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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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Introduction

1. Pursuant to paragraph 7 of Commission on Human Rights resolution 1994/81, the Secretary-General proposed to the Government of Papua New Guinea that he send a representative to Papua New Guinea for consultations that would help the Secretary-General to determine whether to proceed with the appointment of a special representative with the mandate set out in that resolution. He designated for this purpose Mr. Francesc Vendrell, Director of the East Asia and the Pacific Division in the Department of Political Affairs. This report should be read in conjunction with document E/CN.4/1995/60.

I. FIRST VISIT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

2. Upon receiving the Government's agreement, Mr. Vendrell visited Papua New Guinea from 8 to 12 August 1994. In the course of that visit, he held meetings with Sir Julius Chan, at the time Deputy Prime Minister and Minister for Foreign Affairs and Trade, Mr. Michael Ogio, the then Minister of State for Bougainville in the Prime Minister's Office, and with other senior government officials. He also met with the then Ombudsman, Sir Charles Maino, as well as with the leader and senior members of the then opposition front bench. At the Government's suggestion, Mr. Vendrell paid a brief visit to Buka, an island just north of Bougainville, which is, like Bougainville, part of the North Solomons Province, in the course of which he met with the Administrator, Mr. Sam Tulo, and other officials of the province which, since the outbreak of the Bougainville conflict in 1989 and the subsequent suspension of the provincial government, has been under the direct rule of the central Government.

3. Mr. Vendrell's discussions with the Government of Papua New Guinea centred on the situation in Bougainville, particularly with regard to human rights, on steps taken or contemplated by the Government to bring about a comprehensive political solution to the conflict, and on future cooperation between Papua New Guinea and the United Nations, including with the various reporting mechanisms of the United Nations in the field of human rights.

4. Deputy Prime Minister Sir Julius Chan informed Mr. Vendrell of his Government's desire to seek a political solution to the Bougainville conflict, its contacts with representatives of the "Bougainville Interim Government (BIG)" in Honiara, Solomon Islands, and of its intention to proceed in the near future to a high-level meeting with representatives of "BIG" as well as with those of the Bougainville Revolutionary Army (BRA). He also stated his Government's willingness to continue its contacts with the Secretary-General and to receive a second visit from a representative of the Secretary-General prior to the fifty-first session of the Commission on Human Rights.

II. DEVELOPMENTS BETWEEN THE FIRST AND SECOND VISITS OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL

5. Following a change of government in Papua New Guinea, which led to the formation of a new coalition government presided over by Sir Julius Chan, contacts between the Government of Papua New Guinea and BRA and "BIG" were resumed in Tambea, Solomon Islands, on 26 and 27 August 1994, paving the way

for a meeting in Honiara on 2 and 3 September 1994 between the Prime Minister of Papua New Guinea, Sir Julius Chan, and the BRA Commander, Mr. Sam Kauona. The meeting concluded with the signature of the Honiara Commitments, under which the two parties agreed to declare a cease-fire, to deploy the South Pacific Regional Peacekeeping Force in Bougainville, to lift the blockade and to convene a Bougainville peace conference.

6. In pursuance of the Honiara Commitments, a cease-fire agreement was signed between the Government of Papua New Guinea and BRA on 8 September 1994, the cease-fire to enter into effect at 24.00 hours on 9 September 1994. (The texts of the Honiara Commitments and of the Cease-fire Agreement are reproduced in the response of the Government of Papua New Guinea to the Commission on Human Rights reproduced in the report of the Secretary-General (E/CN.4/1995/60, sect. II.B and C).

7. Following the deployment of the South Pacific Peacekeeping Force, the Bougainville Peace Conference was convened on 10 October 1994, in Arawa, Bougainville. The Conference, which was chaired by Sir George Lepping, a former governor-general of Solomon Islands, was attended by over 1,000 people, including the Bougainville members of the Papua New Guinea Parliament, the chairmen of the Bougainville Interim Authorities - local government bodies set up by the central Government in those parts of the island under its control - and a number of BRA commanders. It was not, however, attended by the top leaders of BRA who considered that they had not been adequately consulted on the composition and deployment of the Peacekeeping Force, nor in the arrangements for the Peace Conference, as provided for in the Honiara Commitments and in the Cease-fire Agreement, and that their personal security was not guaranteed. At the invitation of the Deputy Prime Minister of Papua New Guinea, the Secretary-General sent an observer to the Conference. While the Conference, which was adjourned on 14 October 1994, did not achieve all the objectives it had set for itself, it allowed Bougainvillians from all over the island to come together to affirm their desire for peace and was an important contribution to the search for a political solution to the Bougainville conflict.

8. On 25 November 1994, the Prime Minister of Papua New Guinea and representatives of the Bougainville Interim Authorities signed the Mirigini Charter, under which a transitional government, consisting of appointed members, was to be set up in Bougainville by March 1995. The Bougainville Transitional Government, which is expected to have similar powers to those of an elected provincial government, will have an assembly composed of leaders nominated by councils of chiefs from each district which will act as a constituent assembly to review the Constitution of the North Solomons Provincial Government after a negotiated settlement is reached between the National Government and the Bougainville Transitional Government.

III. SECOND VISIT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

9. In keeping with the understanding arrived at in August 1994, the Representative of the Secretary-General, accompanied by an officer of the Centre for Human Rights, paid a second visit to Papua New Guinea from 23 to 28 January 1995. Mr. Vendrell subsequently visited Solomon Islands from 29 to 31 January at the invitation of the Government of that country and returned to

Papua New Guinea from 1 to 3 February 1995. During his stay, the Representative of the Secretary-General met with the Prime Minister and the Minister for Foreign Affairs, Sir Julius Chan; the Deputy Prime Minister, Mr. Chris Haiveta; former prime ministers Sir Michael Somare and Mr. Rabbi Namaliu; the Minister of Communications, Mr. John Momis; the Commander of the Papua New Guinea Defence Force (PNGDF), Brigadier-General Tony Huai; the Chief Justice, Sir Arnold Amet; the Ombudsman, Mr. Simon Pentanu; the Secretary-General of the Papua New Guinea Council of Churches; and senior government officials.

10. The Representative of the Secretary-General, accompanied by the officer of the Centre for Human Rights, visited the North Solomons province from 25 to 27 January 1995. In Buka he met with the Administrator of the province, Mr. Sam Tulo; the Commander of the PNGDF Bougainville Operation; the Chairman of the Siwai Interim Authority, Mr. Nick Peniai, and the head of the North Nasioi Peace Committee, Mr. Theodore Miriung. In Bougainville, Mr. Vendrell visited the districts of Arawa, Buin, Siwai and Wakunai, meeting with district managers, interim authorities, chiefs, members of women's organizations and peace committees, and religious leaders, as well as with the BRA commanders in Buin and Wakunai. The situation in these areas, which could best be characterized as fluid, varies from district to district in terms of the relative strength of PNGDF, BRA and the Resistance Forces (militia consisting largely of former BRA combatants, established by the central Government to assist PNGDF). In all of these areas the cease-fire is largely in effect, despite the fact that BRA does not consider itself bound any longer by the cease-fire - the terms of which, in its view, have not been respected by the Government. Schools have reopened and some other essential services are in the process of being restored.

11. Although the Representative of the Secretary-General, owing to lack of time, was unable to visit central Bougainville, which is generally regarded as being fully under BRA control, during his stay in Honiara, Solomon Islands, he met with the commander of the Bougainville Revolutionary Army, Mr. Sam Kauona, and with the representative of "BIG", Mr. Martin Miriori.

12. Amongst the issues raised by the Representative of the Secretary-General at his meetings with the Papua New Guinea authorities were the steps taken by the Government to achieve a political solution to the Bougainville conflict and the prospects for a comprehensive settlement, the human rights situation in the island, the issue of the impunity of those alleged to be responsible for human rights violations, the accession by Papua New Guinea to international human rights instruments, and the two International Covenants on Human Rights in particular, cooperation between the Papua New Guinea Government and various human rights reporting mechanisms of the United Nations and the establishment of a national human rights commission.

13. The Prime Minister, Sir Julius Chan, reiterated his Government's commitment to a peaceful political settlement of the Bougainville conflict, mentioning the steps taken in that direction since Mr. Vendrell's previous visit and the forthcoming establishment of the Bougainville Transitional Government. The Prime Minister also emphasized his Government's determination not to tolerate human rights abuses in Bougainville, his desire to strengthen his Government's cooperation with the United Nations, and his willingness to

consider acceding to the International Human Rights Covenants and to proceed to the establishment of a national human rights commission through an Act of Parliament provided funds were available for that purpose. The Prime Minister expressed frustration at what he perceived as the failure of the BRA leadership to carry out its undertakings under the Honiara Commitments and mentioned his reluctance to pursue further contacts with them, considering that the peace process that he had set in motion in Bougainville would lead to their eventual marginalization.

14. Virtually all Bougainvillians with whom the Representative of the Secretary-General spoke, while often critical of past actions by both the Papua New Guinea Defence Forces and BRA, expressed a common desire for a constitutional status that would acknowledge their uniqueness within the Papua New Guinea body politic. For their part, the Papua New Guinea authorities voiced fear that concessions on this issue might encourage similar demands in other parts of Papua New Guinea, a country which, given its geography and its myriad tribes and language groups, suffers from strong centrifugal tendencies.

IV. CONCLUDING REMARKS

15. The visits by his Representative have enabled the Secretary-General to draw a much clearer picture of the situation in Bougainville, the positions of the various parties to the conflict and the prospects for a comprehensive political settlement. On the basis of the reports submitted to him by his Representative, the Secretary-General considers that important steps have been taken by the Papua New Guinea Government, particularly since September 1994, towards a peaceful settlement of the conflict, which he believes need to be complemented with others in the months ahead. While aware of the complexity of its immediate and deep-rooted causes and without underestimating the difficulties of finding a solution that will meet Bougainvillian aspirations and will be respectful of Papua New Guinea's territorial integrity, he is encouraged by the broadly expressed desire among all concerned to turn a new page, putting an end to six years of violence and of social and economic dislocation. Although specific allegations of recent human rights violations were brought to the attention of his Representative, the Secretary-General is of the impression that the number of human rights violations in the island has substantially decreased since last September. It is for these reasons that the Secretary-General has not deemed it appropriate to appoint a Special Representative with the mandate envisaged in paragraph 7 of resolution 1994/81. He remains willing to lend his assistance, should it be so required, in the future.
