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.
Protocol concerning the Peace Monitoring Group made pursuant to [and amending] the Agreement between Australia, Papua New Guinea, Fiji, New Zealand and V...

(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
Protocol concerning the Peace Monitoring Group made pursuant to [and amending] the Agreement between Australia, Papua New Guinea, Fiji, New Zealand and V...
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

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