



## **Response to Section 5.1, Independent Observer's Report of April-May 2007**

Section 5.1 of the Independent Observer's Report for April-May of 2007 states as follows:

*"The engagement of the two independent organizations as the facilitators: viz The Keystone Centre and Tanorama, who specialize in multi-party negotiation and problem solving through mediation, consensus and dialogue have continued to ensure that the CMCA Review process in the WG, RM through to the VM continues to be undertaken independently, impartially, and transparently although in the RM5, in some South Fly regions (Manawete, Kiwaba and Dudi) it was observed that one facilitator appeared to have stepped out of his normal facilitation role and expressed what we consider to be highly opinionated opinions while discussing a summary of environmental damages based on the Independent Scientist Report."*

I believe the Observers have reached conclusions that are not accurate.

I attended and helped in the facilitation of the fifth round of Regional Meetings in the Middle Fly, Suki Fly Gogo, Manawete, Kiwaba and Dudi areas and the reference in the Independent Observer's report is to me. In those meetings I was responsible for leading the review and the discussions regarding the letters of endorsement from Independent Scientist Dr. Alan Tingay and Special Legal Advisor Sir Arnold Amet. Sir Arnold Amet's letter contained several cautions and Dr. Alan Tingay's letter focused on his predictions concerning future environmental challenges and the need for long term monitoring in the impacted regions.

With the exception of the meeting in Manawete, these letters were read verbatim. Either I or a Working Group delegate from that area read aloud both letters for all meeting participants to hear. All regional representatives were also given written copies. At the end of each of these reviews, and to ensure the fullest understanding and comprehension, I offered a summary of key points and in some cases, explanations of technical terms and phrases.

During the summary of Dr. Alan Tingay's letter, I did in fact offer the opinion that "this letter contains some bad news." I stated this in slightly different ways at different meetings and always in a way that did not compromise my role as a neutral. My intention in offering this opinion was twofold.

First, and because of the length and detail of Dr. Tingay's letter, it was my responsibility to ensure that everyone understood what he was communicating, i.e. there will likely be continued and future environmental problems. This was the first time that most Regional and Village leaders had seen the draft agreement and its supporting documents. Dr. Tingay's letter (as well as OTML's own environmental reports) point to future impacts and problems. Those issues were also prominent points of discussion at the Working Group. All of this was in the spirit of "informed consent," the failure of which in previous CMCA negotiations was severely criticized both within PNG, overseas, and by the Working Group delegates themselves.

My second reason was to acknowledge the discomfort, concern and worry which was clearly visible on the faces of people attending the meeting and that is well documented in the meeting records. If the predictions of Dr. Alan Tingay are born out, there will, in fact, be grave challenges for the people of the impacted region for several generations to come. Our goal as facilitators from Keystone and Tanorama has not just been to make an agreement. Our goal was, and continues to be, a fully informed agreement. I believe my statements (a) showed respect for the people who will face these challenges and impacts; (b) helped fully inform them; and (c) and diminished some of the tension present in the room, thereby allowing for discussions to continue and other material to be covered.

After each of my summary statements regarding these letters, I turned to the Observer attending that meeting and asked if my statements were a fair and accurate summary of the letters of endorsement from Dr. Tingay and Sir Arnold Amet. No statements to the contrary or amendments were offered.

I believe that that the Observers accurately saw and heard my actions. I also believe they have interpreted those actions incorrectly.

Respectfully submitted,

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4 June, 2007