

Panguna Landowner's Reconciliation-(Continuation)

Pinei Valley Reconciliation 7th – 16th December 2009

Item F (3) (a) of Bougainville Peace Agreement signed in Arawa on the 30th August 2001 states,

“337. The parties acknowledge the suffering, pain, loss and so much untold sorrow which has been caused to so many by the Bougainville conflict. Where tensions and differences between individuals and groups remain unresolved, not only is suffering intensified, but peace itself can be threatened by the risks of renewed conflict.

339. Reconciliation has many aspects, including customary, religious, spiritual, personal, psychological and economic. It includes concerns for history, memory and justice. These qualities have been evident in many reconciliation efforts made in Bougainville within and between families and communities. For the peace to be self-sustaining reconciliation efforts must continue.

342. The parties commit themselves to continuing to promote and pursue meaningful reconciliations both within Bougainville amongst individuals and groups. They agree to cooperate in:

- (a) discouraging threats to individuals and groups or to the peace process as a whole;
- (b) where appropriate, preventing and punishing such threats in accordance with the law.

The process of Panguna Landowner's reconciliations which began in Guava and Panguna is continuing and the latest was held in Pakia village from Monday 7th to Wednesday 16th December 2009. This reconciliation involved the people from the surrounding villages from the Pinei valley namely, Pakia, Parakake and Siredonsi villages. The main issues covered at this reconciliation ranged from destructions to properties such as individual company assets, burning down of personal homes, threatening of individual families by BRA soldiers and in one or two cases actually seriously wounding and or killing of some family members.

The main families who featured at this particular reconciliation as victims of certain illegal actions of mainly some factions of then BRA soldiers were;

- * Mr Severinus Ampa'oi family
- * Mr John Pipin family
- * Mr Tony Tapakau family
- * Mr Peter Perakai family
- * Ms Maggie Clason family

Other names that also are affected by this matter on RMTL the PLA Company are,

- Mr Michael Pariu family (RMTL Board Member)
- Mr Lawrence Daveona family (RMTL Board Member & Company Secretary)

The mediators who officiated at this reconciliation were;

- * Mr Julius Nakonang (village chief and village court magistrate)
- * Mr David Sisito (Paramount chief and former Minister for Defense in Francis Ona's Mekamui Government & Chairman of POSOM Oraang Justice)-(*Will elaborate later on POSOM Oraang Justice*)
- * Mr Peter Kurongku (village chief and Village court magistrate)
- * Mr Steven Tampura (village chief and village court magistrate)

I would like to now briefly explain the concerns of the above individual families that resulted in the destructions to their properties and other issues which had contributed to the families suffering as a result of PLA landowner's conflict.

A. Mr Severinus Ampa'oi family case.

Mr Severinus Ampa'oi was the first well educated man to be employed by CRAE from Dapera village in the Panguna Mine leases area in January 1966 and stayed on and reached the Executive management level with BCL until his retirement in January 1982. During his employment with BCL especially as the General Manager for Community Relations department and more so being a Panguna landowner himself he was at all times in constant contact with the villagers who were the title holders of the Panguna mine leases areas. He also assisted one way or the other with the formation of the Panguna Landowner's Association (PLA) and its business arm namely, Road Mining Tailings Leases Trustees Limited (RMTL) this being the case he was very much involved with the Executive committee members of both PLA & RMTL. In his capacity as the GM of BCL's Community Relations department he also held important posts in other BCL established business entities namely;

- * Chairman of Arawa Enterprises (AEL)
- * Chairman of Panguna Development Foundation (PDF) which was later to be renamed Bougainville Copper Foundation (BCF).
- * Member of Electoral Boundaries Commission of Papua New Guinea

Other important post he also occupied included;

- * Board Member of South Pacific Holdings-(*being a private major shareholder of Bougainville Beverages Pty Ltd in partnership with SP Holdings Limited*)
- * Board Member of Bougainville Development Corporation-BDC

- * Chairman of Arawa High School Board of management

While still he was employed with BCL he had established his own or family businesses which were destroyed in the early days of the conflict and the estimated value of these businesses is between K2 to 3 million and they are namely;

- * Guava Taxis
- * Trucking business
- * Guava Holdings
- * Panguna Motors
- * Coffee shop
- * Piggery
- * Property rentals

Upon his retirement in January 1982 he concentrated solely on running the above businesses. He was never an executive member of Panguna Landowner's Association (Old PLA) as he was always referred to. In short Mr Ampa'oi was reasonably a wealthy man in comparison to an ordinary Nasioi man at that time.

In 1982 he was appointed the Chairman of RMTL as a result of Mr Michael Pariu running for Ioro Eivo constituency in the North Solomons Provincial Government elections. During his term as the Chairman there was a major re-structure of the operations of RMTL's businesses. One major Board decision that he effected as the new Chairman of RMTL was to put an end to giving of loans to individuals and businesses and instead concentrate on funding community projects, such as Health centres, Feeder roads, Community schools, Water supplies, Village churches, Sponsorship of promising Panguna Landowner's children, etc, etc in the Panguna mine leases areas as per the Trust Deeds of the Company. The main reason was that before his time the previous board had dished out so much money as loans to individuals and business groups and that no repayments were made or some repayments were not being received in a timely manner.

Another most important achievement was that he put in place a very strict management control mechanism for the operations of RMTL related companies under one General Manager, namely Ray Jacinto, a Pilipino who was a qualified accountant.

During his reign as the Chairman RMTL prospered and grew up to be a multimillion kina company having investments in many companies such as;

- * Shareholding in Investment Corporation of PNG,
- * Ango Holdings Limited
- * Niugini Lloyd Bank
- * Plantations
- * Shareholding in BDC
- * Shareholding in Manetai Limestone Mining (*via loan to Manetai Landowners*)
- * Properties
- * Service Station Operation

The reason why he featured in this particular PLA reconciliation was that all of his own and family related businesses were destroyed at the beginning of the Bougainville because he was accused of mismanaging RMTL funds despite the company producing annual reports which were always audited by recognized chartered accounting firm namely, Coopers & Lybrand. As a result of this he was also put on the “*wanted list*” by some elements of BRA and this also resulted in him being almost killed in one of the BRA ambushes near his home. He was also accused of having links with BCL especially because he was a former employee and further operated most of his family companies in the mine lease areas. He escaped to Port Moresby with his family in September of 1989 and has lived there since then. For this reconciliation he returned home with two children of his (grown-up adults and both married with their own children) after having been away for over twenty years.

B. Mr John Pippin family case. (Severinus’ younger brother)

Mr John Pippin was a former Journalist with National Broadcasting Commission later joined Radio Australia/PNG service in Melbourne and on his return became an employee of RMTL. There may be two reasons as to why he was also on the “*wanted list*” and at the beginning of the Panguna conflict he too was threatened by BRA elements and as a result of him and his family being taken around in the jungle and in one of these travels his daughter died after falling off a cliff in the jungle. These reasons may be;

- * He was Severinus’ brother;
- * He also worked for RMTL and at that time he was also looking after some company property such as company vehicles.

His family’s case involved being threatened by BRA and burning down of their home with their personal belongings plus the taking away of the company vehicles.

C. Mr Tony Tapakau family case.

Mr Tapakau was a former employee of BDC who later joined RMTL after his brother Mr Philip Meuka was terminated from the company as a result of Mr Ampa’oi’s reorganization of the management of the company. As we departed as a result of the conflict he was the care taker of all the company properties including vehicles. In his case these properties were all at the company cocoa and copra plantation of Tenakau. His case involved a number of young BRA soldiers who had threatened him with guns on a number of occasions. He also had his home burnt down by some of these young men. Of particular importance to note here is that as the care taker manager of Tenakau plantation he was responsible for the safe keeping of the company’s assets on the plantation. These assets were removed by one unit of BRA under the command of John Amuna after threatening Mr Tapakau with a gun.

D. Mr Peter Perakai family case. (Tony’s elder brother)

Mr Peter Perakai was a Member of the PLA Executive and was also the Board Member of RMTL. His family’s case involved him being a board member of RMTL

and because of this his permanent home too was burnt to the ground by BRA personnel after he and his family were threatened with a gun.

E. Ms Maggie Clason family case. (Mama Nurse)

My Mama's case was a classic case of someone who had come back to help her people. You see Maggie was a nursing sister at the Panguna BCL medical clinic before the Bougainville crisis. Sometime after 1990 because of the crisis she went to Nissan Island and was helping the people there. Soon after the ceasefire she was requested by Mr Andrew Pisi to return home to Panguna to attend to the medical needs of her own people. On receiving Mr Pisi's letter of invitation she made plans to return home. At that time anyone wanting to travel from another area to another area within Bougainville was issued with special passports (passes-IDs) by the PNG Security Forces. After completing her procedural requirements to travel home she left Nissan Island and travelled to Buka and from there to Loloho where the PNG Defense Force HQs was located. From Loloho her car was escorted by the security force's armoured car. She had also brought with her some bags of rice, some cartons of tin fish and tin meat plus medical supplies.

At Pakia on her way to Panguna her car was ambushed by BRA soldiers and she was abused with all sorts of threatening comments and some of the supplies that she brought with her were destroyed including the medical supplies. She was allowed to travel to Panguna with whatever was left of the supplies that she brought along and the same treatment was repeated by Panguna BRA soldiers. Her reconciliation case also involved mistreatment by BRA soldiers.

Maggie is also the RMTL Board member.

F. Mr Michael Pariu's case

Michael Pariu became the Chairman of RMTL soon after Severinus and I left the shores of Bougainville for Port Moresby after our families were threatened. As such he was in a way in charge of all the RMTL Company Assets. Michael Pariu is that type of a person who will not give anyone any room to gain ground. He has somehow over the years built up very good grassroots' support from his people and during the crisis he was able to be protected in times of disturbances and again managed to contain any wrong moves that some BRA commanders were pursuing.

During the crisis Michael has always been in contact with Severinus and I and the introduction of mobile phones in the later part of 1990's also helped in our communication.

G. My family case

On the Sunday morning 15th January 1989, after my uncle was abducted on the morning of Friday 13th January 1989, some relatives of mine came to my residence in Arawa town (section 7) and dropped off an empty SP Carton box which had the following words written on,

“Lawrence Daveona, you are next on the line”

My wife who was sweeping under the house saw and recognized the driver of the car who had slowed down to let one of the occupants drop off the empty SP carton box in our yard as being my cousin, Mr Steven Onaisi who works as a BCL Security officer. Soon after realising what the message said my wife showed me the SP carton box with the writings on it and I got into my car and drove to Mr Onaisi's house in section 4 where I told his wife what her husband was involved in some fifteen minutes earlier at my house. She informed me that her husband was asleep. I showed her the note that was dropped off at my house and told her that I was going to the security forces Police headquarters in Arawa to report the matter and to advise her husband that the riot squad may be calling on him anytime today.

Close to midday I had a call from the Arawa Police Station Commander requesting my presence. Upon my arrival I noticed that the riot squad did in fact called on him at his house in section 4 as the facial bruises evidence on Mr Onaisi's head showed. The Police Chief Mr Tony Wangambi told me that he men had been trailing Steven for some time by monitoring BCL Security radio frequencies and thanked me for putting them onto him. He was charged and locked up and both he and I had to go through the normal court case proceedings which resulted in him being ordered by the Kieta District court to pay me some compensation which he never paid due to the circumstances that prevailed at that time.

Because of this treat I quickly made arrangements for my family to be evacuated to my wife's (then) home province (Manus) where I wanted them to stay for sometime while I get things organized in Port Moresby. We all left our separate ways on Tuesday 17th January 1989 taking along only our most needed things especially our clothing and leaving behind most of our priced items including our family vehicle, household white goods including Disco equipment, TV, House Stereo system and a 19th Dinghy.

Before July 1989 I was able to return home alone twice, one time to attend Mr John Bika's funeral at his village and the second time to attend the major Peace and reconciliation ceremony at which both the Old and New PLA executive reconciled with the National Government, the North Solomon's Provincial Government and Bougainville Copper Limited management. The Premier and Prime Minister of Papua New Guinea then respectively Mr Joseph Kabui and Sir Rabbie Namaliu and on behalf of PLA, Mrs Cecelia Gemel formally officiated at this peace ceremony

My family moved to Port Moresby in July 1989 when I was still in the employment of BDC and in mid 1991 I had to be retrenched as the company was winding down its operations as most of its available assets had already been taken over by the bank and it could not operate as a going concern. Since then up till now I had to learn how to survive doing all sorts of jobs firstly to keep my family fed and housed and most importantly educated.

H. Main Offenders

The main instigators or the offenders that were named to take part in this reconciliation are listed as follow,

- Mr Osea Ampa'oi
- Mr Michael Paai
- Mr Michael Bebetenu
- Mr John Amuna
- Mr Thomas Tamuasi
- Mr Robert Itona (deceased)
- Mr Francis Kabarui
- Mr Ben Ienu
- Mr Berato Imora
- Mr Marata & Group
- Mr Oinu family
- Mr Willie Makoa
- Jacob Etanui (deceased)
- BRA soldiers from the villages of the Pinei valley

I. Pinei Valley Cases Mediation process

The Pinei valley mediations began on Monday 7th December 2009 at Pakia village where all the conflicting parties were assembled. The first stage of the mediation was the invoking of the death relatives of the surrounding above named villages. Then there was cleansing of those family members who were taking part in the reconciliation. Finally the elders of the families taking part had to enter the **“Holy Ground”** reciting speeches calling on the good spirits to protect everyone who is alive especially the young and again asking for forgiveness for everyone taking part in the mediations and eventually the reconciliation.

On Tuesday 8th December 2009, the actual mediation program was to begin but due to the death of a village paramount chief who had a part to play in this mediation, the whole mediation program had to be delayed to begin on Saturday 12th December 2009.

Prior to conducting the mediations the chief mediator explained to both the victims and the offenders that under the ****POSOM Oraang Justice legal system** (customary legal system) these mediations for reconciliation will follow a **“win-win”** criteria where by both parties will speak openly and truthfully about an issue or issues at hand. Those taking part in the mediation were encouraged to come out openly from their hearts and allow the good spirit to come out with the truth and not to hold back but let God's spirit to set them free.

Note:

**** POSOM** stands for,

- P.* *Pontoku*
- O.* *Onoring*
- S.* *Sipungeta*
- O.* *Osikaiaang*
- M.* *Meekamui*

POSOM Oraang Justice System is made up of the paramount chiefs of ten (10) customary clans in Bougainville's Central Region. These are,

- | | | |
|-------------|------------------|-------------|
| a) Barapang | b) Kurabang | c) Basikang |
| d) Daanta | e) Tankoringkang | f) Pateking |
| g) Kamuaang | i) Bomporong | j) Maanta |
| | k) Kaiang | |

As scheduled above the first of the mediations began with the mediators presiding over Mr Ampa'oi family's case and the various offenders as listed came in one by one to answer by simply admitting whether the offence as claimed by victim was committed by each of them and if so giving the reasons for their actions and who was the authority that gave the order for them to committing the offence. (*Refer attached mediations program*)

This mediation process continued on Sunday 13th December with Mama Maggie Clason, Mr Tony Tapakau and Mr John Pippin. All mediations were completed by the afternoon of Monday 14th December 2009 with Mr Peter Perakai and Michael Pariu's cases.

In summary my observations as a result of the mediation process that went on for good three days are as listed below:

- a) Both the victims and the offenders are victims of much higher authorities' actions and or inactions on issues relating to Panguna Landowner's grievances over a lengthy period of time, in this case these higher authorities are the National Government and Bougainville Copper Limited. The fact remained that these two entities are the signatories to the Bougainville Copper-1967 Agreement (BCA) and this agreement is supposed to have been reviewed every seven (7) years from then on but this was never done. The landowner's conflict erupted in November 1988. This meant that the BCA review did not take place three consecutive 7 year terms;
- b) The whole process of planning how the Landowner's conflict would proceed on and who were the main players in the initial planning process were namely, Dr Benedict Pisi, Mr Francis Ona, Mr Osca Ampa'oi, Mrs Perpetua Serero, Mrs Cecelia Gemel, Fr Wally and Mr John Momis as a National MP. with his 1987 "*Bougainville Initiative*" to name only a few. The venue for these initial meetings was always Pakia village church and in the later stages at the Panguna Catholic church and coincidentally this Pinei valley reconciliation took place at the same village the initial planning took place;
- c) The victims were employees in some capacity of an entity (RMTL-a PLA landowner's company) that was established with full concurrence of a legal operating entity-BCL, which was carrying out business with the full consent of the National Government through a legally binding arrangement called Bougainville Copper Agreement 1967 (BCA);

- d) The offenders were victims of misinformation based on propaganda initiated by misinformed persons who were out on a goose chase and hell-bent on defaming the integrity of certain individuals and in fact had succeeded in the destructions to the properties of victims (some named above) by pursuing an ill-organized revolutionary organization's ideology;
- e) These offenders in pursuing the path of destruction of private properties claimed to have followed BRA "*Standing Orders*" and were acting on orders from those in authority. This insinuation was totally denied by Mr David Sisito, the former Minister for Defense in Mekamui Government who sat as a mediator on the panel but he did agree that some elements of BRA soldiers gave their own orders to the soldiers under their command under the cover of "*BRA Standing Orders*";
- f) As the mediation process progressed it was quite evident that the offenders while admitting that they did take part in such acts of destruction and harassment and in some instances causing grievous bodily harm during the landowner's related crisis it was now time for the victims to extend the hand of forgiveness in the true sense of reconciliation before the facilitator mediators and the public who came as witnesses to this Pinei valley reconciliation program;
- g) For the affected victims the loss and the hatred that they have stored up over the last twenty or so years was too much to bear, but now that they have heard the truth from those present who have had something to do with the destruction to their properties this at least gave them some consolation and relieved them of their losses. But the big question still lingers on in their hearts as to who will at the end of the day be able to compensate them, at least in part for the losses so as to enable them to start a new life back in their respective villages. Forgive and forget is one thing but for human beings there will still remain the scar of losses for some years to come unless there is some form of atonement and this will definitely not come from any one of the offenders as the monetary value of many of these properties go beyond the normal imagination of these young men, in other words they cannot afford the costs.
- h) The mediators in their deliberations had to grapple with issues such as:
- These young men who have admitted to the wrongs that they have committed are the children of Panguna Landowners and at the time of their actions some of them have hardly reached the age of consent and twenty years on now have reached age of maturity further that they now realized the stupidity of their actions and therefore this alone is sufficient punishment. That they were lured into joining the cause (*because of misinformation*) thinking that something good will come out in the end but to their dismay there is still no light at the end of the tunnel;
 - The victims who were on the receiving (loosing) end are also Panguna Landowners (*title holders of mine leases*) and because of their part in being in positions of authority of the landowner's company (*RMTL*)

and its assets, have lost all of their properties and some have had to flee their homes because of treats made against their families and twenty years on have now returned to forgive these young men who have in fact destroyed their families hard earned livelihood of a lifetime. Some where along the time line some one must bear the costs to enable them to return to their homes and live their normal lives together with the offenders as they are all related one way or the other.

- RMTL is a landowner's company established under the Companies Act. The company was established with good intentions and the understanding between the Panguna Landowner's Association's Executive and Bougainville Copper Limited and it operated under "Trust Deeds" receiving its annual funding from BCL under Social Inconvenience Compensation Payments or SIC. This company was managed professionally under the Chairmanship of Mr Severinus Ampa'oi up until the time of the landowner's conflict that resulted in destructions to the company properties and its assets.
- My understanding on bottom line deduction of the mediators (*as to who should cope the costs on the part of the victims*) is that the harassment and the destructions to individual families' private properties during the conflict was the end result of the general perception that existed then because of jealousy and misinformation that was spread by the ring leaders or those who had planned the conflict in 1987 onwards. It then was a forgone conclusion that RMTL Board members and employees had become the targets, *re- the wanted list*" that was circulated around the villages of Pinei valley under some orders from unknown BRA authority. (Mr David Sisito denied any knowledge of the existence of the "*wanted list*" note in the office of President Ona).
- Yes, I was right about what the end result of the mediator's deliberation process was going to be after I saw some copies of the "**Dispute Settlement Order**" as per The Village Courts Act 1989 of Papua New Guinea. All of the "*Dispute Settlement Order*" copies (9 off) for Mr Severinus Ampa'oi that I sighted had the following,

Village Court Dispute Settlement Order

A 08882

Date of hearing: Saturday 12th December 2009

Venue of hearing: Pakia Village

Dispute settled on Mediation between the following Parties

Village Court Order No:

A 08882

Complainant:

Mr Severinus Ampa'oi

Defendant: Mr Osca Ampa'oi

Settlement in the following Terms agreed on and in the presence of Magistrate (s)

Magistrate name: Mr. Julius Nakonang/Mr David Sisito/Mr Peter Kurongku/Mr Steven Tampura

Mr Osca Ampa'oi as the BRA Commander of Pinei valley has admitted that he gave the order and also took part in the destruction and stealing of Mr Severinus Ampa'oi's properties at Kokore Bira piggery farm.

This farm is personally owned by Mr Ampa'oi's family and was not established from any monies from Panguna Landowner's Trust Fund-RMTL.

Mr Severinus Ampa'oi and his family have now forgiven Mr Osca Ampa'oi at this mediation process.

This court therefore gives the following Order;

“Mr Severinus Ampa'oi has suffered losses to his family businesses and further that his family has suffered untold sorrow over the past twenty years having left home for fear of personal security as a result of the Panguna landowner's conflict and it is equally important that he and his family be compensated by the Panguna Landowner's Company RMTL and other entities that it had connections, such as Bougainville Copper Limited and the National Government.

Mr Osca Ampa'oi cannot be held liable as his actions were a result of misinformation and propaganda perpetuated by ill-informed as he has admitted during this mediation.

The exact amount of costs to be paid to Severinus' family will have to be mutually agreed to as and when funds are made available to RMTL.”

Senior Magistrate

Court Clerk

Date: 12th December 2009

ENDS

Lawrence J. Daveona