pty Ltd, and director of a logging company called Sakai Management Ltd. The Commission found that Mr Maraleu's role in the exploitation of New Ireland's timber resources was "disgraceful and reprehensible", and that "he personally benefitted financially from the improper roles he played" (PNGP 1989b: 92). One of these roles was to provide legal advice to a landowner company called Mamirum Timbers Pty Ltd, which purported to represent the landowners of the Mamirum TRP area, and was looking for a logging company to harvest the timber which it contained (PNGP 1989a: 3). Another role was to provide consultancy advice to a logging company called Malaysia Overseas Investments Ltd, and to arrange a Logging and Marketing Agreement between the two companies which he was advising. The Commission found that this not only constituted a conflict of interest (*ibid.*: 5), but that Maraleu "had disregarded the interests of his own people who were his clients and served the interests of his foreign paymaster" in order to obtain an improper personal benefit (*ibid.*: 27, 34). The Commission visited the site of the log export facilities at Tabut village in September 1987 and bore

witness to a scene of severe social dislocation and environmental damage as a result of the logging company's failure to comply with the agreement which Maraleu had negotiated (*ibid.*: 9–10, 26).

The Commission of Inquiry made no criticism of Pedi Anis or any of the other current directors of TDL (which was incorporated ten years after the Commission had reported), and Miskus Maraleu may well have mended his ways in light of the Commission's findings. However, the social and environmental impact of the short-lived logging operation in the Mamirum TRP area, as well as the one which followed in the Umbukul TRP area, might help explain the reservations some local people now hold about the latest round of development proposals.

The ink was barely dry on the Umbukul TRP agreement when the national Forests Minister, Jack Genia, granted a Timber Permit over the area to a Malaysian company called Dominance Resources in June 1992. This was one of numerous concessions which he granted in the month before the *Forestry Act* of 1991 was belatedly brought into effect and removed most of the minister's discretionary powers. In April 1993, the Minister for Environment and Conservation, Parry Zeipi, denied that he had approved the company's Environmental Plan for the area (*Times of PNG*, 8 April 1993), but his approval was forthcoming shortly afterwards (*Post-Courier*, 18 May 1993). At that juncture, Dominance Resources planned to harvest and export more than 350,000 cubic metres of logs from the area over a three-year period (*Times of PNG*, 8 April 1993), but the logging operation did not last much more than two years, and only 114,000 cubic metres of logs were exported during that period (Filer, 1997: 247). In July 1995, it was reported that the local landowner company, Wemaso Pty Ltd, had called a halt to the logging operation on the grounds that Dominance Resources had failed to comply with the conditions attached to its Timber Permit (*Post-Courier*, 4 July 1995).

During 1993 and 1994, dissident landowners associated with a body known as the Umbukul TRP Committee took various

measures to halt or disrupt the logging operation. They complained about the poor quality of the company's Environmental Plan (*Post-Courier*, 13 May 1993), they took legal action to invalidate the TRP agreement on the grounds that most landowners had not given their informed consent to it (*Post-Courier*, 22 June and 1 December 1993), and one group of villagers (from a small offshore island) took direct action to prevent the logs from being shipped abroad (*Post-Courier*, 10 February 1994). At the time, these actions were opposed or disowned by spokesmen for the local landowner company (*Post-Courier*, 19 May 1993), by Pedi Anis in his capacity as New Ireland's Resources Minister (*Post-Courier*, 28 February 1994), and by Janette Rauveve in her capacity as Provincial Assistant Secretary for Forests (*Post-Courier*, 2 February 1994). For their part, the lawyers representing Dominance Resources in the court case argued that the plaintiffs were "absentee landowners" with questionable rights in the TRP area (*Post-Courier*, 4 and 9 May 1994), echoing the claim previously made by Wemaso chairman Sition Tokava that the Umbukul TRP Committee was "a Port Moresby-based group" (*Post-Courier*, 19 May 1993).

Two academic members of this group later wrote a paper in which they observed that the board of Wemaso Pty Ltd bore a remarkable resemblance to that of its predecessor, Mamirum Timbers Ltd (Miskaram & Isana 1997: 24). They said that the company was effectively controlled by four prominent individuals, one of whom, "due to his previous involvement with the developers of the Mamirum TRP and, with other timber developers in other parts of Papua New Guinea and the Forest Industry", had been responsible for engaging Dominance Resources to assess the feasibility of building a road around the island of Lavongai (*ibid.*: 30). The authors went on to say that Wemaso's directors were charging the logging company between PGK10,000 and PGK20,000 a year for "advice, mediation and consultancy", that these fees may or may not have been deducted from the timber royalties payable to local landowners, but that one

director had evidently done quite well out of the arrangement, because he had:

... built himself a large permanent house, bought a twenty-three-feet [Y] amaha boat and a 40 horsepower out-board motor, adopted a large trade store which was initially established by Dominance Resources and handed over to Wemaso ... [and] launched a new cocoa seedlings programme aimed at extending his smallholder cocoa plot. (ibid.: 33).

The source of this last observation was a newspaper article, which reported that Pedi Anis had been on hand to witness the transfer of the trade store to Wemaso's managing director, Micah Kusak (*Times of PNG*, 14 October 1993). Mr Kusak had formerly been the managing director of Mamirum Timbers Ltd (PNGP 1989a: 13), and was therefore a known associate of Miskus Maraleu, who was described in national newspaper articles as a "consultant" to Dominance Resources at the time when Pedi Anis was complaining about the blockade of the logging company's shipping route (*Post-Courier*, 10 & 28 February 1994).

The failure of Dominance Resources to build anything remotely resembling a road around the island of Lavongai seems to have precipitated the breakdown in relationships between the logging company and its erstwhile local allies in the middle of 1995 (*Post-Courier*, 16 June 1995). By that time, the legal dispute about the validity of the TRP agreement had evidently run out of steam. In November 1996, a man called Sition Kepas from Umbukul village recalled that:

... [a]ttempts to sue the company (Dominance) on the 7/12/93 was all quenched when the consultant to the developer and who is also at the receiving end in all benefits made an invalid pledge to pay each plaintiff K20,000.00 as a token of appreciation if they withdrew the suit or case against Dominance Resources Pty Ltd. (Miskaram & Isana 1997, Appendix 3).

It is not clear whether the plaintiffs settled out of court or whether the court itself

made a ruling that put an end to the dispute. However, some of the individuals formerly associated with the Umbukul TRP Committee are now to be counted in the ranks of Lavongai people opposed to the development plans of TDL.

One such is Tukul Walla Kaiku, a long-time Port Moresby-based public servant who hails from Meteran village on the south coast of Lavongai.¹⁰ Ms Kaiku was one of three Lavongai people who wrote to the Minister for Environment and Conservation to complain about the quality of the Umbukul Environmental Plan in March 1993 (Miskaram & Isana 1997, Appendix 1). In March 2010, she wrote a letter to one of the national newspapers lamenting the lack of response to letters which she and others had previously written to the Provincial Governor, the national Lands Minister, and officials of the Lands Department in protest over the lack of consultation behind the grant of the three Special Agricultural and Business Leases in October 2007 (*Post-Courier*, 31 March 2010).

Shortly afterwards, the same newspaper carried a feature article, also written by Ms Kaiku, which described the contest between TDL's supporters and opponents as a "hornet's nest" (*Post-Courier*, 21 April 2010). In this piece she observed that the word *tutuman* means "honest" in the vernacular language of Lavongai, but questioned whether this is a word which the "Moresby community of New Hanover people" would apply to the process by which TDL had been advancing its project proposals. Her article quoted a statement from this group in which they complained that the Lands Department had failed to respond to "pleas in late 2007 and early 2008 from the majority of people of New Hanover for the revocation of the gazette [containing notification of the SABLs] due to no correct procedures being taken for the registering of lands and nil surveying of the lands", and went on to complain that "[s]ome of the people who are party to the Environmental Impact Statement that was submitted to the Department of Environment and Conservation were involved in the last two logging ventures on New Hanover Island".¹¹ On the other hand, she did make

some attempt to tell both sides of the story by also quoting some of the questions that Pedi Anis had put to the “Moresby community” about the extent of their own investment in the development of Lavongai.

The newspaper reports which appeared in March this year provoked an intense, and even anguished, round of emails and meetings between dissidents based in Port Moresby, Kavieng, and some of the villages on Lavongai. It is somewhat ironic that communications between Moresby and Kavieng were then disrupted for several days when traditional landowners closed Kavieng airport until the government in Moresby agreed to keep its earlier promise to pay them several million *kina* as extra compensation for the land which they had lost in the development of Kavieng town (*The National*, 12 April 2011). But in the meantime, the dissident cause was bolstered by the public intervention of Governor Chan, who issued a press release complaining about all six of the SABLs granted to private companies in his province, accusing the Lands Department of “giving Papua New Guinea away to fly-by-night loggers” and demanding:

... a full inquiry into the leases already issued, how they were issued and why there has not been consultation with the provinces and landowners ... [so that] those in the Lands Department responsible for these irresponsible and probably illegal activities must answer for their actions and be brought to justice (*Post-Courier*, 4 April 2011).¹²

CONCLUSION

To what extent does the new land grab in New Ireland Province exemplify the larger process that has been enacted in PNG as a whole? I would argue that the first two of the six SABLs described in this paper are anomalies or outliers — one of them literally so — while the four promoted by Tutuman Development Ltd are more typical of the so-called “agro-forestry” projects which Sir Julius has chosen to describe as gifts to “fly-by-night loggers”.

The project associated with the grant of a SABL to Emirau Trust Ltd is certainly the most peculiar of the schemes that have been used to justify and of the recent land grabs in PNG — so much so that the Governor seems to have forgotten his own endorsement of it when drafting his press release in March 2011. The cassava biofuel project associated with the grant of a SABL to Cassava Etagon Holdings Ltd is quite the opposite, in the sense that it seems to involve a reputable foreign investor with a rational development plan. However, this project and its counterpart in Central Province are quite untypical of the “agro-forestry” projects associated with recent applications of the lease-leaseback scheme because the land in question does not appear to contain any native forests with unexploited commercial timber resources, so the Governor was probably wrong to imply that this is a logging project disguised as a form of large-scale agricultural development (Filer 2011).

The implication holds more weight in the case of TDL’s development proposals, since all four SABLs contain substantial areas of native forest with unexploited commercial timber resources, even if some parts of this forest have already been logged. In this respect, the four landowner companies operating in partnership with TDL appear to be part of that larger group of companies whose SABLs hold some attraction for the logging industry, and whose combined holdings account for more than 90 per cent of the area converted to private ownership through this mechanism over the course of the past eight years.

What is more unusual about TDL’s development proposals is that none of them seems to have received the active support of any members of the national parliament since 2002, and certainly not the three (including the Governor) who currently represent New Ireland Province. On the other hand, TDL itself is rather unusual as a “development partner” in the promotion of agro-forestry projects because it is chaired by a prominent political leader, even if its own claim to be a 51 per cent nationally owned company appears to be some way off the mark. It is perhaps because Pedi Anis and the two other

national directors of this company, as well as the company's legal adviser, have such a long record of engagement with the logging business in New Ireland that they are able to move their proposals forward without the support of a government minister or other national MP. Indeed, TDL has proven to be quite adept at maintaining the flow of logs from a succession of "salvage" logging operations, whether or not these are notionally covered by the grant of a SABL, and despite the complaints of successive groups of local landowners.

It is hard to see how these operations could proceed without some measure of initial consent on the part of some local landowners. The company's ability to secure this consent appears to be a function of the time it takes for educated community members living in urban areas to mobilize local opposition, or of the time it takes for local villagers themselves to realize that they are getting a raw deal. Nevertheless, it still seems odd that local landowners can be taken for a ride by the promise of "agro-forestry", given the long history of promises made and broken by logging companies in New Ireland. Perhaps the simple solution to this puzzle is that villagers have grown increasingly desperate for some form of rural development and they do not have any other options on offer (McCallum & Sekhran 1997).

In this respect, the political contest over logging on Lavongai is unusual, not only for its longevity, but also for the persistence and resilience of many of the key players. None of the agro-forestry project proposals associated with SABLs in other parts of the country has played a comparable role in reigniting public debates which first took place in the 1980s and 1990s. The publicity gained by land use debates on Lavongai is itself partly a reflection of the number of highly educated people who originate from that island (Miskaram & Isana 1997). But these debates have also persisted because the core points at issue have never been settled in favour of one side or the other, which is why some parts of the island have been logged for short periods of time, but most of the rest remains a source of lasting temptation to the logging industry.

AUTHOR NOTE

Colin Filer has a PhD in Social Anthropology from the University of Cambridge. Between 1975 and 1994 he taught anthropology and sociology at the University of Glasgow and the University of Papua New Guinea. From 1991 to 1994 he also managed the latter's business arm, Unisearch PNG. From 1995 to 2000, he was head of the Social and Environmental Studies Division at the PNG National Research Institute. Since 2001 he has been Convenor of the Resource Management in Asia-Pacific Program at the ANU. Colin's research focuses on the social context, organisation and impact of policies and projects in the mining, petroleum, forestry and conservation sectors, with particular reference to PNG and other parts of Melanesia.

ENDNOTES

1. When Chan was Deputy Prime Minister between 1992 and 1994, he was instrumental in the appointment of Micah to chair the body responsible for drafting a new Organic Law on Provincial Governments and Local-level Governments.
2. Byron Chan, the son of Sir Julius, was first elected as the MP for Namatanai Open Electorate in 2002.
3. This area was treated as an "extension" to the original Danfu TRP area (59,565 hectares), which lies immediately to the southeast. The Danfu TRP agreement was signed in 1979, but while this agreement does not expire until 2019, the concession has not been subject to large-scale logging operations in recent years.
4. It is not clear when the PNG Department of Environment and Conservation actually received this document.
5. PNGFA records indicate that TDL, unlike most of the other proponents of "agro-forestry" projects, was not required to pay a performance bond as a condition of the FCA being granted.

6. In the development plan submitted to the PNGFA, Mrs Rauveve is described as one of TDL's national shareholders and directors, as well as being a shareholder in its subsidiary company, Tutuman Integrated Products Ltd (TIPL). Mr Maraleu is described in the same document as a shareholder in TIPL but not TDL (TDL 2009b: 14–15). Other sources indicate that Mrs Rauveve formerly managed the Kavieng office of the National Forest Service, while the third national director of TDL is her former boss from the Rabul regional office, Debon Logo (Anon.: 2003).
7. The total surface area of the main island of Lavongai is approximately 118,000 hectares.
8. The front cover of this report misleadingly states that it relates to the "Central New Ireland 'Special Agriculture and Business Lease', Namatanai District, New Ireland Province". As we have seen, TDL was exporting logs from the Central New Ireland TRP area in 2007, but no SABL has been granted over this area.
9. "We declare our fourth goal to be for Papua New Guinea's natural resources and environment to be conserved and used for the collective benefit of us all, and be replenished for the benefit of future generations."
10. Tukul's father, Walla Gukguk, was jailed by the Australian colonial administration for his role in leading a micro-nationalist movement commonly known as the "Johnson Cult" (Billings 1969). He was the MP for Kavieng Open Electorate between 1977 and 1982.
11. The group was said to have lodged its objections to the Environmental Impact Statement after it had been submitted to the Department of Environment and Conservation in March 2010. As previously noted, the document itself is dated to the previous November. It is often difficult to establish the gap in time which may have elapsed between the preparation and submission of such documents.
12. Acting Prime Minister Sam Abal announced his government's intention to institute a Commission of Inquiry at the beginning

of May (*Post-Courier*, 6 May 2011), and followed this up with publication of the Commission's terms of reference in July (*Sunday Chronicle*, 3 July 2011). The Commission was expected to make its report to Parliament by the end of September.

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