

**Statement by Rt Hon Mekere Morauta, KCMG**  
**December 13 2016**

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Sir Mekere Morauta has begun legal proceedings, in the Supreme Court of Papua New Guinea, seeking to have the Ok Tedi Tenth Supplemental Agreement Act 2013 declared unconstitutional and invalid.

This is the Act through which the State expropriated PNG Sustainable Development Program Ltd's 63.4 percent shareholding in the Ok Tedi mine, and purports to give the State the right to restructure the company into a State entity.

Sir Mekere has brought the case as a private citizen because he believes there are serious Constitutional flaws in the Act, and that it is harsh, oppressive and unjust.

It is separate to the cases between PNGSDP and the State currently before the courts in Singapore and PNG.

Sir Mekere said his decision to proceed with the case was based on his rights as a citizen to ensure that the laws of Papua New Guinea are fair and reasonable and comply with the Constitution.

"My experience as an economist, a businessman and former Prime Minister tells me that there are many things seriously wrong with the Act, and that it is having very damaging consequences," he said

"The Act is a law that is not reasonably justifiable in a democratic society having proper regard for the rights and dignity of mankind."

Sir Mekere said he had decided to act now because the State has once again failed to agree to a negotiated settlement of the dispute.

He said the Act offends a number of sections of the Constitution, especially Sections 38, 39 and 41 which deal primarily with legal rights and freedoms, whether laws are reasonable and justified or whether they are harsh, oppressive and unwarranted.

It also contravenes the UN Universal Declaration of Human Rights, which states that "everyone has the right to own property alone as well as in association with others" and that "no one shall be arbitrarily deprived of his property". The Constitution states that a PNG court may take this into account in deciding the constitutional validity of laws.