



Meeting of the Joint Supervisory Body

Arawa, Autonomous Region
of Bougainville

29 June 2018

Agreed Record of Outcomes

ENDORSEMENT OF BRC CHAIR AND MEMBERS

The JSB resolved to:

- (a) Note the appointment of Bertie Ahern as Chair of the Bougainville Referendum Commission;
- (b) Call upon the National Government to prepare the notice of his appointment for publication in the National Gazette and the Bougainville Gazette;
- (c) Accept the appointment by the ABG of its appointees to the BRC, namely Mr. Patrick Nisira and Ms. Ruby Mirinka;
- (d) Encourage the National Government to make appointments of its two members to the BRC as soon as possible;
- (e) Call for the first meeting of the full BRC to be held as soon as practicable.

BRC OPERATIONS AND BUDGET

The JSB resolved:

- (a) To accept the concept of operations and planning and budget materials prepared by the BRC-TC.
- (b) That the approved funding for the BRC operations of K20 million from the National Government, and K500,000 from the ABG be progressively transferred to the agreed Trust Account, and noted that the initial national government contribution of K1.2 million has been transferred to NCOBA pending the BRC trust account becoming operational.
- (c) To note that the Trust Account for the BRC has been established and will become operational as soon as is practicable.
- (d) To note that the Bougainville Referendum Commission staffing structure has been approved by the Department of Personnel Management (see attachment).
- (e) To approve the establishment of an inter-governmental referendum support committee chaired by the two chief secretaries to ensure continued support of the respective governments to the BRC.

REFERENDUM COMMUNICATIONS - BPA/REFERENDUM KEY MESSAGES

The JSB resolved that the Joint Technical Team study and evaluate the proposed new awareness messages prepared by the ABG on pre-referendum and post-referendum issues, and authorizes the two Chief Secretaries to process and approve such messages on a progressive basis.

QUESTION OR QUESTIONS TO BE ASKED IN THE REFERENDUM

The JSB resolved:

- (a) That after receipt of joint legal advice on issues of constitutional compliance of different options for the question or questions to be put in the referendum, that a special JSB be called before the end of July to consider what question or questions should be put, including the use of symbols.
- (b) That, once the question has been endorsed by the JSB, that the BRC be tasked with undertaking testing and outreach work to ensure that the question is clearly understood, and that all eligible voters understand what each option means, including potential implications arising from either option. This should include development of a ballot design and appropriate wording in TokPisin.

AMENDMENTS TO THE ORGANIC LAW, FILLING GAPS IN THE SCHEDULE, AND PASSING CONSTITUTIONAL REGULATIONS

The JSB resolved that officials meet and consider issues related to the Organic Law and the need for possible amendments, including constitutional regulations and associated legal matters to give effect to the operational conduct of the referendum.

ENROLMENT CRITERIA FOR NON-RESIDENT BOUGAINVILLEANS TO VOTE IN THE REFERENDUM

1. The JSB—

- (a) *noted* the joint consultation undertaken with non-resident Bougainvillean communities; and
- (b) *endorsed*:

“That the Governments of Papua New Guinea and the Autonomous Region of Bougainville, under Section 55(1) of the *Organic Law on Peace-building in Bougainville—Autonomous Bougainville Government and Bougainville Referendum*, having consulted, agree on the following criteria to determine the links with Bougainville that a non-resident Bougainvillean must have in order to vote at the Referendum:

A person who is:

- Bougainvillean, as defined in Section 7(1) of the *Bougainville Constitution*; and
- entitled to enrolment under Section 52(1) of the *Organic Law on National and Local-level Government Elections* for an electorate in Papua New Guinea outside the Autonomous Region of Bougainville.

Notice of these criteria is to be published in the Gazettes of the Government of Papua New Guinea and the Autonomous Bougainville Government, and in a national newspaper.”

2. The JSB further resolved that following further joint legal advice on constitutional compliance, that the BRC should be responsible for putting in place the necessary mechanism to give effect to the above arrangements.

POST REFERENDUM TRANSITION, PEACE-BUILDING AND POLITICAL SETTLEMENT

The JSB resolved:

1. That a Post Referendum Planning Taskforce, headed by the National Minister Assisting the Prime Minister on Bougainville and the ABG Minister for Peace Agreement Implementation, guided by a group of eminent persons (to be jointly selected by the two minister), be established for the purpose of conducting post referendum scenario planning, with a view to reporting to the respective Parliaments by the end of 2018 with a particular emphasis on:
 - i) Ensuring peaceful acceptance of the referendum results;
 - ii) Timely consultation between the governments about the results of the referendum;
 - iii) Reference to the Parliament for timely ratification only if the two governments agree;

iv) Developing an agreed basis for the ongoing relationship between Bougainville and PNG.

Draft terms of reference are attached.

2. That funding for the Joint Referendum Tasks force be made available by both governments as a matter of urgency,
3. To agree on the holding of a Joint Post Referendum Summit and directed officials to immediately prepare the necessary documents for the conduct of the summit in late 2018 in Buka.

WEAPONS DISPOSAL

The JSB resolved:

1. To accept the progress report on the implementation of the Four Phase Weapons Disposal Plan.
2. That agreed national government funding support of K12 million over three years be affirmed, with a commitment that K7million in funds be provided in the 2018 financial year, subject to savings in the 2018 National Budget.
3. That the link between weapons disposal and a free and fair referendum be affirmed, noting that continued work to remove the scourge of weapons from Bougainville remains a joint National Government and ABG responsibility.
4. To note and endorse the proposed plan for the disposal of explosive ammunition and weapons and noted that that the two Chief Secretaries have jointly written to the Governments of the United States, Japan and Australia to seek funding and capacity building support to enable disposal of World War II remnants.
5. That further work be undertaken to establish some basic data against which Weapons Disposal completion can be assessed therefore direct the technical teams to examine the following information:
 - a. Records of PNGDF issued weapons to Bougainville groups,
 - b. Record of PNGDF weapons lost into Bougainville hands
 - c. Legally registered firearms in Bougainville as November 1988,
 - d. Legally registered firearms post 1988 to 2018
 - e. The PNG Firearms Act.

SECOND AUTONOMY REVIEW: IMPLEMENTATION OF 2017 JSB RESOLUTION # 4.1

The JSB resolved:

1. That the UN offer of technical and financial assistance for the conduct of the Review be noted and accepted.
2. That the experts proposed by the UN to conduct the review have been endorsed by the co-chairs of the JTT.
3. That Leaders note that the Review is expected to be finalised by the end of October 2018.

MOU ON DRAWDOWN OF POWERS

The JSB resolved:

- (a) That work on the drawdown of powers should continue, noting the very limited progress to date, recognising that there is a need for enhanced agency engagement.
- (b) That a meeting of the Joint Technical Working Group (JTWG) on the Drawdown of Powers convene without delay to consider a revised work-plan for progressing the drawdown of powers, noting that priority should be given to those powers that provide maximum economic benefit.

AGENDA ITEM 11

FISHERIES DRAWDOWN: IMPLEMENTATION OF 2017 JSB RESOLUTION # 4.3

The JSB resolved:

- a. That the payment of K15 million from the NFA to the ABG be noted;
- b. That both Governments recognise the importance for these funds to be used to enhance fisheries capacity;
- c. That the ABG provide advice to the National Government on the allocation and distribution of the K15 million paid, noting specific reference to fisheries related projects;
- d. That work on the consideration of delimiting maritime boundaries has commenced and that funds of K3.05 million be provided by the ABG to the NFA from the K15 million interim payment to enable to this work to progress;

- e. To note the need for the ABG to nominate officers to participate in the Joint Technical Working Group on Fisheries;
- f. That following this work, further discussions between the two governments take place;
- g. To note the need for the establishment of the Bougainville Fisheries Management Authority (BFMA).

RESTORATION AND DEVELOPMENT GRANT AND GOVERNMENT FINANCING

The JSB resolved:

- (a) That Leaders re-affirm the compromise agreement on Restoration and Development Grant arrears reached at the Joint Supervisory Body Meeting of 15 December 2017.
- (b) That Leaders agree that the arrears to be paid of K437 million are over and above any 2018 and future year budget allocations.
- (c) That the two governments agree that the two Chief Secretaries will meet again to examine means through which disbursement of funds can be made.
- (d) That the ABG will prepare an expenditure plan for the K35 million to be financed by the National Government in 2018.
- (e) That further discussion on the formula to apply in relation to the RDG in future years take place before JSB, with a view to determining the formula and amount to apply in future years.
- (f) That the governments shall jointly appoint a finance expert to advise on the correct approach to calculation of the RDG going forward, and if the governments are unable to agree on the advice provided, then a joint reference should be made to the Supreme Court seeking a binding ruling on how the RDG should be calculated in future years.

PEACE BUILDING IN BOUGAINVILLE AND BETWEEN BOUGAINVILLE AND PNG

The JSB resolved to:

- (a) Acknowledge the progress made on the ground in Bougainville, on high profile cases and through joint PNG National and Bougainville Women's organisations as well as former combatant groups.
- (b) Acknowledge the progress and success in relation to the endorsed program of work.

- (c) Note the challenges involved in the tasks of peacebuilding in Bougainville.
- (d) Note the need for another program of work in relation to National and International Reconciliation.
- (e) Acknowledge the need for joint funding support for ongoing peacebuilding efforts.

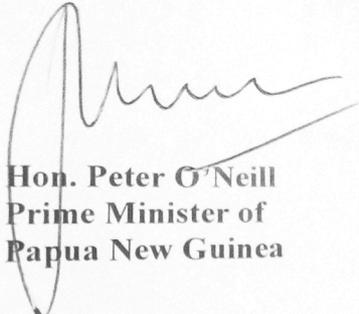
TRANSFER OF BCL SHARES

The JSB resolved that the two Chief Secretaries will meet and discuss the legal status of the 17.4% of shares to be transferred to Landowners in the near future.

NATIONAL GOVERNMENT REPRESENTATION ON THE BOUGAINVILLE SENIOR APPOINTMENTS COMMITTEE

The JSB resolved that the Department of Prime Minister and NEC prepared a submission to Cabinet without delay, to enable national government representation of the BSAC to be formalised without delay.

Signed at Arawa, Autonomous Region of Bougainville, this 29th Day of June 2018 by:



Hon. Peter O'Neill
Prime Minister of
Papua New Guinea



Chief John L. Momis
President, Autonomous
Region of Bougainville