

IMPLEMENTATION OF THE BOUGAINVILLE PEACE AGREEMENT

COMPLETION OF STAGE II OF WEAPONS DISPOSAL

UNOMB'S VERIFICATION REPORT

1. Background

1. Clause 7 (c) of the agreed Weapons Disposal Plan provides that: “the bills to amend the National Constitution will provide for the constitutional amendments to take effect on verification by UNOMB that the weapons are in secure, double-locked containers under its supervision.” The agreed Weapons Disposal Plan has been incorporated in the Bougainville Peace Agreement. In keeping with the requirements of that Plan, the enabling provisions in the new Part XIV of the *Papua New Guinea Constitution*, ‘Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum,’ provide that the agreed arrangements for the establishment of the autonomous Bougainville Government and the guarantee of a deferred and conditional referendum on Bougainville’s political future become operational when the United Nations observer mission in Bougainville (UNOMB) verifies, certifies and notifies the National Government that Stage 2 of the agreed weapons disposal plan has been achieved.

2. Verification requires the UNOMB to determine that ‘the weapons are in secure, double-locked containers under its supervision’. The Constitution provides that after the act of verification has taken place the process becomes essentially automatic, so that the National Government has no ability to influence the course of events.

3. UNOMB understands the intent of the Peace Agreement as being that of laying a solid foundation for the creation of a Bougainvillean society characterized by genuine peace and the restoration of civil authority under a democratically elected Autonomous Government. The foundations of such a society can only be feelings of mutual security and confidence within and among the various communities of the island. The Weapons Disposal Plan is an essential element for promoting secure foundations for the required feelings of mutual security and confidence.

II. UNOMB's approach to verification

4. In its presentation to the PPCC on May 23rd last describing its approach to verification, UNOMB explained that for these purposes, it would be setting a higher standard than that contained in the agreed weapons disposal plan. Instead of focusing on the weapons that are ‘in secure double-locked containers under (its) supervision’, it would expand the area of its concern to include weapons which are uncontained.

5. UNOMB also indicated on that occasion that its approach to the verification exercise would be based on the principle of island-wide consultations, chiefly with the people of the island, who are the first objects of the Agreement, but also with the

National Government, the Bougainville political leadership, the Faction Leaders and the Peace Monitoring Group. All documentation received from the persons and groups consulted are attached to the present Report.

III. The Place of the Report in the verification exercise

6. UNOMB's Report on verification should not be considered in isolation from the various initiatives that continue to be implemented with the objective of collecting the greatest possible number of weapons, making weapons in storage secure and promoting and implementing a decision as early as possible on Stage III of the Weapons Disposal Plan.

7. Additionally, it must be recalled that the consultations in question took place in May. Since then not only have UNOMB's normal weapons collection activities continued, but, as the records of the PPCC show, UNOMB has taken a number of initiatives, prompted in part by the views expressed during the consultations, to move the weapons collection process more vigorously forward to completion. These initiatives include: i) Operational Continuing Vigilance, which makes the collection of uncollected weapons a priority; ii) The "Final Phase" initiative, in which UNOMB has indicated its determination to target security of containers, implementation of Stage III of the Weapons Disposal Plan, Containments in the No Go Zone, sensitivity campaigns and relations with Francis Ona and iii) the "Island Wide Bougainville Reconciliation Programme", which seeks to remove areas of crisis-related tension, and in the process lead to the collection of even more weapons. They also include ongoing efforts to recover de-contained weapons. The last PPCC was brought up to date on the results of these efforts, and a report will be presented to the next PPCC on achievements since the last one. In light of these initiatives being put into effect, the Report does not go into the substantive details of any aspect of them.

IV. The Process of Consultation

8. UNOMB's first consultation was with the Peace Monitoring Group, so as to satisfy itself that the weapons are contained in the manner contemplated by the Agreement. Before the weapons were passed from Stage I to Stage II, PMG routinely performed audits of all the trunks in order to ensure that all of the weapons that had been committed to Stage I were being moved to Stage II. The trunks and containers holding these weapons have all been double-locked and sealed with the UNOMB seal, and UNOMB is in possession of keys as required by the Agreement. PMG has performed random audits to ensure that the integrity of the containers is being respected and UNOMB is satisfied with the positive reports it is receiving from the Commander.

9. UNOMB's next level of consultations was with the people of the island. This was carried out through a process whereby in each District the District Manager (DM), at UNOMB's request, invited each Council of Elders (COE) in the District – including communities in former BRA areas which had Councils of Chiefs - to meet in public session with the people of the various villages, Church leaders and Women's representatives, in order to ascertain their impressions of what the Weapons Disposal had accomplished – the level of freedom, confidence and security which they felt as a result of it; the extent to which fear, or the absence of it, ruled their lives; the extent to

which they felt that the psychological effects of the crisis had been overcome and that feelings of normalcy had been restored. The DM's subsequently met with the COE's in public session to discuss the results, and reported these to UNOMB in a special session convened in Buka on May 30th 2003.

10. The 'No Go Zone' was not, of course, included in these consultations.

11. Simultaneously with the people, the Faction Leaders were also being consulted by UNOMB. Their clear feeling was that UNOMB should proceed without delay to verify the end of Stage II of weapons disposal.

12. The DM's reported that very good use was made of the opportunity of the consultations, and that there was lively and enthusiastic popular participation in them. The common thread running through all of the responses communicated by the DM's, is that the people of the island feel a level of safety and confidence they had never experienced since the crisis ended. They feel that they had begun living normal lives again, and feel free to continue doing so. They no longer live under the shadow of fear of the gun. In no District was the view expressed that the island was weapons-free. Quite the contrary, in every District it was acknowledged that there are still weapons on the loose – some being held by Faction members, and in some cases quite senior members, some by businessmen, some by raskols and, in particular, those being held by the MDF. But in no District was the view expressed that this withholding should slow the forward movement of the implementation of the Peace Agreement.

13. In like manner, in almost all of the Districts, concern was expressed over Francis Ona's continuing voluntary separation from the peace process, and in particular, over attitudes and actions by a few persons claiming Me'ekamui affiliation, who seem intent on causing fear and confusion among Bougainvilleans, and on setting the peace process back. But here again, in no case was it felt that these considerations should cause any delay in the implementation of the Peace Agreement. They all called for immediate steps to be taken for dialogue between Joseph Kabui and Francis Ona with a view to eventual reconciliation between them.

14. There was a widespread concern expressed that Bougainville have its Autonomous Government as quickly as possible. In Bana, and in two Councils of Chiefs of Kieta concern was expressed at possible feelings of frustration caused by delays in its establishment. They uniformly called on UNOMB to verify without delay that the present Stage of weapons disposal has come to an end, so that the conditions can be created for elections to their Autonomous Government. They all indicated their desire that that new Government attach highest priority to putting a regime of law and order in place, in which context a mechanism would be established for dealing with outstanding weapons, general anti-social behaviour and monitoring the purchase of weapons. The people expressed much confidence in the ability of UNOMB to help collect weapons that are still outstanding, and in that of their political leaders in the Autonomous Government to deal effectively with law and order questions. The idea of a Bougainville police was specifically mentioned by Buin and Kieta.

15. On June 5th, 2003, the results of these consultations were brought to the attention of the Transitional Consultative Council, as the body created by the Bougainvilleans

to facilitate consultation between the two main representative political bodies – the BIPG and the BPC. The Council resolved, among other things, to “support verification of completion of Stage two of the agreed Weapons Disposal Process by the Director of UNOMB.”

16. The results of the consultations were also brought informally to the attention of the National Government.

V. UNOMB’s approach to the views received

17. The foregoing paragraphs give the views which the people of Bougainville have expressed regarding a) the extent to which they feel that the weapons disposal exercise has served the purpose of making them feel safe, secure and confident, and b) the extent to which they consider that they are ready to move to the next stage of the Peace Agreement. There was no second-guessing them, nor was there any attempt to place our own feelings above theirs or to substitute our own feelings for theirs. No attempt was made to examine whether UNOMB thought that the people were justified in feeling what they felt. Having said all of this, the weighty responsibility which has been given to UNOMB requires that the Mission make a careful evaluation of the views expressed regarding the achievements of the weapons disposal process in relation to the non-achievements which they themselves recognize. The first question that arises in this regard relates to outstanding weapons.

a) Outstanding weapons

18. Where this class of weapons is concerned UNOMB has proceeded from the basis of the question: what can the exercise be most reasonably expected to achieve? In this regard, for at least three reasons - the legacy of mistrust and suspicion in the relationships among individuals and groups, which has not been entirely overcome, uncertainty in respect of the intentions of Francis Ona, and the desire in the hearts of some to retain weapons as instruments for use in preying on society – it is not expected that the weapons disposal plan will lead to the collection of all of the island’s weapons. The question that naturally arises is, when can we consider that enough weapons have been collected to allow the process to move forward? There can be no numerical answer, because neither UNOMB nor PMG nor the Faction leaders can say how many weapons there are on the island. We are forced to rely on effectiveness; i.e., on what the people say that the weapons collection process has achieved in terms of security and confidence.

19. Attention was drawn in the consultations to weapons that continue to be held by former combatant leaders. This was viewed with much concern by the people.

20. Where raskols holding on to weapons are concerned the people have indicated their confidence in a Police presence to deal with this phenomenon. They have a strong perception that such a presence would help take care of their law and order concerns, and are impatient for it to be put in place, though careful consideration will have to be given to how the Police can effectively and realistically confront armed criminals. It is essential that the National Government move with speed on the question of the delegation of Police powers.

21. At any rate, it must be kept in mind that even with verification, the effort to collect weapons does not come to an end. That effort continues. The initiatives by UNOMB to collect outstanding weapons, to recover de-contained weapons, and to move the process to Stage III have been described above. As far as UNOMB is concerned, weapons collection is unfinished business and will be for as long as its presence on the island remains.

b) The security of weapons in containment

22. The people have correctly focused on this aspect, which is also one of UNOMB's active and enduring concerns, as the Minutes of the last PPCC will show. Verification does nothing for the security of these weapons, except to underscore the imperative need to improve it. UNOMB has been stressing to the Faction leaders on a daily basis the need, while they wait to hold the final fate consultations, to take steps immediately to reinforce the security of weapons in storage. The National Government should stand ready to bear the financial cost of providing that security during the immediate to short term. And whatever agreed decision is arrived at in those consultations must also begin to be implemented without delay. The Minutes of the last PPCC show UNOMB's concern in this regard.

23. Moreover, in keeping with its Final Phase programme UNOMB has begun a series of visits to the connex locations and meetings with the custodians. The purpose here is to satisfy ourselves about the integrity and safety of the connexes, hear from the custodians what are their perceptions of their security needs and challenges and see in what ways the security of the connexes can be enhanced. These activities will be reported on at the next PPCC on July 11th.

c) Francis Ona and the MDF

24. On the face of it a Weapons Disposal Plan which has two factions disarming, and one of them even destroying some of its weapons, while their common enemy retains its weapons, seems fatally flawed, assuming, of course, that the status quo remains. But this should be looked at side by side with the movements currently taking place to promote reconciliation between Francis Ona and Joseph Kabui and eventually to break down the wall that Ona has placed between himself and the peace process. Thanks in part to the activism of this Company, the size of Ona's support base seems to be shrinking. Also, between MDF Chiefs and other Chiefs of the Bana District, there is a dialogue taking place which also seeks to bring about reconciliation. PPCC needs to ensure that these processes continue. This it can do by giving robust support, including financial support, to the "A" Company in its effort to raise the level of awareness of the peace process inside the Panguna area.

25. But beyond such support, the people of this location need to see some benefit associated with peace. UNDP should stand aggressively ready to help put a few community development projects in place as quickly as possible. Funding has been made available for such activity. It is important to take some action to supply basic needs. Hearts will follow. UNOMB firmly believes in the power of the people to bring about change in Ona's attitudes. This was seen effectively at work in the case of the Koromira road where, in the face of Ona's vigorous opposition against Barclay's

involvement in the repair of the road, the people remained defiant. They presented Ona with a massive petition stating that they need the road and that he should get out of their way. Eventually Ona backed away.

26. With robust support for the work of the Alpha Company, some carefully selected community development projects in the Panguna area and the launch of a Police presence, combined, of course, with the operation of the initiatives being put in place in the framework of the PPCC as described above, there seems to be a reasonable chance of further reducing the number of uncontrolled weapons on the island, and of hastening the time when Ona and Kabui will reconcile.

27. On August 29th, 2000, Francis Ona wrote to me as follows: "...though we are not a party to those negotiations and have never supported them at any time, threats of renewed violence are worrying. I am even more concerned that my name has been linked to talks of war by some Bougainville leaders ... Unless it is to defend our people, my government and the Me'ekamui Defence Force will not enter into any unnecessary conflict or war. The war is well and truly behind us as our military objectives have been achieved and our struggle must, as it has, progressively move on into new directions and areas." It is true that Ona has remained generally faithful to the commitments given at this time, but one can only speculate on whether he intends to continue in this position. It seems to UNOMB that, a reassurance that this continues to be Ona's position is the most that the process can reasonably hope to achieve at this stage.

28. At the same time, the National Government may wish to examine to what extent its policy of making, as often as it does, public appeals to Francis Ona to join the peace process, might be having an effect opposite to what is intended. This policy could in the end prove to be productive. But in the face of the inroads being made by the Alpha Company, Ona could be deriving comfort from knowing that despite them, the National Government still considers that he has a strong enough card in his hand.

29. The PPCC took an important decision last week where relations with Ona are concerned. Its implementation needs to be facilitated and supported.

30. Even though the Peace Agreement gives the space of four and a half months after the coming into effect of the constitutional amendments for the final fate decision to be made, there is abundantly good reason why the PPCC should be intensifying efforts to have that decision taken and begin to be implemented at the earliest possible. Yet, at the same time, it is unfortunate that such a decision is sought to be made before a détente has been put in place with Ona. A Stage III decision for destruction is more likely to come in the wake of such a relaxation of tensions rather than before it. The need for speed in taking the decision could affect both the ease of the decision-making process and the quality of the decision. The PPCC will certainly see a need to give careful consideration to this Catch 22 situation as it approaches the Stage III consultations, and to examine whether reinforcing the security of the containers even at this stage necessarily has to await a Stage III decision.

31. In light of all the foregoing, it is not unreasonable to ask whether the Bougainville Peace Agreement, in particular disposal aspect of it, is sustainable. Further implementation of the Agreement, particularly bearing in mind this aspect of it, is

definitely fraught with risk, for the reasons described above. But there is also risk involved in not going ahead. UNOMB must decide where the greater risk lies. On the one hand, while the Mission is concerned about outstanding weapons in general, it is those in the hands of the MDF that are causing us particular concern. Bearing in mind that Ona has dealt himself out of the peace process, a Bougainville from which the regional and the international presence have been withdrawn, and whose weapons have been largely contained, could be too great a temptation for Ona, or more likely his MDF, to resist.

32. On the other hand, there is also risk involved in not going ahead with its implementation. UNOMB has detected, in the responses by the people, a measure of faith by them in what institutions can do. Faith in what the Autonomous Government can do to generally mobilize to respond to the challenges facing them. In particular, they want to see a law and order mechanism in place. In light of this faith and expectancy, it is UNOMB's perception that any delay in the process of verification, and consequently of putting the Autonomous Government in place, could possibly have the effect of undermining the support of the critical mass of people and send a message that was unintended. For this reason the National Government needs to move expeditiously on completing its review of the 2nd draft of the Bougainville Constitution, as well as in regard to the relevant financial commitments it assumed under the Peace Agreement. The Mission would be concerned lest the process seem to the people to be stagnating. New realities, we believe, could have a dynamic and mobilising psychological effect on the masses. What certainly does not appear sustainable to them is an Interim Government, one that they consider not a real Government. In fact, the more valuable aspect of the consultations is not so much what they revealed about the people's fears where weapons are concerned, but what it revealed about their hopes where future government is concerned.

33. UNOMB sees ways of credibly preparing for and managing the risks involved in going ahead. These are described in paragraphs ... above. It does not see ways of managing the risks involved in not going ahead and leaving hopes unfulfilled.

VI. Conclusion

34. The people of the island appear to have spoken quite freely and emphatically through the process of consultations held by the DM's at UNOMB's request. Despite their awareness of uncollected weapons in their communities, and despite the non-participation of Francis Ona in the process, the people of Bougainville have expressed an undisputed feeling that UNOMB should verify without delay that Stage II of the agreed Weapons Disposal Plan is completed. One can raise questions about the willingness which the people felt to speak out, whether before COE's or District Managers, or the ease with which they made their views known. It is not possible for UNOMB to say with 100% certainty that they all felt full and unfettered freedom as they spoke. To satisfy oneself completely about this standard would require a level of interaction so intimate and detailed as to be impractical. But it is certainly useful for us to keep this concern in mind. The validity of the principle of consultations as a mechanism for ascertaining the feelings of the people having been accepted, it seems reasonable to assume that there would be a willingness on the part of the people to communicate with persons who are their traditional leaders and Provincial Government representatives.

35. Basing itself therefore on what it believes to be the best information and advice received from the people, UNOMB has formed the judgment that the weapons disposal process appears to have served its purpose in terms of removing fear from the communities and introducing feelings of security and confidence within and among them. This concern by UNOMB for security and confidence represents a higher standard than that set in the Peace Agreement for verifying the end of Stage II containment. In light of i) this higher standard, ii) the feelings expressed by the people and iii) the Mission's continuing engagement with weapons collection, UNOMB considers it of academic interest whether 100 per cent or 98 per cent of the weapons previously contained at Stage I have been contained at Stage II. Accordingly, taking all the relevant circumstances into consideration, UNOMB hereby verifies and certifies that the weapons are in secure double-locked containers under its supervision, in keeping with Clause 7 (c) of the Weapons Disposal Plan.

36. The responsibility of verifying the completion of Stage II and certifying this to the National Government is one which the United Nations, but more directly I myself, as Director of UNOMB, take with utmost seriousness. In placing this responsibility on me, the Peace Agreement was, in effect, placing an enormous amount of trust in my judgment and my personal integrity. While the Peace Agreement is a joint creation, arrived at through a process of free negotiation among the Parties, the National Government bears a particular responsibility where the future of Bougainville is concerned. After verification and certification have taken place, and the constitutional amendments have become operational, the relations between the National Government and Bougainville become transformed for all time. The National Government has freely accepted this arrangement, placing full confidence in the judgment and the word of the United Nations that the conditions exist for those amendments to become operational.

37. Verification does not free Bougainvilleans from the obligation to continue to do their duty where the requirements of the Peace Agreement are concerned, particularly as they relate to weapons. Quite the contrary, all Bougainvillean leaders, but the Faction Leaders in particular, have a special responsibility to ensure that they move in a serious and deliberate manner to stimulate and take concrete action to ensure that these requirements are fully respected. Chief among these are securing the weapons containers – this decision cannot wait - and taking and implementing a decision on the final fate of the weapons.

38. On the National Government side, it is certainly true that this Party has moved even ahead of the Peace Agreement where the withdrawal of the Security Forces is concerned, and it deserves commendation for this. UNOMB has also taken note, with appreciation, of the manner in which it has worked with the other two parties to facilitate the provision of security on the island. The National Government may wish to ensure that its well-placed concern for the weapons aspect of the Agreement is matched by further action in respect of other aspects such as the closely related policing aspect in particular.

39. Finally, UNOMB wishes to reiterate that the act of verification and certification does not by any means signify the end of its concern for the success of weapons disposal. The Mission will continue to implement the initiatives it has put in place for

strengthening the security of containers, collecting uncollected or de-contained weapons, and promoting reconciliation where it is required. It will continue to press for an early decision on Stage III and for its prompt implementation. It will continue to encourage and assist the efforts of the Alpha Company to broaden the area of support for the peace process. It will continue to promote increased awareness throughout the island. In this regard the message of how verification locks in the National Government will not fail to be delivered where it is most important that it be registered – among the people of the island.