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11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA
 13 WESTERN DIVISION
 14

15 ALEXIS HOLYWEEK SAREI, et al.,
 16 Plaintiffs,
 17
 18 v.
 19 RIO TINTO, plc. et al.,
 20 Defendants.

No. 00-11695 MMM AIJx

DECLARATION OF JOHN MOMIS,
 GOVERNOR OF NORTH SOLOMONS
 PROVINCE (BOUGAINVILLE)

21 I, John Momis, on the basis of my personal knowledge, state as
 22 follows:

23 1. I am the Governor of North Solomons Province. I have
 24 serve as an elected representative of the people of Bougainville
 25 since 1975 when Papua New Guinea gained independence. I was one of
 26 the chief architects of the PNG constitution. And I have been one
 27 of the main leaders in commencing and maintaining the peace process
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1 that resulted in the signing of the Bougainville Peace agreement on
2 30 August 2001. I therefore believe I am one of the most
3 appropriate people to comment on the effect this litigation may
4 have on the implementation of the Peace Agreement on Bougainville.
5 Given my on-going electoral support from the people of Bougainville
6 over a 25 year period I also believe I am the best person to
7 represent the views of Bougainvilleans.

8 2. Negotiations between representatives of the PNG
9 government and the people of Bougainville began in July 1997, and
10 concluded with the signing of the Bougainville Peace Agreement at
11 Arawa, Bougainville on August 30, 2001. These negotiations were
12 not affected (and have never been affected) by the existence of the
13 litigation before this Court, which was brought by residents of
14 Bougainville against Rio Tinto and its affiliate in September 2000.
15 At no time did Rio Tinto or its affiliates participate in the
16 negotiations. Further, Rio Tinto and its affiliates have no role
17 in the negotiations and, to my knowledge, they have no legal
18 interest in the subjects negotiated by the parties.

19 3. The steps remaining to implement the peace agreement will
20 not be affected by this litigation against Rio Tinto. The steps
21 that remain for implementation of the Peace Agreement involve
22 changes to the PNG Constitution which will provide for a referendum
23 on Bougainville Independence in 10-15 years time, the disposal of
24 weapons according to the terms of the Agreement, and taking
25 necessary steps for the establishment of some autonomous political
26 structures between now and the referendum. These are steps that
27 will occur at political levels and involve marshalling public
28 support for the Peace Agreement. Rio Tinto and its affiliates will

1 not be involved in these activities, and such activities will not
2 be affected by the continuation of this litigation.

3 4. There are high levels of support for the litigation in
4 Bougainville. It is well understood if the Panguna mine did not
5 happen the Bougainville war and blockade would never have occurred.
6 Everyone on Bougainville is united in this feeling. If the court
7 case can give Bougainvilleans an opportunity to air their claims
8 against Rio Tinto and obtain justice, then it will strengthen the
9 reconciliation process that is brining PNG and Bougainvilleans
10 closer together.

11 5. It is important to understand the significance of holding
12 Rio Tinto responsible for its actions and the actions of the PNG
13 government. At all times, Rio Tinto, through BCL, controlled the
14 government's actions on Bougainville. The mining operations at
15 Panguna were a critical part of the government's money making
16 ventures. PNG was BCL's minority partner at the Panguna mine, and
17 whenever government action was called for on Bougainville, BCL was
18 the one that requested it. PNG took its directions from BCL's
19 management. In short, BCL controlled and has always controlled the
20 government when it comes to matters of Bougainville.

21 6. None of the actions taken by the PNG government
22 concerning the allegations in this litigation were taken for any
23 purpose other than as part of a private, profit-making commercial
24 enterprise. More specifically, the actions taken by PNG to reopen
25 the mine were done not for any public benefit, except tangentially
26 as the money the government made in its joint venture with BCL
27 would trickle down to benefit PNG citizens.

28

1 7. BCL needed PNG to open the mine in the first place and
2 keep it open because of the long-standing local opposition to the
3 mine. In fact, it was BCL that requested the aid of its partner,
4 PNG, to deploy defense forces to suppress the uprising and reopen
5 the mine. BCL requested that PNG reopen the mine by whatever means
6 necessary, and later assisted in planning and the imposition of the
7 blockade. I was aware of one meeting where BCL management
8 instructed PNG to "starve the bastards out." The military actions
9 and the blockade were undertaken for the purpose of reopening the
10 mine so that BCL and PNG could continue to benefit from their
11 commercial enterprise. Had BCL not directed its minority partner
12 to initiate these actions, they would not likely have occurred.

13 8. As I previously stated, the adjudication of Rio Tinto's
14 responsibility for its actions on Bougainville has not impacted the
15 peace process; that is, until now. It is important to
16 Bougainvilleans and the long-term reconciliation process that Rio
17 Tinto's responsibility be addressed in an impartial forum by an
18 impartial judge, and not be tainted by any appearance of bias by a
19 PNG court situated in Port Moresby. Unfortunately, I recently
20 became aware that the PNG government has objected to
21 Bougainvilleans continuing this action in America.

22 9. Please let me be clear. The recent assertion by PNG
23 objecting to the continuation of this litigation in America is
24 offensive to the people of Bougainville. The PNG government did
25 not ask me or the other Bougainville representatives about the
26 opinions it expressed. The opinions expressed by the PNG
27 government are again, as they have been historically, the opinions
28 of Rio Tinto and not those of Bougainville, its people, or any of

1 the parties to the peace process. As a representative of
 2 Bougainville and the people of the island, I respectfully ask the
 3 United States to adjudicate Rio Tinto's responsibility in this
 4 litigation as it will further reconciliation and make ratification
 5 of the Peace Agreement easier not harder.

6
 7 I, John Momis, declare under penalties of perjury under the
 8 laws of the United States that the foregoing is true and correct.

9
 10 John Momis
 John Momis

11 24-11-01 Port Moresby
 Date and Place of Execution

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