

Phases of the negotiation process

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The Bougainville peace process has been long, complex and often difficult and slow moving. In the rush to restore peace in the first years of the war, problems abounded. Mistrust, misconceptions, and misunderstandings were legion on all sides. Agreements were reached and breached, negotiators were arrested, kidnapped, attacked and killed. Yet, from mid-1997, a process of sustained and inclusive political engagement began, which produced incremental progress throughout the five years of negotiations. Not only was there no return to the bitter fighting of the previous nine years, but trust and communication between former protagonists increased steadily and differences between them were bridged. This provided the basis for the main political agreement – the *Bougainville Peace Agreement* signed on 30 August 2001.

Building on earlier peace efforts

The process beginning in mid-1997 was in many respects a continuation of the prior efforts to end the conflict – efforts which at various times involved Bougainvilleans from all factions, the PNG government and regional governments. Although those efforts were often regarded as failures at the time they occurred, in fact they built vital experience, contributing to relationships between key actors on all sides. In particular, Burnham built on processes that began with the peace conference held at Arawa, Bougainville, in October 1994, which in turn built on previous initiatives both in Bougainville and Port Moresby. There had already been several years of efforts by Bougainville leaders to hold a pan-Bougainville peace conference aimed at resolving internal differences in Bougainville as a preliminary to peace talks with the national government. The 1994 conference could not have occurred without support from the PNG national government under Prime Minister Chan, as well as regional facilitation.

While the 1994 conference was seen by many as a failure, it is most unlikely that Theodore Miriung would have emerged as Premier of the Bougainville Transitional Government (BTG) without it. It was Miriung's leadership



that resulted in officials and leaders of opposing Bougainville factions meeting in Cairns, Australia, in September and December 1995 and that was ultimately given effect by the Burnham talks in July 1997. Escalating conflict between the Bougainville Revolutionary Army (BRA) and the security forces in 1996 and the Sandline crisis in early 1997 prevented the meetings resuming at an earlier date. It was at this point that New Zealand, and later (and to a lesser extent), Solomon Islands and Australia, played critical roles in facilitation and mediation.

Process, not outcomes (July 1997 to April 1998)

In retrospect, the process beginning in mid-1997 can be divided into four main phases. The focus in the first phase was on process rather than outcomes. While all the major

agreements reached in this phase acknowledged the need for a political settlement, there was also tacit acceptance that the main political question dividing the protagonists (the Bougainville Interim Government (BIG) and BRA demand for Bougainville's independence) needed to be put to one side, to be addressed once the process was securely established.

The key tasks in this phase included establishing communication between the protagonists and providing for their security. Communication was initially established through a series of meetings, which quickly moved to negotiations on the provision of security to enable ongoing communication. The immediate issues were establishing a truce and a ceasefire, then having a neutral body to monitor the ceasefire, and a body representing the protagonists to which the truce/ceasefire monitors

could report. In dealing with these issues, an 'institutional' framework supporting the process was developed quite quickly. The international community was extensively engaged in playing these institutional roles. Four countries from the region participated in the highly successful unarmed truce and ceasefire monitoring forces (New Zealand, Australia, Fiji and Vanuatu) and there was a gradually developing role for the United Nations through the United Nations Observer Mission on Bougainville – UNOMB.

Three main sets of negotiations were held in New Zealand in this phase (Burnham I and II in July and October 1997 respectively, and Lincoln in January 1998) and one in Bougainville in April 1998. These meetings led to agreement on a truce, ceasefire, and the establishment of the Truce Monitoring Group (TMG) – subsequently renamed the Peace Monitoring Group (PMG). Two meetings of advisors from the Bougainville groups and Papua New Guinea were also held in Australia: one in Cairns in November 1997 and one in Canberra in March 1998.

These agreements and their institutional framework rapidly contributed to change in Bougainville. Fighting had all but ceased even before the peace process began, and there was no further violence between the protagonists from late 1997. During 1998, freedom of movement was gradually established. Most people living in refugee camps (approximately 50,000 – almost one third of the population) returned to their villages. Basic government education and health services began to be extended to areas that had been without for eight years. These and associated developments reinforced the already strong community support for peace throughout Bougainville.

But, while most Bougainville groups agreed to join the peace process during this initial phase, some did not. The notable exception was Francis Ona, the original leader of the BRA and President of the BIG. Although he retained some support, including that of sizeable BRA units, with the main BRA leadership supporting the process there was little he could do. He was initially an outspoken critic of the process and a strident voice demanding recognition of Bougainville's independence. This placed considerable pressure on the BIG and BRA leaders supporting the process, which undoubtedly limited their ability to compromise.

Consolidating process and political manoeuvring (April 1998 to May 1999)

During the second phase there was consolidation of the process, but at the same time manoeuvring for position among the Bougainvillian groups that resulted in the emergence of new divisions. Concerning consolidation, the success of the truce and the positive impact of the

TMG provided the foundations for continued progress in building communication and trust between previous protagonists. The pace of progress towards normalisation of life for ordinary Bougainvillians increased. Breaches of the ceasefire were few and minor, and so the PMG's role was more one of building confidence in the peace process and of facilitating the halting implementation of the Lincoln Agreement. The UNOMB also began operating in Bougainville late in 1998.

Important matters negotiated during this phase included security and confidence-building for ex-combatants, and the arrangements for establishing the proposed Bougainville Reconciliation Government (BRG) agreed to in Lincoln. The negotiations saw some tension arise over the status of Arawa as a 'neutral zone', free of weapons, and the delay of elections for the BRG. The elections were postponed largely because of new divisions that emerged among Bougainvillians. Centred on Bougainville MP John Momis, a new grouping emerged which included the local-level government for the island of Buka (the Leitana Council of Elders) and senior leaders of the Resistance Forces. These 'new moderates' were concerned that alliances developing between the BIG and the BRA on the one hand (the 'radicals'), and the BTG (the 'old moderates') on the other, were likely to result in the proposed BRG being dominated by the 'radicals', whose pro-independence agenda would then dominate the negotiations with the national government.

In late 1998, proposed constitutional legislation intended to provide a basis for the election of a BRG was defeated in the national Parliament – thanks, in part, to the lack of support from the 'new moderates'. The defeat of that legislation opened the way to the setting up of a provincial government for Bougainville of the same status as those in all other 18 provinces in Papua New Guinea, under John Momis as Governor. Such a development was anathema to the BIG, BRA and BTG and ad hoc arrangements had to be developed as a matter of urgency in order to ensure that those groups remained within the process. The arrangements included the technical suspension of the provincial government (and the consequential absence of a position of Governor for Momis) and the establishing of what was intended as an interim form of the BRG. Called the Bougainville People's Congress (BPC), it was a representative body without legal basis, elected in May 1999, with BIG Vice-President Kabui as President. There followed a period of almost 12 months of intense tensions with a partial boycott of the election of the BPC, a legal challenge to the suspension of the provincial government and a refusal on the part of the 'new moderates' leadership to participate with the elected BPC leaders in the negotiations on the political issue in June 1999. The elections of the BPC nevertheless proceeded and were in general regarded as producing a legitimate representative body.

Gradual agreement on outcomes (June 1999 to August 2001)

It was in the third phase that the main political issue dividing the parties was resolved – between not only Bougainville and Papua New Guinea, but also the main Bougainvillean groups. This phase ran for more than two years, from June 1999 to August 2001 and involved more than twenty meetings between Papua New Guinea and Bougainville. The outcome was the *Bougainville Peace Agreement*, signed on 30 August 2001. The focus in the first two years on establishing a process within which the main groups felt secure created firm foundations that bore fruit in this stage. Although there were major difficulties in the negotiations, all groups involved in the process remained committed to it.

While little progress was made at the first talks in June 1999, a Bougainville negotiating position developed by the BPC (see 'Resolving Two Dimensions of Conflict', this volume) was advanced, setting the basic agenda for the next two years of talks. It had two main elements – a guarantee of a deferred but binding referendum for Bougainville on its independence and the highest possible level of autonomy to operate until the holding of the referendum.

The next main round of talks did not take place until December 1999. By then the BPC agenda had been embraced by all Bougainville groups other than Ona's. Since Ona's support base had shrunk as the process became well established, his absence from the Bougainville negotiating team was not a serious problem. Negotiations with the national government continued throughout 2000, reaching deadlock on the question of the Bougainville proposal for a deferred referendum on independence by the end of talks in December 2000. It was in the eight months from January to August 2001 that a number of intensive negotiation sessions resolved differences on all issues (see 'Resolving Two Dimensions of Conflict').

Implementing agreed outcomes (from September 2001 –)

The fourth, and current phase of the peace process followed the signing of the *Bougainville Peace Agreement*, and concerns its implementation. This phase too has involved complex negotiations between Bougainville and Papua New Guinea in relation to development of the constitutional laws needed to put the Agreement into practice, the implementation of the weapons disposal plan, and the arrangements for an amnesty and pardon that had been previously agreed at Lincoln but never realised. It can be anticipated that there will be much additional negotiation required concerning implementation of the agreed autonomy arrangements and, later, implementation of the arrangements for the deferred referendum on independence.

The first steps in the fourth phase involved negotiations about and then the passing of the two draft constitutional laws by the national Parliament. Translating the Agreement into the long and complex constitutional laws (an amendment to the national *Constitution* and an Organic Law) involved a joint national government/Bougainville technical committee working closely with the legislative drafter from September to November 2001. The necessary two-thirds absolute majority votes occurred on 22 January and 27 March 2002. Immediately after the second vote there have been negotiations on the terms of the amnesty and pardon, a matter which became a priority because the absence of the agreed arrangements had become an impediment to further implementation of the weapons disposal plan.

The future of the process

Next steps will include implementation of the laws through the setting up of the autonomous Bougainville Government and its assumption of new powers and functions under the autonomy arrangements. Early in June 2002 the joint Bougainville political leaders made initial decisions on the processes for making a new Bougainville constitution through a Bougainville Constitutional Commission that should be established shortly.

It seems likely too that there will be some need for negotiations and reconciliation between Francis Ona and the rest of the Bougainville leadership. There is growing pressure on Ona to accept the process, and many Bougainville leaders are hopeful that he will soon reach an understanding with them.

In many respects the implementation of the *Bougainville Peace Agreement* will require ongoing negotiations between Bougainville and the national government, especially in the development of the complex and in many ways open-ended autonomy arrangements. There will be new challenges, particularly in relation to the implementation of autonomy. Expectations in Bougainville are high, yet the financial resources available (especially from the national government) are limited, to say the least. Further, the complexity of both the Agreement and the tasks involved in its implementation are likely to result in difficulties for both the national government and Bougainville. While the negotiation and implementation processes over the five years to mid-2002 have not been without their difficulties, they have contributed to remarkable progress in the building of understanding and trust. This progress should provide a good foundation for developing creative responses to the new challenges in building sustainable peace, initially (at least) under the agreed autonomy arrangements.