

Resolving two dimensions of conflict:

the dynamics of consent, consensus and compromise

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Bridging differences – within Bougainville

The assassinated Premier of the Bougainville Transitional Government (BTG), Theodore Miriung, was in many ways the father of the peace process. He sought to build bridges between all Bougainville factions. The BTG continued his efforts after his death in October 1996, and the BIG/BRA leaders who took part in the process from mid-1997 pursued the same goals. However there were other groups in the Bougainville political spectrum, both supporters of independence and supporters of integration, who had difficulty in seeing the possibility of a compromise acceptable to all. The challenge facing the coalition of Bougainville leaders, as they prepared to begin the political negotiations with Papua New Guinea in mid-1999, was to bridge the divides.

The Bougainville negotiating position was the product of weeks of work by the senior Bougainville People's Congress (BPC) leaders and their advisers, prior to the negotiating session with Prime Minister Skate on 30 June 1999. It involved major compromises between the 'radicals' (BIG and BRA) and the 'old moderates' (both former BTG members and others elected into the BPC). The compromises made by the radicals were heavily influenced by the experience of the by then six months of political conflict with the 'new moderates'. The latter were a new formation of leaders of groups aligned with the PNG Government which included John Momis, the Leitana Council of Elders from Buka and senior leaders of the Resistance Forces. They had at last opened the eyes of many of the 'radicals' to the extent of the divisions in Bougainville on the question of independence. At the same time they had to bear in mind the continuing fervent support for independence from Ona and his supporters.

At the beginning of the peace process, the BIG and BRA leaders tended to be adamant on the issue of independence for Bougainville, believing that virtually all Bougainvilleans supported their position. It took time for them to appreciate the fears of their opponents that



independence would lead to domination by the BRA. Their views were first modified by the increasing contact they had with the BTG, which from 1995 advocated 'highest possible autonomy' as an alternative to independence. Equally, increasing contact with the BIG and BRA leaders helped the leadership of the 'old moderates' to understand the BIG/BRA position and become more open to the possibility of at least a referendum on independence.

After the election of the BPC in May 1999, it took several weeks to agree on the details of a compromise on independence. An important part of the process here was the development by advisers to the BPC of a paper entitled 'Options for Negotiations on a Political Solution – A Framework for Evaluation'. Over several days of intensive discussion, the advisers first defined a series of nine very broad options for an agreed political settlement. They ranged from immediate independence through to acceptance of the new provincial government system operating elsewhere in Papua New Guinea. The advisers then identified the main features – or issues – about post-conflict Bougainville and the twenty consequential requirements in respect of each such feature that should be met by the ideal option for a political settlement. Focused on the need to integrate opposing positions, a conscious effort was made to address the key concerns of each major faction. Each option was assessed – given a mark of high, medium or

low – in terms of how well it could be expected to meet the twenty requirements. The analysis was summarised in a matrix [see page 40]. The analysis showed that the strongest option, in terms of how well it might be expected to meet the twenty requirements, was a deferred and binding referendum, together with highest possible autonomy operating until the referendum was held.

While that option received the highest assessment, the paper was careful to make no recommendation. Rather, it invited the BPC to first consider the suggested approach to evaluation of options. However, early in June 1999, when the paper was presented, first to the executive of the BPC, and then to the full assembly (over 100 members), the analysis was enthusiastically accepted. The paper was discussed in regional groupings of the BPC (North, Central and South) over several hours and then in the full assembly, where a vote was taken on which option should be supported in the political negotiations. There was an overwhelming vote in favour of deferred and binding referendum and highest possible autonomy. That option was then adopted as the Bougainville negotiating position. The advisers then worked closely with the senior BPC leaders (and later senior BRA commanders) to develop what became the basis for the Bougainville position throughout the next 26 months of negotiations.

Double indemnity: a workable compromise

The negotiating position was agreed to by the disparate groups in the BPC, and was later accepted by the 'new moderates', because it represented an acceptable and workable compromise. If the moderates would support the deferred referendum proposals, the 'radicals' would support the demand of the 'moderates' for high autonomy until the referendum. Despite initial opposition to a referendum by some 'moderates', they accepted that many Bougainvilleans had long desired independence, and that many now supported that goal even more strongly as a result of almost ten years of conflict. Hence, the issue had to be dealt with, and a referendum was the most democratic and fair means of deciding it. Deferring the referendum was best, as weapons needed to be disposed of if the vote was to be fair, and reconciliation was needed if the vote was not to be divisive. Further, they accepted the argument that high autonomy operating for a number of years might satisfy even the 'radicals', with the result that Bougainville could go united into a referendum, choosing to remain autonomous rather than independent. For their part, the 'radicals' took the view that the combination of deferral of the referendum and the operation of autonomy would allow time to build the capacity needed to run an independent Bougainville and allow a consensus on independence to develop.

The result was an interlocking package of two halves, each dependent on the other. The BIG and BRA could only achieve a referendum if they supported autonomy for the 'moderates'. In turn, the 'moderates' could only achieve autonomy arrangements if they supported a referendum acceptable to the BRA and the BIG. The awareness that each side of the main divide in Bougainville depended on the other meant that despite pressures that could have divided the Bougainvilleans, they remained fairly united behind their common position throughout the negotiations.

Despite their initial opposition to the negotiating position, by the time of the second round of negotiations, in December 1999, the 'new moderates' had embraced it without change. This was in large part possible because of a judicial decision in November 1999 concerning a legal challenge to the suspension of the Bougainville Provincial Government that had come into operation in Bougainville in January 1999. As a result of the decision a new provincial government was established, controlled by the 'new moderates' with John Momis (MP for Bougainville Regional Electorate) as Governor. As a large part of the concerns of the 'new moderates' had been about exclusion from power, once that issue was resolved, it was not too difficult to persuade them that the compromises involved in the BPC negotiating position were reasonable. A *modus vivendi* was agreed,

under which the new provincial government would exercise legal power only after consultation with the BPC, and the two groups would jointly negotiate the political future of Bougainville united in a now common negotiating position.

Bridging differences – Papua New Guinea and Bougainville

The Papua New Guinea negotiating position and strategy

Successive Papua New Guinea governments under Prime Ministers Namaliu (1988 to 1992), Wingti (1992 to 1994), Chan (1994 to 1997), and Skate (1997 to 1999) publicly opposed independence for Bougainville. On that basis all but Skate also ruled out the possibility of a referendum on independence. Sovereignty of Papua New Guinea was the constant focus of the negotiating position for the national government, especially on the part of the officials, and for the first 18 months of the political negotiations, very little flexibility was evident.

The strong stand against Bougainville's demands is perhaps surprising given the fact that Papua New Guinea clearly had limited military capacity to impose a settlement had the political negotiations failed. Further, the BRA had entered the negotiations making it clear they believed they had been winning the war, and as a result had earned the right to have their terms accepted by Papua New Guinea.

The Papua New Guinea negotiators responded to such threats by constant references to the commitments of both sides in the *Lincoln Agreement* to an irrevocable cease-fire and to seeking peace through peaceful means. This was perhaps done partly in an attempt to stake out a position of some moral superiority and perhaps also to encourage the international community to apply pressure to Bougainville. Probably more important to the national government assessment of the risk of renewed conflict were calculations that failure of the negotiations would be more likely to precipitate severe internal conflict within Bougainville rather than renewed conflict with Papua New Guinea. There was also a further assumption that there was such a degree of war-weariness in Bougainville that there was little possibility of the BRA reverting to armed conflict.

The preferred national government position appeared to be that peace should be the priority, one to be pursued by disposal of weapons, restoration of civil authority (police, courts and prisons) and restoration of services and development. Further, Bougainville should not regard any particular set of political arrangements as necessarily providing the basis for future relations. Rather,

once peace was assured there should be a joint search for a mutually acceptable political outcome. The parties should negotiate from a 'clean sheet', gradually developing flexible arrangements for greater autonomy that both could live with.

However, faced with a clearly stated Bougainville negotiating position from the start (deferred referendum and highest autonomy) the national government negotiating team never stated a clear alternative position. To the Bougainvilleans it seemed that the initial strategy was to engage them in a long process intended to gradually lower expectations of the more radical Bougainvilleans. If this was the strategy it was probably in part based on an assessment that the Bougainville negotiating position largely reflected the demands of the more radical Bougainville elements (the BIG and BRA) and an assumption that the divisions amongst the Bougainvilleans – especially those emerging during the second phase of the process – would result in pressures for compromise. There were perhaps also expectations that the international community might apply pressure to the Bougainville parties to moderate their demands.

The Bougainville negotiating position and strategy

Having achieved a common negotiating position, the Bougainville negotiating strategy comprised a number of elements. Of prime importance were the closely related elements of inclusiveness, and maintenance of unity among the Bougainville groups. Concerning inclusiveness, there were many factions, and so joint leadership was agreed (Momis from the 'new moderates', and BPC President Kabui from the combined 'radicals' and 'old moderates'). Further, key figures from all the many factions within these broad groupings were included in negotiating teams. This resulted in large, unwieldy and expensive teams – but inclusiveness was crucial, ensuring that at each step of the process, each compromise was understood and accepted by every group. Concerning unity, it was agreed that as far as possible any differences would not to be aired at the negotiation table. Part of the strategy of maintaining unity was an agreement among the Bougainvilleans that the two main issues – referendum and autonomy – must be dealt with as a single package.

Bougainville was clear that in developing and putting forward its negotiating position it was both setting the agenda for the talks and seeking a negotiating edge in doing so, and it sought to maintain that edge throughout. It was also agreed that it was essential to be patient and reasonable. In this way not only would pressure be applied to the national government, but also support might be found within the international community. As a result, the Bougainville leaders went to considerable lengths to keep relevant diplomatic

missions and international organisations fully briefed on developments.

Another aspect of the strategy was to regularly remind the national government negotiators of the real dangers for the process if the Bougainville side compromised too far, resulting in popular support flowing back to Ona. Finally, the BRA had its own strategy – one not necessarily supported by other Bougainville groups – of threatening the use of military force as an alternative to negotiations. While they agreed with other groups that disposal of weapons by the Bougainville combatant groups was essential, they underlined their position by always linking disposal to a satisfactory outcome of the political negotiations.

Negotiation setbacks and compromise

The major differences between the Bougainville and Papua New Guinea positions concerned the referendum issue. There was initially some progress on this when in June 1999, Prime Minister Skate indicated that while he opposed independence, a referendum might be considered. As a result, the referendum issue was immediately and clearly on the agenda. When Sir Michael Somare became Minister for Bougainville Affairs in the Morauta Government later in 1999, he at first sent mixed signals. By March 2000, his position was that the referendum issue could not even be debated until autonomy arrangements had been in place long enough to be 'fairly and properly judged' – in perhaps 15 years. But in the face of possible breakdown of the talks in late March 2000, Somare accepted an ambiguous UNOMB mediated formulation in the *Loloata Understanding* under which the autonomy and referendum issues would be dealt with together. Having agreed to negotiate the issue, the national government found itself in difficulty, especially as the Loloata formulation was understood in Bougainville as amounting to capitulation on the issue. Under pressure in further rounds of negotiations in mid-2000, Somare again sent mixed signals about whether the referendum proposals would be entertained, contributing to frustration and tensions in the talks, and to some indications from the BRA that their patience was being stretched.

At the beginning of September 2000, the national government announced in the Parliament proposals to amend the national *Constitution* to enable referenda to be held on issues of national importance. At the same time, however, he indicated that a referendum on independence for Bougainville would not be entertained. That proposal was, of course, tantamount to outright rejection of the Bougainville proposals, and was treated as such. In the round of negotiations held in Rabaul a few days later, Somare came under intense pressure from a Bougainville leadership increasingly losing faith in him.

EVALUATION OF POSSIBLE MAIN OPTIONS AGAINST SPECIFIED CRITERIA

(‘high’, ‘medium’ or ‘low’ ratings given to each of nine options against each of 20 criteria to assess the relative strengths and shortcomings of the options)

CRITERIA		OPTIONS							
i.e. extent to which the Option	I	II	III	IV	V	VI	VII	VIII	IX
MOVING FORWARD TOGETHER – WITHIN BOUGAINVILLE									
1 protects the peace between Bougainvillean parties	Low	Medium	Medium	Medium	High	Medium	Low	Low	Low
2 promotes reconciliation in Bougainville	Low	Low	Medium	Medium	Medium	High	Medium	Low	Low
3 builds consensus among Bougainvilleans	Low	Low	Medium	Medium	Medium	High	Low	Low	Low
4 provides power at community level	High	High	High	High	High	High	High	Medium	Low
5 provides democratic participation in decisions	Low	Low	Medium	High	High	High	Low	Low	Low
6 maintains possibility of Independence	High	High	High	High	High	High	Low	Low	Low
7 provides, at least, high level of self-government	High	High	High	High	High	High	High	Low	Low
8 protects the peace with GoPNG	Low	High	High	High	High	High	High	High	High
MOVING FORWARD TOGETHER – BOUGAINVILLE WITH OTHERS									
9 promotes reconciliation between GoPNG and Bougainville	Low	Medium	Medium	High	High	High	High	High	High
10 promotes agreement with PNG	Low	High	High	High	High	High	High	High	High
11 maintains international support	Medium	Medium	High	High	High	High	High	High	Low
POTENTIAL POWERS OF THE BOUGAINVILLE GOVERNMENT									
12 provides the powers to address basic grievances	High	High	High	High	High	High	High	Medium	Low
13 provides the powers to redress past human rights abuses & protect against future abuses	High	High	High	High	High	High	High	Low	Low
14 provides the powers to allow Bougainville's special needs to be addressed, and promotes a return to normalcy	High	High	High	High	High	High	High	Low	Low
FACILITATES DEVELOPMENT OF BOUGAINVILLE'S CAPACITY									
15 allows capacity to address basic grievances to development	Low	Low	Medium	Medium	Medium	High	High	Medium	Medium
16 allows capacity to develop so able to redress past, & protect against future human rights abuses	Low	Low	Medium	Medium	Medium	High	High	Low	Low
17 allows capacity to develop so that able to meet Bougainville's special needs and promote a return to normalcy	Low	Low	Medium	Medium	Medium	High	High	Medium	Medium
18 takes account of current government capacity limits and allows time for strengthening to take place	Low	Low	Medium	Medium	Medium	High	High	Medium	Medium
19 takes account of current weak economic base and allows time for strengthening	Low	Low	Medium	Low	Medium	High	High	Medium	Medium
20 takes account of restricted revenue base	Low	Low	Medium	Low	Medium	High	High	Medium	Medium

OPTIONS:

- I Immediate Independence. Unilateral. (No agreement)
- II Immediate Independence. Agreed.
- III Deferred Independence. Agreed. Autonomy in interim.

- IV Immediate Referendum for Immediate Independence. Agreed. Autonomy if Referendum goes against.
- V Immediate Referendum for deferred Independence. Agreed. Autonomy in interim or if Referendum goes against.
- VI Deferred Referendum. Agreed. Autonomy in interim and if Referendum goes against.

- VII No Independence. No Referendum. Self-government. Agreed. (Special Organic Law)
- VIII No Independence. No Referendum. 1976 OLP. Agreed. (Special Organic Law)
- IX No Independence. No referendum. 1995 OLP&LLG. Agreed. (No Special Organic Law)

He indicated that it was not possible for the government or Parliament to accept a referendum on independence, but that they might accept a referendum on the future political status of Bougainville. As the talks concluded, he also indicated that this latter expression included independence, an understanding not recorded in the Rabaul Record of Outcomes of Political Talks, and one denied by Somare and his advisers in the next round of talks.

Beginning to lose patience in November and December 2000, the Bougainville negotiating team sought to bring matters to a head during talks. They refused to discuss any issue other than referendum, but at the same time sought to respond to national government concerns by indicating willingness to accept conditions on the holding of the referendum. It would be deferred for at least ten years (previously many from the BIG/BRA had favoured three to five years) and there could be prior requirements to be met by Bougainville (for example, in relation to good governance and weapons disposal).

Again, Somare sent mixed signals, appearing in the first day of discussions to be conceding many aspects of Bougainville's demands, and then the next day denying any agreement had been reached. BPC President Joseph Kabui walked out, but quickly rejoined the talks when Somare indicated willingness to revisit the issue. Under pressure, and without consulting the Bougainvilleans, Somare sought to resolve the matter by seeking a definitive ruling from the National Executive Council (Cabinet). The response was rejection of a referendum on independence for Bougainville, except perhaps one where the adult population of the whole country could vote. The possibility of a Bougainville walkout was averted by hastily arranged discussions with the Prime Minister. He indicated that he had not understood that Bougainville was willing to accept various conditions applying to the referendum, in terms of both deferral and basic conditions to be met before it was held. But after several more days of negotiations, no progress was made, with the Bougainville side virtually being advised that they had misunderstood the Prime Minister, and that agreement to a referendum on independence was not possible under any circumstances.

The talks broke up in early December 2000 in deadlock, with grave concern on the Bougainville side that there might be little point in further negotiations. There was concern that if an agreement was not finalised by mid-2001 there would not be enough time to pass the consequential constitutional changes before the next general election for the National Parliament, due in mid-2002.

At this point a conjunction of developments occurred that resulted in rapid agreement on the referendum issue. One was a mediation effort by Alexander Downer, Australian Minister for Foreign Affairs and Trade. The other was the replacement of Sir Michael Somare by Moi Avei as Minister for Bougainville Affairs.

During visits to Bougainville and to Port Moresby shortly before Christmas 2000, Downer persuaded each side to accept a modified version of the Bougainville proposal for a deferred referendum. This was a well-timed intervention that succeeded mainly because both sides were concerned to find their way out of the dangerous deadlock. As the new Minister for Bougainville Affairs, Moi Avei also understood better than Somare the virtual impossibility for Bougainville of dropping the referendum proposal, and was also more realistic about the risks of the deadlock situation.

In essence the compromise involved Papua New Guinea accepting that there would be a deferred referendum for Bougainville on the independence question, and Bougainville accepting that the referendum outcome would not be binding. The selling point for the national government was that the ultimate authority of the National Parliament on the future of Bougainville would be maintained. To persuade the Bougainvilleans to compromise, Downer suggested that the acceptance of the authority of the Parliament was not the end of the matter. He pointed to East Timor as a precedent, suggesting that if a high proportion of Bougainvilleans voted in favour of independence, the international community would be unlikely to ignore the outcome.

The importance of the appointment of Avei was that he was both far closer to the Prime Minister and a more capable negotiator than Somare. He was familiar with the Bougainville issues, having been effectively Somare's co-negotiator for some months. He was better able to deal with the national government advisers, for whom strong emphasis on national sovereignty had left little scope for Somare to develop acceptable alternatives. Avei apparently decided that Downer's proposal offered a way out of deadlock and its associated uncertainties, and he persuaded the Prime Minister to support his view.

The referendum issue was resolved during talks in January 2001, and attention shifted to the autonomy issue and the question of weapons disposal. The Bougainvilleans now came under pressure for progress on the weapons issue. Avei indicated that the national government concessions on the referendum issue required movement from Bougainville leaders to encourage a return to normalcy through disposal of weapons. Because of not only continuing differences

between and within the Bougainville combatant groups but also some conflict between BRA groups that made it difficult to organise negotiations on the issues in Bougainville, a major meeting of combatants was organised in Townsville, Australia, in February 2001. Although considerable progress in building understanding was made in a week of talks, suspicions and differences between the BRA and the Resistance Forces prevented agreement on a weapons disposal plan being reached.

Attention now reverted to the discussion of autonomy, and in four weeks of talks in Port Moresby in March 2001 considerable progress was made on many aspects of powers and functions, and on financial issues. However there was limited progress on a number of difficult aspects, including separate police and public service institutions for Bougainville, powers over human rights, judiciary and defence, and a few other matters.

By the end of these talks, in early April, there was again pressure on the Bougainville side to make progress on the weapons issue. Eventually, in May 2001, a meeting between BRA and Resistance Force leaders facilitated by the Member of Parliament for Central Bougainville and former Resistance Forces Chairman, Sam Akoitai, resulted in an agreement on a three stage disposal process that became the basis for a weapons disposal agreement with the national government signed later in May.

The remaining aspects of autonomy arrangements were resolved in five difficult weeks of negotiations in Port Moresby in May-June 2001. The result was a draft agreement that had to be considered and approved by both the Bougainville political bodies (BPC and Provincial Government) and the National Executive Council. Changes sought by the latter body resulted in further brief negotiating sessions in both July and August, and some changes to the draft agreement before it was finalised for signing on 30 August 2001.

Conclusions

The key to progress in relation to most aspects of the intra-Bougainville dimension of conflict and divisions has been the efforts made by those in the 'centre' of the spectrum of Bougainville politics to involve all parts of that spectrum in the negotiating process. The 'hardline' elements on both the 'left' (pro-independence) and the 'right' (pro-integration) were offered something in the process of developing the Bougainville negotiating position and in the negotiating position itself. Inclusiveness has achieved a great deal.

In terms of the progress made in relation to the other main dimension of conflict and division – Bougainville versus Papua New Guinea – the time taken by the process played a major role. While the slow progress contributed to frustration and tensions, time also contributed to the development of understanding on each side of the difficulties and the reasons for what might previously have been seen as obduracy by the other.

The *Bougainville Peace Agreement* involves major compromises for both sides. That Papua New Guinea eventually agreed to both autonomy and a constitutional guarantee of a referendum on independence is a most unusual resolution of a secessionist conflict in that it keeps open the possibility of secession. Further, the international community played important roles, both in providing the secure environment within which negotiations were possible, and in terms of interventions at crucial points, notably Loloata (March 2000) and the January 2001 compromise on referendum. The combination of building and maintaining unity through inclusiveness, setting the agenda, and maintaining patience bore fruit.

Major language groups of Bougainville

