



Native Lands Victory in Papua New Guinea

A hard fought legal challenge brings victory to the Maisin people and 94,000 acres of invaluable rainforest.



With help from the E-LAW network, the Environmental Law Center (ELC) has won an important victory for Papua New Guinea's (PNG) forests and the indigenous communities that rely on them. In May 2002, a Judge of the National Court of PNG ruled that the government of PNG had illegally sold, to private development and logging companies, the rights to exploit the customary land of the Maisin people. The court cancelled the Government's leases and issued an order enjoining the companies from entering the land without the written consent of the Maisin people.

This tremendous victory will allow the Maisin people to continue protecting their forests as they have for generations. PNG is home to the largest remaining rainforest wilderness in the Asia/Pacific region, and the third largest in the world. These vast forests are also home to roughly 70% of the nation's traditional communities. PNG law recognizes that these local communities own their land. In total, local communities own almost 97% of Papua New Guinea. The Maisin people own over 200,000 hectares (500,000 acres) and have rejected the use of their land for large-scale industrial logging or agricultural development.

However, in 1998, through a legislative act, the government of PNG acquired title to land belonging to the Maisin people without their knowledge or consent. The government then leased 38,000 hectares (94,000 acres) in the Collingwood Bay area to two companies. These companies entered into an agreement with a Malaysian logging company to clear-cut the forests for the purpose of developing a palm oil plantation. The Maisin



people did not learn of these dealings until barges arrived in Collingwood Bay carrying bulldozers and other logging equipment in June of 1999.

Members of the Maisin community went to ELC for help. On behalf of the Maisin, ELC challenged the government and the companies in National Court. The plaintiffs consisted of 43 representatives, including the heads of the various clans that make up the Maisin people. To build and argue their case, ELC worked closely with lawyers in the E-LAW network, E-LAW U.S., Greenpeace, and the Environmental Defender's Office (EDO) in Australia. EDO is Australia's largest public interest environmental law firm and hosts E-LAW Australia.

After several years of work, the Maisin prevailed in court. Courts in PNG have been slow to uphold customary landowner rights. This victory may mark a lasting change in PNG and inspire indigenous people all over the world who are seeking ownership and control over their customary land. E-LAW advocates around the world will share the lessons of this victory.