

# **Gap Analysis of Existing Policies, Laws and Regulations**

## **Towards the development of Social and Environmental Safeguards for REDD+ in Papua New Guinea**

**FINAL DRAFT**

**JULY 2014**



**OFFICE OF CLIMATE CHANGE  
AND DEVELOPMENT (OCCD)**

**UN-REDD  
PROGRAMME**



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## Acronyms and abbreviations

CBD	UN Convention on Biological Diversity
CIMC	Consultative Implementation Monitoring Council
DAL	Department of Agriculture and Livestock
DEC	Department of Environment and Conservation
DCI	Department of Commerce and Industry
DLPP	Department of Lands and Physical Planning
DNPM	Department of National Planning and Monitoring
DPE	Department of Petroleum and Energy
ESMF	Environmental and Social Management Framework
FAO	Food and Agriculture Organization of the UN
FIP	Forest Industry Participant
FMA	Forest Management Agreement
FCCFA	Forestry Climate Change Framework for Action (PNGFA)
FRI	Forestry Research Institute
FSC	Forest Stewardship Council
ITTO	International Tropical Timber Organisation
ILG	Incorporated Land Group
JICA	Japan International Cooperation Agency
KP	Kyoto Protocol to the UNFCCC
MTDP	Medium Term Development Plan
MDG	Millennium Development Goals
NLDP	National Land Development Programme
NRI	National Research Institute
NFP	National Forest Policy
NCCDMP	National Climate Compatible Development Management Policy
NFS	National Forest Service (of PNG)
OCCD	Office of Climate Change and Development in PNG
PIP	Public Investment Program (2013-2017)
PLR	Policies, laws and regulations
PNGFA	Papua New Guinea Forest Authority
PNGFRIMS	PNG Forest Resource Information Management System
REDD	Reducing Emissions from Deforestation and forest Degradation
REDD+ SES	REDD Social and Environmental Standards
SABL	Special Agriculture and Business Lease
SESA	Strategic Environmental and Social Assessment
SEPC	Social and Environmental Principles and Criteria
SIS	Safeguard Information System
SPC	Secretariat of the Pacific Commission
UNFCCC	United Nations Framework Convention on Climate Change
UNFF	United Nations Forum on Forests
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNCSD	United Nations Commission on Sustainable Development
UN-REDD	United Nations Programme on Reducing Emissions from Deforestation and forest Degradation
VCS	Verified Carbon Standard
WB	World Bank
WMA	Wildlife Management Area

## Executive Summary

This report was commissioned by the Office of Climate Change and Development (OCCD), with support from the UN-REDD programme to identify key gaps in Papua New Guinea's legal and policy framework with regard to the implementation of REDD+ safeguards as defined at the Cancun Conference of Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC).

The gap analysis is undertaken using a systematic approach that, using each of the Cancun safeguards in turn, assesses the degree to which existing legal provisions meet the principle reflected in the safeguard statement. The resulting analysis is presented in the form of a gap analysis matrix. Policies, laws and regulations (PLRs) were reviewed across a range of jurisdictions and sectors. In total, over 19 policies, 29 laws and 12 regulations were assessed in this review. The key PLRS are related to provincial affairs, climate change, land, environment, agriculture, planning, mineral extraction and forestry. Additional inputs to this analysis were provided through four regional workshops held across Papua New Guinea to which provincial and local government staff, NGO and customary land-owners were invited.

The "Gap Analysis" of existing PLRS in PNG, has revealed a number of key areas where action may be needed, such as; improving the Laws on Forestry, changing existing government administrative arrangements, decentralisation and enforcement, to adequately address and reflect the seven safeguard principles defined in the Cancun decision of COP. These are summarised below.

- Benefit sharing and rights to carbon: Many sector laws provide guidance on how benefits from natural resource management are to be shared (for example, under mining). Whilst royalty payments for timber are mandatory, it is largely a discretionary arrangement dependent on the negotiating abilities of customary land-owners and the integrity of investors / operators. No specific mention is made in law regarding how carbon rights will be defined or the benefits (financial and non-financial) will be shared.
- Access to information and involvement in decision-making: While access to information is provided for under the constitution, important gaps exist in practice. Information on environmental impact statements (EIS) and environmental impact assessments are typically outsourced by DEC, or the Developer, and rarely available to the general public. Information regarding local-level forest investments and developments are rarely shared widely and consent is rarely secured beyond a narrow range of local decision-makers. FPIC guidelines developed at national level have yet to be adopted and implemented at the local level other than in a few selected sites.
- Devolved governance and land-use planning: Provincial Forest Management Committees are poorly resourced and rarely consulted regarding land-based developments (such as, Special Agricultural and Business Leases - SABLs). Policies and decisions taken at provincial level regarding local-level forest management and protection are regularly overridden by national level agencies. No legal framework exists for integrated land-use planning at provincial, or national level, through which strategic decisions on land-based developments can be agreed and respected.
- Weak implementation of environmental safeguards in existing laws: Environmental safeguards regarding SABLs, as well as Forest Management Agreements, are often flouted and poorly enforced at national, provincial and District levels. This has resulted in widespread conversion or clearance of natural forests.
- Conflicts between national laws and sector policies: While the forestry legislation aims to conserve and protect natural forests and biodiversity through sustainable forest

management, agricultural policies promote clearance and conversion of forestlands for other purposes such as, palm-oil production, rubber and other monocultures.

- Grievance and redress mechanisms: Formal grievance mechanisms, particularly at the lower levels operate, but there is limited capacity among public officials, lack of awareness by public administrators, including provincial lawmakers, on land and natural resource tenure issues, and severe under-resourcing. However, the role of the state in land use decision making due to the fact that around, about 97% of land is held under customary rights by local landowners.
- Greenhouse gas emissions integrity: Given the recent nature of agreements made on REDD+, PNG legal jurisdiction has yet to provide a legal framework that would address issues such as reversals (permanence) and displacement (leakage). It was noted during the course of the assignment that several processes are taking place to consider, reform, and align current PLRs to emerging trends, like commercial agriculture practices, enhancing DEC's role, and review of the Forestry Act.

In order to address these identified gap, it is proposed that PNG develops safeguard principles and criteria and more importantly reform of PLRs. Ultimately, a strong and durable legal framework will be required if safeguards are to be fully implemented over the medium and longer terms. However, time will be needed for this to happen, as legal reform is a gradual process that requires strong political backing. Furthermore, at the international level, additional guidance for REDD+ activities may still need further development and a lag time between international and domestic legal changes is inevitable. However, there is a REDD+ framework now in place since the COP met in Warsaw, Poland. As such, REDD+ safeguard principles, criteria and indicators can provide a useful channel through which legal reform can be promoted and advanced through a multi-stakeholder, bottom-up process.

Papua New Guinea has a unique legal safeguard enshrined in its Constitution on the protection and recognition of customary landowner's right to land. Indeed, this national characteristic is reflected in the current land use and ownership, where about 97% of the total land area is owned and managed by customary landowners and held collectively on behalf of local residents. Landowner's consent is required for any new development on their property. For REDD+ Safeguards, key relevant laws are the newly enacted Environment Act (2000), the Conservation Areas Act, the Land Act (1996) and its amendments, and the Forestry Act (1991) and its amendments.

## Acknowledgements

This report was commissioned by Papua New Guinea's Office for Climate Change and Development (OCCD) with support from the UN-REDD programme. This work has been guided by and benefitted from overall guidance by the Technical Working Group for Social and Environmental Safeguards, a multi-stakeholder body convened by OCCD.

A number of persons and institutions have contributed directly to this report both within and outside PNG. This includes Arthur Neher (UN-REDD), Joe Pokana and Gwen Sissou (OCCD), Goodwill Amos (PNGFA), Sir Kina Bona (President, PNG Law Society), Stephen Hooper (April-Salumei Pilot project), Professor Chalapan Kaluwin (UPNG Climate Science). Inputs by members of the Technical Working Group on Social and Environmental Safeguards and participants of four regional stakeholder workshops across the country (held in Eastern Highlands Province, Milne Bay Province, East New Britain Province and Madang Province) have enriched and deepened the findings presented in this report. Members of the Technical Working Group on Social and Environmental Safeguards also contributed to the findings and conclusions.

Adam Vai Delaney working at the National Research Institute (NRI) in Port Moresby conducted analysis on Papua New Guinea's public policy and regulatory regime, including current laws pertaining to social issues relevant to REDD+. Justin Ondopa, also of NRI, conducted legal analysis on environmental issues. Tom Blomley of Acacia Natural Resource Consultants Ltd (UK) undertook the drafting and overall editing of the report, as well as providing inputs on international safeguard regimes. The views expressed in this report do not necessarily reflect those of NRI, OCCD or UN-REDD.

July, 2014

## 1. INTRODUCTION AND BACKGROUND

### 1.1 The rationale and need for REDD+ Safeguards in PNG

Each country developing a REDD+ programme needs a country approach to safeguards that ensures that the social and environmental risks and opportunities of REDD+ are effectively addressed. In addition, such an approach enables the country to promote and support the REDD+ safeguards listed in Annex 1 of the Cancun agreement (UNFCCC decision 1/CP.16, appendix 1) consistent with guidance on systems for providing information on how safeguards are addressed and respected, agreed in Durban and Warsaw (UNFCCC decision 2/CP.17).

The primary reasons behind the development of national REDD+ safeguards are:

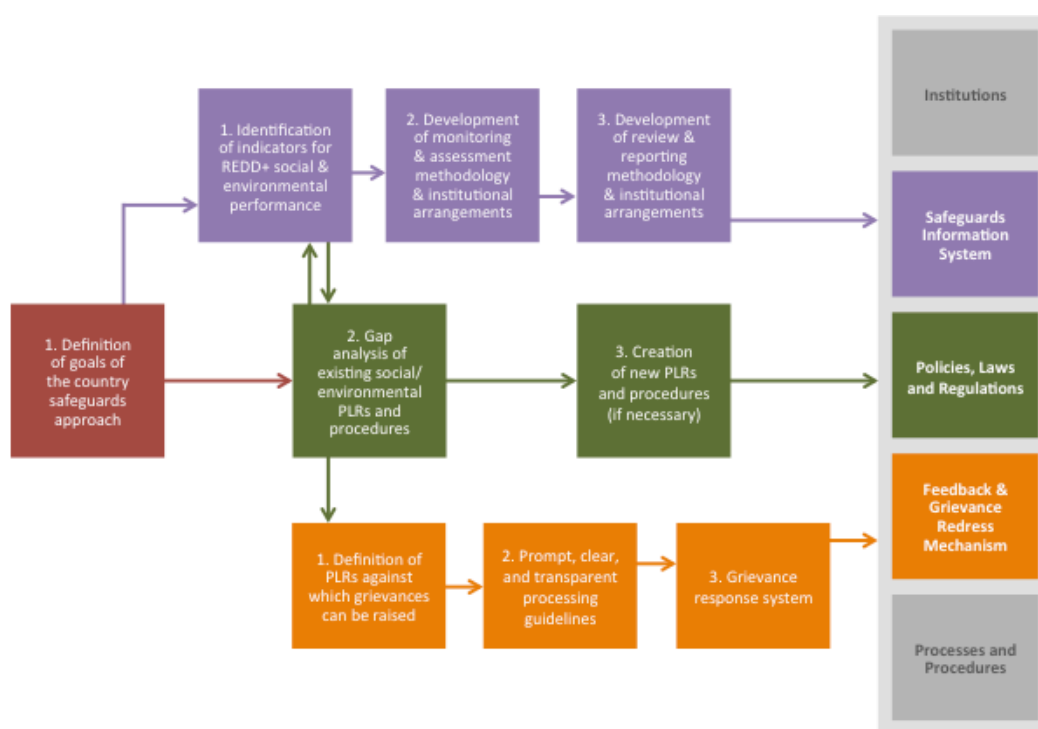
- domestic demands and concerns from civil society and other actors to address key social and environmental risks, or to ensure positive co-benefits associated with REDD+
- requirements stipulated under the UNFCCC Cancun agreement to develop safeguards and a safeguards information system
- prior to the establishment of a formal compliance market, or other financing instruments for REDD+, entry requirements are needed in order to qualify for international funding for REDD+ such as the FCPF Carbon Fund
- as a demonstration to international buyers of REDD+ credits that REDD+ emission reductions achieved are not at the expense of negative social or environmental impacts

Current thinking with regard to the country approach to safeguard development, summarised in Figure 1, indicates the following elements are needed:

- **a safeguards information system (SIS)** for reporting on safeguards implementation (see purple boxes in Figure 1) that includes indicators for policy, process and outcomes, monitoring methods and procedures and finally a reporting framework that addresses different information needs and demands.
- **policies, laws and regulations (PLR)** that define and operationalize country-specific REDD+ safeguards interpretation (see green boxes in Figure 1)
- **a feedback, grievance and redress mechanism (FGRM)** that enables stakeholders affected by REDD+ to receive feedback and appropriate responses related to the implementation of safeguards (see orange boxes in Figure 1)

Finally, for the all three to function effectively, **institutions, processes and procedures** are required for operationalization of safeguards (see grey boxes in Figure 1).

This assignment will primarily support the second aspect of this framework – notably the development of a legal and policy framework that supports the implementation of REDD+ safeguards.



**Figure 1:** Conceptual framework for country approach to safeguard development  
(Source: Durbin et al, 2013)

If a national safeguard information system (SIS) is to be developed effectively, it will require:

- **Political support from government actors:** Political support from key government actors for using an SIS to strengthen their REDD+ program as well as to report to UNFCCC, and for a high level of transparency and stakeholder participation in this process. This is assumed to be in place and being championed by the Technical Working Group on Social and Environmental Safeguards (SES-TWG).
- **Civil society and non-state actor engagement:** key civil society actors, including Customary landowners, local communities, women and other marginalised groups, engage effectively in the development and testing in its implementation, notably in: governance, indicator development, performance assessment, and calling for changes in policies and practice to improve performance. This process could be undertaken through the existing consultative processes at national, provincial and regional level, as well as through the medium of the SES-TWG.
- **Trust between key actors:** Increased trust between government, civil society and private sector actors reflected in a willingness to work together, and acceptance of an incremental approach to improving the social and environmental performance of REDD+.
- **Policies, laws, and regulations, and their implementation and enforcement:** Appropriate policies, laws and regulations, and associated processes and procedures, that underpin and institutionalize REDD+ safeguards are developed, addressed and respected.



## 1.2 Current status of safeguards in PNG

Currently, PNG has developed and approved a national set of safeguards for voluntary-market REDD+ projects (OCCD, 2012). These National Project guidelines provide a set of “must have” criteria that any project must address within the Project Design Document (PDD) if it is to be approved and operational within PNG. Mandatory criteria are provided for each of the six broad categories below. Additional “may have” criteria are also provided which are described as increasing prospects for sustainability and viability, but are not mandatory.

The guidelines have 37 criteria under six broad categories:

- **General information** consists of a description of the project area and its surrounding project zone, details about the project proponent(s) and community
- **Climate compatibility** consists of all required climate-related safeguards to ensure additionality and alignment with the national strategy.
- **Environmental safeguards** aim at ensuring that biodiversity and local resources are not negatively affected by the project. Projects are expected to not only achieve GHG abatement, but at the minimum also keep intact existing biodiversity and resources in the project area.
- **Community (or Social) Safeguards** consist of community involvement and community-related impacts of the project. Proponents need to be able to ensure community rights are well taken care of.
- **Measurement, reporting, and verification (MRV)** requirements assure that project monitoring plans are sufficient and continuous monitoring will take place during project implementation.
- **Fiduciary safeguards** are aimed at ensuring that financial flows of the project such as payments for ecosystem services, REDD+ payments, or any other payments and compensation to landowners, where present, are managed in a transparent and accountable manner by the project proponent.

Currently, PNG does not have clearly defined REDD+ safeguards for national-level REDD+ actions, as required by decisions made at Cancun and Durban COPs. It is these national REDD+ safeguards that are the focus of this document.

## 1.3 International policy and financing requirements

### 1.3.1 UNFCCC Cancun Safeguards

In December 2010, the 16th Conference of the Parties (COP 16) to the UNFCCC in Cancun agreed to a set of seven safeguards to support REDD+ implementation (the so-called “Cancun safeguards”). The Cancun safeguards aim not only to mitigate and address potential social and environmental impacts of REDD+ activities, but also to actively promote “co-benefits” such as respect for the rights of Indigenous Peoples and local communities, enhancing biodiversity, improving forest governance and empowering relevant stakeholders by ensuring their full and effective participation. The language and content of the Cancun Safeguards are presented below, in Text Box 1

The Cancun safeguards are left relatively “open” and avoid a high level of specificity. It is important to note that the Cancun safeguards do not necessarily create new obligations, but reflect the obligations and commitments contained in relevant national, and international laws, agreements and decisions, which many countries have already accepted.

The Cancun Agreement states that the Cancun Safeguards should be ‘promoted and supported’ in the implementation of REDD+ activities. Therefore, any actor involved in the implementation of REDD+ activities will need to “address and respect” the Cancun

safeguards whether they are national and sub-national governments, bilateral donors, civil society, multilateral financial institutions and the private sector (Rey et al. 2013).

**Text Box 1: The Cancun safeguards**

When undertaking [REDD+] activities...the following safeguards should be promoted and supported:

- (a) Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;*
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;*
- (c) Respect for the knowledge and rights of Indigenous Peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;*
- (d) The full and effective participation of relevant stakeholders, in particular Indigenous Peoples and local communities, in actions referred to in paragraphs 70 and 72 of this decision;*
- (e) Actions are consistent with the conservation of natural forest and biological diversity, ensuring that action referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits*
- (f) Actions to address the risks of reversals; and*
- (g) Actions to reduce displacement of emissions.*

Governments of countries undertaking REDD+ activities are responsible for ‘providing information’ on how the Cancun safeguards are being ‘addressed and respected’, during all phases of REDD+. The ‘Warsaw Framework for REDD+’ confirmed that developing countries should provide a summary of information on how they are addressing and respecting the Cancun safeguards ‘periodically’ which should be included in national communications or communication channels agreed by the COP. Developing country Parties only need to start providing the summary of information after the start of the implementation of REDD+ activities. The frequency for reporting on safeguards should be consistent with their submission of national communications (on average, every four years).

The UNFCCC Warsaw COP stated that developing country Parties will only be able to “obtain and receive results-based finance” (UNFCCC Decision 9/CP.19) if they have a system in place for providing information on the safeguards (otherwise known as a safeguards information system).

### 1.3.2 FCPF Carbon Fund and World Bank Operational Policies

In parallel to the UNFCCC process, several multilateral initiatives and bilateral agreements have been providing funding for REDD+ readiness activities. Some financing initiatives such as the Forest Carbon Partnership Facility (FCPF) have developed their own approaches to developing safeguards, including through systematic frameworks, applicable to REDD+ readiness and demonstration activities that they support financially. Other initiatives, such as UN-REDD provide voluntary guidance and technical assistance for the development of

country-based approaches to safeguard development.

FCPF uses two main approaches to safeguarding – namely the Strategic Environmental and Social Assessment (SESA) and the Environmental and Social Management Framework (ESMF). The implementation of SESA is a requirement for countries participating in the FCPF programme, particularly those countries wishing to qualify for the FCPF Carbon Fund<sup>1</sup>, and is used to demonstrate compliance with World Bank safeguard policies.

The World Bank has a set of ten safeguard policies to be complied with. These policies provide guidelines for the Bank and its member countries, like PNG, in the identification, preparation, and implementation of most Bank-financed programs and projects. The World Bank's safeguard policies are designed to avoid, mitigate, or minimize adverse environmental and social impacts of projects supported by the Bank. For REDD+, the most relevant World Bank policies are likely to be the policies on Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Forests (OP/BP 4.36), Involuntary Resettlement (OP/BP 4.12), and Indigenous Peoples (OP/BP 4.10). The operational policies were developed mainly to address potential risks from large-scale capital investment projects (such as roads, dams and other infrastructure projects) but have yet to be applied broadly to “softer” policy- / strategy-based investments such as REDD+ readiness.

SESA allows for incorporation of environmental and social considerations into the REDD+ Readiness process including safeguarding during both the preparation and the implementation of a national REDD+ strategy or Action Plan. It is used primarily to generate recommendations to address legal, institutional, regulatory and capacity gaps to manage environmental and social priorities associated with the drivers of deforestation and forest degradation. The ESMF is also a compulsory (contractual conditionality) requirement that countries must complete to satisfy World Bank requirements, and is undertaken once the REDD+ strategy or action plan is known and when concerns regarding specific safeguard policies of the WB are raised or triggered. The ESMF is essentially a monitoring framework that tracks risks identified during the SESA process and assesses whether negative impacts associated with this are being addressed.

The strength of SESA for REDD+ is that it combines analytical and participatory approaches in an iterative fashion throughout the preparation of the REDD+ readiness process. The SESA aims to integrate key environmental and social considerations relevant to REDD+ at the earliest stage of decision making, establishing their inter-linkages with economic, political, and institutional factors. The SESA facilitates this planning process in a way that helps governments reflect inputs from key stakeholder groups and addresses the key environmental and social issues identified during REDD+ readiness in particular, the preparation of the national REDD+ strategy or action plan. Through this process, social and environmental opportunities and desirable outcomes are identified and agreed on, to strive to ensure that a national REDD+ program will be sustainable and contribute to the country's development objective (Moss and Nussbaum, 2011)

### 1.3.3 REDD+ Social and Environmental Standards

REDD+ Social and Environmental Standards (REDD+ SES): The REDD+ SES initiative aims to support a higher level of social and environmental performance from national REDD+ programs. It includes voluntary principles, criteria, and a framework for indicators (to be further elaborated at the national level), which define key social and environmental

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<sup>1</sup> The Carbon Fund, administered by FCPF will pilot payments for verified emission reductions from REDD+ programmes. The goal is to provide incentives to reduce emissions while protecting forests, conserving biodiversity, and enhancing the livelihoods of forest- dependent Indigenous Peoples and local communities.

objectives for REDD+ programs and means for measuring performance.

The standards are based on seven principles that define high-level objectives for national REDD+ programmes. These principles cover:

- Respect for rights of Indigenous Peoples and local communities, including free, prior & informed consent
- Equitable benefit sharing
- Benefits for Indigenous Peoples and local communities improve human well-being
- Contribution to broader sustainable development
- Maintenance of biodiversity and ecosystem services
- Full and effective participation and access to information
- Compliance with national and international law

The criteria define the conditions to be met related to processes, impacts and policies in order to deliver the principles.

The indicators define quantitative or qualitative information needed to show progress achieving a criterion. The indicators can generally be characterized into three main categories:

- Policy indicators assess policies, strategies, legal frameworks, and institutions related to the REDD+ program that should be in place.
- Process indicators assess whether and how a particular process related to the REDD+ program has been planned, established and implemented.
- Outcome indicators assess the impacts of the REDD+ program.

A ten-step process is provided that guides countries through the development and implementation of standards.

A multi-stakeholder Standards Committee oversees the REDD+ SES at the international level, and a similar multi-stakeholder approach is used to develop national interpretations of the REDD+ SES in pilot countries. The multi-stakeholder approach has proven quite effective at building broad national ownership over the standards; however, the pilot processes have also been a time and resource-intensive exercise

#### 1.3.4 UN-REDD Social and Environmental Principles and Criteria

The UN-REDD Programme is a major multilateral initiative supporting investments (or National Programmes) in REDD+ strategy development and capacity building in 18 countries. Additional targeted support has been agreed for a further 35 countries. They have developed a number of tools and guidelines support countries in address the social and environmental aspects of REDD+. The Social and Environmental Principles and Criteria (SEPC) are aimed to support the design of national REDD+ strategies and help countries meet their obligations under various international agreements. The SEPC include seven principles with 24 related criteria and is presented in Annex 4.

The principles are overarching, fundamental, active statements about the achievement of a desired outcome (e.g. 'Promote sustainable livelihoods and poverty reduction'). The criteria are the conditions that need to be met to contribute to the achievement of the principle. The SEPC contain three principles focused on social issues, one on social and environmental policy coherence, and three on environmental issues.

The complementary Benefits and Risks Tool (BeRT) is designed to help countries undertake reviews of policies, laws and regulations (PLRs) in the development of a country approach to safeguard development. The Country Approach to Safeguards Tool (CAST) is a new tool that has been developed to guide countries in the development of national approaches to safeguard development.

Unlike with SESA/ESMF, the adoption of SEPC, BeRT and CAST are voluntary and are not linked to any form of conditionality. Discussions are still on-going on how their adoption can be promoted. (UN-REDD, 2012)

#### 1.3.5 Comparison between different international systems

The REDD+ safeguard systems reviewed above differ in a number of ways, as described below:

- **Objectives:** Safeguard systems differ in terms of whether they are aimed at helping countries to operationalize the UNFCCC safeguards (as with some of the principles under UN-REDD SEPC) or demonstrating compliance with donor safeguards (as is the case with the SESA/ESMF process, designed to show compliance with World Bank Operational Policies).
- **Structure:** Different safeguard systems differ in structure. Some are expressed as principles and criteria (such as UN-REDD SEPC and REDD+ SES) while others are expressed more as a management plan or assessment framework (such as the WB SESA process).
- **Stage / timing:** Some systems are designed to operate as a “*ex-post*” system (used to monitor downstream impacts of REDD+ actions – such as elements of the REDD+ SES and the Cancun Safeguards and the World Bank ESMF) while others are developed to identify and mitigate future impacts (“*ex ante*”) during the design of REDD+ interventions (such as the WB SESA process) and before implementation begins.
- **Content:** There are differences in terms of the content of principles and criteria, or policies. For example, there is variation in whether Free, Prior and Informed Consent (FPIC) is required for certain REDD+ activities. Some safeguard instruments are more focused on supporting countries to develop approaches to mitigate risks from REDD+ while others also focus on enhancing benefits.
- **Strength:** REDD+ SES is designed as a voluntary system that is meant to trigger internal debate, disclosure and transparency, while others (such as the WB SESA process and associated World Bank are designed with some form of independent system to ensure compliance. In terms of recourse mechanisms, World Bank Inspection Panel, for example, offers a process that is designed to provide redress to affected people, and actions that address issues of policy non-compliance and harm.
- **Scope:** There is variation in the activities to which safeguards apply. For example, they may apply only to activities funded by donors (the World Bank safeguards were designed predominantly for this purpose but could come to apply to activities funded by other donors), or to all REDD+ activities in a country, as in the case of REDD+ SES.

(Source: Peskett and Todd, 2013; Moss and Nussbaum, 2011, Roe et al., 2013)

### 1.4 Experiences in safeguard development from other countries

At the time of writing this report, experience in developing national (or jurisdictional level) safeguard systems is relatively limited. Probably most advanced are those countries participating in the REDD+ SES initiative, which is co-ordinated from a secretariat in the USA. Jurisdictions using the REDD+ SES currently include Ecuador, the State of Acre, the State of Amazonas and the State of Mato Grosso in Brazil, Nepal, the Province of Central Kalimantan and the Province of East Kalimantan in Indonesia, Guatemala, Mexico, the San Martin Region in Peru, Liberia and Tanzania. Chile, Honduras, Costa Rica and Lao PDR are also starting to use REDD+ SES.

Other countries and regions that are in the process of establishing REDD+ safeguards includes Mexico, Vietnam, Indonesia (at national level) and the Democratic Republic of Congo. Vietnam has invested strongly in safeguard development and has developed important methodologies for undertaking gap analyses, many of which have been adopted in the preparation of this report.

Key lessons learned from those countries currently developing or operationalising REDD+ safeguards are as follows:

- **National Interpretation:** REDD+ safeguards must be anchored in national processes, which require institutional frameworks that can establish national interpretations of global safeguards. Integrating the development of safeguards within relevant country systems is important in allowing countries the flexibility to define safeguards based on national issues or based on existing national safeguards systems, thereby maintaining sovereignty of the process while ensuring that national interpretation responds effectively to international common principles.
- **Governance and oversight.** Effective oversight and co-ordination is critical to the success of safeguard initiatives. A mix of government, civil society (representing both national and local interests) and private sector interests ensures that in-country ownership is built.
- **Undertaking gap analyses.** Experience from many countries suggests that the legal and policy framework is often largely in place. What is lacking, however, is effective implementation. The effectiveness of implementation is undermined by both government capacity (human and financial) but also governance barriers. In addressing and identifying these “implementation gaps”, safeguard monitoring can play a useful role.
- **Consultation:** It is important to define the scope of consultation and use appropriate methodologies to receive meaningful feedback and inputs. Given low levels of understanding and awareness of REDD+, work is needed to build capacity before consultations begin to enable effective and meaningful participation.
- **Assessment.** It is important to identify existing planning and monitoring tools and information sources that could be used for the assessment of SES indicators. Prioritizing the indicators to be monitored for each assessment period helps to address time and resources constraints. Pilot assessments using draft indicators can help to assess information availability and test indicator applicability
- **Linkages between voluntary and legalistic approaches to safeguards.** For safeguards to function over the long term they must be enshrined in law. However, voluntary safeguards (such as the REDD+ SES) provide important opportunities to identify shortfalls in implementation, identify policy gaps and pilot new approaches to addressing both positive and negative impacts of REDD+. As such, both approaches are valid, mutually reinforcing and can be advanced simultaneously.

(CCBA/CARE, 2013; Moss and Nussbaum, 2011; Daniela Rey, Joanna Durbin and Phil Franks pers. comm.)

## 1.5 National and local interests and concerns in PNG

The overriding national interest for PNG is to achieve Vision 2050, and sustainably grow its economy as a new emerging market with significant natural resources, embrace the trade opportunities that the globalised economy offers, whilst ensuring that its people are actively participating, and benefitting from, such opportunities. The desire to modernise the economy comes with inevitable risks and poses questions about the nation’s ability to create the right political-economic environment for investors; provide education that generates skills and expertise, and balances a deep sense of cultural values (that are conducive to

contemporary standards), and a natural environment. Coupled with the National Government's emphasis on transforming how common-goods (public services) are to be delivered to the rural masses, there is the on-going policy tussle at the national and provincial levels on terrestrial land-use amongst the revenue raising sectors – mining, gas, agriculture, fisheries, and forestry.

These particular national interests and concerns matter, especially in the way people and communities, view the surrender of certain rights-for-benefits to their forests and land for resource-focused projects, such as REDD+, and the role they play in managing their affairs, and the State's ultimate responsibility to comply with international laws. The issues of equity from a land-owners' point of view are paramount. The issue of secure tenure is pivotal from an investor's point of view. The issue of proper planning and policy guarantee is central to all government agencies and stakeholders.

The primary concern from a landowners/ resource owner perspective is that they are not marginalised in development; their rights not usurped, and that benefits from the use of natural resources are shared equitably and sustainably. REDD+, conceptually, is a relatively new concept in PNG and as such is subject to un-realistic expectations as well as legitimate concerns regarding its impacts on both environmental and social outcomes.

The disconnect that once existed between how forests were often viewed in economic development terms (timber), and how they were dealt with under existing international and regional laws and 'soft laws,' has improved. There is greater acceptance of the multiple-use of forests and the multiple benefits they provide (such as biodiversity values, water catchment functions as well as other ecosystem services)

A serious concern, that is being addressed through various initiatives, and will require a longer-term commitment, is building human capacity at the local, provincial and national levels. PNG is a large country, and much of it is inaccessible by any form of transportation. Hence undertaking necessary scientific and technical field-work can be taxing on even the most experienced teams. Infrastructure development has been often left to investors, such as logging companies to deliver. Clearly this model has proven to be unsustainable. It is up to the Government to meet its national obligations.

As is the case with any resource-extractive sectors in PNG, giving clear guidance to local people on what REDD+ is and how it would be managed at a national level is a great starting point. It, however, then has to be backed by credible interventions that deliver tangible benefits beyond conservation principles. Developing new, and reaffirming existing, appropriate safeguards would ensure that the laws, policies, regulations and measures are transparent, and reflect sincerity in the partnerships-for-prosperity being developed under REDD+. Clear rules and procedures would also build confidence to better address and prevent, the ever-present risk of disputes on the ownership and access to land and its resources.

## **2. GAP ANALYSIS METHODOLOGY AND APPROACH**

### **2.1 Objective setting – starting with Cancun**

The primary rationale for the development of environmental and social safeguards in Papua New Guinea is to ensure compliance with UNFCCC Durban decisions that relate to the need to have safeguard reporting to “obtain and receive results-based finance”. As such, compliance with the Durban decision is important.

However, of equal importance are objectives that relate to the concerns expressed by civil society groups, customary land-owners and local communities that REDD+ does not generate negative impacts, but instead creates positive co-benefits to both people and biodiversity. As such, the PNG government, through the establishment of an Office for Climate Change and Development, and a draft Climate Change Bill, has set itself a goal to go beyond the minimum reporting obligations required under UNFCCC. Furthermore, given the complexity of different safeguard approaches being promoted by international institutions beyond UNFCCC (including some that are conditional for the release of performance-based funding, such as FCPF), there is a need, where possible to bring together different elements of approaches such as UN-REDD SEPC, SESA/ESMF and REDD+ SES.

### **2.2 Interpreting Cancun safeguards**

The gap analysis is an analytical review, designed to identify any gaps in the PNG policy, legal and regulatory framework for meeting the Cancun Safeguards. The gap analysis is undertaken using a systematic approach that, using each of the Cancun safeguards in turn, assesses the degree to which existing legal provisions meet the principle reflected in the safeguard statement.

The Cancun safeguards (Box 1 above) consist only of broad aspirational statements of intent, providing principles of how national REDD+ programmes should be implemented. They lack detailed statements of content, or criteria, and the necessary operational guidance on how the safeguards are to be operationalized and measured. This leaves many decisions to be made by countries before they can be considered ready to accept REDD+ financing. While encouraging a “country-led” approach and adaptation to local needs and uses, this has also raised concerns from civil society that safeguards will not be implemented comprehensively or effectively (Peskest and Todd, 2013). Undertaking the gap analysis requires the development of “interpretation criteria” for each of the seven Cancun safeguard statements.

To some degree this interpretation has been undertaken by the UN-REDD Programme’s Social and Environmental Principles and Criteria (SEPC), and the NGO-led REDD+ Social and Environmental Standards Initiative (REDD+ SES). However, given that both of these initiatives were being developed before and during the Cancun safeguards, there is no “perfect match” between Cancun and these other systems. Furthermore, the REDD+ SES initiative, in some areas, goes beyond Cancun to provide additional measures that are not covered by the UNFCCC safeguard statements. In order to disaggregate the Cancun safeguards, this study has used “interpretation criteria”. These interpretation criteria are based on a detailed legal analysis of UNFCCC safeguards conducted by Client Earth (Rey et al., 2013) and tested in the Vietnam gap-analysis undertaken in 2013 (VNFOREST/SNV, 2013)

An example of how interpretation criteria have been developed for each of the seven Cancun safeguards statements is presented in Table 1. This is a small extract taken from the much larger and complete gap analysis that is presented in Annex 2. It shows four interpretation criteria that operationalize Cancun safeguard (b) (“transparent and effective national forest governance structures, taking into account national legislation and sovereignty”). Column 3 demonstrates the origin of the interpretation criteria, and column 4



provides a summary of the degree to which the interpretation criteria is met under current legislation in PNG.

**Table 1: An example of the gap analysis for Cancun safeguard (b)**

Cancun Safeguards ("When undertaking [REDD+] activities the following safeguards should be promoted and supported")	Interpretation Criteria (detailed criteria designed to allow for operationalization of the Cancun safeguards)	Criteria Origin (sources for the interpretation criteria )	Current situation (state) of PLRs (the degree to which PNG's, plans, and programmes meet the "interpretation criteria")
(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty.	1. Clear and coherent national laws and institutional mandates for forest management.	World Bank Safeguard Policy 4.36 (Forests) and Forest Strategy ( <i>Sustaining Forests</i> , 2012) REDD+ SES Principle 4, Criterion 4.1	PLRs provide clear and coherent framework for forest management. However, given the recent nature of REDD+, national PLRs do not provide a clear overview of institutional mandates with regard to REDD+.
	2. Clear and coherent sub-national laws and institutional mandates for forest management.	World Bank Safeguard Policy 4.36 (Forests) and Forest Strategy ( <i>Sustaining Forests</i> , 2012) REDD+ SES Principle 4, Criterion 4.2	<p>Significant gaps in terms of how provincial authorities engage in forest management (and REDD+). Currently, there are significant overlaps between provincial and national authorities. This can lead to poor compliance and enforcement issues for example in determining what are "high conservation values".</p> <p>There is no mandate for an authority to verify "offsets" in forest management." Hence, no enforceable law.</p> <p>Verification of ownership and consent of landowners under the Forestry Act is a matter for 'Resource Owners', including a declaration to be made by them that 'no other person has any right or interest in the timber or other forest produce on the land' in question.</p> <p>The authority responsible for validation of a Provincial Environmental Policy, as mandated under the Environment Law (section 39), is unclear in law. It is assumed that this is a Department of Environment and Conservation (DEC) mandate and thus would be managed by DEC.</p>
	3. Clear system for environmental and social assessment of potential impacts emanating from policies, plans, programmes, and projects that may affect forest resources.	World Bank Safeguard Policy 4.01 (Environmental Assessment) World Bank Safeguard Policy 4.10 (Indigenous Peoples) REDD+ SES, Principle 3, Criterion 3.2 and Criterion 3.3	<p>There are no specific provisions in the Environment Act (part 6) prescribing how an environmental investigation/audit would be accessed by the public. Furthermore, no reference is made to the participation of women.</p> <p>Environmental Codes of Practice are voluntary, except where compliance is required under a Permit.</p> <p>The capacity to conduct assessment by competent national authorities needs to be addressed, and DEC for example outsources the work through tenders/EOIs. It is recognised that monitoring of projects to ensure compliance, post-EIAs, is poor.</p> <p>The NFDG has guidelines on conversion of forest land. However this is just restricted to Forest Management Area (FMA areas and Provincial Forest Development Areas. The intent is to ensure that 'agricultural' activities are done according to classification and with appropriate standards under the Forestry Act</p>
	4. Clear system for appraisal and approval of assessed policies, programmes, plans, and projects that	World Bank Safeguard Policy 4.01 (Environmental Assessment)	<p>Government is unable to keep pace with demands for adequate oversight of Environmental Impact Statements (EIA)s being submitted by developers / investors</p> <p>Forest Clearance Authorities (FCA) issued by PNGFA does not adequately affect environment concerns, as long as</p>

	may affect forest resources.		the approval process has passed DLPP and DEC.
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PLRs were reviewed across a range of jurisdictions and sectors. In total, 19 policies, 29 laws and 11 regulations were assessed. The full list is published in Annex 1 of this report

The gap analysis identifies a number of areas within PNG legal jurisdiction where gaps exist. These are summarised in Chapter 3 of this report. These findings then inform the development of draft social and environmental safeguards as well as specific proposals to guide legal reforms needed to provide legislative backup for safeguard implementation. This is discussed further in Chapter 4.

### **2.3 National and regional stakeholder inputs**

Following the desk-study review of social and environmental PLRs, stakeholder inputs were obtained at national as well as provincial levels, through four regional workshops conducted across the country. Specifically, respondents (from both government and civil society) were asked to identify gaps from their own perspectives and to describe whether these gaps were related to either gaps in the law itself or gaps in how laws were implemented in practice. These inputs have been used to enrich the gap analysis and to incorporate different perspectives to the study.

### **2.4 Limitations of the gap analysis**

A word of caution is given at this point. The gap analysis reviews the aims and intent of PLRs reviewed. The authors have been unable to verify the effectiveness of PLR implementation in detail in the absence of thorough observation, and field survey, of how implementation is realised on the ground with regard to key aspects such as timber harvesting; forestry management on customary land, and equity and compensation pay-outs to Incorporated Land Groups (ILGs). Valuable inputs to this study have been received through the four regional consultations conducted by OCCD, at which provincial government and NGOs / civil society groups were able to provide inputs regarding how national laws were being implemented at decentralised levels of government. Many of these inputs are presented in column 4 of the gap analysis as well as in workshop reports of the regional consultations available from OCCD. However, time and resource constraints have meant that it has not been possible to undertake detailed focal group discussions with customary land-owners, forest communities or resource owners at the local level which could conclusively verify the findings presented here.

### 3. OUTCOMES FROM GAP ANALYSIS

The complete gap analysis can be found in Annex 2 of this report. For the sake of brevity, a summary of the key “gaps” are presented in the Table 2 below. For each of the seven Cancun safeguards, social and environmental gaps are presented. Gaps exist at different levels. Firstly, there are policy gaps (where existing policy and law does not sufficiently address the standard required under Cancun). Within the language of UNFCCC decisions, this is where safeguards have not been “addressed” and are presented below in column 2. Secondly, there are implementation gaps – where PLRs exist but are not being implemented. Within the language of UNFCCC this is where safeguards are not “respected” and are presented below in column 3. Implementation gaps may, in turn, be caused by a range of factors, such as capacity (human and financial resources are insufficient within government to implement measures as required), but also include political will. Poor governance (lack of transparency, collusion, corruption, and other factors) may deliberately distort implementation in favour of those with power, resources and political influence.

**Table 2: A summary of measures needed if PNG is to address and respect Cancun safeguards through policy and law**

Cancun safeguard	Social and environmental gaps	
	Gaps in “addressing” safeguards (gaps in written policy and law)	Gaps in “respecting” safeguards (enforcement of existing policy and law)
a Actions consistent with national forest programmes and international treaties	<ul style="list-style-type: none"> <li>Lack of strategic land-use planning policies and laws means poor co-ordination, overlapping claims and an inability to balance conservation and forest management objectives with demands for forest conversion under commercial agriculture or other conflicting land-uses</li> <li>Forestry Act, (Section 49) – Decisions on SABLs, taken at national level, do not reflect objectives of Provincial Forest Plans, and do not reflect Provincial Forest Management Committee decisions.</li> <li>Lack of robust forest management planning procedures at national, provincial and Forest Management Area level</li> </ul>	<ul style="list-style-type: none"> <li>Poor coordination for implementation of Environment Act 2000, Forestry Act 1991, and the Land Act 1996 on EIS for permits</li> <li>Forest utilization is primarily focused on achieving short-term economic gains than on the principles of responsible and sustainable logging. For example, Reduced Impact Logging processes yet to be implemented widely.</li> <li>Environment Act, Section 41, regarding Provincial Environment Policies is not being adequately implemented at provincial levels – for example in extractive industries</li> <li>In some cases, the granting of SABLs has not been in compliance with Land Act and Forestry Act, and in many cases have been issued over intact forest areas, contrary to legislation.</li> </ul>
b Transparent and effective national forest governance structures	<ul style="list-style-type: none"> <li>Provincial and Local-level governance arrangements are weak and poorly co-ordinated with national government leading to duplication, overlaps and poor co-ordination at local levels</li> <li>The authority responsible for validation of a Provincial Environmental Policy, as mandated under the Environment Law (section 39), is unclear in law. It is assumed that this is a Department of Environment and Conservation (DEC) mandate and thus would be managed by DEC.</li> <li>Forest Act 1991, Part 1.1, regarding “Compliance with Constitution, Organic Law on Provincial and local level Governments” (Section 29), Land Act (Section 185) does not work in practice.</li> <li>Forestry Act (Section 30) Functions of</li> </ul>	<ul style="list-style-type: none"> <li>The capacity to conduct assessment by competent national authorities needs to be addressed, and DEC for example outsources the work through tenders/EOIs. It is recognised that monitoring of projects to ensure compliance, post-EIAs, is poor.</li> <li>National level decisions often prevail over provincial level plans and decisions relating to forestry and land use (such as Provincial Forestry Plans)</li> </ul>

		<p>Provincial Forest Management Boards, calls for consultation and coordination between National and subnational levels, but in practice this does not happen.</p> <ul style="list-style-type: none"><li>• Gaps in environmental assessment procedures, particularly in relation to social impacts, gender aspects and public disclosure</li><li>• Implementation gaps in following up and enforcing recommendations from EIA studies</li><li>• Poor public participation in decision making, particularly with regard to forest management and benefit-sharing arrangements</li><li>• Major gaps in land registration and clear tenure rights. Gaps in implementation at the local level</li></ul>	
c	Respect for the knowledge and rights of Indigenous Peoples and members of local communities	<ul style="list-style-type: none"><li>• No mandatory procedures for incorporating customary knowledge into forest management and governance. General principles exist, but not codified in law</li><li>• Gender equity poorly reflected in national law</li><li>• Indigenous Peoples, has no legal recognition under national law</li></ul>	<ul style="list-style-type: none"><li>• Forests Act, (Section 46) requires that the rights of the customary resources owners must be fully recognized and respected in in all transactions affecting forest resources. In practice, this is not the case.</li><li>• FPIC guidelines exist but are neither mandatory nor widely implemented. Section 57 of the Forest Act requires consent to be obtained from customary land-owners relating to Forest Management Agreements through and with Incorporated Land Groups. This is often not done which has resulted in conflicts and failure to recognise legitimate landowners and their interests</li><li>• Grievance mechanisms, particularly at the lower levels operate poorly. Limited capacity among officials, lack of awareness by judiciary on land and natural resource tenure issues, and severe under-resourcing. Alternative dispute mechanisms being pursued</li></ul>
d	The full and effective participation of relevant stakeholders, in particular Indigenous Peoples and local communities	<ul style="list-style-type: none"><li>• Indigenous Peoples, has no legal recognition under national law</li></ul>	<ul style="list-style-type: none"><li>• Participation provided for under law, but rarely implemented in practice due to a range of factors. Capacity gaps among affected communities limits their potential to engage, and lack of knowledge on their legal rights reduces demands for participation overall</li></ul>
e	Actions are consistent with the conservation of natural forest and biological diversity	<ul style="list-style-type: none"><li>• No clear legal framework that stipulates how benefits from forests (including carbon) are shared with local communities. Agreements made on a case-by-case basis.</li><li>• No substantial or widespread grant systems or incentive arrangements to protect forests, or provide alternative / sustainable livelihood options</li><li>• No laws on carbon rights and transfer, although it is implied in existing forestry legislation</li></ul>	
f	Actions to address the risks of reversals	<ul style="list-style-type: none"><li>• No legal provisions</li></ul>	
g	Actions to reduce	<ul style="list-style-type: none"><li>• No legal provisions.</li></ul>	

displacement of emissions		
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#### 4. OPTIONS AND RECOMMENDATIONS

A “twin-track” approach to safeguard development is proposed that works towards the development of voluntary REDD+ standards (principles, criteria and indicators) on one hand and legal reforms as well as implementation of existing PLRs on the other.

Ultimately, a strong and durable legal framework will be required if safeguards are to be fully implemented over the long term. However, time will be needed for this to happen, as legal reform is a gradual process that requires strong political backing.

Principles, criteria and indicators can be a useful tool for addressing legal reform from three angles:

1. Highlighting, profiling and communicating to a wide domestic audience where gaps in law and policy exist with regard to social and environmental aspects of REDD+, as well as with regard to the procedural aspects of relevant laws (the degree to which those affected by actions have a legal right to participate in decision-making).
2. Demonstrating where specific aspects of the law are not being implemented and respected.
3. Opening a discussion within PNG on the underlying reasons for why certain laws are not being respected and adhered to, whether it is due to reasons of limited human, technical or financial capacity, or whether there are deeper political or structural issues that are undermining legality. This could, in turn, generate open discussion between government, civil society as well as other actors on how these implementation gaps could be addressed.

As such, safeguards should meet a range of objectives. In addition to meeting obligations of developing country Parties to the UNFCCC, safeguard reporting has the potential to provide an objective framework against which discussions can take place between stakeholders on improving the legal and policy framework for REDD+ implementation and planning.

More detailed recommendations on the development of safeguard principles, criteria and indicators are presented in the accompanying report “Policy-to-Practice Roadmap for the Development and Implementation of National REDD+ Social and Environmental Safeguards in Papua New Guinea”, as well as more detailed proposals regarding key legal reforms required to provide a legal basis for the implementation of the Cancun safeguards. The proposed principles, criteria and indicators are presented in the accompanying report “Draft Social and Environmental Safeguards for Papua New Guinea”. Both reports are available from OCCD.

## Annex 1: List of laws, policies and regulations reviewed

Instrument	Lead Agency
Policies	
Development Strategy Plan (2010-2030)	DNPM
Vision 2050	DNPM
Medium Term Development Plan (2011-2015)	DNPM
National Land Development Programme (2011)	DLPP, NRI
National Biodiversity Strategy Action Plan	DEC
Forestry Policy	PNGFA
National Climate Compatible Development Management Policy (draft)	OCCD
Adaptation and Mitigation Policy	OCCD
Vision 2050	Department of the Prime Minister & NEC, DNPM
Mining Policy 2012 (draft)	MRA
Draft National FPIC Guidelines	OCCD
Forestry and Climate Change Framework for Action	PNGFA
National Plantation Development Plan 2007	PNGFA
Investment Promotion Act	IPA
PNG Tourism Development Strategy	TPA
Eco-Forestry Statement	PNGFA
Geothermal Policy (2012)	MRA
National Informal Economy Policy (2011-2015)	DCD
Public Investment programme 2013-2017, Vol (3)	DNPM
Public Investment programme 2013-2017, Vol (3)	DNPM
Legislation	
Oil and Gas Act (1998)	Department of Petroleum and Energy
Mineral Resource Authority Act (2005)	MRA
Mining Act (1992)	MRA
Environment Act (2000)	DEC
Conservation Areas Act (1978)	DEC
Leadership Code Act (1976)	Parliament/Ombudsman Commission
Incorporated Land Group (amended) Act	DLPP
Physical Planning Act (1989)	DLPP
Land Registration (Amendment) Act (2009)	DLLP
Land Act (Tenure Conversion) as amended, (1996)	DLLP
Water Resources Act (1982) (repealed by the Environment Act)	DEC
National Parks Act	DEC
Informal Sector Development and Control Act (2004)	Department of Community Development
PNG Public Finance (management) Act (1995)	Department of Finance
Land Disputes Settlement Act (1973)	DLPP
Investment Promotion Authority Act (1992)	IPA, Trade and Industry
Underlying Law Act (2000)	Parliament
National Constitution	Parliament
National Cultural Property (Preservation) Act (1965)	Culture, Arts

Organic Law on Provincial Government and Local Level Government	Department of Provincial Affairs and National and Provincial Parliaments
Forestry (Amendment) Act (1993)	PNGFA
Forestry (Amendment) Act (1996)	PNGFA
Tourism Promotional Authority Act (1993)	TPA
Plantation Development Act	DAL
Constitutional and Law Reform Committee Act (2004)	Law and Justice sector
Fire Services Act (1962)	NFS
Forestry Act (1991) and as Amended (2007)	PNGFA
Companies Act (1997)	IPA
Oil Palm Corporation Act	DAL
Flora and Fauna (Protection) Act (1982)	DEC
<b>Regulations</b>	
Environment (Fees and Charges Regulations) 2002	DEC
National Forest Plan	PNGFA
Valuer-General's "Compensation Schedule for trees and plants, all regions" 2013	DLPP
34 Steps for a "Timber Permit"	PNGFA
Environmental Council (EC) of PNG	DEC
National Agriculture Development Plan (2007-2016)	DAL
National Forest Development Guideline (2009)	PNGFA
Provincial Local Level Service Monitoring Authority	DPA
Freight Assurance Subsidy Program (coffee)	CIC
Mining Regulation (1992)	MRA
Logging Code of Conduct	PNGFA