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PRESS RELEASE

State Team Explains Porgera Project Commencement Agreement: Only The Parties Can Have Copies

The State Team engaged in the Porgera Mining Project Community Development Agreement (CDA) in Wabag, yesterday (May 22) explained to the Porgera Landowners Association (PLOA) that by law, only parties to the Porgera Project Commencement Agreement (PPCA) and associated agreements could have copies of the agreements.

Deputy State Solicitor Bonny Gelu said this in response to the the PLOA's spokesperson, Maso Mangape, who questioned the State as to why they had not been given copies of the PPCA and other agreements.

Mr Gelu said the agreements were protected by law and that there were legal and financial implications surrounding access to these agreements.

"If you signed the agreement, you can have copies. If you didn't the sign the agreements, you cannot have copies," explained Mr Gelu. He asked the PLOA to inform the State if they had signed any of the agreements and if so, they should identify the particular agreements they had signed so that the State could locate and make copies available.

In addition, the State pointed out that the PLOA and the EPG are shareholders of Mineral Resources Enga (MRE) which means they own MRE. Since the MRE, is a party to the PPCA and associated agreements, the PLOA and EPG can easily get copies from their own entity which represents them as shareholders/owners.

Mr Gelu said New Porgera Limited (NPL) had circulated to all stakeholders of the CDA, a summary of the benefits contained in the PPCA and associated agreements, which could be incorporated into the CDA template.

The PLOA also asked the State to identify who the parties to the CDA were. In response the State through Mr Gelu, explained that according to section 98 and 99 of the Organic Law on Provincial Government & Local Level Government, the parties are the Special Mining Lease (SML) landowners, the Porgera Rural Local Level Government and the Enga Provincial Government (EPG). However, Mr Gelu explained that this did not mean that non SML landowners like the Lease for Mining Purposes (LMP), Mining Easement (ME) and Riverine communities could not benefit. He said non SML landowners would still benefit from the project except that they could not become parties to the CDA.

Chairman of the CDA negotiations Winterford Eko, explained to all parties that section 5 of the Mining Act 1992, states that all minerals in the country is owned by the National Government. He said this meant that the National Government as the owner of all minerals, has the legal authority to negotiate deals with investors at the highest level. He said the PPCA was therefore negotiated at the National Government level, adding that that the CDA parties could only negotiate based on what had already been agreed at the State level.

The parties agreed to postpone the meeting to today (May 23), so that the State Team could have internal consultations to find ways forward to address the PLOA's wish to have copies of the PPCA and other agreements.



Photo: Mr Gelu (center) flanked by Simon Siki from the Office of the State Solicitor (right) and the Brigitte Turalir from the Department of Treasury.



Photo: Mr Mangape expressing his views yesterday



Photo: Mr Eko



Photo: Mr Mangape (right) and his fellow SML spokesperson Dickson Pundi