



Australian Treaty Series

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Australian Treaty Series 1998 No 12

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE CANBERRA

Protocol concerning the Peace Monitoring Group made pursuant to [and amending] the Agreement between Australia, Papua New Guinea, Fiji, New Zealand and Vanuatu concerning the Neutral Truce Monitoring Group for Bougainville of 5 December 1997

(Port Moresby, 29 April 1998)

Entry into force for Australia and generally: 1 May 1998

AUSTRALIAN TREATY SERIES 1998 No. 12

PROTOCOL CONCERNING THE PEACE MONITORING GROUP MADE PURSUANT TO THE AGREEMENT BETWEEN AUSTRALIA, PAPUA NEW GUINEA, FIJI, NEW ZEALAND AND VANUATU CONCERNING THE NEUTRAL TRUCE MONITORING GROUP FOR BOUGAINVILLE, DONE AT PORT MORESBY ON 5 DECEMBER 1997

THE PARTIES TO THIS PROTOCOL;

BEARING IN MIND the Preamble of the Agreement between Papua New Guinea, Australia, Fiji, New Zealand and Vanuatu concerning the Neutral Truce Monitoring Group for Bougainville; [\[1\]](#)

TAKING NOTE of the contents of the Lincoln Agreement on Peace, Security and Development on Bougainville, including the commitment to cooperation in achieving and maintaining lasting peace by peaceful means;

NOTING that the Lincoln Agreement provides for a permanent and irrevocable ceasefire to take effect at 2400 hours on 30 April 1998;

NOTING that the Lincoln Agreement provides for restoration of civil authority in Bougainville, including the transition to civilian peacetime policing and the holding of free and democratic elections to elect a Bougainville Reconciliation Government before the end of 1998;

NOTING the undertaking by the Papua New Guinea Government to seek to conclude arrangements required for deployment of a Peace Monitoring Group in Bougainville by no later than 30 April 1998;

NOTING that the Papua New Guinea Government has agreed to seek the endorsement of the United Nations Security Council for these arrangements, including the appointment of a special observing mission to monitor these arrangements; and

TAKING NOTE of arrangements for the implementation of the ceasefire;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

Article 1 of the Head Agreement shall be amended as follows:

(1) Paragraph (d) shall be amended to read:

"Group" means the Neutral Peace Monitoring Group for Bougainville, established pursuant to Article 5 of this Agreement and comprising military and civilian personnel contributed by Australia, Fiji, New Zealand and Vanuatu or other Participating States.

(2) The following new paragraphs shall be inserted into Article 1 of the Head Agreement:

(g) shall be inserted to read:

"Lincoln Agreement" means the Lincoln Agreement on Peace, Security and Development on Bougainville, signed at Lincoln University, Christchurch, New Zealand on 23 January 1998;

(h) shall be inserted to read:

"Ceasefire" is the ceasefire agreed to in the Lincoln Agreement;

(i) shall be inserted to read:

"Protocol" means the Protocol concerning the Peace Monitoring Group made pursuant to the Agreement between Papua New Guinea, Australia, Fiji, New Zealand and Vanuatu concerning the Neutral Truce Monitoring Group for Bougainville, done at Port Moresby on 5 December 1997;

(j) shall be inserted to read:

"Head Agreement" means the Agreement between Papua New Guinea, Australia, Fiji, New Zealand and Vanuatu concerning the Neutral Truce Monitoring Group for Bougainville, done at Port Moresby on 5 December 1997; and

(k) shall be inserted to read:

"United Nations observers" means persons appointed as official observers for and in accordance with the procedures of the United Nations, in response to an official request from the Government of the Independent State of Papua New Guinea.

(3) The definitions described above, in paragraphs (1) and (2) of this Article, shall apply to both the Head Agreement and the Protocol.

Article 2

Purpose and legal effect

(a) This Protocol is made in accordance with Articles 25 and 28 of the Head Agreement.

(b) References to "the Group" in the Head Agreement, and all provisions establishing and facilitating the operations of the Truce Monitoring Group in the Head Agreement shall apply, by virtue of this Protocol, to the Peace Monitoring Group.

(c) References to "the truce" in the Head Agreement shall apply, by virtue of this Protocol, to the ceasefire.

(d) The Head Agreement, read together with this Protocol, shall apply to the ceasefire.

Article 3

Peace Process Consultative Committee

Article 2 (Peace Consultative Committee) of the Head Agreement shall be amended to read as follows:

There shall be a Peace Process Consultative Committee, established by the parties to the Lincoln Agreement, which shall receive regular reports from the Commander on the implementation, progress and success of the Lincoln Agreement, including the permanent and irrevocable ceasefire which will take effect in Bougainville at 2400 hours on 30 April 1998. It shall have no direct involvement in command of the Peace Monitoring Group or the deployment decisions made by the Commander.

Article 4

Mandate of the Peace Monitoring Group

(1) Article 5 (Mandate of the Group) of the Head Agreement shall be amended to read as follows:

The Participating States shall establish the Group which shall comprise military and civilian members. The mandate of the Group shall be to:

- (a) monitor and report on the compliance of the parties involved in the Bougainville peace process to all aspects of the ceasefire;
- (b) promote and instil confidence in the peace process through its presence, good offices and interaction with people in Bougainville;
- (c) provide people in Bougainville with information about the ceasefire and other aspects of the peace process;
- (d) provide such assistance in the implementation of the Lincoln Agreement as the parties to the Lincoln Agreement and the Parties to this Protocol may mutually determine and available resources allow; and
- (e) such other measures as may be mutually determined by the parties to the Lincoln Agreement and the Parties to this Protocol which will assist with the democratic resolution of the situation.

(2) The Peace Monitoring Group will cooperate with United Nations observers in respect of the objectives of the Lincoln Agreement, subject to such terms and conditions as may be mutually determined in consultation between the United Nations and the Parties to this Protocol.

Article 5

Peace Process Steering Committee

(1) Article 3 (Truce Steering Committee) of the Head Agreement shall be amended to rename the Truce Steering Committee the "Peace Process Steering Committee".

(2) Article 3(2) of the Head Agreement shall be amended to read:

The Chairman of the Peace Process Steering Committee shall be chosen by consultation between the Parties to this Protocol.

Article 6

Consultation and liaison

(1) Any matter arising under this Protocol with respect to its interpretation, application or implementation shall be settled in accordance with Article 27 (Consultations) of the Head Agreement.

(2) The Parties shall each designate a point of contact in Papua New Guinea to facilitate liaison and urgent consultations between the Parties.

Article 7

Good offices

The Participating States will continue to offer their good offices in supporting the achievement and maintenance of peace in Bougainville.

Article 8

Entry into force, review and duration of this Protocol

(1) This Protocol shall be open for signature by Papua New Guinea, Australia, Fiji, New Zealand, Vanuatu and such other states of the South Pacific region which, with the concurrence of the Parties, contribute personnel to the Peace Monitoring Group. It shall enter into force upon 1 May 1998 for those Parties which have signed it. Notwithstanding anything in the Head Agreement, the Head Agreement shall remain in force until the entry into force of this Protocol. After entry into force of this Protocol, the Head Agreement shall only have force as amended by this Protocol.

(2) After 1 May 1998, this Protocol may be acceded to by any of the parties to the Head Agreement listed in (1) which have not signed it by then, or such other states of the South Pacific region which, with the concurrence of the Parties to the Head Agreement as amended by this Protocol, contribute personnel to the Peace Monitoring Group. This Protocol shall enter into force for each such additional Party on the date of notification by that Party of the completion of the constitutional formalities required by its laws for the entry into force of the Head Agreement as amended by this Protocol. Accession to this Protocol by a State which is not a Party to the Head Agreement represents accession to the Head Agreement as amended by this Protocol.

(3) Noting the agreements reached by the parties to the Lincoln Agreement regarding restoration of civil authority, including civilian peacetime policing and the holding of free and democratic elections to elect a Bougainville Reconciliation Government before the end of 1998, the Parties agree to consult and review the size, composition and role of the Peace Monitoring Group at intervals of three months, or such other intervals as may be agreed, bearing in mind progress towards restoration of civil authority in Bougainville. Participating States will consult the other Parties before altering the size or composition of their respective contributions to the Peace Monitoring Group.

(4) Article 29(3) of the Head Agreement shall be amended to read:

Unless otherwise mutually determined by the Parties, the Head Agreement as amended by this Protocol shall expire on the withdrawal of the Group from the Area of Operations.

(5) Article 29(4) and (5) of the Head Agreement shall apply to this Protocol.

Article 9

Depository for this Protocol

New Zealand shall be the depository of this Protocol.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto by their respective Governments, have signed this Protocol.

DONE at Port Moresby on the 29th day of the month of April of the year one thousand nine hundred and ninety-eight, in a single original in the English language to be deposited with the Government of New Zealand.

FOR THE INDEPENDENT STATE OF PAPUA NEW GUINEA:

[Signed:]

ROY YAKI

FOR AUSTRALIA:

[Signed:]

ALEXANDER DOWNER

FOR FIJI:

[Signed:]

BERNARDO VUNIBOBO

FOR NEW ZEALAND:

[Signed:]

DON MCKINNON

FOR VANUATU:

[Signed:]

LEO SESE

[1] ATS 1997 No. 30