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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Human rights violations in the Papua New Guinea
island of Bougainville

Report of the Secretary-General

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**HUMAN RIGHTS VIOLATIONS IN THE PAPUA NEW GUINEA
ISLAND OF BOUGAINVILLE**

Report of the Secretary-General

INTRODUCTION

1. The present report is submitted in pursuance of paragraph 7 of resolution 1995/65, adopted by the Commission on Human Rights on 7 March 1995.

2. Since the Commission last considered this question, a 27-member Transitional Government, composed of the heads of the local interim authorities and other appointed members was installed in Bougainville in April 1995 to carry out the functions of a provincial government pending agreement on the constitutional status of the island. The Bougainville Revolutionary Army (BRA) refused to take up the seats reserved for it in the Transitional Government.

3. In June 1995, the Parliament passed the new Organic Law on Provincial Governments and Local-Level Governments, which will come fully into effect in 1997. The Law, which reorganizes provincial and local governments by essentially doing away with elected provincial assemblies and strengthening the local-level governments, exempts the Bougainville Transitional Government from its provisions until 1997, in recognition of the special circumstances of the province.

4. At the invitation of the Government of Papua New Guinea, the Special Rapporteur on extrajudicial, summary and arbitrary executions visited the country, including parts of the island of Bougainville, from 23 to 28 October 1995 (see E/CN.4/1996/4/Add.2). It will be recalled that in its resolutions 1994/81 and 1995/65, the Commission had requested the Government to extend invitations to the relevant thematic rapporteurs. The Government also took the decision in principle in December 1995 to establish a national human rights commission.

5. Representatives of the Bougainville Transitional Government (BTG) and of the Bougainville Interim Government (BIG) met in Cairns, Australia, from 9 to 12 September 1995 for preliminary talks to identify problems and address areas of common understanding and to lay the groundwork for an all-inclusive meeting of Bougainvillean leaders with the participation, subject to the concurrence of the Government of Papua New Guinea, of representatives of the United Nations and of the Commonwealth.

I. THE ALL-BOUGAINVILLE LEADERS' TALKS (CAIRNS)

6. Following a subsequent request by the Prime Minister of Papua New Guinea, the Rt. Hon. Sir Julius Chan, the Secretary-General again asked the Director of the East Asia and the Pacific Division in the Department of Political Affairs, Mr. Francesc Vendrell, to undertake a new round of discussions with the Government of Papua New Guinea and the main Bougainvillean parties and to participate in the All-Bougainville Leaders' Talks which were eventually held in Cairns, from 14 to 18 December 1995.

7. The Representative of the Secretary-General visited Port Moresby from 11 to 13 December 1995 and held talks with the Prime Minister, who serves concurrently as Minister for Foreign Affairs, and with senior government officials, as well as with members of the National Security Advisory Council. He also met with the Chairman of the Constitutional Reform Commission, the Hon. Ben Micah, MP, and with the newly appointed Commander of the Papua New Guinea Defence Force (PNGDF), Brigadier General Jerry Singirok.

8. In the course of his meeting with the Representative of the Secretary-General, the Prime Minister voiced flexibility concerning the future political status of Bougainville provided that it was consistent with the territorial integrity of Papua New Guinea. He stressed that the involvement of the United Nations, or of the Commonwealth, should not be used as a pretext by the Bougainville Interim Government (BIG) or the Bougainville Revolutionary Army (BRA) to "internationalize" an issue that was within the domestic jurisdiction of his country. He also expressed the hope that a political settlement in Bougainville could be reached by the middle of 1996 in order to enable the current Parliament to enact whatever legal instruments might be required prior to its dissolution by April 1997.

9. The All-Bougainville Leaders' Talks, which were held in Cairns from 14 to 18 December 1995, hosted by the Government of Australia, were attended by the delegations of the Bougainville Transitional Government (BTG), headed by the Premier, Mr. Theodore Miriung and which included the four Bougainville members of the National Parliament, and of BIG, headed by Mr. Joseph Kabui and including the BRA Military Commander, Mr. Sam Kauona, and most of the BRA field commanders. Between them the two delegations comprised virtually all major Bougainville political personalities, the first time that such a gathering had taken place since the outbreak of the conflict in 1989. The central Government was not represented at the Talks, which were meant to provide a forum in which Bougainvilleans could discuss among themselves and possibly reach consensus on means of achieving a political solution to the conflict. At the request of both delegations, the Talks were jointly chaired and facilitated by the Representative of the Secretary-General and by the Representative of the Secretary-General of the Commonwealth, who had also been invited to attend the meeting.

10. The two delegations reached agreement on a joint communiqué (see annex) committing themselves to a process of dialogue that would permit the achievement of a political settlement to the conflict and expressing their intention to convene a new round of talks inside Bougainville in 1996, to be preceded by a series of preparatory meetings with the facilitation of the United Nations Secretary-General at a venue to be determined. They also agreed on an agenda for future talks and on the desirability of reaching early agreement so that talks could be held between the Government of Papua New Guinea and the Bougainville leadership. They further agreed, subject to the concurrence of the Government of Papua New Guinea, to the continued association of the Secretaries-General of the United Nations and of the Commonwealth in the ongoing discussions and in their eventual outcomes. Both parties accepted a proposal by the Representative of the Secretary-General that, as a confidence-building measure which would have an immediate positive impact on the people of the island, immediate access should

be granted throughout Bougainville to the United Nations Children's Fund (UNICEF) and other donor organizations for the implementation of health-care programmes, especially child immunization. The representative of BTG, the United Nations and the Commonwealth stated that the understandings reached at Cairns were subject to the agreement of the Government of Papua New Guinea.

11. Following the conclusion of the Talks, the Representative of the Secretary-General flew to Port Moresby to brief the Prime Minister on their outcome.

II. DEVELOPMENTS SINCE THE CAIRNS TALKS

12. The momentum generated by the positive outcome of the Talks in Cairns has since been marred by a series of incidents which have cast a cloud over the peace process. The boat carrying members of the BIG/BRA delegation returning from the Cairns Talks was reportedly shot at in early January and later that month, the home and office of the BIG representative in Honiara was destroyed in suspected arson. At the same time, a marked increase has been reported in the number of rebel attacks on the security forces, civilians and government installations throughout Bougainville. The Government of Papua New Guinea has yet to communicate to the Secretary-General whether it has given formal approval to the agreements arrived at in Cairns and has insisted that the preliminary meetings foreseen in the Cairns communiqué take place in Papua New Guinea territory, something which the BIG/BRA are unwilling to accept, citing security considerations.

13. On 21 March 1996, the Government of Papua New Guinea announced the lifting of the cease-fire that had been signed with the BIG in September 1994 as part of the Honiara Commitments which led to the establishment of the Regional Peace-keeping Force deployed at the time of the Arawa Conference in early October 1994. The Government stated that this had been necessitated by the "recent spate of unprovoked hostile killings" perpetrated by the BRA.

14. These developments, as well as the lack of security on the island, have prevented the Representative of the Secretary-General from visiting Bougainville prior to the submission of this report, stopped the United Nations Development Programme (UNDP) from beginning to implement the programme it has elaborated for the reconstruction and rehabilitation of Bougainville and barred UNICEF from carrying out the immunization programme which the two Bougainvillean parties agreed in Cairns to facilitate.

15. The Secretary-General regrets this recent negative turn of events, which he hopes marks only a temporary departure from the road towards a political settlement to which both the Government and the Bougainvillean parties in their meetings with his Representative have said they are committed. In his view, only a resumption of the peace process and patient perseverance in the negotiations can bring an end to the conflict in Bougainville, with all the consequent loss of lives and property and destruction of the island's infrastructure, be brought to an end. The Secretary-General, for his part, remains ready to assist in facilitating a resumption of this process.

Annex**ALL-BOUGAINVILLE LEADERS' TALKS
CAIRNS, AUSTRALIA****14-18 December 1995****JOINT COMMUNIQUE**

1. The delegation of the Bougainville Transitional Government (BTG) and the delegation of the Bougainville Interim Government (BIG) held Talks in Cairns, Australia, from 14 to 18 December 1995 under the joint chairmanship of the representatives of the Secretary-General of the United Nations and of the Secretary-General of the Commonwealth. A list of participants is at Annex 1.
2. The two delegations have agreed to enter into a process of dialogue that will permit the achievement of a political settlement to the Bougainville conflict.
3. The delegations of the BTG and of the BIG expressed their intention to convene a new round of Talks in Bougainville in March/April 1996. In order to ensure the success of the Talks, they have agreed to hold a series of preparatory meetings comprised of four members from each side, with the facilitation of the United Nations Secretary-General, at a venue to be determined.
4. Both sides agreed, subject to the concurrence of the Papua New Guinea Government, to the continued association of the Secretary-General of the United Nations and of the Secretary-General of the Commonwealth in the ongoing discussions and in their eventual outcomes.
5. Representatives of the International Commission of Jurists (ICJ) and the Unrepresented Nations and Peoples Organisation (UNPO) have participated and may continue to participate in an observer capacity in the Talks. Other non-governmental organizations may be granted similar observer status with the consent of all the parties to the Talks.
6. At each round of Talks, the delegations will determine the degree of confidentiality that will apply.
7. The two sides have reached agreement on the Agenda for the All-Bougainville Leaders' Talks (see Appendix), it being understood that the discussion of the items need not follow the order in which they are enumerated.
8. The two sides will endeavour to reach early agreement on the issues covered in the Agenda so that talks may be held between the Government of Papua New Guinea and the Bougainville leadership.
9. All parties to the Talks agree on the need for access to be immediately granted throughout Bougainville to UNICEF and relevant donor organizations for the implementation of health care programmes, especially child immunization.

10. In so far as the BTG, the United Nations and the Commonwealth Secretariat are concerned, the understandings contained in this document are subject to the agreement of the Government of Papua New Guinea.

11. The delegations expressed their appreciation to the Government of Australia for the excellent arrangement it had made for hosting the meeting.

12. The Representatives of the Secretary-General of the United Nations and of the Secretary-General of the Commonwealth will report to the Government of Papua New Guinea on the results of the current talks.

Signed in the presence of the Representatives of the
Secretary-General of the United Nations and of the
Secretary-General of the Commonwealth

Representing the BTG

Representing the BIG

Mr. Theodore Miriung
BTG Premier
the Delegation

Mr. Joseph Kabui
Leader of the BIG, Leader of BTG
Delegation

Mr. Michael Laimo, MP

Mr. Sam Kauona

Cairns, Australia
18 December 1995

Appendix

**ALL-BOUGAINVILLE LEADERS' TALKS
CAIRNS, AUSTRALIA**

14-18 December 1995

AGENDA

1. Cessation of violence and security issues, including
Disarmament and demilitarization
2. Political issues, including
Future status of Bougainville
3. Confidence-building, including
Verification and monitoring
4. Human rights matters, including
Freedom of movement
Amnesty and pardon
5. Renewal and socio-economic development
6. Procedural issues and calendar
