

Dentons Rodyk successfully defends PNG Sustainable Development Program Ltd (“PNGSDP”) in Singapore’s Apex Court

April 30, 2020

PNGSDP has vindicated its position that it was established to promote sustainable development in Papua New Guinea under an independent structure free from state control.

The Dentons Rodyk team, led by Philip Jeyaretnam S.C. and Mark Seah, successfully defended PNGSDP against the State’s appeal to the Court of Appeal. This follows the team’s earlier success in the High Court reported [here](#).

In its written judgment, the Court of Appeal accepted Mr Jeyaretnam’s submissions that “the parties’ recorded agreements bear all the hallmarks of a finely calibrated arrangement, the product of extensive care and deliberation”. The State’s case, which was premised on a partly oral agreement that purportedly conferred rights of oversight and control over PNGSDP (a Singapore incorporated company limited by guarantee), was therefore wholly dismissed. The State’s alternative case based on a purported trust was also rejected.

This is an important result for PNGSDP, and its mission of promoting sustainable development in Papua New Guinea, in particular the Western Province. Formed in 2001 as part of the exit by global mining giant BHP from the Ok Tedi Mine, PNGSDP now has approximately US\$1.4 billion of assets, to continue to pursue this mission.

Having successfully defended the appeal, PNGSDP is free to chart an independent course, in accordance with the contractual framework, to aid and promote sustainable development in Papua New Guinea.

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