Accord

Weaving consensus

The Papua New Guinea – Bougainville peace process

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Glossary

cargo cult: A term applied to a number of indigenous groups who believed that at the millennium the spirits of their ancestors will return and bring with them food and other Western goods. They desired harmony among themselves and in their relations with Europeans. Some scholars feel the term is used so loosely as to have become meaningless.

double entrenchment: Safeguard mechanisms in the Bougainville Peace Agreement on amending the agreed constitutional arrangement for autonomy and referendum, so as to ensure that any future changes are based on both national parliamentary and Bougainville legislative consent.

highest form of autonomy: The preferred term of the Bougainvillean negotiators, used to describe 'the highest level of self-government short of independence', with the transfer of all functions and powers of governance exclusive to the Province other than those on a list agreed to be 'essential' to the national government.

fasten the land: To impose an embargo (lambu) prohibiting outsiders from entering a community's land. In central Bougainville it was believed that women in particular had the authority and ability to 'fasten the land' and thereby to lock up the ore, preventing its discovery or extraction.

Me'ekamui: "holy land" in the Nasoai language. The preferred term used by Francis Ona to describe the traditional homeland of the Bougainvillean.

red skins: Derogatory term used by some Bougainvillean to describe settlers and all those from the PNG mainland with lighter skin colour than Bougainvillean.

taraoting: Literally "vomiting" in tok pisin, describing the public (and cathartic) expression of grievances and views during workshops or gatherings.

Acronyms

AGB Autonomous Government of Bougainville
AusAID Australian Agency for International Development
BCA Bougainville Constituent Assembly
BCL Bougainville Copper Limited
BICWF Bougainville Inter-Church Women's Forum
BIG Bougainville Interim Government
BILA Bougainville Interim Legal Authorities
BIPG Bougainville Interim Provincial Government
BLF Buka Liberation Front
BPC Bougainville People's Congress
BPRO Bougainville Peace and Restoration Office
BRA Bougainville Revolutionary Army
BRF Bougainville Resistance Forces
BRG Bougainville Reconciliation Government
BSPEC Bougainville Special Political Committee
BTG Bougainville Transitional Government
BWG Bougainville Working Group
BWPB Bougainville Women for Peace and Freedom
CILA Central Bougainville Interim Legal Authority
CPC Constitutional Planning Committee
CRA Conzinc Rio Tinto, Australia
IOT International Observers Team
MA Melanesian Alliance
MDM Me'ekamui Defence Force
MRA Moral Re-Armament
MRS Mobile Riot Squads
NEC National Executive Council
NSPG North Solomons Provincial Government
PANGU Papua New Guinea Union
PDM People's Democratic Movement
PLA Panguna Landowners Association
PMG Peace Monitoring Group
PNG Papua New Guinea
PNGDF Papua New Guinea Defence Forces
PPCC Peace Process Consultative Committee
PTF Peace Transport Fund
RPNGC Royal Papua New Guinea Constabulary
SBIA South Bougainville Interim Authority
SOE State of Emergency
SPPKF South Pacific Peace Keeping Force
SSN Special State Negotiator
TMG Truce Monitoring Group
UCA Uniting Church in Australia
UDI Universal Declaration of Independence
UNDP United Nations Development Programme
UNOMB United Nations observer mission in Bougainville
UNPOB United Nations Political Office in Bougainville

The origins of the conflict

Mary-Louise O’Callaghan

Deep in the Crown Prince Ranges of central Bougainville, the roar and hum of the world’s largest open-cut copper mine had not yet fallen silent. Australian accents echoed through the offices of Bougainville Copper Limited (BCL) and drifted across the tennis courts of Arawa in the neat, flat coastal capital which had been purpose-built to service the mine. But somewhere in the dappled green jungle above the great gash of the Panguna mine, Francis Ona was at work. ‘The only one mad enough to take on BCL; Ona, the thirtysomething surveyor from the Nasiol language group of Central Bougainville, had quit his job at the mine the previous year, 1988, to launch a campaign against the mine and the company who operated it. Claiming to speak on behalf of all Bougainvillean affected by the huge copper mine that BCL had dug through his ancestral lands, Ona had formed the ‘New Panguna Landowners Association’ and delivered an ultimatum to the company: pay up 10 billion kina (A$14.7 billion (1989 value)) in compensation for the impact of the mine, or else.

BCL, 56 per cent owned by the Australian subsidiary Conzinc Rio Tinto, Australia (CRA) itself a subsidiary of the multinational mining company, RTZ and 20 per cent by the Papua New Guinea Government, reacted with disbelief. Panguna had only generated A$6.2 billion in sales in the past 16 years – but in doing so it had become the largest single source of revenue available to the PNG Government after Australian aid. Taxes from BCL alone accounted for 16 per cent of the young nation’s budget. They said no.

So a campaign of sabotage against BCL and ultimately the national government was launched. First there was a series of arson attacks, explosives were stolen from the mine and then, to the dismay of the miners and the surprise of everyone, the massive power pylons supporting the feeder lines along the mine-access road began to fail, their supports expertly blown away by one of the first of Ona’s recruits; a bright, young, Australian-
trained lieutenant from the Papua New Guinea Defence Force, Sam Kauona had joined the 'holy war.' It had been a long time coming.

Early international involvement with Bougainville

Bougainville Copper Limited was just the latest in a series of outside elements which for more than two centuries had come to Bougainville's shores to toss and turn the island and its people for their own intent.

Louis De Bougainville never actually set foot on the island that would eventually bear his moniker. High winds and strong currents forced the French explorer to make other plans that night, in 1768, when he anchored just off the coast of Buka, the smaller of the two main islands of Bougainville.

More than a century later, in 1889, an exchange of notes with the British brought Bougainville within Germany's sphere of influence. This was to mean that the largest and richest island in the Solomon Islands chain was not available to be part of the new British Protectorate of Solomon Islands in 1893. Instead, the defeat of Germany in World War I saw Bougainville annexed to Australia's New Guinea territories and after an initial, unsuccessful bid for independence, the island was subsumed into the state of Papua New Guinea, which gained its independence in 1975.

Papua New Guinea's new independence Constitution had limited traditional land ownership - the anchor of Melanesian traditions - to just below the surface of the soil and awarded mineral rights to the state. For Bougainvilleans, their sense of separateness - physical, cultural and emotional - from Papua New Guinea had been fuelled by their particular experience of this policy; the presence of the giant copper mine and the use of the wealth it generated to pay for the development of the young nation-state. Although the mine brought many benefits unknown in other provinces to Bougainville, they had before them the contrast of the relative affluence of the expatriate mining community who lived within their midst. The mine had brought thousands of non-Bougainvilleans to the island. By far the majority of
the mine's workers were 'red-skins' from the island of New Guinea; their presence and their difference—physically from the black Bougainvillean and culturally—only serving to enhance the sense that the mine and all that came with it had been imposed upon the people of Bougainville.

Tradition and development

The complex thread of custom which had governed the lives of the Bougainvillean for millennia did not really begin to unravel until the arrival of the radically different Europeans at the end of the eighteenth century, although there is evidence of a Polynesian integration into Bougainville's Melanesian populace 33,000 or so years earlier. Until then the island's inhabitants had lived in small tribes, organised into households based on extended families, and their loyalties lay within these small groups. Only much later and quite reluctantly did these loyalties widen to their broader language groups, let alone to a national identity.

By the time of European contact, the island's 45,000 or so inhabitants provided for themselves by gardening, hunting and fishing. At variance with the practice in much but not all of the rest of the world, each person was identified according to their membership of their mother's clan, for it was the women of Bougainville who were the custodians of the land. The giant copper mine struck at the heart of this matriarchal structure: With their villages relocated and their lands despoiled by the wastes from the mine, by the time Francis Ona took up their cause, there were many women in Central Bougainville who felt completely disempowered in their role as land-owners.

'I can't pass the land on now because most of it has been covered up by the mine,' Patricia Dave said in 1988 as she stood among her grandchildren. 'The traditional system will never work again. The company has only paid the parents for this. What Ona is fighting for is that everybody, right down to the last born, should get compensation because our traditions have been broken and we will not be able to pass anything down to them.' It was this loss—the loss of land not to just one generation but to all the generations to come and all those that had been, that the miners did not seem to comprehend.

Bougainvillean resistance deepens

In their long socks, white shirts and uncomfortably tight shorts, the men of CRA had come, if not by stealth, then without permission. It was April Fool's Day, 1964, when the first of the company's geologists walked into Panguna Valley. More were to follow. A claim was pegged out before the owners of the land could even know what this meant. Neither could the miners foresee what lay ahead. Technology was changing; an open-cut mine of the scale which was being planned for Bougainville had never been tried before. Panguna was an experiment that would one day become the 'biggest jewel in the RTZ crown,' but also its greatest curse.

It was in 1882 that the first traces of copper, the substance that was to so define the island's future, were found after a ship's surgeon, attached to a British expedition to Solomon's Islands, H.B. Guppy, managed to collect some ore from south-east Bougainville and declare 'copper will not improbably be found in association with these islands.' It would take a good part of a century for the import of Guppy's discovery to be felt although capitalism had already arrived on Bougainville a decade before him, when in 1871, another doctor of less salubrious repute, James Murray, began kidnapping Buka men for export to the cane fields of Queensland on Australia's north-east coast.

More noble intentions led the Catholics, in 1902, to Bougainville but the advent of the Missionaries of the Catholic Society of Mary, or Marist as they were commonly known, had their own impact on Bougainvillean's traditional ways. Life before Christianity had been harsh. Inter-tribal warfare meant days marked by constant wariness, distrust and even death. The men were fully occupied guarding the women as they worked the garden or went fishing on the coast. The Marists brought with them a system of beliefs, which would gradually release many communities from this tyranny. They also brought education and new ideas, different from the colonial powers. There was never good synergy between Australia and its colonial charges on Bougainville, but the American priests were living proof of an alternative authority to the rough-shod Australian administration. Their belief in the intrinsic good of every man and their American concept of land ownership—so much closer to that of the Bougainvillean—empowered people to question, and ultimately resist much of the administration's clumsy attempts to 'civilise' them.

By the 1960s, Bougainvillean had withdrawn their labour from all foreign-owned plantations. Refusing to accept menial work for minimal wages, they would cut only their own copra. In 1962, a United Nations mission visited Bougainville. Members of Francis Ona's Nasiol language group living on the coast of Keta told the visitors that they were unhappy with Australian rule. Matters weren't helped three years later, in 1965, when the Australian minister for External Territories, Charles Barnes, put in an appearance on the island only to abruptly declare that the Nasiol, as the owners of the proposed mine site, could expect exactly 'nothing' for their land but would have to be content with the standard paltry compensation for lost properties such as houses and coconut palms.

The more the Australian administration insisted upon the construction of the copper mine—for the sake of the future state of Papua New Guinea they said—the more the issue of the mine and Bougainville's future political
status became inextricably mixed. In 1967, the Australian colonial administration – despite its role as a UN trustee of the territory – struck a deal with the Australian mining company: the Bougainville Copper Agreement.

The following year the first call for a referendum, including the option of secession, was made by a group of Bougainvillean students who, meeting in Port Moresby, formed the Mungkas Association. A year later, when land at Arawa was being purchased for the site of the mining town, the women whose land it was lay down in front of bulldozers and grappled with police in riot gear. The administration was forced to negotiate with the villagers over the price of the land at least.

When the Australian Prime Minister, John Gorton, made a fleeting visit, the Chairman of a recently formed opposition group, Paul Lapun, sought an ‘official referendum to determine the future of Bougainville’, an option Gorton immediately ruled out. The same year, Teori Tau, a Nasiom from Pakia village, challenged the colonial administration’s right to compulsorily acquire their land before Australia’s High Court. In a decision of the full court it was ruled that section 122 of the Australian Constitution empowered the Commonwealth Government to make such laws without having to provide ‘just terms of acquisition’. The ‘merciless intrusion’ of CRA continued unabated.

By 1971 more than 1000 construction workers had come to the island. Eight years to the day after the first of CRA’s geologists had walked in, production at the Panguna mine commenced. It was April Fools Day 1972. A schoolboy at Rigo High School, Francis Ona, watched as the first shipment of copper was loaded at the wharf. Like many Bougainvilleans that day, he sensed a greater import.

Escalation of the conflict

‘Land to us is our lifeline and we cannot be separated from it,’ Ona was to write in 1988 as he attempted to explain his anger and his despair. ‘We are generally peace-loving, law-abiding people. At present we have been blamed for the lawlessness in the province. We have taken the move after painful struggle for the last 20 years of PNG rule. We are fighting to save our land from foreign exploitation.’ He also spoke of dubious environmental practices at the mine, listing hazardous chemicals used on site (but always denied by the company) and the impact of the ‘economic apartheid’ practiced by BCL with a ‘dual wage structure’ that paid considerably lower rates to local employees. Significantly Ona was also angry with the older generation of landowners – including his own uncle, Matthew Kove, who had disappeared in suspicious circumstances months earlier – for what Ona claimed was the misuse and unfair distribution of the landowners’ share of royalties from the mine.

As the violence spread, in Port Moresby and Canberra the race was on to viliify Ona, first as a disgruntled former employee, then as a ‘ hysterical extremist’ and finally as ‘mad’ or even dead. Police Riot Squads were sent in by the national government to capture him – dead or alive – but this only served to broaden Ona’s support. When members of these Highland-hardened squads raided villages and torched houses on the mine access road and committed other human rights abuses, Bougainvilleans were not cowed. They rallied against the national government.

Seemingly unaware of this growing backlash, in Port Moresby the Cabinet of Prime Minister Rabbie Namaliu approved a call-out by the PNG Defence Forces (PNGDF). In June 1989 a 28-day State of Emergency was declared and the first of a decade of futile and often ill-conceived military actions – Operation Blueprint – was launched. From Port Moresby the view was of a recalcitrant province led astray by a few troublemakers and criminal elements. On Bougainville the opposition to Port Moresby’s rule was to grow so hard and fast that when a leading provincial politician, Hon John Bika, prepared to ‘compromise’ in 1989 that would have granted Bougainville a much greater level of autonomy, the solution devised by a hard core element of the Bougainville Revolutionary Army was to assassinate him in front of his family in the dead of the night.

Already the mine had been shut down, 16 people had died – three of them soldiers. The occupation of the island by the PNGDF had begun and the Bougainville Revolutionary Army had been born unleashing a wave, not only of politically motivated violence, but a ragtag criminal element of their precursors, the ‘Rambo’ who used the crisis to commit atrocities in its name. Soon after the mine ceased operating in May 1989, the army was given a free hand to try to quell the rebellion.

Violence fractures Bougainville

In a way Peter Tarupiu was one of the lucky ones. Killed in August 1989, in front of his parents, at least there was witness to his death. According to their account, the young university student was struck repeatedly with wood and rifle butts by soldiers of the PNGDF. The post mortem examination found his spinal column had been completely severed.

At the time the Catholic Archbishop of Bougainville, Gregory Singkai spoke out against the atrocities and the behaviour of the PNGDF. ‘They are really unruly and undisciplined. They are bashing people without questioning them and putting them in jail. They are destroying people’s property, shooting cars, destroying their food gardens. People are really scared of them. Many innocent people, old people, women and children are being slaughtered.’
In the end, there was no final burst of gunfire, no mad rush of expatriates to the airport but through a mixture of deception and disobedience, Bougainville, in the first half of 1990, slipped from Port Moresby's control. The mine was officially mothballed on 7 January 1990 but early negotiations led in March 1990 to a ceasefire being declared. The army quit as agreed, but then a decision by the Commissioner of Police and Controller of the State of Emergency, Paul Tohian, to withdraw the last thin line of ordinary officers on the ground, left Papua New Guinea without a single government official, politician or member of the security forces on the island.

It was no longer simply the copper mine that was in the hands of the BRA but the island's airstrips, roads and even doorway security at the largest supermarket. It was not an absolute victory for the BRA nor was it a conclusive defeat for the government but from now on the Government only had two choices as to how it might return – with the permission of the BRA or by invasion. It chose the latter.

But first came a brutal blockade of the island. All air and sea transport was halted. The blockade, which was enforced by Australian-donated patrol boats, largely succeeded. Only the water border with Solomon Islands remained open. As medical supplies dried up and emergency evacuations became impossible, the blockade became responsible for the deaths of thousands of civilians – many more than died as a result of the fighting.

On 17 May 1990, the Independent Republic of Bougainville was declared amid a day of celebrations, marches and speeches led by the self-proclaimed President, Francis Ona who announced that the 'longstanding wish of the Bougainville people to become a separate nation' had finally been granted. 'From today Bougainville shall be forever a sovereign, democratic and independent nation,' Port Moresby cut the islands last remaining telecommunications shortly after the announcement. The interim government, announced by Ona, included the former Premier Joseph Kabui as Minister of Justice and Sam Kauona as Minister for Defence. But the BRA were not at all prepared for their new role of maintaining law and order in the new de facto state.

As the 1990s progressed, anarchy bred anarchy and conflict spread throughout the island's communities and language groups. With little left of traditional or modern structures which might have restrained them, elements of the BRA and others who claimed to be acting at their behest, committed murder, rape and robbery in the name of the 'war'. Resistance forces armed by the PNGDF began to spring up as the more vigorous communities attempted to protect themselves from BRA attack.

Operating completely outside of the PNG Constitution but with local knowledge and kinship, they were to become one of the state's most effective 'weapons'. Bougainvilleans, whether resentful of a clansman's prominence or coveting another's land, whether wishing to avenge the death of an antecedent or the despoiling of a female relative leapt into the lawless vacuum of civil strife, maiming and killing their own.

It was a time of terror, of wild unrestrained violence by a security force that had been sent to do an impossible job. Facing a Vietnam-like situation, the PNGDF not only failed in their stated task, but they demonstrated an alarming lack of discipline, training, planning and leadership. The terror started in 1989 with helicopters loaned by the Bougainville Copper Limited to the riot police. But the real trouble came in 1990 when Australia 'gifted' four ancient Iroquois to the PNGDF on condition that they would not be used in the offensive. It was then that villagers all over Bougainville realised that they must now live lives of constant vigilance. Strapping the helicopters with machine guns, the army had easily converted the gifts into gunships. As the months passed, thousands fled into the bush.

**Chan pursues a dual strategy**

By the time Julius Chan became the third Papua New Guinean prime minister to deal with the crisis in August 1994, hundreds of lives had been lost and thousands more spoiled. After the cluster and bungler of Prime Minister Paias Wingti's term, which included the notorious 'Operation High Speed' push into Panguna, Julius Chan surprised the nation at his swearing-in by vowing to find a peaceful, lasting solution to the Bougainville conflict and flying off to Solomon Islands to meet with BRA's Sam Kauona within the week. Chan's first attempt to negotiate a comprehensive solution with the secessionists at the Arawa Peace Conference in October 1994 was not a resounding success, despite agreeing to their request for the United Nations to be present and cajoling the Australians into funding a small regional peacekeeping force. It did, however, lead the following year to the establishment of a Bougainville Transitional Government under the leadership of Theodore Miro, a lawyer and former legal advisor to Francis Ona. But overall, Chan's faith in the Bougainvillean leadership's willingness to negotiate was never quite restored, nor did he ever really trust Miro, who was not afraid to speak out against the atrocities still being committed by the PNGDF – like the summary execution of eight young men at the Pokaari care centre in the north-west of Bougainville in June 1996.

Although publicly he persisted with peace talks, at the end of the year, Chan appointed a new commander to the PNGDF, the young colonel who had led Wingti's ill-
fated "High Speed" the year before, Jerry Singirok, with the job of commander dangling before his eyes, had assured Chan, privately, that he could do what no commander before him had managed – subdue the BRA and take control of Bougainville once again. In July the next year, under increasing pressure from Chan, he was put to the test launching 'Operation High Speed II' before flying off to Australia leaving his men to flounder and be slaughtered as they were comprehensively defeated on Aropa beach.

This humiliation was further compounded in September when 12 PNGDF soldiers were killed and a further five taken hostage at their camp at Kangu beach in south Bougainville and a month later, in October, when Theodore Miriung was assassinated by elements of the military using a vehicle disguised as an ambulance. As the end of his term loomed in 1996, with nothing to show on Bougainville but death and defeat, Julius Chan had run out of ideas. The principals of Sandline International, a London-based private military company began their first approaches to the desperate leaders of PNG. By the time Sandline's front man, Tim Spicer, first saw the Panguna mine in early 1997, it was overgrown with almost a decade of disuse. But all these years later, the vastness of the mine and the violence of its intrusion were still apparent; the majestic green folds of the Crown Prince Ranges suddenly splaying outwards to reveal a vast, dark wound. It was this that PNG's Prime Minister, Sir Julius Chan, commissioned Spicer to bring back to life with the hiring of mercenaries to deploy against PNG's own, albeit reluctant, citizens. Instead, Spicer's attempts to wrest control of Bougainville from its own people and its destiny was to spell the political ruin of Julius Chan and with that, the end of efforts to resolve the crisis militarily; the beginnings of real negotiations for peace, nine years after Francis Ona first threw down the gauntlet.
Constitutional accommodation and conflict prevention

Yash Ghai and Anthony J. Regan

Mobilisation of Bougainville nationalism

It was in the late 1960s that Bougainvillean concerns about governance escalated to public demands for secession, and this was largely due to the dramatic increase in grievances against the colonial regime over the Panguna copper mine. It was significant that this occurred at a time when political possibilities in Papua and New Guinea were being transformed by the beginnings of decolonisation. The first universal adult suffrage elections for the colonial legislature, the House of Assembly, were held in 1964, and thereafter at four-year intervals (1968 and 1972). Debate on decolonisation established a context in which there were new possibilities for Bougainvillean to define themselves in relation to the state. If independence for Papua and New Guinea was a possibility, then why not autonomy, independence for Bougainville or even union with Solomon Islands?

A major reason for the emergence of such local autonomy movements was the lack of any form of unifying national politics similar to those that emerged from independence struggles in Africa or Asia. There were no strong political parties articulating regional or national concerns. As a result, the grievances of local groups against the colonial regime defined national politics from the late 1960s until well into the 1970s, giving them a great deal of influence in the pro-Independence constitutional debate.

Moves toward constitutional accommodation

The House of Assembly elections of 1972 created the first indigenous-led Papua New Guinea government, and three of the four Bougainvillean representatives took prominent positions in it. Mainland leaders hoped that such high-level Bougainvillean involvement and the opportunities for inclusion in a new, soon to be independent Papua New Guinea, would quell Bougainvillean secessionist movements. In June 1972,
the Constitutional Planning Committee (CPC) was established as a House committee to consider Papua New Guinea’s independence constitution, and the powers provinces would have upon its adoption. The CPC’s terms of reference included ‘central-regional-local government relations and district administration’ and it was expected to find acceptable ways for the integration of Bougainville and of other groups demanding autonomy.

Support for secession did not die however and continued to be discussed sporadically at meetings in Bougainville. The central importance of antipathy toward ‘red-skin’ Papuan New Guineans as a factor in Bougainville ethnic identity was also demonstrated in December 1972 when two senior Bougainvillean public servants were victims of ‘payback’ killings by villagers after a road accident in the New Guinea highlands. This led to vocal anti-red skin opinion and support for independence consolidated dramatically in all areas of Bougainville. Within two months, a committee of leaders from councils and other political groups from all over Bougainville—the Bougainville Special Political Committee (BSPC)—was set up to negotiate the future status of Bougainville with the Port Moresby government. The CPC and the BSPC, together with the first Papua New Guinean-led central government, now became key actors in the development of proposals for constitutionally entrenched decentralisation arrangements.

Development of decentralisation proposals, 1972-1977

From February 1973 to April 1977, when the Organic Law on Provincial Government came into effect, movement towards autonomy for Bougainville was remarkable, all the more so given the high degree of centralisation of the previous colonial administration system. At each step of the way, the initiative was taken by Bougainville, albeit with CPC support at some crucial points. But although there was little pressure for change from other districts, the three main sets of concessions made by central government—in November 1973, July 1974 and August 1976—were extended to all districts.

Having determined to move quickly towards decolonisation, Australia was content largely to stand back from decisions on future arrangements. As a result, constitutional debate—including the debate on decentralisation—was essentially an internal one, although influenced by external ideas. At the time the CPC was established, there was consensus in the new nationalist government under Chief Minister Michael Somare that an independent Papua New Guinea should be dramatically different from the colonial regime. The CPC looked to develop a state more democratic, participatory, responsive and accountable than the colonial state had been. Its decentralisation proposals were part of a complex web of recommendations directed to these goals. For the CPC the most suitable units for decentralisation of power were the existing districts. They had the advantage of being large enough to be viable, were widely recognised and signs of mobilisation and identity-formation, particularly on Bougainville, were already being shown at such a level. Other proposals to divide the country into four main regions (Papua Coast, New Guinea Coast, Highlands and Islands) were rejected, as the CPC feared such divisions would promote regionalism and fail to address the country’s diversity adequately.

Although the CPC’s de facto chairperson, Catholic priest Father John Momis, was a Bougainvillean, the CPC was not just reacting to local Bougainvillean pressures for autonomy. Its views on decentralisation were part of a complex political and constitutional analysis that pushed it towards uniform decentralisation, rather than any asymmetrical arrangements. From 1973 to 1976,
Bougainville swung between demands for special arrangements suitable to it and acceptance of uniform arrangements applicable to all parts of the country. Although eschewing violence, Bougainville was in a fairly strong position to advance its agenda. The BSPC demands of July 1973 – essentially confederal arrangements with a right to choose independence at a later date – were deliberately over-ambitious. The real concern of the Bougainville negotiating team was to secure both a reasonable share of the Panguna mine revenue, upon which the national government was increasingly relying for its own financing and the autonomy to use such resources as Bougainville determined. The resultant compromise, reached in 1973, allowed decentralisation of powers for district government, followed in 1974 by negotiations on establishing an interim provincial government.

The Final Report of the CPC, released in July 1974, offered detailed recommendations for constitutionally entrenched legislative, executive and financial powers for transfer to an elected body in each province. The CPC had by then developed its own power base, through its widespread public education campaigns and consultative meetings, and developed its proposals with significant independence from the national government. However, the disparity between the CPC and increasingly conservative central government became apparent, as the national government opposed key features of the proposals, particularly the entrenchment of the arrangements and the supremacy of provincial laws over national laws. A compromise, reached in the House of Assembly, was to state key principles in the Constitution, leaving details for an organic law with a lesser degree of entrenchment. A follow-up committee was established to decide what should be included in the proposed organic law on provincial government.

Failure of negotiations

Negotiations between the national government and Bougainvillean representatives finally broke down in May 1975, after disagreement over financial arrangements for the Bougainville Interim Provincial Government. Bougainville sought to extract a reasonable share of national government revenue from the Panguna mine to be used as it saw most appropriate, while the national government was concerned about the costs of generalising what Bougainville demanded across all provinces and all economic resources. Negotiations collapsed in May 1975, followed by threats of secession at a meeting of Bougainville leaders.

On 28 May 1975, a day before debate was to begin on the draft national Constitution, Bougainville's Interim Provincial Government agreed on secession. The next day, national legislators rejected the recommendation on provincial legislative supremacy. Seeking compromise, the national government attempted to resolve the situation throughout June and July, later convincing the Constituent Assembly to delete the section of the draft Constitution dealing with provincial government. Bougainville leaders responded by making clear their intention to declare independence on 1 September, ahead of Papua New Guinea's scheduled independence on the 16th. On 1 September 1975, the Bougainville leaders issued their 'Unilateral Declaration of Independence of the Republic of North Solomons'.

Attempts at reconciliation

Bougainville leaders sought recognition of their independent status at the United Nations and explored a possible union with Solomon Islands, but were unsuccessful in both endeavours. This inability to garner international recognition of their independence brought the Bougainville leadership to accept Papua New Guinean sovereignty in early 1976. The national government, wishing a non-violent and expeditious re-accommodation, undertook to restore the provincial government provisions to the Constitution, and amendments providing for the prevalence of provincial laws over national ones were also added. Other matters, including provisions of the proposed Organic Law on Provincial Government, were resolved via the Bougainville Agreement of August 1976.

The 1976 Bougainville Agreement, while ostensibly detailing Bougainville's special relationship with the central government, was widely supported by the national Parliament as a sign of acceptance of the CPC's proposition that the road to Papua New Guinean unity laid through recognition of diversity. The document clearly highlights its application solely to the Bougainville situation, but endorses a nationwide plan of decentralisation and serves as a suggestion of the type of structure that could be formed under the flexible, and thus still technically 'uniform', Constitutional arrangements.

In negotiating the Bougainville Agreement, the North Solomons delegation focused on ensuring that the arrangements in the Organic Law would provide a sufficient balance between its needs and those of the centre. Of particular importance in this regard were the entrenchment of the arrangements, their marked federal characteristics and the great flexibility available in the provisions on powers and functions, funding and staffing that offered the possibility of asymmetry through variation between provinces. There were also aspects of the arrangements which, despite being generalised, were so directed to Bougainville's concerns as to be of little or no relevance elsewhere.
Failure of decentralisation agreements and growing tensions

Many aspects of the decentralisation arrangements were implemented and operated much as planned. Democratic political systems were established in all 19 provinces, and provincial consciousness and identity were increased. Powers and resources were transferred to provincial governments, enabling some to develop their own policies, while others remained content to work mainly within national policy frameworks.

Other aspects of the arrangement did not work out as expected, for complex reasons. Few provincial governments operated effectively and thus failed to mobilise strong support. Capacity for policy and administration was weak in all levels of government, especially as both the central state structure and the decentralisation arrangements were complex. The North Solomons Provincial Government was undoubtedly one of the most effective government units in Papua New Guinea, but it was fully occupied with maintaining basic services and managing its capital expenditure programme.

Relations between the national government and provincial governments were often strained. The national government paid little more than lip service to aspects of the machinery that it could not ignore – for example the Premiers Council, which the Organic Law specified had to meet annually – and ignored other aspects. (The National Fiscal Commission, whose responsibility was to make recommendations and resolve disputes on intergovernmental fiscal arrangements, did not meet from 1984.) Moreover, arrangements for suspension of provincial governments were amended in 1983, removing important procedural safeguards against abuse. Subsequently, those powers were used extensively against provincial governments and often for purely political reasons. The courts, however, provided an important balance between the central government and the provinces, interpreting and pointing out important Constitutional provisions that were either being misinterpreted or ignored by the national government.

The flexibility built into the Constitution, to allow for increased devolution of powers to the provinces, in the end resulted in very little transfer of authority, due to the consolidation of power at the national level, the central government’s desire to implement decentralisation uniformly and the limited interest of the newly created provincial governments in operating outside the laws provided by the national government. The response of the national government to serious disputes between it and the Bougainvilleans in 1981 regarding resources from the Panguna mine clearly showed that there was no interest at the national level in transferring further resources.

This lack of authority made it increasingly difficult for provincial governments to deal with local problems, particularly on Bougainville, where the North Solomons government had limited power to respond to either the ongoing grievances of ordinary Bougainvilleans concerning the Panguna mine or the tensions associated with rapidly increasing economic inequality. These tensions manifested themselves in the growing resentment of outsiders and concerns that outsiders were undermining traditional authority and culture. There was also little the province could do to combat the increasing economic inequality among residents, which was at odds with the relatively egalitarian nature of traditional society. These growing tensions on Bougainville, and the inability of the provincial government to do much of substance to address them, fomented the secessionist movements that turned violent in 1988.

Conclusion

Decentralisation did not give Bougainville the power to deal with basic grievances, nor to deal with economic and social developments that created ever-growing tensions. On the other hand, the rejection of decentralisation in favour of violent separatist struggle is not in itself an indictment of the decentralisation arrangements in Bougainville. These arrangements were not capable of limiting the unfolding of powerful economic and social forces, and it was those forces, largely external to the decentralisation arrangements, that led to the demise of decentralisation. While the relatively successful operation of a provincial government for Bougainville probably helped contain ethnic tensions for a time, those arrangements were increasingly seen by those with limited stakes in them (landowners receiving few benefits, those failing to extract economic benefit from the mine or cash-cropping etc) as irrelevant to the needs of Bougainville. The inability of the arrangements to respond to deeper concerns flowing from rapid socio-economic change probably contributed to increased resentment of outsiders who were to some degree a convenient explanation for a multitude of problems. It might be argued that only an extremely inward-looking form of either asymmetric autonomy arrangements or independence could have contained the forces at work in Bougainville and such arrangements would have created their own tensions and problems. On the other hand, the provincial government was operating well in many respects, and was seeking ways of dealing with the sources of ethnic tension. Indeed, even as violence intensified from 1998, the North Solomons Provincial Government continued efforts to find an acceptable negotiated solution to the conflict.
Early interventions

Efforts to prevent the Panguna crisis

The Panguna crisis of 1988 was a direct result of the Papua New Guinea government’s reluctance and perhaps to a certain degree, fear, to empower provincial governments to deal with their own local issues. The North Solomons Provincial Government (NSPG) had exhaustive powers given to it by the Papua New Guinea government through the process of decentralisation in 1976, but it had consistently asked for more authority in order to deal with grievances arising out of mining activities, including the hiring of non-Bougainvilleans by Bougainville Copper Limited (BCL).

Between 1982 and 1989, three successive provincial administrations, led by Leo Hannett, Sir Alexis Sarei and Joseph Kabui respectively, had requested that the PNG government review the Bougainville Agreement of 1976. If a higher form of autonomy had then been agreed, this may have paved the way forward for the NSPG to address the disputes over land, environmental damage, mining, forestry, economy and fiscal self-reliance, squatter settlements and unemployment. The NSPG had also asked for a review of the Bougainville Copper Agreement of 1976 between the PNG government and BCL. If agreed, the provincial authorities would have dealt directly with BCL on matters relative to the Panguna landowners problems and demands. A resolution to the Panguna crisis could perhaps have been found, thus preventing the bloodiest conflict in the South Pacific since World War II, the large-scale destruction of property and the death of thousands of Bougainvilleans.

The second opportunity to prevent the escalation of the still non-violent Bougainville conflict presented itself in September 1987 when NSPG Premier, Joseph Kabui, informed BCL Managing Director, Bob Cornelius, of the demands of the new militant Panguna Landowners Association (New PLA). The BCL management refused to entertain Joseph Kabui or the New PLA leader, Francis Ona, despite the certainty of impending conflict.
In November 1988, the first power pylon was blown up with the company's own stolen supply of dynamite, several buildings torched and equipment damaged. Francis Ona, the government's most wanted man, began to recruit what later came to be known as the Bougainville Revolutionary Army (BRA) initially from around the Kiieta area, and later from Siwai and Nagovisi in the south.

The Bougainville crisis

What seemed an ordinary law and order problem for the PNG government was blown out of proportion by its own ill-disciplined and poorly-advised law enforcement agency, the Police Riot Squad, and later the PNG Defence Forces. The suppression of the militants by the Riot Squad and the army quickly turned the local dispute into a more generalised ethno-nationalist revolt and these inter-ethnic tensions and incidents contributed to the escalation of the crisis. More and more Bougainvilleans became victims of police and military threats, intimidation, and even death.

The NSPG and the PNG government, however, continued to pursue a peaceful road to end the crisis. The Provincial Premier Kabui continued consulting Francis Ona, and in December 1988, PNG's Prime Minister, Sir Rab Rabbie Namaliu, appointed a Special Committee headed by his Deputy Akoaka Doi, to address the problem. Doi and others including Bougainville's own longest-serving Member of Parliament and champion of decentralisation, John Momis, met with Ona at his Guava village. On 8 December 1988, the Special Ministerial Committee, on behalf of the national government, signed a Memorandum of Understanding (MOU) with Ona committing the government to addressing the issue of improving community services for the Panguna landowners. The PNG government undertook to support the projects to the tune of K1.98 million (A$2.91 million (1988 value)).

On the night of the signing of the MOU, and acting under the directions of their Commissioner, police arrested key landowners. Francis Ona was fortunate not to have attended the signing ceremony. The genuine and honest efforts of the PNG government to prevent the conflict were undermined by its own law enforcement body. Dialogue efforts with both the Panguna landowners and BCL were also actively pursued by the churches led by the Bishop of the Catholic Diocese of Bougainville, Gregory Singkai. These government-authorised efforts were equipped with three promises: (1) a comprehensive programme aimed at meeting landowners' legitimate demands; (2) removal of the police and PNGDF from the province; (3) amnesty for Ona and his followers. These played an important part in the search for an early peaceful settlement of the conflict.
NSPG peace efforts in 1989

As the conflict between the company and the militant landowners escalated, the Provincial Government sought to play a ‘third-party’ role. In the initial stages the NSPG acted as an intermediary, communicating the landowners’ demands for better compensation and community services to BCL.

The NSPG met with landowners in Arawa and Panguna, and Premier Kabui wrote numerous letters to both Ona and BCL’s Bob Cornelius in an effort to address the landowner demands peacefully. In May 1989 the NSPG established the Bika Select Committee, under the Chairmanship of John Bika, Minister for Commerce in the provincial government, to collect, analyse, and compile a comprehensive report on the long-term solutions to the Panguna crisis and the concerns of the North Solomons people. Both the NSPG and the national government shared the perception that forced secession was not an answer to the crisis and were confident that the concerns could be addressed by improving government policy – for example on Bougainville autonomy. The Bika report would later form the basis for the NSPG negotiating position on autonomy for Bougainville. John Bika’s assassination by BRA at the end of that year was clear evidence of the breakdown in trust between the BRA and the NSPG.

National government attempts to avert the crisis

The national government of Papua New Guinea through Prime Minister Sir Rabbie Namaliu, continued its search for a lasting solution to the Panguna crisis. It established the Special Committee on the Crisis in the North Solomons Province, led by Hon. Sir John Kaputin in January 1989.

The national government sought to deal fully and fairly with the grievances of both the landowners and the North Solomons Provincial Government. It produced a package of measures that would have greatly benefited the landowners and the people and government of Bougainville. Through greater autonomy, which it had agreed in principle to give Bougainville, the Government would address concerns about the environment and other basic grievances. The Government was, however, firm that the issue of secession was non-negotiable. In October 1989, members of the PLA and ‘New PLA’ held a karika, a ‘traditional’ Nasioi peace ceremony in Arawa, calling on all parties to cease hostilities and to restore law and order. Present at the ceremony and signing the Namaliu Agreement were FM Namaliu and several of his ministers, the Premier Joseph Kabui and ministers of the provincial government, the chairman and manager of BCL, church and traditional leaders. Francis Ona did not attend and the sabotage continued.

The crisis becomes war

In mid-1990 the PNG government declared a State of Emergency on Bougainville. In his address to the nation, relayed through the State-owned National Broadcasting Commission (NBC) and all the local newspapers, Prime Minister Sir Rabbie Namaliu said: ‘you will probably have heard that one of the demands of the militants has been secession, or breaking away from Papua New Guinea. No national government in its right mind could ever agree to such a demand. The North Solomons Province is an important, and inseparable, part of the nation of Papua New Guinea.

‘Sadly, the genuine offer by my government to bring about meaningful negotiations with the militant groups on Bougainville, has not been accepted by the leaders of the militant groups, even though provincial leaders gave their total support.

‘By attempting to impose conditions such as secession, the withdrawal of security forces, and the continued closure of the mine, the militants have proven that they have not been genuine in seeking peaceful resolutions of the serious situation on the island.

‘My government has now been left with no alternative. Our security forces must now use additional powers that have been given to them to restore law and order in the province, to bring those responsible for criminal acts to justice, to enable the mine to resume operations as soon as possible, and to protect the lives, and freedom of all the people who live in the province.

‘If it is necessary for the security forces to respond to the use of weapons by militants, they will do so.’

Unfortunately for the peacemakers and for the entire population of Bougainville, that is exactly what happened following the declaration of a State of Emergency.

The first international and 'unofficial' interventions

Following the expulsion of most non-Bougainvilleans during 1989 and the ineffective PNGDF ‘Operation Footloose’ in the Konora area, the BRA forced the withdrawal of the PNG police and soldiers from that area. By early 1990 the PNG government had withdrawn public servants and all banks, offices and services were closed down. The BRA saw independence within reach. Their focus shifted towards asserting their control over Bougainville. The wealthy, the educated and government public servants were harassed, imprisoned, assaulted and sometimes killed by the largely young and resentful BRA men in a long period of violent mayhem. In the process, there was ample opportunity to settle past disputes over such things as land and personal relations. Old tensions, both within and between groups, were exacerbated and new ones developed.
As the conflict expanded to encompass the whole of Bougainville, a think-tank was created by the University of PNG Extension Centre, led by the Director, Graeme Kemelfield, which included people working in the office of the Provincial Government. This unofficial initiative was intended to find ways to overcome the military deadlock and help secure a ceasefire. They engaged Professor Peter Wallenstein (Uppsala University, Sweden), who was contacted through the London-based conflict resolution NGO International Alert. Wallenstein's role was as a neutral third party, meeting both sides, supported by and supporting the work of the think-tank. He facilitated face-to-face meetings between BRA military commanders and the PNG government, which eventually culminated in a ceasefire agreement. Wallenstein was also involved in setting up an international team to supervise the ceasefire. He also pointed to greater autonomy as a potential solution to the issue of the island's status within PNG.

Wallenstein recalled that it was the think-tank that did most of the basic work in working out the details of the ceasefire. He said: 'My presence helped to make the work more visible, seen to be more serious and brought in an international concern without vested interests.'

The first ceasefire

The Bougainville Ceasefire Initiative was signed by PNG and BRA on 2 March 1990. Under the terms of the agreement, the BRA were to hand their arms in under the supervision of international monitors. 'At the same time,' the PNGDF was to withdraw from Bougainville. The understanding between the parties was that the ceasefire would be followed by talks on the substantial issues, such as the status of Bougainville and the future of the mine. The international observers arrived in Bougainville shortly after the signing and presented their first report by March 16. The International Observers Team (IOT) was led by the Commonwealth Secretariat, London. It included representatives from Sweden, Canada, Denmark, Austria and Finland, under the chairmanship of a Ghanaian.

The report of the international observers concluded that the ceasefire had been successfully put in place and that the next steps could be taken. PNGDF had left the island. BRA weapons were to be inventoried and kept in three separate storage areas on the island. There was no time limit to the ceasefire. Unfortunately, before early May, the ceasefire was broken and the BRA sought to take control of the entire island.

Professor Wallenstein later commented that a key opportunity had been lost: 'There was a ripe moment... The government had tried a military offensive, which had not resulted in the victory the military had promised. Thus the balance in the Cabinet seemed to have shifted to a peace initiative. For the BRA, the offensive was tough, but they were proud to have survived it. Thus, they were also interested in a peace initiative. Unfortunately, the window closed, primarily due to the reluctance of the armed forces to accept the outcome, thus withdrawing prematurely. Also the initiative was difficult to sustain due to a belief on the BRA side that they could win the war. The ideas we had in those days were very much the same ideas that were used in the final agreement. That is the sad story of this conflict.'

New Zealand offers its good offices

The months following the breakdown of the March ceasefire saw increasing polarisation, with the BRA's Unilateral Declaration of Independence and the imposition of an economic and communications blockade on Bougainville by the national government. With an impending humanitarian disaster, the government of New Zealand, through its High Commissioner in Port Moresby, John Hayes, sought to play a third-party role. New Zealand offered to facilitate talks aboard their naval supply ship HMNZS Endeavour anchored off Kieta Harbour. The BRA, along with their newly formed political organisation the Bougainville Interim Government (BIG), accepted, as did the national government. Between July and August, talks were led by Foreign Minister Sir Michael Somare for the national government and Joseph Kabui for BIG and BRA. The talks included three 'advisers' to the PNG government team from the non-governmental organisation Moral Re-Armament and observers from Canada, Great Britain, Vanuatu and New Zealand.

The Endeavour Accord, signed in August 1990, represented an agreement to end the blockade, leading to the opening up of some limited Government and NGO-sponsored services to help ease the conditions of the economic blockade. However, a few months later, the PNGDF were re-deployed on Nissan and Buka, after arguments over responsibility for the delivery of restored services.

As with the breakdown of the first ceasefire agreement, the collapse of the Endeavour Accord led to a deepening of the conflict. The resulting disputes helped to motivate groups opposed to both secession and the BRA regime to form the Bougainville Resistance Forces (BRF). The return of the PNG security forces on 21 September 1990 helped concretise their formations, commencing with the Buka Liberation Front (BLF) on Buka Island. This was the beginning of serious internal conflict between Bougainvilleans. The 'Resistance' as they were later known, grew district by district and the conflict became increasingly complex.

The months and years that followed left a trail of devastation from which Bougainville has yet to recover. Thousands were killed or wounded, families were torn apart by conflict and there was mass destruction of both government and privately-owned properties. Today, the run-down economy and a generation of young adults...
who lost out on their education are but some reminders of this bloody conflict. The war also left a legacy of fear and a gun culture that was totally foreign to the once peace-loving people of Bougainville.

A second round of peace talks

The Solomon Islands Government under the leadership of Prime Minister Solomon Mamaloni became increasingly concerned about the deteriorating human rights situation of their close cousins in Bougainville. The Government decided to send two eminent persons, Minister for Provincial Government Alan Qurusu and Minister for Police and Justice Albert Laore, across the border to consult the Bougainville leaders about their proposal to facilitate another round of talks with the PNG Government. Their response was favourable and arrangements were quickly put in place to convene the talks in the capital, Honiara, in January.

These talks were seen as a ‘second round’ (the first being the Endeavour talks) with the national government led by Prime Minister Sir Michael Somare. The main issue on the agenda was the deployment of an international peacekeeping force, which the Bougainvillean side had strongly insisted on due to their complete breakdown of confidence in the national government. The Somare government responded positively and offered to approach the Commonwealth Secretariat with the proposal. The talks, which were chaired by the Bishop of the United Church in Solomon Islands, Rev Leslie Boseto, successfully concluded with the signing of the Honiara Declaration on 23 January 1991. The agreement provided for a Multinational Supervisory team that would supervise a truce, disarm the BRA and oversee an amnesty for BRA combatants. The agreement was also intended to annul the Unilateral Declaration of Independence by the BRA, and to restore services to Bougainville. The Commonwealth Secretariat representatives were subsequently invited to carry out several visits to central Bougainville where they held talks with the BIG and BRA leadership including Francis Ona. The period immediately following the signing saw mixed responses by various BRA spokespersons variously accepting and rejecting the agreement, thus indicating a leadership dispute. On the one hand there were those who rejected the agreement because it failed to address the basic grievances and claims for self-determination. On the other hand, those opposed to the Ona regime wanted the return of government services, irrespective of the question of independence.

Both the Endeavour Accord and the Honiara Declaration further helped to open up some limited humanitarian access by overseas NGOs through Solomon Islands. But like the facilitators of the Endeavour Accord, the Solomon Islands Government ignored the fact that BIG and BRA were no longer entirely in control of the province.

Bougainvilleans opposed to the BIG and BRA had emerged and presented an important challenge to any negotiation with the rebels.

Separate settlement for Buka island

Signed by representatives of the chiefs of Buka Island and by the national government in February of 1991, The Kavieng Agreement responded to the numerous calls by the people of Buka for the return of government services. It was agreed that the PNG government, by withdrawing the security forces and implementing a blockade, had abandoned its constitutional responsibilities and needed to act to regain legal authority of the island. The Buka people also wanted the return of the PNG security force to provide protection for themselves and government property.

Thus, Buka Island came under national government control and basic government services were restored. But more money was spent on the military and on displaced people than on the restoration of schools, health services and roads. For the Buka people it seemed the PNG government had abandoned them once again. It was left to the islanders to rebuild their schools and health centres and restore their cash crops.

The re-establishment of the North Solomon Provincial Government

With the North Solomon Provincial Government under the leadership of Joseph Kabui formally suspended, the Somare government sought to re-assert its political authority first by restoring the administrative structures (i.e. public servants and service) and then by the creation of district-level interim authorities. Following the return of the PNGDF and government authority to Buka Island, the Provincial Administration was re-established. Sam Tulo, a popular former MP for Buka Island and national government Minister, was chosen as Administrator. By the end of 1991, Tulo had engaged a total of 1,040 restoration workers, including public servants of the former NSPG – ranging from clerks, teachers, health workers, builders, emergency workers – for duties in the atolls, Nissan Island, Buka, North East and North West. Essential government services were filtering through to the villages, made possible by both the security forces and these public servants.

By 1992 Tulo had reopened 19 sub-health centres, eight health centres, the Sohano hospital and 67 village aid posts in north, south and parts of central Bougainville. Reports reaching the Administrator’s office from Honiara in October 1992 indicated that the old Arawa hospital was operational 24 hours a day. In the education sector, 61 out of 92 community schools were reopened in north Bougainville, though south and central Bougainville schools remained closed for security reasons.
The Bougainville Administration was successful in its efforts, despite the magnitude of the crisis and the ongoing hostilities. At times planning was almost impossible and projects continued on an ad-hoc basis.

The Bougainville Interim Legal Authorities

The establishment of the Interim Authorities was in response to the Buka Chiefs' request to the government during talks that formed the Kavieng Agreement. The people wanted a legal government through which they would have their own elected representatives. Initially, the Bukas had wished to break away from mainland Bougainville to form their own province and remain an integral part of PNG. The government's intention, however, was to maintain provincial unity by establishing the Bougainville Interim Legal Authorities (BILA). This was a local level government structure with fewer powers than the provincial government system, but specifically tasked to bring unity, peace and normalcy to Bougainville.

1992 saw the establishment of the Interim Authorities beginning in Buka and moving on to the Nissan/Atolls, north-east and north-west (all in north Bougainville) and then moving south at the end of December 1992 when the South West Interim Authority (Siwai) was established at a great cost. The former MP for south Bougainville, Anthony Anugu, was invited by Sir Michael Somare to go to Port Moresby through Solomon Islands to sign an agreement to establish the first South Bougainville Interim Authority (SBIA) in the Siwai district. A few days following his return through Solomon Island, Anugu and five other men were kidnapped, robbed and killed by the BRA. He was carrying with him funds for the newly established SBIA.

The Central Bougainville Interim Legal Authority (CILA) and the Teleki (Buin) Interim Authority were established in 1993 and the Bana (Nagovis/Torokina) Interim Authority was the last to be formed in 1994, basically due to differences between the Siwai and Nagovis leaders. The Interim Authorities and the Councils of Chiefs played a vital role in returning peace to Bougainville. Though not reaching the entire Bougainville communities as first expected, their influence over national government decisions and the role of the security force in Bougainville was significant. In south and central Bougainville certain members of the Interim Authorities collaborated with the BRA. The care centre food supplies, medicine, store goods and even PNGDF army camouflage soon found their way into rebel territory for more secret meetings and sharing of information on the welfare of those in the bush and those at the PNG controlled care centres. Many of those meetings ended with more and more BRA soldiers surrendering which in turn meant an increase of the care-centre population, which was maintained at 300 maximum, although the largest care-centre in Buin had over 2,000 men, women and children.

For Sam Tulo and the Bougainville Interim Legal Authorities, the Bougainville unity they desired was beyond their means. At this stage unity depended heavily on Francis Ona and the BRA and the unanswered question of independence.

The Honiara Commitments to Peace

The collapse of the Wingti administration in August 1994 led to a radical change of peace policy on the part of the national government. Sir Julius Chan was elected vowing to resolve the Bougainville conflict during his term in office as Prime Minister. Initial agenda-setting talks (the Tambea talks) in June 1994 between senior officials of the PNG government and Sam Kauona of the BRA were followed by a second round of peace talks in August in Solomon Islands later described by Australia's Foreign Minister, Alexander Downer, as 'tense and emotional'. The talks concluded with the signing of the Joint Commitment to Peace on Bougainville.

Unlike the Endeavour Accord and the Honiara Declaration, the resulting two agreements the Honiara Commitment to Peace (3 September 1994) and the Ceasefire Agreement (8 September 1994) were signed by the PNG Prime Minister, BRA Commanders and representatives of the national government-sponsored Bougainville Interim Legal Authorities. The agreements set down a rapid timetable for a ceasefire and the insertion of a regional peacekeeping force (the South Pacific Peace Keeping Force, SPPKF), and were to create a 'neutral zone' paving the way forward for an 'all-Bougainvillean' peace conference in Arawa. The purpose of the Peace Conference was for all sides of Bougainville to meet and freely express themselves on the issues that affected the province in the hope of reaching a common position for a settlement of the Bougainville war. Issues left to be addressed at the Arawa Peace Conference included pardon, amnesty and temporary refuge, reconciliation and compensation, and restoration and reconstruction. Unfortunately, the BRA's Sam Kauona did not return to Bougainville to brief the BRA on the agreement and this was to have unfortunate consequences.

The Arawa Peace Conference

Bougainville had been anxiously waiting for an opportunity to enable its people to meet, talk and decide the province's destiny. With only half of the population in government-controlled areas, Bougainville was torn between the two warring parties. Independence was still a contentious question, and the people on both sides wanted to use an 'all-Bougainville meeting' as the space to thrash out the issues, in the hope that a road map to peace could be drawn up and followed.
As agreed in the Honiara Commitment to Peace, the ‘all-Bougainvillean meeting’ was held in Arawa on 10 October 1994, under the watchful eye of the SPPK. An estimated 4,000 Bougainvilleans from all over Bougainville, PNG provinces and Solomon Islands attended the meeting. To them, simply attending the Arawa Peace Conference, and talking to lost friends and members of the clan, was an achievement. Chiefs, villagers and moderate members of BRA and BIG attended the event, but the leadership was absent. Despite the intervention of the Bougainville women and even the SPPK, BIG leaders like Joseph Kabui, Francis Ona, Sam Kauona, John Zale, David Sisito, David Onavui, Bernard Tunim, Jonathan Ngati, Andrew Miriki and Martin Miroiri refused to come. They gave several reasons. For example, Kabui had said that the BIG, although a signatory to the Honiara Commitments to Peace, was not consulted on the membership of the SPPK and its mandate. Kabui said that Prime Minister Chan had rushed the arrangements without consulting the BIG. They also objected to the presence of PNGDF in the ‘neutral zone’ in violation of the agreements reached in Honiara.

The Arawa Peace Conference, however, proceeded without the BIG. The BRA was represented by its front man, Ishmael Toroama, the Chief of Staff, who made it plain that peace could only be achieved if the government was ready and willing to discuss the independence question. The meeting finally resolved, on the fourth day, that the Bougainville Leadership on both sides would continue to hold meetings outside of PNG.

North Nasiioi Peace Committee
After the Peace Conference, the North Nasiioi Peace Committee, headed by Theodore Miriung, remained in Arawa. The Peace Committee had been established the previous year and included traditional leaders from several north Nasiioi villages who were desperate for peace. The North Nasiioi Peace Committee signed a Memorandum of Understanding with Bougainville Administrator, Sam Tulo and the Secretary of Prime Minister Chan’s Department, Brown Bai. The signatories also included senior BRA commanders of the area. Signed on 25 November 1994, this Charter re-affirmed the commitment of all parties to the Arawa Resolution and to a political settlement of the conflict. Importantly, it also established ‘Transitional Political Arrangements’ for Bougainville in the form of the Bougainville Transitional Government. This body was to operate within the legal framework provided by the Organic Law on Provincial Government.
Bougainville Transitional Government

In April 1995, the national government's suspension of the NSPG was lifted and the Bougainville Transitional Government (BTG) was established with Theodore Miriu by elected as the Premier. The BTG had a special objective. It was a transitional arrangement aimed at uniting the Bougainville leadership (BIG/BRF and BTG/BRF) and the people of Bougainville together to resolve the Bougainville conflict. It had become obvious to Bougainvilleans that for real peace to be achieved, the issue of independence had to be addressed despite the unwillingness of the PNG government to do so. The resolutions from the Arawa Peace Conference provided a guide for the BTG. The leadership, both at the BTG and the BIG, needed to come together, an issue Theodore Miriu fully appreciated.

His government's constitution preamble read: 'The BTG is established as a transitional arrangement to restore civil authority of the people of Bougainville. Apart from running the affairs of the province, the BTG will be responsible for negotiating a political settlement with the national government. It is not intended that this body becomes the ultimate form of government for the Province.'

The Charter of Mirigini for a new Bougainville was signed on 25 November 1994. In this the Bougainville leaders and leaders of the National and Bougainville Transitional Governments agreed that the Assembly of the Transitional Government should act as a constituent assembly to review the constitution of the North Solomons Provincial Government and enact a new Constitution. The leaders also committed themselves to a new spirit: 'The BTG and the national government will be committed to working out a new deal for Bougainville which, the leaders of both governments agree, must address the basic grievances of the people and of the province, politically, socially and economically.'

More inter-Bougainvillean dialogue (Cairns I &II)

Miriu by had argued that 'before any talks could be held in Port Moresby, the people of Bougainville must make their own peace' and within a few months in September 1995, another round of Bougainvillean dialogue, this time without the direct presence of national government, was held at a resort in Cairns, Australia. Representatives of the provincial government, the BTG (including the Provincial Council of Women) and the BIG, BRA and BRF factions met to seek ways and means of restarting peace negotiations. The week-long talks (later referred to as Cairns I) benefited from the support of many external actors, both official and unofficial. Australian-sponsored and facilitated, PNG government approved and with a prominent role from the NGO Moral Re-Armament (MRA) and the International Commission of Jurists.

The second round of 'peace talks' held in Cairns (Cairns II) three months later, was facilitated by representatives of the UN Secretary-General and the Commonwealth Secretariat and resulted in the Joint Communiqué being delivered to the PNG Prime Minister, signed by BTG/Resistance and BIG/BRF, in the presence of the representatives of the UN, the Commonwealth and Australia, on 18th December 1995. This communiqué signalled the intentions of the parties to enter into a process of dialogue to achieve a political settlement and confirmed the wish for the incorporation of international bodies such as the UN and the Commonwealth into the process in a capacity to be agreed with the PNG national government.

This achievement was damaged when the BIG/BRA delegation was ambushed by the PNGDF as they returned from the Cairns talks. The peace process publicly collapsed, though unofficial talks continued with the national government. Losing confidence in the dialogue option, Prime Minister Chan banned all overseas peace talks. Within months, Chan's government held meetings with Sandline, the private military company and later the PNGDF launched their unsuccessful 'Operation High Speed II'. Civil society, notably women's organisations, continued to convene dialogue meetings.

On 12 October 1996, Theodore Miriu by, Premier of the Bougainville Transitional Government and senior negotiator, was assassinated in southern Bougainville while eating the evening meal with his family. A coroner's report later implicated PNGDF and Resistance forces.

Before tasting peace, Miriu by died in the hands of the very people who were to have guaranteed his security. The late leader had begun the peace process in Cairns, Australia in line with his BTG mandate and with the Nasioi Principles of 'Osingeta, Oskiaing, Me'eakamui,' return to dust, return to basics, start all over again. Land is owned by man. Let us protect the land; for land is Holy.'

Conclusion

Though the collapse of every agreement in this early period was followed by an escalation of violence, each new round of dialogue returned to build on the achievements of the last. The work of Theodore Miriu by was not to be in vain; for soon after his untimely death, another Nasioi-speaking leader and former NSPG Premier, Joseph Kabui, was to pick up the challenge, asserting that in order to build a lasting settlement with the government in Port Moresby, the people of Bougainville would first have to make their own peace.
From Burnham to Buin

Sowing the seeds of peace in the land of the snow-capped mountains

Robert Tapi

In the second half of 1997, two rounds of talks held at the Burnham Military Camp near Christchurch, New Zealand, were to break the deadlock in the decade-long Bougainville conflict. The Burnham talks occurred after five failed peace accords and two failed ceasefire agreements. Joseph Kabui, then leader of the Bougainville Interim Government (BIG), described the outcome of these talks saying:

'Contained in the Burnham Declaration is the most powerful of all democratic notions, that the people themselves will have the final say on the outcome of our work. Just as the discussions by our officials have brought us together here, our discussion together must get us back to Bougainville and back to a situation which places the decision back into the hands of the people.'

Pressure for peace

By 1997, attitudes towards the war were beginning to shift. The silent majority of Bougainvillans were tired of war and longed to return to normal village life. Women’s groups, church groups and chiefs increased their pressure on both the BRA and the PNG-backed Bougainville Transitional Government to negotiate for peace.

The more moderate of the BRA and BIG leadership began to realise that the war was creating such divisions that even if they were to succeed in ‘winning’, they would inherit a hopelessly divided society. In part because of the awareness of this likely cost of victory, there was a change in the balance of power within the BRA and BIG leadership, resulting in reduced influence for the ‘hard-liners’ around Francis Ona and increased influence for a moderate leadership around Joseph Kabui. This was sufficient for the latter group to have confidence to act independently of Ona for the first time, which led to a shift in the BRA dialogue from war to peace.

Robert Tapi formerly served in the North Solomons Provincial Government and was Special Duties Officer for the Peace Process and Political Negotiations from 1998-2001.
The Sandline affair of March 1997 had a strong impact on the BRA and BIG and the PNG government. The rejection of Sandline by the PNGDF helped change the perceptions of ordinary Bougainvilleans and the BRA of the PNGDF. A conflict resolution workshop conducted in the first half of 1997 by Brisbane lawyers Mark Plunkett and Leo White, also encouraged 'hard-line' members of the BIG and BRA to re-think their positions. The two also trained pro-government leaders, including a representative from the PNGDF, in Buka.

On the PNG side there was an awareness that the situation had reached a military stalemate and the PNGDF had little capacity to defeat the BRA. Pressure mounted on the government to end the war.

The ousting of Sandline also raised the international profile of the Bougainville crisis. There was a new sense that the world was watching Bougainville. The Australian government realised that the conflict had the potential to destabilise the entire region and expressed its firm opposition to the use of mercenaries, thus improving relations with the Bougainville people. In the aftermath of Sandline both the Australian and the New Zealand governments became actively involved in peacemaking in a number of ways.

The road to Burnham

In March/April 1997 the leader of the New Zealand delegation to the UN Human Rights Commission in Geneva, Rene Wilson, made contact with BIG leaders Martin Miriori and Jonathan Ngati who were also attending the Commission. Wilson had a prior relationship with Miriori as the two men had served together on the South Pacific Forum in the previous decade. The New Zealand Government had specifically instructed Wilson to consult with Miriori on the prospects of the resumption of peace negotiations and how New Zealand might assist in these efforts. Later in April, New Zealand Foreign Minister Don McKinnon contacted Miriori and conveyed New Zealand’s proposal for renewed peace efforts in Bougainville. In May, New Zealand’s High Commissioner in PNG during the 1990 ‘Endeavour talks’, John Hayes, met with the BTG team visiting Moresby to discuss the Kangu Beach PNGDF prisoners.

While all these confidential discussions were going on, the BRA and BIG leadership held an emergency meeting and agreed to send a delegation to Solomon Islands under the leadership of Chairman Joseph Kabui and General Sam Kauona. The purpose of the mission was to start the process of internal peace talks between BRA/BIG and BTG/Resistance. But before this, they wished to consult with BIG leaders like Miriori, Mike Foster and Moses Havini who were abroad. This meeting took place on June 6 in Gizo, in Solomon Islands.

Back in Bougainville, Bougainville Regional MP, John Momis was kidnapped by BRA forces at Tiniputz and taken prisoner. The Ona-Momis Resolution for lasting
peace on Bougainville led to Moris’ release. Both leaders also committed themselves to confirm Bougainville's independence through a referendum.

On 18 June 1997, Miriori, Havini, Forster and Kapea Puaia of BTG in Buka held talks in Auckland with McKinnon and his senior Foreign Ministry officials including John Hayes. The groups also consulted with Francis Ona (by telephone) and Kabui and Kauona who were then in the Solomons.

The Bougainvilleans explained that earlier meetings had not succeeded because they had insufficient time to resolve internal difficulties. The New Zealand side was willing to listen and had no particular agenda except to support a process owned by Bougainvilleans. They were asked to host a meeting of all Bougainville factions so that they could come together and speak with one voice. It was agreed they would work towards establishing the Burnham Process.

Preparation for the Burnham talks saw the active involvement of John Hayes, former New Zealand High Commissioner to PNG, who helped to develop the initial trust between the BTG and BIG leaderships. High-risk missions were executed into BRA stronghold areas in central Bougainville with the purpose of offering New Zealand’s willingness to facilitate dialogue between the warring Bougainville factions.

**Burnham I**

On July 5, the first round of Burnham talks began. They were attended by more than 70 Bougainville leaders representing different interest groups on the island, but without the direct involvement of the PNG government. There were delegates from the BRA and the BIG, the BTG and the Resistance force, women’s groups, the Churches and local chiefs.

The delegations were welcomed in a Maori ceremony, involving a hongi or shaking hands, touching noses and exchanging the breath of life. People who had been ‘enemies’ for almost 10 years arrived in a neutral environment, participated in the ceremony and only afterwards realised they had connected.

In his opening speech, the then BTG Premier, Mr Gerard Sinato described New Zealand as the ‘fertile ground to sow the seed of peace so that a tree of peace can find root and grow quickly.’

The talks were structured in such a way that there were ‘all Bougainville’ sessions which they called the ‘taringot’, literally translated from the Melanesian Pidgin (Tok Pisin) as ‘vomiting session’. This is when all the participants met together and held public debates. Before substantive discussions could begin, there were long speeches by each of the senior delegates or village elders in which they outlined where they saw the process moving. Then there were the separate factions’ sessions.

While New Zealand facilitated and observed the meeting, it was co-chaired by the Bougainvilleans themselves through BIG Secretary Martin Miriori and PNG Chief Ombudsman, a Bougainvillean Simon Pentamu. Participants themselves arranged meetings within the process. New Zealand supplied transport to a secure venue, accommodation and meals and occasionally set up interventions to let things cool down or create space for small groups to brainstorm around issues. The President of the BIG and supreme commander of the BRA, Francis Ona, did not attend the discussions.

In the words of BIG leader Miriori: ‘The delegations firstly and foremost recognised the fact that the war had divided them. And without a commitment to each other and entering into a process of reconciliation and unity at all levels of the community; there could be possibly no hope of ever achieving peace with Papua New Guinea...’

The resultant Burnham Declaration of 18 July 1997 called for leaders to bring about a ceasefire and for an international peacekeeping force to be established in Bougainville. It also called for the ultimate withdrawal of the PNGDF and recognised the right of Bougainvilleans to determine their own political future.

As a gesture to the national government for allowing the Burnham meeting to happen, the BRA agreed to release the five PNGDF soldiers from captivity in south Bougainville. In response, the PNGDF allowed safe passage for those returning from Burnham and brought Prime Minister Skate into the process early in his term.

**The success of Burnham I**

There were many factors that led to the success of these talks, in contrast to previous failed negotiations. Firstly, the Burnham Military Camp near Christchurch provided an ideal environment for the participants. Tight security and the military atmosphere of the camp helped to reduce the fear and mistrust that had haunted Bougainvilleans over decades. This enabled people to speak freely about the pain and frustration of the war and the cathartic confrontations were important icebreaking. In Bougainville in 1997, this type of session would have led to more violence, but in Burnham, Bougainvilleans could take advantage of neutral ground.

The very fact of being away from home influenced Bougainville leaders in several ways. In alien surroundings, Bougainvilleans were thrown up against their common ethnic and national identity and forced to acknowledge the cost of the conflict. These realisations were aided by the broader experience of the participants. A visit to the Maori traditional Marai village and the wisdom of the Chiefs of the Maori Clans inspired the
Bougainvilleans with its insight into the Maori anti-colonial struggle. The New Zealand peace agreements such as the Watangi Treaty brought hope for unity and reconciliation among the Bougainvilleans.

The neutrality of the New Zealand government was another important factor in the success of the talks. They restricted their role to that of facilitating and left the Bougainvilleans to take responsibility for sorting out their differences, whilst still maintaining a level of friendship with the delegates. During informal time, Don McKinnon would often drop in unannounced to chat with delegates. Such gestures were crucial in boosting the morale of the Bougainvilleans.

After the July 1997 elections, a new and more moderate government replaced Prime Minister Chan. In this climate, negotiations became increasingly possible. But the clinching factor may have been the person of the new PNG Prime Minister, Bill Skate, whose personal friendship with BIG Secretary Martin Miriori facilitated talks. For the first time a Prime Minister of PNG showed total commitment to securing peace on the island.

In August, reversing a long-standing Australian government policy of no ministerial or official contact with the members of the BRA, Foreign Affairs Minister Alexander Downer met with Moses Havilini of the BIG in Sydney to discuss developments in the peace process and to convey the message that Australia was seeking to give constructive support in the search for a settlement. Downer then announced that Australia would provide, from within its existing aid programme to PNG, A$100 million over five years for a rehabilitation programme on Bougainville, in addition to the A$34 million already so allocated.

**Burnham II**

The formal participation of the PNG government was the next major step in the peace process. The second round of talks was held at the same venue from 1-10 October 1997.

Burnham II was similar in approach to the first meeting with support from the New Zealand government. It involved PNG officials and representatives from the Solomon Islands as well as a large group of the BRA at a unit level. The outcome of Burnham II, *The Burnham Truce*, was signed by representatives of the PNG government, the BTG, BIG representatives, Commanders of the Resistance Force and the BRA. Back in Bougainville, mini ‘peace treaties’ had already been signed between various groups to cease hostilities amongst themselves and consolidate the spirit of the *Burnham Declaration on Unity and Reconciliation*.

The leaders also agreed to meet on a regular basis to monitor the implementation of this commitment and to invite a neutral regional Truce Monitoring Group (TMG) to monitor the terms of the truce.

**The peace process continues**

In November 1997 another round of preparatory talks, facilitated by the Australian government, was held in Cairns. Bougainvillean leaders and PNG Government representatives attended the meeting to prepare for a leaders’ meeting in January 1998 as well as to review the progress and the implementation of the Burnham Truce. The *Cairns Commitment on Implementation of the Agreement* endorsed the BRA/BIG and BTG/Resistance participation in the deployment of the Truce Monitoring Group (TMG) to Bougainville.

In January 1998 the peace process returned to New Zealand where negotiations between the PNG government and Bougainville leaders culminated in the *Lincoln Agreement*. This formalised the agreements at Burnham II and established the process and schedule for achieving peace, security and development. Also agreed were the establishment of the Bougainville Reconciliation Government, disposal of arms and the consequent withdrawal of the PNGDF from Bougainville, the removal of bounties and the granting of amnesty and pardon to the BRA. This was followed by the *Ceasefire Agreement*, signed in Arawa on 30 April 1998.

Throughout this period, there had been regional meetings in Bougainville to allow the people to participate in the peace process. These were concluded in August 1998 with the Pan-Bougainville Leaders Congress held in Buin. Representatives from women's groups, local chiefs and elders were given the opportunity to present their respective views on Bougainville's political aspirations. They all read out statements declaring their political stance – complete independence from Papua New Guinea. In his concluding remarks, Kabui said, 'Now that we know our destination…we need to define and build the canoe in which we must set out on our journey to reach our desired destination.' The *Buin Declaration* was signed on 22 August 1998.

In December 1998, BTG/BIG leaders held consultative talks in Arawa and, in a *Joint Communiqué*, restated their commitment to the previous agreements and declarations. They jointly rejected the imposition of the provincial government reforms on Bougainville and agreed instead to adopt the constitution of the new Bougainville Reconciliation Government (finalised on 24 December) and to establish a Bougainville People’s Congress by 31 December 1998.

Finally, the Bougainville leaders called on the Government of Papua New Guinea to agree to leaders’ meeting to discuss details of the establishment of the congress and the political future of Bougainville.

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The role of women in promoting peace and reconciliation

From the early days of the Bougainville crisis, women's groups played important roles in initiatives to end the violence and promote a sustainable solution to the conflict. Women of all political, religious and regional groupings mobilised and spoke out for peace. We prayed, marched and negotiated for peace and reconciliation.

Women in Bougainvillean societies

In traditional Bougainvillean society, women have an important place in the family, and a vital role in the life of the clan. Most language and cultural groups in Bougainville are matrilineal. This means that it is the woman's line that determines kinship and the inheritance and use of land rights. There is a saying in Bougainville that 'women are mothers of the land'. With this go other key responsibilities such as keeping the family wealth and recording family history. From time to time, in consultation with her uncle or elder brother, a woman is also responsible for arranging marriages, organising the special feasts and cultural activities within the clan and participating in important negotiations around land rights and birthrights. However it has not been usual for women to exercise political power in the public arena, although their views are conveyed through a spokesperson in the family or clan.

Prior to the war, there were two main women's organisations on Bougainville. One was the Churches' Women's Organisation, which was established in the mid-1960s and had developed successful programmes for women to be self-reliant at the village level. The other was the North Solomons Provincial Council of Women which was instituted in the late 1970s and in the 1980s was in the process of establishing a system of networks between different women's organisations when its progress was disrupted by the outbreak of violence.

Sister Lorraine Garasu is a member of the Congregation of the Sisters of Nazareth (CSN) and Coordinator of the Bougainville Inter-Church Women's Forum (BICWF). She has participated in peace negotiations both in Bougainville and overseas.
The impact of conflict on women

All Bougainvillean women were affected by the war, but their experience differed in some respects depending on whether they were in government-controlled or BRA-controlled areas.

For those of us in government-controlled areas, it was 'life between two guns'. Women experienced harassment by both the BRA and the PNGDF forces. Our lives were constrained by rules and regulations such as the curfew from dawn to dusk. Freedom of movement and communication were restricted whenever there was a military operation, affecting the supply of medicines, basic store goods and the provision of education. Restrictions on movement meant that women often had to wait a few days before they could go to their gardens to collect food.

Women in the BRA-controlled areas bore the brunt of the war as they suffered sustained attacks by PNGDF and Resistance forces. Eight years of blockade deprived them of access to shelter, food, clothing, health and educational services. Families who had fled into the hills had to establish new food gardens and while waiting for their crops to ripen, the women would return to their old gardens to harvest food. This was a long and dangerous journey and caused many health problems. Women behind the blockade struggled to care for their children without medicines, immunisations and adequate food supplies. Many babies died from preventable childhood diseases. Those in the mountains suffered from lack of warm clothing. Women and girls in both areas were at risk of rape by soldiers from all factions.

Military operations in all areas prevented travel and contact between groups living in different places. The 'divide and rule' tactics of the PNGDF were successful in creating and maintaining divisions between Bougainvilleans, with the consequence that peace groups were initially forced to operate in isolation from each other, within their own communities.

Women as peacemakers

Women's groups played a major role in working for peace and reconciliation at local and national levels. Individual women used their high status in the family to negotiate peace in their communities and managed to use their influence as go-betweens with the warring factions to maintain constructive dialogue. Mothers went into the bush to attempt to bring their sons home. In south and southwest Bougainville, women went into the jungle to negotiate with the local BRA.

Groups such as the Catholic Women's Association and the Bougainville Community Integrated Development Agency (BOCIDA) run by Ruby Miringka, were the mainstay of humanitarian networks that provided food, clothing and medicines to those in government and BRA-controlled areas. At the time, movement restrictions meant that these clandestine networks were the only source of emergency assistance. As restrictions eased, these groups became the backbone of development and peacebuilding activities.

Women's groups and individual woman leaders emerged as an important influence in the political arena. Their activities included prayer meetings, reconciliation ceremonies, peace marches and petitions. They also
played an important role in awakening the international community to the suffering of the Bougainville people. Their contacts with women from Australia and New Zealand were influential in bringing in support and assistance from abroad.

**Early peace initiatives**

It was their domestic influence on the BRA and Resistance forces that enabled Bougainvillean women to have a significant impact in the early stages of the war. Events in September 1990 on the island of Buka led to the first public display of women’s courage. Various women’s groups, including the women of Buka Island, protested against a BRA blockade that was preventing PNGDF soldiers from distributing emergency medical supplies. The women, led by Anastasia La Pointe, planned a march that they were then forced to abandon by a BRA roadblock. Nonetheless, La Pointe had the opportunity of confronting BRA commanders with the feelings of the women. She said, ‘I spoke out and told them that it was a women’s initiative. If we had involved men there would have been trouble.’

The following month, the women of Selau, in north Bougainville, planned another peace march to petition the PNGDF and BRA to put down arms and begin peaceful negotiations. After this, the women again organised an all-night peace vigil to protest silently against the violence. About 5,000 people, including children and even members of the BRA, attended the vigil.

These peace efforts led by local women, culminated in August 1991 in the declaration of a ‘Peace Area’ by the Selau people. The community took steps to disarm the local BRA and agreed not to have Resistance Forces in the area. It was our responsibility to create an environment where we could dream about a peaceful solution to the conflict. It was not 100% safe but we planned to trust each other again.

Other events included a peace march in December 1993 by the women in Buka to petition the leaders of all parties to carry out peaceful negotiations. In August 1994, the women of Siuai, south Bougainville, organised a peace march to petition the BRA to stop the war and to allow people out of their bush camps.

**Women’s organisations gather momentum**

In October 1994, the national government called a peace conference in the capital Arawa. Though the BRA and BICWF leadership boycotted this event, it proved significant for women’s groups, who had the opportunity to meet and air their views. Shortly after this, Catholic women organised the Bougainville Reunion in Buka. More than 2,000 women from all over Bougainville attended the conference, marking a new period of confidence for Bougainville women.

In 1995, women from the BRA and government-controlled areas sent separate delegations to the Fourth Global Conference on Women in Beijing. Bougainvillean delegates realised that women from different parts of the world shared their experience of war. On their return from Beijing, women from northern Bougainville conducted a silent march in protest against the war, in defiance of the State Emergency.

The Bougainville Inter-Church Women’s Forum (BICWF) was established in 1995 because a united women’s voice from all church groups was needed to help bring about peace. It included a wide range of women, many of whom were not usually politically active. Later in 1995, the BICWF began to organise for a Women’s Peace Forum which was subsequently held in Arawa in August 1996. About 700 women met to discuss how they could move towards a united front and find lasting solutions to the Bougainville Crisis. Women from the three main-line churches and from across the island participated at the Forum. At the workshops they freely voiced their fears about the conflict. They formed strong working groups from all the districts of the island and put in place some concrete plans on how they would work towards a lasting solution to the conflict. Another positive spin-off from this Forum was a meeting between the organisers and a BRA group in the area, which was chaired by the women.

October 1996 brought Bougainville women from both sides of the blockade together. At the ‘Bougainville Women Speak Out’ Forum in Sydney, I met many women, including Ruby Miringka (founder of Bougainville Community Integrated Development Assistance) and Daphne Zale (who represented Bougainville women at the Beijing Conference). It was the first time that the three of us had met during the eight years of war, and for the first two days there was much uncertainty between us. We soon realised, however, that we were all working for the one cause – peace. The Forum provided us with an opportunity to discuss strategies for working together even though once back in Bougainville we would be living far apart. We produced a position paper that became our stepping-stone for further peace talks. While in Australia we also met with senators and had a session at the PNG High Commission in Canberra.

**Women’s role in negotiations**

Despite having important roles and responsibilities in Bougainvillean culture, women have struggled to participate directly in the formal political peace process, which has been dominated by men. However, our
different forms of support for a negotiated solution to the conflict, often expressed from the sidelines at official meetings or through discreet lobbying of the different parties, have maintained vital pressure on the men to continue to search for peace.

During the Sandline affair, a delegation of three women travelled to Port Moresby, where we met up with other Bougainville women. Together we produced a written petition that was presented to the Prime Minister’s First Secretary, urging the government not to involve Sandline and to instead seek a peaceful settlement of the conflict.

An official delegation of leaders of women’s organisations played an important role at the Burnham talks in New Zealand in July 1997. This was because Daphne Zale, Marilyn Havini and I, who had all attended the ‘Bougainville Women Speak Out’ Forum in Sydney, Australia were able to speak with a united voice about our quest for peace. About 50 Bougainville women also attended meetings in Lincoln, New Zealand that led to the signing of the Lincoln Agreement in January 1998. Women drew up an adjoining statement on peace, which was presented by Agnes Titus of the BTG at the signing ceremony and which called for greater inclusion in the peace process: ‘We, the women, hold custodial rights of our land by clan inheritance. We insist that women leaders must be party to all stages of the political process in determining the future of Bougainville.’ One observer said, ‘the women showed tremendous strength and unity. They spearheaded the union of Bougainvilleans during all exclusive Bougainvillean sessions’.

Back in Bougainville, women’s groups combined outspoken criticism of the violence with quiet initiatives behind the scenes. In July 1998, the Bougainville Women for Peace and Freedom (BWPF), an organisation representing women from BRA and BIG, released a statement condemning the presence and conduct of the PNGDF in their areas. They demanded a complete withdrawal of the army from their areas as well as autonomy for the Bougainville Reconciliation Government.

Other groups continued to play an active role in local peace initiatives and negotiations. For example, Helen Hakena from the Leitana Nehan Women’s Development Agency (LNWDA) accompanied the Prime Minister’s wife, Ranura Skate, to meet women leaders in central Bougainville. The BICWF negotiated with the BRA to care properly and provide for John Momis, the then regional member for Bougainville in the PNG Parliament, who was being held hostage by the BRA in Tinputz.

Women’s participation in post-conflict Bougainville

With moves towards the signing of the final agreement gathering momentum, a number of us from women’s organisations organised a Bougainville Women’s Summit in August 2001 funded by the New Zealand Government. The Summit aimed to consolidate and expand existing networks between women’s organisations, create an opportunity for women to inform themselves of the content of the Peace Agreement, and to explore ways in which women could contribute to the socio-economic and political development of the new Bougainville. A blueprint was produced outlining the vision and some guidelines for the Bougainville Government’s responsibilities for women’s affairs. As a result of these discussions, it was agreed that there was a need to establish a women’s body under the Bougainville Autonomous Government.

In her address at the signing of the Bougainville Peace Agreement, Ruby Miringka outlined the aspirations of the women to participate fully in political life. She devoted much of her speech to the need for peacebuilding and development in post-conflict Bougainville. A range of NGOs, led mainly by women, are now in the process of restructuring to meet new needs. For example BOCIDA, which was the lead agency delivering humanitarian assistance during the war, is now focusing its work on critical literacy, reproductive health and education. Others, like the LNWDA, offer a range of services for women and youth such as counselling and a programme to combat violence against women. Another example is the BICWF, which has shifted the focus of its work to critical literacy, small business training and capacity building for women and local women’s organisations.

The question of women’s participation in structures of the new government remains open. Women continue to be under-represented in the new political organs. When the Bougainville People’s Congress was appointed, only six out of a total of 106 were women. During a debate it was decided that the time was ‘not yet right’ for stronger female representation. This has become a pattern in later political developments. The Bougainville Interim Provincial Government comprises four women members. The 52-strong Bougainvillean delegation at the September 2001 talks on autonomy, referendum and arms disposal included only two women.

For some, the absence of women’s voices is a great loss and they fear that reversing this may be a long-term process. According to Ruby Miringka: “For women to be effective political leaders in shaping and developing the future Bougainville, political education for women is of great importance. Also girls must be given opportunities in formal education. Women need to be educated on the rights of women!”
Phases of the negotiation process

Anthony J. Regan

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 then 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 Mriung would have emerged as Premier of the Bougainville Transitional Government (BTG) without it. It was Mriung’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 Bougainvillean 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 Bougainvillean 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 a group of Bougainvillean. 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 consequent 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 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.
Resolving two dimensions of conflict: the dynamics of consent, consensus and compromise

Anthony J. Regan

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 Skaté 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 Bougainvillean 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 BFG 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 BFG. The awareness that each side of the main divide in Bougainville depended on the other meant that despite pressures that could have divided the Bougainvillean, 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), Wigni (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 BIC 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 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 Kime 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 UNOMIG 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, the indication 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)

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<tr>
<th>CRITERIA</th>
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<td><strong>MOVING FORWARD TOGETHER WITHIN BOUGAINVILLE</strong></td>
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<td>1 protects the peace between Bougainvillean parties</td>
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<td>2 promotes reconciliation in Bougainville</td>
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<td>3 builds consensus among Bougainvilleans</td>
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<td>4 provides power at community level</td>
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<td>5 provides democratic participation in decisions</td>
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<td>Medium</td>
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<td>6 maintains possibility of independence</td>
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<td>7 provides, at least, high level of self-government</td>
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<td>8 protects the peace with GoPNG</td>
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<td><strong>MOVING FORWARD TOGETHER - BOUGAINVILLE WITH OTHERS</strong></td>
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<td>9 promotes reconciliation between GoPNG and Bougainville</td>
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<td>10 promotes agreement with PNG</td>
<td>Low</td>
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<td>11 maintains international support</td>
<td>Medium</td>
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<td><strong>POTENTIAL POWERS OF THE BOUGAINVILLE GOVERNMENT</strong></td>
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<td>12 provides the powers to address basic grievances</td>
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<td>13 provides the powers to redress past human rights abuses &amp; protect against future abuses</td>
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<td>14 provides the powers to allow Bougainville’s special needs to be addressed, and promotes a return to normalcy</td>
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<td><strong>FACILITATES DEVELOPMENT OF BOUGAINVILLE’S CAPACITY</strong></td>
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<td>15 allows capacity to address basic grievances to development</td>
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<td>16 allows capacity to develop so able to redress past &amp; protect against future human rights abuses</td>
<td>Low</td>
<td>Low</td>
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<td>17 allows capacity to develop so that able to meet Bougainville’s special needs and promote a return to normalcy</td>
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<td>Low</td>
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<td>18 takes account of current government capacity limits and allows time for strengthening to take place</td>
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<td>19 takes account of current weak economic base and allows time for strengthening</td>
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<td>20 takes account of restricted revenue base</td>
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**OPTIONS:**

I Immediate Independence. Unilateral. (No agreement)  
II Immediate Independence.  
III Deferred Independence. Agreed.  
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.  
VIII No Independence. No Referendum.  
IX No Independence. No Referendum.  
X 1976 OLPG. Agreed. (Special Organic Law)  
XI 1995 OLPGB.ILG. 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 Awei 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 Awei 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 Awei 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. Awei 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. Awei 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 Akoiat, 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.
‘Joint creation’

The Bougainville Peace Agreement – and beyond

Edward P. Wolfers

With the signing of The Lincoln Agreement on Peace, Security and Development on Bougainville on 23 January 1998, the parties undertook to consult and co-operate in implementing a comprehensive peacebuilding agenda. In pledging themselves to ‘achieve and maintain peace by peaceful means’, they committed themselves to peace not only as their shared objective but as integral to the process by which they would work to attain it.

The means by which the parties then tried to promote a progressive political settlement was based on negotiation and compromise – between disparate interests among Bougainvilleans and in Papua New Guinea as a whole. In a very particular sense, implementation of the Bougainville Peace Agreement picks up where the preceding progressive political settlement left off, requiring an ongoing process of consultation and co-operation in establishing, developing, and operating, the ‘joint creation’ set out in the Agreement, and specifying the arrangements to be used for this purpose.

Probably no one who was directly involved is entitled to be confident that they know exactly what was happening at each stage – which positions were firm, at least at a particular time, and which were advanced in the expectation of having to compromise. The same is true when it comes to tactics, including the rejection of particular sets of proposals at different times and the walk-out by Bougainville leaders in December 2000 (which might well have owed as much, at least implicitly, to growing mutual confidence in the strength of the process as to apparent frustration). It is just as difficult to be certain when trying to distinguish whether and which of the personal and political frictions that arose along the way were calculated (and not unintended by-products of lengthy, intense and sometimes exhausting negotiations). The history of the way in which ‘the political issue’ was addressed and advanced must, therefore, be told – and read – with caution.
Initially too divisive and sensitive to be more closely defined, it took much more time and effort to build mutual confidence and common positions on 'the political issue' than the signatories to the Lincoln Agreement seem to have foreseen. Both of the specific deadlines set in the Lincoln Agreement – to meet on 'the political issue' by 30 June and to hold elections for the Bougainville Reconciliation Government (BRG) before the end of 1998 – were missed. It was, in fact, the middle of 1999 when the Bougainville People's Congress (BPC) presented a paper entitled 'Fundamental Principles for the Future of Bougainville' which put the questions of autonomy and a referendum on Bougainville’s political future squarely on the public agenda. The combination was critical, allowing for a compromise by enabling the people to ultimately decide. It was only after the referendum issue had been resolved in January 2001, that it became possible to make real progress on details concerning the phased implementation of autonomy for Bougainville within the Papua New Guinea Constitution. Meanwhile, weapons disposal and other crucial issues were discussed in different fora, including the Peace Process Consultative Committee (PPCC).

Progress was made readily visible in various agreements and statements issued by or on behalf of the parties along the way – although successive agreements did not always build on each other, and some were eventually rendered largely irrelevant by subsequent events. Progress was also more subtly apparent in matters of detail and changes in language.

Finding the way

The Lincoln Agreement commits the parties to continue the 1997 truce, and to resolve the conflict that erupted into violence in late 1988 and spread throughout Bougainville following the withdrawal of state services in early 1990. In doing so, it sets out a comprehensive agenda of principles and activities intended to support peacebuilding.

The principles and activities covered by the Lincoln Agreement extend from withdrawal of the Papua New Guinea Defence Force (PNGDF) and the transition to civilian peacetime policing – through reconciliation and the removal of bounties and obstacles to free movement – to co-operation in 'restoration and development in ...
both the public and private sectors.' But, as the failure to meet the two deadlines already mentioned suggests, follow-up and implementation were not as simple or direct as the parties had hoped, or even expected.

The parties put a great deal of attention, energy and time into ensuring the peace process would not be derailed by other events, such as the automatic application in Bougainville of the provincial government 'reforms' which had applied everywhere else in Papua New Guinea (apart from Bougainville and the National Capital District) following amendment of the Papua New Guinea Constitution and passing of a new Organic Law on Provincial Governments and Local-level Governments in 1995. The key issue was the very strong opposition of key Bougainvillean leaders and groups, especially the BIG and the BRA, to coming under or agreeing to participate in institutions established under the reforms.

In mid-December 1998, the national government and the Bougainville parties met in Buka and drew up the Basic Agreement concerning the Bougainville Reconciliation Government. It provided that the Bougainville parties would meet on their own and agree to rules and procedures for the establishment and operation of the BRG in the 'legal space' which would be provided if the Bougainville Provincial Government were suspended after the new Organic Law applied to Bougainville on 1 January 1999.

On 24 December 1998, the Bougainville parties met in Arawa and adopted a document which they described as the BRG's Constitution. The Leitana Council of Elders opposed the proposed arrangements. When Bougainville came under the new Organic Law, the National Executive Council (NEC) met and decided the Provincial Government should be provisionally suspended, on the grounds that the very formation of the Bougainville Provincial Government under the reforms would, in its judgment, 'undermine... national unity'.

The Governor of Bougainville, Hon. John Momis, subsequently took the Government's actions to court. The eventual outcome of hearings in the National and Supreme Courts was that the purported suspension was found to have been invalid, and that a provincial government should be established in Bougainville under the interim provisions in the new Organic Law (which allowed for the appointment of members of the provincial executive and assembly until elections are held). On 30 March 1999, the Bougainville Interim Provincial Government was sworn in by the Governor-General.

Meanwhile, as 1999 advanced, concerns were growing that the peace process might be losing momentum on the ground. The New Zealand Government, therefore, offered to host a study-tour by Bougainville leaders and ex-combatants in April. The Leitana Council of Elders was included (the first time its members had participated in such a meeting as a distinct group). Towards the end of their visit, they were joined by the Prime Minister, Hon. Bill Skate, the Special State Negotiator for Bougainville and other national government officials.

The outcome was the Matakanaka and Okataina Understanding, which, among other things, reaffirmed the parties' commitment to full implementation of the Lincoln Agreement, and stressed that the national government should exercise the functions and powers of the suspended Bougainville Provincial Government 'only on advice that is broadly representative of the people of Bougainville'; and consider lifting the suspension if Bougainville leaders agreed. Key provisions, as far as the progressive political settlement was concerned, included agreement that the election/selection process that was then under way for the Bougainville People's Congress (BPC) should be allowed to proceed. Following their election/selection, the BPC became the joint spokesperson for the Bougainville parties to the Lincoln Agreement (though not for the Leitana Council of Elders or all of the Bougainville MPs).

On 30 June, the Prime Minister, Hon. Bill Skate, flew to Buka at the BPC's invitation, and received their proposals. The Fundamental Principles for the Future of Bougainville were the first set of proposals presented on behalf of the Bougainville parties since the Lincoln Agreement was signed almost eighteen months before.

Engaging

The document presented to the Prime Minister by the BPC was in the form of a draft agreement ready for his own and BPC President Joseph Kabui's signature. It outlined two main provisions:

(i) a referendum on independence for Bougainville at a time of the BPC's (or its successor's) choosing – with the result binding on the State; and
(ii) that Bougainville could achieve 'immediate and effective self-government', in which the Bougainville government 'shall assume responsibility for a full range of powers and functions of Government save for agreed essential powers reserved primarily' for the national government.

The draft agreement called for the treaty to be subject to change only with the consent of the people of Bougainville. Significant aspects of the proposal came as a surprise to the Prime Minister's party. The language employed (which resonated with issues raised and widely regarded as resolved before independence) added to their concern. In a passionate speech, the Prime Minister made clear that Bougainville would achieve a separate state 'only over Bill Skate's dead body.' But he promised to bring the paper to the NEC for consideration.
Officials from Bougainville travelled to Port Moresby to work with the national government on a document explaining the agreed terms on which the BPC's proposals were being presented to the NEC. The *Hutjena Minute*, the first agreed paper since Lincoln to address the substance of 'the political issue' in the long term, was the result. While it accepted that Bougainville should be able to 'exercise the powers of government with the exception of certain powers to be negotiated that shall be retained by the Government of Papua New Guinea; it promised no more on the question of a referendum than advice that 'the Government would be prepared to consider the proposal.'

The commitment to take the proposal to the NEC was honoured shortly before the Prime Minister resigned in the face of an imminent vote of no-confidence and a new government was formed. In his very first statement on coming to office in July, the new Prime Minister, Hon. Sir Mekere Morauta, made clear that furthering the Bougainville peace process was one of the new government’s five main policy objectives. The terms in which he did so made plain that the existing bipartisan approach would be maintained. Determined to give priority to the progressive political settlement, the Prime Minister initially decided to keep the Bougainville Affairs Ministry for himself, until he transferred it in August to Rt Hon. Sir Michael Somare.

In October, the BPC and the four Bougainville MPs met at Neihan and agreed to pursue the 'highest form of autonomy for Bougainville', as well as binding referendum on Bougainville's political future. They subsequently came up with a more detailed 'Joint Negotiating Position', which they presented to the national government in December. The two main issues promoted in the new paper were immediate autonomy – which was described as 'the highest level of self-government short of independence', with the transfer of all functions and powers of government exclusive to Bougainville, other than those on a list agreed to be 'essential' to the national government – and a referendum among Bougainvilleans on independence, the result of which would be legally binding. The Minister's response was contained in the *Hutjena Record*, which reported agreement to negotiate the terms of 'the highest possible Autonomy' for Bougainville, and to present the Bougainville proposals on referendum to the NEC for consideration.

Early in 2000, the national government then strengthened its bipartisan approach to the Bougainville peace process by setting up a National Committee on Bougainville including both government ministers and Opposition MPs. In Bougainville, the BPC and the Leitana Council of Elders met and agreed to co-operate in future political talks.

In March 2000, the National Committee went to Bougainville and presented its proposed 'Framework for Developing Autonomy in Bougainville' to a combined Bougainville delegation, which immediately rejected them 'unanimously and unreservedly'. Follow-up talks were then held in Port Moresby, the first occasion that many Bougainville leaders and ex-combatants had been willing to come there since the crisis began. Both delegations then developed their positions.

The *Loloata Understanding* recorded the progress made in reaching agreement. Some of that progress was very clear, for example the agreement to the phased transfer of functions and powers to a Bougainville government which would have its own constitution – significantly – within the Papua New Guinea *Constitution*. Some was more subtle, such as the inclusion of the term 'national government' and the commitment to Bougainville being able to express and develop both its own identity and its relationship with the rest of Papua New Guinea – the first time since the truce that some of the Bougainville parties agreed to a document which openly acknowledged Bougainville as part of Papua New Guinea. When it came to the Bougainville proposal of a referendum, the parties agreed only to address the issue.

The *Loloata Understanding* also recorded the growth in understanding and co-operation that had been occurring among the Bougainville parties, and the arrangement through which the Bougainville Interim Provincial Government had agreed to consult with the BPC and Councils of Elders before making important decisions.

At intervals over the next few months, the parties held meetings in Port Moresby, Rabaul and Bougainville to develop the details of autonomy for Bougainville and reach agreement on the referendum issue. Progress was more readily achieved on autonomy than the referendum question, on which divisions remained deep, especially over the Bougainville delegation's insistence that independence should be an option in the referendum and the result should be legally binding on the State.

Agreements produced along the way included: the *Gateway Communiqué* of 9 June, in which the national government delegation agreed to refer more detailed proposals prepared by the Bougainville delegation to the NEC and the *Agreed Record of Outcome* issued on behalf of the parties by the United Nations Observer Mission in Bougainville (UNOMGB) at the conclusion of further political talks in Rabaul on 6 September.

Meanwhile, as the issues, including differences, in the political talks became clearer and centred on details and technical aspects, the composition of both delegations changed. Bougainvilleans with particular interests as well as advisers and officials from various national
government agencies participated in talks on subjects where they had special expertise or responsibilities. Political leaders increasingly left officials to meet and work through outstanding issues on their own, returning mainly when further policy direction or formal approval was required.

In October 2000, the officials developed a Composite Draft Agreement on Autonomy that included both agreed text as well as the stated positions of both delegations where there were significant differences. Though the Composite Draft was not formally accepted on the Bougainville side, parts of it were eventually used as a basis for the emerging Bougainville Peace Agreement.

But, even as progress was subsequently being made, misunderstandings, frustrations and even some modest confrontations arose, particularly over the referendum issue. The Bougainville delegation increasingly saw it as necessary to resolve this issue before going on to develop the details of autonomy for Bougainville. At one point in December, during a series of meetings held in the National Parliament, the Bougainville delegation responded to a paper on the referendum issue prepared by Sir Michael Somare by walking out.

Then, shortly before Christmas, the Australian Minister for Foreign Affairs and Trade, Hon. Alexander Downer, visited Buka and Port Moresby, and floated a compromise position – a constitutional guarantee of a deferred and conditional referendum, in 10-15 years time, with the outcome subject to ratification (which was subsequently defined as subject to the 'final decision-making authority') by the National Parliament. His proposal embodied options that had been previously considered and discussed by both sides – but not then agreed. However, as the Australian Minister observed when briefing the national government on his previous visit to Buka, it is sometimes not what is said but who says it that counts. Both Bougainville and national government leaders now seemed to accept the proposal.

Hon. Moi Avei (now, Sir), who succeeded Sir Michael Somare as Minister for Bougainville Affairs, followed up on Downer's consultations by flying to Bougainville early in the new year. The compromise was confirmed at an informal meeting in Buka between the Minister and key Bougainville leaders.

Negotiating the Bougainville Peace Agreement

Later in January 2001, political leaders and officials from both the combined Bougainville and bipartisan national government delegations met in Kokopo, East New Britain, and confirmed the details of their previous, in-principle agreement on referendum.

With the referendum issue largely resolved, the parties now turned their attention to developing the details of Bougainville autonomy and an agreed weapons disposal plan.

Progress on both issues was facilitated by the Australian government's offer to host a meeting in Townsville, Queensland, at which leading ex-combatants could meet, discuss and try to agree on weapons disposal, while political leaders and officials met separately to progress autonomy. The Townsville discussions on weapons disposal helped lay the groundwork for a subsequent meeting on weapons disposal between leading ex-combatants at Togarau, Central Bougainville, in late April. That meeting, in turn, produced agreement on a number of issues which allowed the PPCC to conclude an agreed weapons disposal plan in May (later incorporated in the Bougainville Peace Agreement unchanged).

The exchanges on autonomy in the margins of the Townsville meeting gave rise to the shared conception that the evolving agreement on autonomy and referendum should be regarded as a 'joint creation' by all of the parties. They also led to the national government dropping its previous insistence that it should retain the power to suspend, withdraw functions and powers, or otherwise retain the right to ultimate direct control over the autonomous Bougainville government's affairs.

The political talks then resumed in Port Moresby, and continued, almost around the clock, seven days a week, until the 'Agreed Basis for Comprehensive Political Settlement', was produced in late June to guide drafting of the final agreement. Important breakthroughs were achieved on such technical issues as whether there should be one or two lists of functions and powers (two were eventually agreed – one for the national government, and the other for the autonomous Bougainville government), the financial arrangements, and on matters such as the need and process for developing joint implementation plans to facilitate the transition to the establishment of Bougainville counterparts to state services.

In early July, the Prime Minister then arranged a special four-day briefing for the NEC on the agreed texts to date. The text of the Bougainville Peace Agreement was then finalised, ready for signature – before a large gathering of Bougainvilleans, other Papua New Guineans and visiting dignitaries from other countries – in Arawa on 30 August 2001.

Throughout the period of his direct involvement as the responsible Minister in the 'joint creation' that became the Bougainville Peace Agreement, Hon. Moi Avei focused on peace and peacebuilding, rather than the technical, constitutional issues requiring resolution. He encouraged others to do the same. The Prime Minister and the
Minister also dealt with concerns at the precedents the emerging Agreement might set – and the 'flow-on' effects that might follow – by stressing the need to respond to the particular post-conflict situation in Bougainville, and for the wider possible implications to be addressed separately. The overall effect was to attract sympathy, support and shared determination to support peace- and nation-building from many different political groupings, including otherwise critical and reluctant Members on all sides of the National Parliament. The approach not only convinced but attracted the strong support of the Highlands Governors' Conference, the NEC and, ultimately, the entire National Parliament when they came to consider the final Agreement.

**Practical implementation**

A priority after the official signing of the Bougainville Peace Agreement was to draft the legislation required to give it legal effect. This process was made all the more pressing by the approach of the next Papua New Guinea elections in mid-2002, and the minimum time required to comply with the procedures for making and changing Constitutional Laws (one month's notice after publication of Bills in the National Gazette, and then two months between two successive votes in the national Parliament).

Beginning within a few weeks of the official signing of the Agreement on 30 August, the process of 'joint creation' continued, with officials attached to the national government and Bougainville delegations working together with the draftsmen.

The final draft was gazetted on 13 November. Following the precedent allowing the use of materials used in preparing the independence Constitution as aids to interpretation, the legislation provides for the Agreement itself to be used as a source and a guide (as per the Agreement itself). The Agreement itself was then prepared for publication in the National Gazette (No. G146 of 16 November 2001).

Consistent with the focus that had helped the government to counter doubts and criticisms and mobilise support for the Agreement, the Bill to amend the Constitution was formally named the 'Constitutional Amendment on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum'. The Bill for the Organic Law containing the detailed provisions to which the proposed Constitutional Amendment was intended to give authority was given the same name ('Organic Law on Peace-Building in Bougainville ...').

The Bills were put to the first vote in the National Parliament on 23 January – and were passed, without dissent, by votes of 85-0 and 86-0 respectively (more than the two-thirds absolute majority – or 73 / 109 possible votes required). The only amendment, which originated in the government caucus, has since been accepted on all sides and had the effect of retaining final authority over the function and power of firearms control with the national government. The second (and final) votes, when the National Parliament resumed its consideration of the Bills on 27 March, were 85-0 and 87-0 respectively. The outcome bore eloquent testimony to the effectiveness of the Government's lobbying, the strength of the bipartisan commitment to lasting peace by peaceful means, and progress in implementing the agreed weapons disposal plan in Bougainville.

With strong, public encouragement from the Prime Minister and the Minister for Bougainville Affairs, the progress achieved in practical weapons disposal was both substantial and influential (as the sensitivity to weapons displayed in the only amendment to the Constitutional Amendment showed). By the time of the second vote, more than 900 weapons had been put away, including some in every District around Bougainville; most in trunks (Stage One), but some in containers (Stage Two), and a few finally destroyed (Stage Three). Over 200 of the weapons were classified as high-powered factory-made guns (the rest were classified as hunting and sporting guns, home-mades, and World War II relics).

At time of writing (in early June 2002), the Bills are expected to become law very soon, though weapons disposal has slowed (the total number of guns put away stands at 1555, including 234 high-powered, factory-mades). Progress towards the achievement of Stage Two throughout Bougainville seems to have slowed too – with obvious implications for verification and certification by UNOMB, and the date of operational commencement for the autonomy and referendum provisions in the Bills to give the Bougainville Peace Agreement legal effect.

Both the national government and the Bougainville parties have produced their own plans for the early stages of implementation, though actual progress has been slow.

Debate on the wider potential implications and possible application elsewhere in Papua New Guinea of the arrangements agreed for Bougainville, especially the financial provisions, continues to grow. The process of 'joint creation' in respect of Bougainville also continues – with the preparation of joint recommendations for implementation of the Lincoln Agreement's provisions on amnesty (defined as 'immunity from prosecution') and pardon for crisis-related activities on all sides for presentation to the NEC, and a combined meeting of the Bougainville Interim Provincial Government and the BPC.

While a great deal more practical progress will be required before one can be confident that the peace process, let alone peace, is self-sustaining, the shared commitment to lasting peace by peaceful means remains firm in Bougainville and nationally.
International peacebuilding interventions

Aid as an instrument for peace: a civil society perspective

Julie Eagles

Aid agencies engaged in providing relief and promoting development are faced with difficult questions on how best to respond to the growing number of violent conflicts between civilians and/or between civilians and the state. Bougainville is the first conflict in the Pacific to move towards a political resolution through a process of conciliation, negotiation and compromise, and local and regional aid agencies in their various forms have played a role in this process. The purpose of this article is to draw out a number of principles and lessons for aid agencies from the Bougainville experience in the hope that they may have application elsewhere.

Although aid is generally understood to involve a transfer of funds by a donor to recipients, it also involves non-financial support such as access to information and networks, training for skills development, as well as solidarity and advocacy actions. The transfer of aid of any kind depends on there being a relationship between the parties involved. The quality of this relationship, including the level of trust and mutual understanding that exists, is a key factor in determining the positive impact and sustainability of the assistance given. In the Bougainville case, support for rebuilding relationships damaged by the conflict was a vital ingredient in moving forward into negotiations.

The roles of development assistance in efforts to end the fighting

From mid-1990, until the signing of the permanent ceasefire agreement in April 1998, the Bougainville mainland was isolated from the outside world by a PNGDF imposed blockade. This caused severe hardship and thousands of preventable deaths on mainland Bougainville. Inadvertently, it also fostered a strong spirit of self-reliance and the development of Bougainville solutions to problems.

Some Bougainvilleans made it through the sea blockade to the PNG mainland and Solomon Islands, carrying with them stories of suffering and hardship. Outside of Bougainville, individuals, church and women’s groups responded by sending supplies of clothing, medicines and school materials to the island. PNGDF members contributed to, and in some instances initiated these fundraising efforts. This trickle of humanitarian aid coming from citizens on the mainland, though small in dollar terms, cannot be underestimated for its contribution to re-building trust between ordinary Papua New Guineans. In Solomon Islands, an inter-church umbrella agency was formed to give assistance for basic medicines to be transported through the blockade.

Humanitarian Assistance to Bougainville Solomon Islands Churches Association, or HABSICA, with support from Australian and German non-governmental aid agencies,
supplied medicines that not only saved lives, but also laid the basis for outsiders to contribute to the peace process.

During this stage of the conflict, outside aid also played an indirect role by facilitating and supporting key internal peace groups. A Women’s Forum, initiated by Bougainville women and supported by the Bougainville Provincial Government and the Uniting Church in Australia (UCA) was held in August 1996. Seven hundred women from different churches and regions of Bougainville and a delegation of Australian women attended the meeting. The Forum is a fine example of the positive role that an outside agency can play. The UCA gave financial support, but more importantly facilitated a process that brought together existing voices calling for peace. This built trust and relationships between Bougainvillean women and between Australians and Bougainvillean women. The Women’s Forum also provided an opportunity for the media to get first-hand information about the situation on Bougainville. This publicity helped to mobilise Australian NGOs and church agencies, which then formed a coordinating body called the Bougainville Working Group (BWG) that lobbied the Australian Government on the humanitarian crisis behind the blockade. The BWG later brought key Bougainville women leaders together for meetings with a range of government and non-government agencies in Australia. The opportunity for community leaders to step out of the intensity of the crisis and to hear different perspectives or participate in training has been cited on a number of occasions as an important ingredient in the reconciliation process.

Outside agencies also facilitated the peace process by providing training and skills in negotiating and peacebuilding. For example, Ruby Minginka, a nurse educator from Central Bougainville, ran a course in Bougainville in 1996 for members of the political wing of the Bougainville Revolutionary Army, following her attendance at a University of Sydney diplomacy training programme. Similarly, Australian lawyers Leo White and Mark Plunkett ran a course on negotiation skills for parties to the Bougainville conflict in 1997, which contributed to the success of the Burnham talks. These examples of providing information and tools for key leaders needed very little financial assistance from outside.

Bougainvillean leaders living behind the blockade relied on their own skills, knowledge and environment to survive. In some parts of Bougainville, ingenious appropriate technology was developed such as fuel distilled from coconut milk and small-scale water-powered generators. Communities ran primary healthcare programmes that combined western and traditional approaches, and village-based schools and training programmes for both children and adults. Out of these self-reliance initiatives, a new confidence and vision for the development of Bougainville came into being.

Over time, several local organisations grew and provided moral support, training and basic materials for community initiatives and they helped to unite communities and people in Bougainville. They operated with minimal outside financial assistance but had links with agencies such as Oxfam Community Aid Abroad in Australia.

International aid: Australia and New Zealand

In the early stages, Australia’s position on the Bougainville conflict was influenced by its historic links to the Papua New Guinea government. Australia had also played a role in the genesis of the conflict, in that it had supported the development of the Panguna mine. In the early years of the conflict, Australia had no contacts with the Bougainville militants and supported the PNG government’s dual military and diplomatic strategies for resolving the conflict, notoriously supplying patrol boats and helicopters as well as leading in the first regional peacekeeping efforts in 1994. But its position shifted away from support for the military approach after the 1997 Sandline mercenary crisis. Australia began to use the power of its aid dollar and threatened for the first time to withdraw its support for the national government.

Both the Australian Government and the New Zealand Government approached their roles in ending the conflict in Bougainville through complementary political, diplomatic, defence and aid components. New Zealand, in contrast to Australia, was perceived by Bougainvillean as politically neutral and played a lead role at this stage with Australian logistical and financial support. Often it was individual actions of government officials that won the respect and trust of Bougainvillean.

The Truce Monitoring Group (TMG), deployed after the Burnham talks in 1997, was made possible by Australian and New Zealand aid. The TMG itself was initially predominantly made up of New Zealand Defence Force personnel, but New Zealand aid also supported Pacific personnel from Fiji and Vanuatu who formed a small but important part of the group. Australia provided personnel and logistical support for the TMG and the Deputy Commander was an Australian civilian seconded from the Department of Foreign Affairs and Trade (DFAT).

In 1997 the Australian Government set up a Peace Transport Fund (PTF) that provided transport assistance to key players engaged in the peace negotiations and permitted the attendance of large numbers of Bougainvillean leaders and technical officials at peace
talks and negotiations. Despite the enormous financial cost, the PTF was flexible and responsive and it facilitated the movement of negotiating teams at short notice, which was crucial in maintaining the momentum for peace and dialogue. There were, however, times when the Australian Government pulled back its Transport Fund support because of the enormous open-ended cost and misgivings about its administration. Some Australian politicians initially underestimated the depth of mistrust between Bougainvillean leaders and the process which people needed to rebuild their relationships. Patience and diplomacy by Bougainville leaders with Australian officials eventually led to a better understanding and acceptance that the process would be a lengthy one.

**Peacebuilding assistance**

After the lifting of the blockade and the signing of the permanent ceasefire agreement in April 1998, a flood of international aid agencies began their assessment missions and feasibility studies for programmes on Bougainville. In this period Bougainvillean control over outside interventions diminished. The wide range of aid agencies working in Bougainville at this stage included the following:

The Australian Government, through its agency AusAID, became the largest donor with A$ 134 million committed over 5 years from 1997. AusAID’s assistance to Bougainville has been described as a ‘peace dividend’ and there has been an emphasis on restoration of services through projects that deliver tangible and physical evidence of their reward for peace. In the first instance, support was concentrated in former PNG-controlled areas and included aid for very large projects such as the building of schools and hospitals, to small grants for community projects. The Australian government continued to provide transport assistance for negotiations and has also provided technical and legal advisors to both Port Moresby and Bougainville to assist with the negotiation process.

New Zealand Official Development Assistance (NZODA) gave approximately NZ$ 5.7 million in 2000 and NZ$ 4.5 million in 2001 to PNG. This was earmarked to support community-based development projects, rehabilitation and re-integration of former combatants through vocational and short term training courses and for infrastructure rehabilitation.

The European Union through various budget lines has committed around 25 million kina (approx. EUR 9.1 million) for 2000 & 2001 largely for cash crop (copra and cocoa) post-conflict rehabilitation and re-building of infrastructure. Funds have been channelled through the UNDP.

The United Nations Development Programme (UNDP) has been funding a Rehabilitation, Reconstruction and Development Programme with an initial grant of US$2 million. The United States and Canada have since made cost-sharing contributions to the project which total approximately US$580,000. The project has three major components – rehabilitation of agricultural production, small business development and social capital enhancement.

International NGO aid programmes in Bougainville, mostly funded by governments, range in size and budget. Australian NGOs have the largest presence. NGO aid programmes vary in the approach they take, although they usually work through or with local communities. NGO aid agencies initially concentrated on meeting basic humanitarian needs and have gradually moved to programmes focusing on community income generation and vocational training. Some international NGOs have set up their own offices and infrastructure in Bougainville at considerable expense and in stark contrast to the comparative lack of resources available to local NGOs and groups. The display of international agency ‘wealth’ has caused resentment, apparent in the targeting of these groups at various times by local youths who have stolen vehicles and supplies.

PNG’s other large donors are the World Bank and International Monetary Fund, Asian Development Bank, the governments of Japan and the People’s Republic of China, with relatively modest programmes from the UK, France and Germany.

For an island of approximately 200,000 people unused to dealing with international aid agencies, the number and varying scale of programmes, their different ways of working, and the complexities of negotiating funding support, have presented their own tensions and difficulties. Assessment missions have often raised expectations that later were not met. Agencies choosing to work with some communities over others have caused divisions, and the concentration of aid agency programmes in coastal areas with easier access has resulted in inequality in the spread of outside assistance.

Many international agencies now operating in Bougainville have been criticised by local NGOs and community-based organisations for setting up programmes that cut across and bypass existing local initiatives. It seems in the rush to establish themselves and their programmes, international agencies have often failed to realise or appreciate Bougainvillean’s resourcefulness and their desire to remain in control of their own development destiny. There is widespread criticism by Bougainvillean of outside aid agency programmes which create a dependency on outside funds and/or follow a model of development which
many Bougainvilleans believe was the cause of the crisis in the first place. There are also many examples of inappropriate and ill-conceived assistance from outside such as bags of needles for mountain people or solar powered cold storage facilities for medication that does not exist.

The long term

Bougainville’s future depends on the extent to which the underlying causes of the conflict – the sense of social, economic and political injustice – are understood and addressed. But while Bougainville remains dependent on outside aid for its financial base, there is concern that they will not be able to achieve this goal. There is reason to doubt whether those providing the aid are willing to allow Bougainvilleans to take the lead in implementing development programmes that address these issues.

There is also a concern that the Bougainville leadership may not be equipped to deal with this problem. The protracted political negotiations have kept the focus of the Bougainville leadership on political issues at the expense of post-conflict development issues. The inability of the current provincial Bougainville government to provide coherent coordination of international aid means by and large that agencies can, and do, fulfill their own agendas in relative isolation. The focus of most of the large aid projects in Bougainville has been on re-building infrastructure and the economy while demonstrating a tangible ‘peace dividend’. This focus, while important, risks raising expectations and simply re-building some of the conditions and inequities that contributed to the conflict in the first place.

Conclusion

The early Bougainville experience showed us that sometimes a relatively small financial contribution can have a seemingly significant impact. It demonstrated that aid is about more than funding – that building trust and acting with understanding and respect for Bougainvillean communities and Bougainvillean priorities ensured the effectiveness of outside aid interventions. Also, we have learned that for aid agencies to play a role in ensuring that the peace is sustained in the long term, it is vital that they be guided by a critical analysis of the root causes of the conflict.

The challenge now is for the experiences of Bougainville to be institutionalised into aid agency approaches. Early in 1998 an old man in central Bougainville said to me ‘the crisis has been our university and we don’t want to lose what we have learnt’. Aid agencies would do well to follow his advice.
International peacebuilding interventions

The role of the United Nations Observer Mission

Scott S. Smith

The United Nations Political Office in Bougainville (UNPOB) was established in August 1998 in response to a written request by the PNG government to the United Nations Security Council. The request was made as per the Lincoln Agreement, which called for the establishment of an 'Observer Mission'. For reasons of procedure and precedent, the Mission was known to the Security Council and the Department of Political Affairs in New York as a 'Political Office'. The PNG Government, however, preferred the term 'Observer Mission' and that is how it continues to be known on the ground.

UNPOB is a small mission by any standard. It is currently headed by a Director (Ambassador Noel Sinclair of Guyana) and has two Political Advisors, a Military Advisor, an administrator and a communications specialist. It is based in Arawa and is equipped with facilities commensurate to its mandate. UNPOB’s formal mandate originally encompassed: (i) monitoring of the ceasefire in cooperation with the regional Peace Monitoring Group (PMG); (ii) reporting to the Security Council on a quarterly basis; and (iii) chairing the Peace Process Consultative Committee (PPCC). UNPOB was also less specifically mandated to take whatever other actions both parties agreed to in furtherance of the peace process.

UNPOB’s scope for action was conditioned from the beginning by the different perceptions held by the parties to the Lincoln Agreement. The pro-independence factions were more favourable to UN participation, having insisted on it at Lincoln and counted on its authority to increase international attention. For the national government, the presence of the UN was a concession to the Bougainvilleans. Although the PNG government had sought and received an endorsement from the UN Security Council for the efforts of the South Pacific Forum countries to send a peacekeeping mission to support the Arawa Peace conference four years earlier, there were concerns about the implications for PNG sovereignty of international mediation in the context of a domestic dispute. Much of UNPOB’s diplomacy was therefore geared to resisting the tensions created by these opposing perspectives through the faithful implementation of its mandate. This required the promotion of realistic expectations among Bougainvilleans about what the UN could deliver as well as raising the government’s confidence in the mission.

Establishing the mission

The first year of UNPOB’s work (from August 1998 to late 1999) was dedicated to establishing the credibility of the mission, forming relations of trust with the main actors, setting up the PPCC and assisting reconciliation among rival Bougainville factions. In this phase, UNPOB enjoyed close cooperation with the PMG, which played an instrumental role in raising confidence by investigating ceasefire violations and disseminating information about the peace process. During this period, UNPOB convened...
and presided over several meetings between the national government and the Bougainville leadership, leading to a series of agreements that began to sketch the outlines of a political settlement.

UNPOB's role in political negotiations (March 2000 to June 2001)

The second phase of UNPOB's work began in early March 2000, when the Bougainville negotiating team presented their position to the national government at the Hutienas talks, on Buka island. UNPOB co-chaired these talks with the PNGG Commander as per the practice developed in previous bilateral meetings.

The first test of a more substantial mediation role for the UN came at the follow-up negotiations held in late March at Loloata, near Port Moresby. The negotiations proceeded through a combination of formal chaired meetings and some informal bilateral meetings. The latter took place largely at the request of the national government, which was keen to negotiate in a 'Melanesian way'—by consensus among the parties after discussions. UNPOB agreed to this, keen to send a non-threatening message to the national government by illustrating that UNPOB was an observer that was not interested in removing ownership of the process from the parties. Ultimately this combined approach yielded the framework of an agreement on autonomy and on the status of Bougainville's provincial government, but failed to break the deadlock on the critical issue of referendum.

UNPOB received informal indications from both sides that its mediation would be welcome in breaking the impasse. Ambassador Sinclair therefore proposed a formulation that defined a middle ground between its perception of the two sides' positions. After further negotiation and fine-tuning, the text was finally accepted by both parties, resulting in the Loloata Understanding.

Loloata can be seen as a signal moment in the negotiation process for several reasons: (i) the Understanding was structured around the two cardinal points of the Bougainville position (immediate autonomy and a guarantee of an eventual referendum on independence); (ii) the successful outcome indicated to sceptical Bougainvilleaners that the national government was finally prepared to take serious steps towards a negotiated solution; and (iii) it established a positive precedent for substantive UNPOB mediation.

The parties requested that the UN chair technical meetings which began in June 2000 and which were mostly dedicated to ironing out the division of powers between the national government and the putative autonomous Bougainville government. The most important contributions consisted in managing the talks, adding order and civility to the dialogue and exerting pressure on the two sides.

UNPOB was generally more assertive in its separate representations to the parties than it was around the conference table. In this regard, the relationship that UNPOB formed with the group of self-labelled 'hard-liners' was particularly important, holding frequent meetings with them to bolster their confidence in the peace process and keep them informed and involved.

UNPOB initially had a less determinate role in its relations with the national government. The government had its own analytical capacity and intelligence sources, which at first seemed to depreciate the value of UNPOB's analysis and advice in the minds of its representatives. Over time, however, the national government grew more receptive to UNPOB's inputs and an increasingly fruitful relationship developed. Ultimately, the parties came to rely on the UN but not to depend upon it.

Negotiating weapons disposal

UNPOB was given a mandate by the PPCC in 1999 to develop a plan for weapons disposal. There was a large quantity of weapons in circulation and PNGDF troops stationed on the island presented a convenient target for any armed group that might want to scuttle the peace process. The BRA insisted, however, on linking weapons disposal to progress on the political agreement and on referendum in particular. Unable to implement a plan for disposal, UNPOB worked to get BRA and BRF commanders to implement a phased plan of weapons control, by which weapons would be removed from the hands of individual combatants and put under the verifiable control of unit commanders. A subsequent plan for control and disposal was eventually reached in early 2001, involving a phased removal of weapons from the hands of ex-combatants to eventual containerisation, with community development projects providing incentives.

Conclusion

The initialisation of a final political agreement in June 2001 completed the second phase of UNPOB's work. The next phase focuses on the implementation of the final agreement and UNPOB has been handed more formal responsibilities than before by the parties, particularly with regard to weapons disposal. UNPOB is ready to take on these new tasks and is preparing to increase its capacity in order to do so. Yet every post-conflict process traverses impasses where the functions of peacebuilding and preventive diplomacy seem to become indistinct. At those times, UNPOB's future role will be similar to the one it has so far played: of persuading and cajoling those who are frustrated with the pace of peace to trust in its ultimate justice.
International peacebuilding interventions

Reflections on the Truce Monitoring Group

Bob Breen

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"... Militarily, Operation Bel Isi got off to a shaky and rushed start in late 1997. Some senior Australian Defence Force (ADF) officers were very cautious about being drawn into a New Zealand-led unarmed peace support operation in Bougainville. In the months leading up to Operation Bel Isi they ignored warnings that a peace support operation was in the offing and, secondly, refused to engage the New Zealand Defence Force (NZDF) in contingency planning.

"Australian diplomats, however, had realised as early as June 1997 that they could not move a peace process forward in Bougainville unilaterally and that it was essential to have the support of New Zealand and other regional allies like Fiji and Vanuatu. They urged the ADF to recognise the importance of military support in the formation of a Truce Monitoring Group (TMG), arguing that the TMG was … the best chance for the Papua New Guinea Government to solve a national problem after the Sandline Affair in March 1997 had opened the door again for a negotiated settlement.

"Military planning for the TMG did not begin in earnest until mid-November. This resulted in a rushed deployment and saw some considerable friction between Australian and New Zealand military personnel in Bougainville during the initial weeks of the operation. There were also problems in the integration of Australian Public Service peace monitors. Because the ADF had not engaged the NZDF until two weeks before deployment, civilian monitors were selected quickly, preparation and administration were rushed and inadequate. The Department of Foreign Affairs and Trade (DFAT), the Department of Defence, AusAID and the Australian Federal Police all contributed monitors. Internally, they were from different institutional cultures…

"There were difficulties in the integration of Fijian and ni-Vanuatu military personnel as well. Fijians came with a wealth of experience in peace-keeping in the Middle East but found the adjustment to being unarmed and working in monitoring teams, and in two cases commanding monitoring teams, a significant challenge. The Fijians and ni-Vanuatu found some Australian and New Zealand military personnel vulgar, hedonistic and lacking in cultural sensitivity; some ni-Vanuatu personnel were overwhelmed by the scale of the operation and by long patrols carrying heavy loads over rugged terrain. New Zealand and most ADF personnel tended to treat them as interpreters and appeared condescending of their lack of military experience and skills.

"The adjustment to being deployed into harm’s way without weapons was a challenge for most military personnel. This resulted in the deployment of New Zealand Special Force personnel into monitoring teams and intelligence assets into Bougainville to monitor the security situation. Consequently, military personnel were
often wary and defensive. This focus led to cautious political and cultural engagement with Bougainvilleans. It took some time for the military to appreciate that Bougainvilleans were the best source of force protection. Over time military personnel became more confident.

"The emphasis in the TMG (and subsequently, the ADF-led Peace Monitoring Group PMG) was on military mechanics – partly as a result of concentrating on force protection and partly because the exact nature of monitoring operations was not well practised or understood. Little effort was devoted to political and cultural engagement with the factions and groups on Bougainville. New Zealand and ADF officers and senior NCOs concentrated on patrolling to as many villages as possible to hand out printed material. They convened peace awareness meetings, delivered their message and left. There was also an emphasis on information gathering to identify any threat to TMG/PMG personnel and property. Security consciousness was high and military formalities, routine and procedures, though more relaxed, were still enforced. . . .

"Leadership at the higher levels was a significant factor in turning around the situation. . . . The second factor contributing to the turnaround was the internal blending of cultures; all personnel shared the adversities and challenges of operating unarmed in remote locations. This shared adversity included pitching in on domestic duties and participating in rosters monitoring radios. Monitoring teams were well led by senior and experienced New Zealand, ni-Vanuatu and Fijian commanding officers who got on with political and cultural engagement and bonded their teams together . . .

"Over time patrols spent longer in villages and patrol commanders were allocated the same villages to visit to facilitate a deepening of relationships. Patrols took the time to listen to stories, appreciating the world of villagers and creating empathy and trust. There were also opportunities during these visits to establish friendships. Though members of the TMG/PMG were there only for a few months, friendships did form and all of these contributed in their own small way to the Bougainvilleans at the grassroots level having confidence in the peace process . . .

"From the beginning the TMG/PMG was supported by a first-class medical facility. This facility took care of Australians, New Zealanders, Fijians and ni-Vanuatu. However, it treated and continues to treat critically ill Bougainvilleans. The TMG/PMG has saved many lives, particularly those of mothers and newborn babies. The word soon got around that the TMG/PMG didn’t have to do this, but was evacuating and treating critically ill people for humanitarian reasons.

"Sport was another way to extend the hand of friendship. The TMG/PMG set up sporting competitions. You now have a situation where some former combatants line up to play volleyball and soccer on the same teams. Members of the TMG/PMG also participate. There’s been a strong emphasis on sport facilitating the peace process.

"Food has been another way of extending the hand of friendship. There’s nothing like scheduling meetings around lunch or dinnertime to get people along, when there is plenty of food for all. The sharing of food is culturally important. The TMG/PMG reciprocates the generosity and hospitality found in villages all over Bougainville.

"Music has greatly assisted the effectiveness of the TMG/PMG. Monitors from New Zealand, Fiji and Vanuatu brought their own music and singing. Australians do not have much musical culture to offer but soon joined in and contributed their own interpretations of popular Western music. Australian and New Zealand military bands have toured Bougainville on several occasions. Music, dancing and singing have contributed enormously to breaking the ice. It’s important to point out that the PNG security forces have been included in cultural engagement. Sport, the sharing of food and attendance at musical events have eased the tensions evident at the beginning of the operation . . .

"Civilian monitors and key military appointments receive intensive language training in Tok Pisin (Melanesian Pidgin), the lingua franca of Bougainville and PNG. This language training is integrated with political and cultural briefings that assist those about to serve in Bougainville to understand and adapt to the differences between conventional military operations and peace support operations. During pre-deployment training, ADF personnel are familiarised with the culture of their allies and are directed to respect their religion and culture.

"In summary, Operation Bel Isi has been a learning experience for the military. . . . Operation Bel Isi has also been good for Bougainville and the PNG Government. A four-nation military organisation has provided medical care, confidence, presence and friendship. They have shown Bougainvilleans and PNG Government security forces that the military can be peacemakers and not always war makers. As Brigadier Mortlock, first NZ Commander of the TMG, used to say, ‘Supporting the peace process in Bougainville is a good thing, worth doing well.’"
Ofering pigs as a gesture of reconciliation

James Tanis

Reconciliation: my side of the island

It was about 3:00 in the morning, yet I could not sleep. This in itself was not unusual – there had been many nights in the past nine years that I had lain awake, waiting for the enemy to strike. But this time it was different. The next day we would reconcile with the Rabaram Villagers from the Moitaka care centre. They were my kinsmen and I had not seen them for many years. Thoughts raced through my mind. Who would be missing? Who would bear the scars of war? How would we all react?

At the set time we met. We had been enemies until a few days ago. We said a short prayer and then the signal was given to shake the hands of the long line of brothers, cousins and uncles. I scanned the line and saw my aunt. Next to her was her son, my cousin. I continued my gaze – where was my uncle? Suddenly I felt dizzy. I fought back the tears. The custom told me that I could not run to her. Instead she held out a stick for me to shake and croaked weakly. ‘Nephew I have come home alone’. Then she looked away to hide her anguish from me. My heart ached.

There was no money, no feasting, no lengthy speeches, no media, and no neutral observers. Just us. It was a day of sorrow and forgiveness, of happiness and hope. Yes, it was the day of reconciliation and unity.

In our haste we put aside the traditional rituals of chewing betel nut. What mattered was what was in our hearts. No compensation was discussed. There were no big men with special chairs. We were all the same. The day was Saturday 14 June 1997 – the first large public reconciliation in the district. Soon the whole district was standing in line for reconciliation.

Traditional conflicts and reconciliation

Reconciliation between opposing groups in the Bougainville conflict has been accomplished by a mix of modern and traditional processes. Understanding of how this was achieved requires a brief consideration of the nature of traditional conflicts and conflict resolution in our society. With this purpose I will focus firstly on aspects
of reconciliation in my own Nagovisi community on the southwest of Bougainville island.

Conflicts could be inherited and passed down from one generation to the next. A conflict would usually start when one of the main parties felt that the actions of the other side – murder, trespass, adultery, theft or swearing – represented a threat or injury to them. This injury would be communicated to the other side, often by a neutral party. But it was common for others to become involved and this would elevate the matter into a full-blown conflict. These other parties could be relatives or dependents, or other groups with vested interests in the outcome of the conflict. In many cases the conflict would be fanned by ‘talebearers’ who fed false stories to either side. Because traditional conflicts involved so many groups, traditional reconciliation was thus achieved by involving the entire community.

The manner of the dispute settlement varied according to the seriousness of the offence. Let us take one example of reconciliation that involved a death. Firstly the parties would identify a neutral and respected person. Then, before the parties could talk, the offending party would give a cooling-down payment that was passed through the neutral person. This served as a token of trust and a demonstration of the willingness of the offending party to admit guilt and pay compensation. In most cases the parties would agree to meet at a neutral location. Women did not participate at this stage. It was feared that their grief would arouse the men’s emotions and lead to fighting on the spot. Furthermore, as customary landowners in a largely matrilineal society, women were protected from involvement in major disputes. Instead a woman’s feelings and ideas of solutions would be conveyed through other family members.

The next stage was the payment of the compensation. This took the form of either traditional currency or a combination of money and pigs, which was then distributed amongst the clan members. This was followed by a ritual feast. The exact nature of the practices varied from place to place but in Nagovisi, it entailed chewing betel nut, mustard and lime from the same gourd and eating from the same bowl.

This was also the day that the parties would first step on each other’s territory. As part of the ceremony in some areas, the parties would plant tangget plants on stone. This symbolised their promise to forget the past and remain as silent as a stone. Anyone who violated this agreement would be cursed by the stone and any talebearer would be punished by its strength. To ensure the consolidation of peace, a vow was taken by both parties that confirmed their commitment to long-term peace. The parties would agree that the conflict would not continue into the next generation.

An important aspect of traditional reconciliation was the lack of attention to the identification of the guilty party.
Rather, it started with the admission of guilt and the willingness to pay compensation by one side and openness of the other side to forgive and accept compensation. The underlying incentive to confess or forgive was the understanding that you could be in the very same situation as your opponent in a future conflict.

Reconciliation in modern Bougainville

The nature of modern conflict on Bougainville has been shaped by the political, economic, cultural, environmental and ethnic dimensions of a society that had experienced colonialism. This is a complex system of overlapping problems. Therefore to end the war in Bougainville, we were obliged to use more complex methods than those of our forefathers. The rituals are the same but the mechanisms needed to sustain the peace are multi-faceted. At the same time, Christian principles of reconciliation have conveniently found their place in the culture and have, indeed, added a great deal to the process, through the incorporation of prayers and public acknowledgments by priests and church ministers.

There were many dimensions to the ending of the conflict between Bougainvillean leaders. The traditional spiritual beliefs of our people provided the underlying principles of Osikaang, Sipungeta and Me’ekamu. These principles guided the efforts of the war and later became the basis of reconciliation. The first step was for every Bougainvillean to recognise him or herself as ‘Osikaang’ or ‘indigenous’, and to understand that the only way to live together is to reconcile and reunite. The process itself was ‘Sipungeta’. It demanded that holiness, peace and reconciliation must start from the roots. The process moves from one’s inner self to the families, then to clans and later to the nation. The spirits of the dead must also be put to rest. If this can be done our homeland can truly be ‘Me’ekamu’ – a holy place where the creator dwells amongst His people.

Preparations to end the fighting

By 1995 the conflict had lasted eight years. The leaders knew that if the war continued beyond the year 2000 it would involve the next generation. Our tradition compelled us to make peace or run the risk of permanent warfare. Therefore a small band of elite was trained to carry out political education and reconciliation in the territories under BRA control. The small movement grew and soon it gained recognition. On 15 November 1996, BIG President, Francis Ona, decreed that a Ministry of Political Education and Reconciliation and Internal Affairs be formed and that I, James Tanis, would lead that Ministry. This marked our preparations for the end of war and my own efforts to prepare for this were now formally recognised. We quickly trained a small band of officers.

We conducted a course with all the company commanders of the BRA at Doreinang on 17-18 December 1996.

Having no formal training in conflict resolution, we developed our own home-grown methods. We began by studying the situation, identifying the interest groups and the different cases within the conflict. We then formed a reconciliation committee that was divided into two or more groups depending on the number of the major cases. The other interest groups were isolated and worked on separately. We then re-established dialogue by becoming the neutral second channel of communication and facilitated one-to-one negotiations between the parties. Finally we would secure an agreement and have the reconciliation ceremonies.

We learned a great deal. We found that in some conflicts one big ceremony would cover all the cases, whereas others required several different ceremonies. The agreement to reconcile could come at any stage of the procedure. The best reconciliation processes were the ones initiated by the main parties. When this happened, the application of the procedure was not necessary. There were also cases when other interest groups made the first move to reconcile, leaving the primary parties exposed and with no choice but to reconcile. Through our handling of many cases, we saw these simple techniques work. Soon reconciliations were beginning to roll without the assistance of the working committees.

The year of reconciliations

At provincial level our priority was to reconcile the division within our leadership. The major breakthrough occurred on 8 January 1997, when Francis Ona and Joseph Kabui reconciled with James Sinko, Francis Ona’s former deputy at Paraparu.

By now the people were weary of the economic blockade and there was considerable pressure to end the war. In April, at a meeting of the Supreme National Council, we conveyed this information to President Ona. At the meeting we divided ourselves into three main groups. The first, led by President Ona, would continue to manage the military operations and the second, led by Vice President Kabui, would lead a delegation across the border to the Solomon Islands to seek international support. I was tasked to lead the third group, to mobilise and rally the people for Bougainvillean unity.

Perhaps the turning point for all of Bougainville came when the BRA captured the Regional Member for Bougainville, Honourable John Momis during the 1997 PNG National Elections and handed him over to President Ona. On 15 June, Ona and Momis had a short and
emotional reconciliation. They made a radio broadcast, appealing to all Bougainvilleans to reconcile and reunite as they had done. After this, Momis was released and was free to run for elections for the PNG National Parliament.

In June we also negotiated reconciliation between Francis Ona and a group that was branded as a cult movement. Then it was a matter of reconciling the military groups. A small BRA patrol established contact with a small resistance patrol from the same village. They opened dialogue and agreed to meet again underground. The following week we reconciled with the paramount chief at the PNG Army Care Centre.

What seemed impossible had become possible. We had succeeded in punching a hole in the wall that divided our district. Now we had to smash it down. Open reconciliation between our people took place at Pisina on 23 July 1997. The pride and dignity of the leaders and the people of my district was restored. We all decided to name 1997 'The Year of Reconciliations'.

Reconciliation of political visions for the future

The reconciliation process had to be extended across Bougainville at the political level and required extensive negotiations between different Bougainvillean groups and then between the Bougainvillean leadership and the government of Papua New Guinea. The achievements marked by the Burnham Declaration needed consolidating. In the first meeting of the newly elected Bougainville People's Congress in Arawa, leaders worked to reconcile their differing views on the future of Bougainville. But further reconciliation was needed with those outside the process. A new coalition of former enemies finally agreed a common negotiating position that ultimately led to the Bougainville Peace Agreement of August 2001. Since then, there has been a renewed focus on the ground, ensuring continued reconciliation between individuals and groups so as to enable the restoration of peace and harmony on Bougainville.

However, the benefits of peace must reach the widows and orphans, not just the elite. The institutions that we establish under the Bougainville Autonomous Government must be designed to consolidate the reconciliation that has been achieved. Those institutions must address the different aspects of reconciliation that are outlined in the Agreement.

It was September 2001. Once again I found myself walking across hills and valleys to attend a reconciliation ceremony.

The enemy clans entered the church from opposite ends. The choir sang and the procession slowly advanced. The ceremony started as a simple Catholic service. The poster on the right side read 'the victims', and on the opposite side read 'the offenders'. In between them was a Crucifix with the words 'the Prince of Peace'.

They stood there for a while. Simon, a young ex-combatant, addressed the elderly chief on the other side. He said, 'Father I killed your son, I was defending the government of PNG and your son was defending his government too. I am sorry for what I did to you and I beg your forgiveness.' The elderly chief, looking calm and dignified, replied, 'I have forgiven you. Please son, I also beg your forgiveness because when I picked up my dead son, I saw not only bullets, but also a rock stuck in his mouth and I was struck dumb by my hatred of you. You see he was the first born son of my inexperienced days. Please release me from my hatred. 'Then Simon replied again, 'Father, I thank you. The two sides chewed betel together, then ate together from the same dish. When the time came for shaking hands, the two sides held each other and wept openly. These sides were descended from the same great grandmother. The singers hummed slowly 'Jesus, have pity on me'. They concluded the ceremony by planting a tanggot tree on a stone.

When the time came for me to speak, tears were clouding my eyes. I joined them and said. 'Father I too beg forgiveness because during the conflict, we leaders gave you the vision and the confidence to walk the path we walked. And in doing so you lost your first born son.'

I turned to Simon and his family and continued, 'When you killed the BRA member, I cursed you and prayed that you must be killed. For that I beg your forgiveness too.' I walked down from the stage and stood amongst the people and shook their hands. I remembered my uncle, who never made it home.
Making, building & sustaining peace by peaceful means

Hon. Sir Moi Avei, KBE MP,
Minister For Bougainville Affairs,
Papua New Guinea

The PNG Prime Minister Sir Mekere Morauta arriving to sign the Bougainville Peace Agreement, 30 August 2001

Member of Parliament for Kairuku-Hiri,
Hon. Sir Moi Avei has been Minister for Bougainville Affairs in the Papua New Guinea government since December 2000.

The most important goal in the Bougainville peace process has always been peace. The point may seem obvious, but it is surprising how often participants in other, similar peace processes have allowed themselves to be diverted by other concerns – from the desire to make or avoid constitutional precedents, through political point-scoring, to the interests or reputations of particular persons or groups.

The key to peacemaking in Bougainville has been the link between means and ends made in the policy to which all of the parties involved in the peace process committed themselves when their leaders signed the Lincoln Agreement on Peace, Security and Development on Bougainville in 1998 – working to secure lasting peace by peaceful means.

Securing peace is more than a matter of signing agreements. It involves giving the strongest possible foundations in the community it is intended to serve. Implementation requires a comprehensive approach, which looks beyond agreeing to end violent conflict to the kind of wide-ranging agenda outlined in The Lincoln Agreement, and aims, as the Agreement’s full name suggests, at promoting peace, security and development through ongoing co-operation in the wide range of activities and processes it lists.

Peace is, therefore, a goal which can readily be pursued on a bipartisan basis, if the political will exists to set aside other differences for the sake of peace. It is also a goal which is closely related to other projects which are best pursued across a broad front and on a bipartisan basis – such as nation-building, strengthening civil society, and building both economic and governmental capacity to promote the kind of development that facilitates public participation and distributes the benefits equitably across the country.

In the case of the peace process in Bougainville, Papua New Guinea, the goal of securing lasting peace by peaceful means is shared by all of the parties involved. It was the decisive argument that convinced doubters, sceptics and worryers to set aside their concerns at the wider possible implications or possible ‘flow-on’ effects, and agree to support The Bougainville Peace Agreement.

Even the small number of people who have chosen to remain outside the process (at least for the time being) have generally respected the peace to which it has led. All of the participants in the Bougainville peace process continue to hope, pray and issue invitations for Francis Ona and his closest supporters in the area around Panguna, central Bougainville, to join in.

The origins and foundations of peacemaking and peacebuilding in Bougainville are to be found among ordinary people who have proved themselves capable of extraordinary feats.
Security and mutual confidence-building have been strengthened by the presence of the United Nations Observer Mission in Bougainville, Papua New Guinea (UNOMMB), and the neutral, regional Peace Monitoring Group (PMG) made up of unarmed personnel, civilian and military, women and men, from our close friends and neighbours, Australia, Fiji, New Zealand and Vanuatu.

Our reconstruction and development efforts have been actively supported by Papua New Guinea’s development co-operation partners – Australia, the European Union, Japan, New Zealand, the United Nations Development Programme, and non-governmental organisations based in-country, in our immediate region, and from other far-distant parts of the world.

The political talks that produced the Agreement tested the commitment, flexibility and even, at times, the physical strength of everyone involved. But the process has prepared all of the participants well for the ongoing consultation and co-operation that will be required to realise the potential of what the Agreement itself recognises as our ‘joint creation’.

The outcome is a mutually acceptable set of arrangements for the establishment of an autonomous Bougainville Government with a wide range of functions, powers and access to resources guaranteed (and protected against arbitrary interference or imposed change) within the framework of the Papua New Guinea Constitution; and the firm assurance of a referendum among Bougainvilleans on Bougainville’s political future, to be held 10-15 years after the autonomous Bougainville Government is established and conditions on the ground are right – with separate independence for Bougainville as an available option and the outcome subject to the authority of the highest, democratically elected, constitutional authority in the country, the National Parliament of Papua New Guinea.

The commitment to the goal of peace by peaceful means displayed by ex-combatants meant that they put away many guns – and helped to convince the National Parliament to give their support – before the Bills to give legal effect to the Bougainville Peace Agreement were put to the vote. The next big challenge is also for ex-combatants and their communities to reach the point at which UNOMMB can verify that stage two of the agreed weapons disposal plan has been achieved. Only then can the provisions on autonomy and the guarantee of the referendum in the new part of the Constitution and the new Organic Law on Peace-Building in Bougainville take effect. The small minority of people still outside the peace process will have a critical influence on the willingness with which others may participate in practical weapons disposal, and so the date on which the new legal arrangements will begin to apply. It would, indeed, be appropriate – and deeply moving – if the communities among whom the conflict began were able, finally, to secure lasting peace by peaceful means by joining in.

Bougainville, both the people and the multiple challenges the name represents, has been a pioneer in many different aspects of Papua New Guinea life. Home to the first practical effort to develop decentralised government at provincial level, its leaders were noticeably absent from the celebrations when Papua New Guinea became independent in 1975. It was The Bougainville Agreement in 1976 which brought Bougainville back into the national political fold and paved the way for the implementation of provincial government throughout the whole of Papua New Guinea.

Bougainville is now a pioneer again – with Bougainville leaders having negotiated a set of arrangements with the national government which are unique not only in Papua New Guinea but, in certain respects, in the world. Identifying, applying and managing the features that might be relevant – or, more importantly, improve life – for other parts of Papua New Guinea are among the challenges Papua New Guineans still have to address.

Even greater challenges are on the near-horizon – for Bougainville and the rest of the country. They include summoning the political will, mobilising the resources, and maintaining the co-operation required to establish the autonomous Bougainville Government, ensure it functions effectively, and realise the potential The Bougainville Peace Agreement and implementing laws offer of building a nation founded on peace, participation, and consent. Current economic circumstances mean that the national government will be looking to foreign aid donors for support, especially for assistance in restoration and development, as well as funding the one-off Establishment Grant to help set up and sustain the autonomous Bougainville Government through the formative stage.

But the key to the peacebuilding to which we have all committed is continuing close consultation and co-operation – in developing joint implementation plans, managing the transfer of functions and powers from the National to the autonomous Bougainville Government, and conducting relations through the joint supervisory body for which the Bougainville Peace Agreement provides.

In short, the challenge of securing lasting peace by peaceful means continues to require both commitment and effort on all sides – in order to develop a pro-active partnership in practical peacebuilding which will realise the potential of the Bougainville Peace Agreement and really secure lasting peace by peaceful means.
Future perspectives

Peacebuilding & consolidation

For peace to be sustained in Bougainville, a number of key challenges face all parties to the peace deal:

- There is an imperative to honour, respect and implement every aspect of the peace deal;
- Honesty and transparency must prevail in all their dealings. This is to be maintained both at intra- and inter-factional levels;
- The PNG Government's challenge is for successive governments to respect and continue to implement the agreements. This is because in PNG politics, ten to fifteen years is a long time to wait for a referendum on Bougainville's ultimate political status. Given the regularity of votes of no confidence during any five-year term, the commitment of successive governments to the peace deal is absolutely vital;
- For Bougainville, the challenge is for the merged coalition of leadership to maintain unity and deliver the peace dividend, particularly to the ex-combatants who have the potential to make or break the peace deal. This is not to imply that less emphasis will be given to women or to the general public. In fact, the entire Bougainville populace must feel the peace dividend;
- The other crucial challenge that Bougainville must overcome is the need to convince Francis Ona's Me'ekamui faction that the peace deal is the answer to the Bougainville conflict. If Ona is not convinced, then there will always be that air of uncertainty about the survival of peace, lingering in the minds of some, if not all, Bougainvilleans.

How will these challenges be met?
A number of conditions have to be fulfilled by the major partners of the peace deal:

Demilitarisation

The process of making Bougainville weapon-free is well and truly underway across the island. This is a clear indication by ex-combatants that they are satisfied that the Bougainville Peace Package has all the necessary and appropriate ingredients to fulfil Bougainvilleans' long-embedded political aspirations.

In the process of containerising all weapons, the ex-combatants are expressing tremendous confidence and trust in their political leaders. The weapons were their source of strength, confidence, comfort and protection for well over a decade of conflict. To put away their most trusted 'friend' is indeed an act that was unthinkable only a few years ago.

The challenge for politicians both in Bougainville and PNG as well as for international donors, is to balance the trust and confidence that ex-combatants are showing with funds that will provide employment and training.
Development of a political institution to sustain autonomy

The second factor that the national government and the Autonomous Government of Bougainville (AGB) must address is the development of a successful political institution to sustain autonomy.

Bougainvilleans – as people whose political desires, aspirations and convictions are unparalleled in other provinces in PNG – are pinning their hopes on the sustainability of the autonomous political arrangements as an effective means of bailing them out of their misery. I personally have confidence in the determination, experience and commitment of Bougainvilleans to develop a successful political institution. They have proven their resilience beyond any reasonable doubt, having survived the Southern Hemisphere’s worst conflict since Japan’s invasion of the Pacific.

However, sustaining autonomy is a tough challenge. Adequate financial resources are crucial, particularly in the initial stages and perhaps even during the first five years of the autonomous government. Although Bougainville secured a good financial package in the Comprehensive Agreement which, if implemented fully, should guarantee a healthy start, in reality this may not be the case. PNG continues to face serious financial problems which have persisted since the Bougainville war sucked her dry of hundreds of millions of kina. Hence, the AGB will be forced to dig deep into its own pockets, utilising the financial powers that were secured in the political negotiations. This is not going to be easy because the AGB will need time to achieve the financial self-reliance that will enable it to meet the people’s needs satisfactorily.

We have seen the result of such situations. The ex-combatants become impatient with long delays in payments for tasks performed. On many occasions, they have been forced to confiscate vehicles belonging to the Provincial Government or donor organisations. The AGB will have to ensure that, whatever the funds available, a certain percentage is allocated in such a manner that the needs of ex-combatants are met right from the start. In this way, repetition of past negative incidents, during the pre-AGB days, can be avoided.

Dealing with the past and building respect for rights and the law

The third challenge that will confront the AGB is dealing with the past and building respect for rights and the law. I believe Bougainvilleans and their AGB will handle this challenge with plenty of confidence and drawing on experiences they have gained while making and building peace over the last four years since July/August 1997. Other peace attempts from 1989, 1990, 1991, 1994 and 1995, have also left their marks, on both Bougainvilleans and the PNG Government. In fact, the Burnham Declaration in July 1997, is the culmination of all these peace attempts.

From an environment of hatred, mistrust and suspicion, Bougainvilleans have been able to build bridges of peace and reconciliation, because of the high esteem for noble traditions and customs in Bougainville, which are beautifully blended with Christian principles and teachings.

Their forefathers fought tribal wars, but whenever they made peace, those pacts were respected and honoured. Today, their sons and daughters are following in their footsteps. The Bougainville peace process, which many international observers have labelled as a unique and successful peace process, has no doubt created many precedents for other peace processes to emulate.

Bougainvilleans are confident that their AGB will harness the potential, commitment, respect and all other virtues that they have been applying, both individually and collectively, to make the peace process a success story. Ultimately this will bring about justice and overall law and order. With this in mind, the joint Bougainville leadership successfully negotiated control over the judiciary, the police and the Correctional Services Institute. Of course other functions, such as public services and financial powers are also part and parcel of the overall strategy for Bougainvilleans to bring justice, human rights and civil authority.

Whenever need arises, assistance will be sought from the national government and the international community.

Bougainvilleans’ long-term objectives are for their AGB to continue facilitating peace and reconciliation, to eventually erase all hatred and sense of betrayal that they feel towards each other and thereby return peace, harmony and unity to Bougainville. This process will continue even after the referendum determines Bougainville’s ultimate political settlement. Already, many Bougainvilleans are advocating the establishment of a Truth Commission, similar to that established in South Africa.

This augers well and reaffirms Bougainvilleans’ determination and commitment to leave bitter memories behind and build new lives under Bougainville’s political motto:

New Bougainville! New Spirit! New Deal! New Future!!
Key texts and agreements

Documents relating to the Papua New Guinea – Bougainville peace process

The Bougainville Peace Agreement, 30 August 2001 is reproduced in full. Other public texts are available on CR’s website: http://www.c-r.org/accord

- ‘Bougainville Agreement’, 7 August 1976
- ‘Agreement to end hostilities on Bougainville’, 1 March 1990
- ‘Endeavour Accord’, 5 August 1990
- ‘Honiara Declaration on Peace, Reconciliation and Rehabilitation on Bougainville with Supplementary Note’, 23 January 1991
- ‘Joint Communiqué’, 18 December 1995
- ‘Memorandum of Understanding’, 4 June 1996
- ‘The Burnham Declaration’, 18 July 1997
- ‘The Burnham Truce’, 10 October 1997
- ‘Arawa Agreement’, 30 April 1998
- ‘Letter from the Secretary-General to the President of the Security Council’, 2 June 1998
- ‘Buin Declaration’, 22 August 1998
- ‘Draft Basic Agreement Concerning the Bougainville Reconciliation Government (BRG)’, 24 December 1998
- ‘Matakana and Okataina Understanding’, 22 April 1999
- ‘Joint Bougainville Negotiating Position’, 14 December 1999
- ‘The Hutjena Record’, 15 December 1999
- ‘Loloata Understanding’, 23 March 2000
- ‘Gateway Communiqué’, 9 June 2000
- ‘Agreed Principles on Referendum’, 26 January 2001
- ‘The Rotokas Record’, 3 May 2001
- ‘Resolution on Weapons Disposal’, 9 May 2001
- ‘Bougainville Peace Agreement – Summary of Aims and Contents’, 29 August 2001
- ‘The Bougainville Peace Agreement’, 30 August 2001
- ‘Implementing the Bougainville Peace Agreement’, 31 August 2001
BOUGAINVILLE PEACE AGREEMENT
(30 August 2001)

A. ROLE AND STATUS OF THIS AGREEMENT
1. The Agreement is the basis for drafting the Constitutional amendments and other laws, which the National Government will move to provide for implementation.
2. The implementing Constitutional and other laws will state that they are intended to give legal effect to this Agreement.
3. This Agreement:
   (a) Will be used as a guide for implementation and to assist the Courts in interpreting the Constitutional and other laws, which give legal effect to this agreement;
   (b) Is intended to be interpreted liberally, by reference to its intentions, and without undue reference to technical rules of construction.
B. AUTONOMY
   (I) Objectives of Autonomy
   On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
   (a) Facilitate the expression and development of Bougainville identity and the relationship between Bougainville and the rest of Papua New Guinea;
   (b) Empower Bougainvilleans to solve their own problems, manage their own affairs and work to realise their aspirations within the framework of the Papua New Guinea Constitution;
   (c) Promote the unity of Papua New Guinea;
   (d) Provide for a democratic and accountable system of government for Bougainville that meets internationally accepted standards of good governance, including protection of human rights;
   (e) Ensure respect for the international obligations of Papua New Guinea, as well as the interests of Bougainville when Papua New Guinea enters into new international obligations;
   (f) Enable the National Government and the autonomous Bougainville Government to exercise their constitutional roles effectively and co-operatively;
   (g) Provide sufficient personnel and financial resources for the autonomous Bougainville Government to exercise its powers and functions effectively;
   (h) Maintain a mutually acceptable balance of interests between the interests of Bougainville and Papua New Guinea as a whole, including equity between different parts of the country.

(II) Boundaries
4. Bougainville’s jurisdiction will extend to sea-areas where the National Government has power.
5. The Constitutional Laws implementing the agreed autonomy arrangements will define Bougainville territory as extending to three nautical miles out to sea from the coasts of islands within the boundaries specified in the Organic Law on Provincial Boundaries.
6. The National Government and the autonomous Bougainville Government will develop agreed arrangements for co-operation in the exercise of their respective powers and functions at sea.
7. The National Government and the autonomous Bougainville Government will agree to equitable arrangements (additional to those agreed for fishing) for sharing revenues from activities in areas of sea and seabed beyond the guaranteed three-mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory.
8. The question of whether Bougainville’s maritime boundaries should be extended beyond those agreed above will be determined through consultation between the National Government and the autonomous Bougainville Government, bearing in mind:
   (a) The mutual benefits that Bougainville and Papua New Guinea as a whole gain from Papua New Guinea’s archipelagic status; and
   (b) The agreed autonomy arrangements.

(III) Bougainville Constitution
9. There will be a constitution for Bougainville (‘the Bougainville Constitution’).
10. The Bougainville Constitution will provide for the organisation and structures of the government for Bougainville under the autonomy arrangements (‘the autonomous Bougainville Government’) in a manner consistent with this Agreement.
11. Relations between the National Government and the autonomous Bougainville Government will be regulated in accordance with the National Constitution and will not be the subject of provision in the Bougainville Constitution except as specifically provided elsewhere in this Agreement.
12. The Bougainville Constitution shall provide for the names of Bougainville and the autonomous Bougainville Government.

Developing the Bougainville Constitution
13. The Bougainville Interim Provincial Government, in consultation with the Bougainville People’s Congress, will establish a Constitutional Commission and a Constituent Assembly to make the Bougainville Constitution.
14. (a) The National Government will be kept informed and allowed adequate opportunity to make its views known as proposals for the Bougainville Constitution are developed.
    (b) Before the Bougainville Constitution is adopted by the Constituent Assembly, there shall be consultation with the National Government about the contents of the draft Constitution.

Constitutional Commission to develop proposals
15. A Constitutional Commission broadly representative of the people of Bougainville shall make proposals for a Bougainville Constitution.
16. The Constitutional Commission shall consult widely with the people of Bougainville to understand their views on a Constitution for Bougainville and shall prepare a draft Bougainville Constitution for consideration by the Constituent Assembly.

Constituent Assembly to debate and adopt Bougainville Constitution
17. The people of Bougainville, through a representative Constituent Assembly, will consider the draft Bougainville Constitution.
18. The Constituent Assembly shall debate and may amend the draft Bougainville Constitution, and shall adopt the Constitution in the manner set out in this clause.

**Establishing the Constituent Assembly**

19. The parties will co-operate in facilitating the establishment of the Constituent Assembly.

**Principles and standards for development and contents of Constitution**

20. Subject to other provisions of this Agreement, the arrangements used to establish the Bougainville Constitution and the structures and procedures for the autonomous Bougainville Government established under it shall meet internationally accepted standards of good governance.

**Endorsement of Bougainville Constitution**

21. (a) Following adoption of the Bougainville Constitution, the Constituent Assembly shall transmit a copy of that Constitution to the National Executive Council;
(b) Upon being satisfied that the requirements of the national Constitution for the Bougainville Constitution have been met, the National Executive Council shall advise the Head of State to endorse that Constitution.

22. The National Government will gazette the Bougainville Constitution upon its endorsement by the Governor-General.

23. The Constitutional amendments will include an agreed procedure to ensure that the Bougainville Constitution can be brought into effect without unnecessary delay.

**Coming into effect of Bougainville Constitution**

24. The Bougainville Constitution will come into effect on a date after its endorsement by the Head of State, and in the manner provided for in that Constitution.

**Legal status of Bougainville Constitution**

25. The Bougainville Constitution will be supreme law as regards matters that fall within Bougainville's jurisdiction, and Bougainville laws and institutions will be required to be consistent with the Bougainville Constitution. The Bougainville Constitution will be enforceable:
(a) In the Supreme Court; and
(b) By the Bougainville courts, to the extent provided for in the Bougainville Constitution.

**Amendment of Bougainville Constitution**

27. The Bougainville Constitution shall be amended only by the Bougainville legislature following a procedure and requirements (inclusive of voting majority) as may be prescribed by the Bougainville Constitution.

**Structures of the Autonomous Bougainville Government**

28. The Bougainville Constitution shall provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth and churches.

**Executive**

29. The Bougainville Constitution shall provide for the autonomous Bougainville Government to include an accountable executive body.

30. There shall be a head of the executive whose title, method of appointment, powers and functions will be specified in the Bougainville Constitution.

**Judiciary**

31. The Bougainville Constitution may provide for an impartial judiciary for Bougainville, or may provide for Bougainville to operate either in full or in part under courts established under the national Constitution.

**Powers and functions of legislature, etc.**

32. The powers, functions and procedures of the legislature, executive and judiciary shall be as specified by or under the arrangements in this Agreement and the Bougainville Constitution.

**Other government institutions**

33. The Bougainville Constitution may establish other institutions that may be required for the autonomous Bougainville Government to carry out its powers and functions effectively, including institutions responsible for public administration provided for elsewhere in this Agreement (such as bodies to administer separate public service, police, teaching service and correctional institutional services bodies) and local government bodies.

**Considerations concerning decisions on Bougainville institutions**

34. Decisions made by both the Constituent Assembly and the legislature of the autonomous Bougainville Government about establishing institutions proposed to be part of the autonomous Bougainville Government shall only be made after considering the costs likely to be involved in such decisions and the administrative capacity necessary to implement them. Such decisions include those about:
(a) The number of seats in the Bougainville legislature from time to time;
(b) The courts within the Bougainville judiciary;
(c) Provision in the Bougainville Constitution for institutions other than the legislature, the executive and the judiciary.

**Accountability of government institutions**

35. The Bougainville Constitution shall make provisions for the accountability of all institutions created under it.

36. Provisions in relation to accountability shall include arrangements concerning a public accounts committee of the legislature, audit of provincial accounts and management of the revenue funds and accounts of the autonomous Bougainville Government.

**Interim and transitional arrangements**

37. Until the autonomous Bougainville Government is established through elections, the Bougainville Interim Provincial Government shall continue to operate in accordance with the Organic Law on Provincial Governments and Local-level Governments, and also in accordance with arrangements already agreed to between the Bougainville parties.

38. When the Organic Law on Provincial Governments and Local-level Governments ceases to apply in Bougainville and the autonomous Bougainville Government is
established, the Bougainville Interim Provincial Government and the Bougainville People’s Congress shall cease to exist.

Constitutional officeholders
39. Bougainville will have the power to create independent Constitutional Offices to carry out powers and functions within Bougainville’s constitutional responsibilities.
40. National Constitutional Officers will continue to carry out their responsibilities in areas of National jurisdiction in Bougainville.
41. National Government and Bougainville constitutional officeholders may enter into cooperative or agency arrangements to avoid gaps and duplication and to encourage common standards.
42. The autonomous Bougainville Government will bear the cost of creating and maintaining Constitutional Officeholders in Bougainville.

Appointments to constitutional offices and heads of services
43. The bodies established by or under the Bougainville Constitution to make appointments of Bougainville judges, other constitutional office holders and heads of the Bougainville Police and any body equivalent to the Correctional Institutional Services shall include two nominees of the National Government.

Bougainville Salaries and Remuneration Commission
44. (a) The autonomous Bougainville Government may establish its own independent Salaries and Remuneration Commission under the Bougainville Constitution to recommend the salaries and other conditions of elected leaders, constitutional officeholders and statutory heads (including heads of the Bougainville police and any body equivalent to the Correctional Institutional Services) appointed under that Constitution; the autonomous Bougainville Government will meet any additional costs.
(b) The recommendations made by the Bougainville Salaries and Remuneration Commission will take full account of advice from the National Salaries and Remuneration Commission concerning the maintenance of relativities of pay and conditions for similar offices in other parts of Papua New Guinea and at the National level;
(c) The Bougainville legislature will have the power to accept or reject (but not to amend) recommendations from the Bougainville Salaries and Remuneration Commission.
45. (a) The National Salaries and Remuneration Commission will continue to recommend the salaries and other conditions of elected leaders, constitutional officeholders and statutory heads appointed under the Bougainville until and unless Bougainville establishes its own Salaries and Remuneration Commission.
(b) The autonomous Bougainville Government will be represented on the National Commission when it deals with positions under the Bougainville Constitution.

(V) Division of Powers and Functions
Two-list system for dividing powers and functions
Basis for drafting lists in Constitutional laws
46. Powers and functions will be divided between the National Government and the autonomous Bougainville Government by allocation to two comprehensive lists.
47. Those lists shall be as exhaustive as possible of known and identifiable powers and functions of government.
48. The parties may be required to further consult and agree on issues that arise during the drafting of the constitutional amendments, relating to how particular powers are to be described and where particular aspects of powers and functions belong.
49. The Constitutional Laws implementing this Agreement will provide an agreed mechanism to deal with possible overlap or conflict between the two lists.

National government list of powers and functions
50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.

51. The agreed National Government list is as follows:
- Defence;
- Foreign relations;
- Immigration;
- Highly migratory and straddling fish stocks;
- Central Banking;
- Currency;
- International civil aviation;
- International shipping;
- International trade;
- Posts;
- Telecommunications;
- Powers required for direct implementation of the national Constitution, as amended in the implementation of this Agreement (for example, citizenship, national elections);
- All other powers reserved to the National Government under other provisions of this Agreement.

Bougainville list of powers and functions
52. The list of powers and functions of the autonomous Bougainville Government will:
(a) Include all known or identifiable powers not on the National Government list, beginning with the powers that have been available to provincial governments under the National Constitution;
(b) Be developed during the drafting of the Constitutional Laws implementing this Agreement.
53. The Bougainville list will include the power to decide on foreign investment applications for Bougainville, and the autonomous Bougainville Government may establish its own administrative mechanism in relation to foreign investment matters for Bougainville.

Bougainville to respect National Government’s international obligations
54. The powers and functions of the autonomous Bougainville Government will be subject to Papua New Guinea’s international obligations and human rights:
(a) Existing international obligations of the National Government will remain in place;
(b) The National Government will consult the autonomous Bougainville Government before new obligations are entered into.

55. For the sake of clarity, the parties agree that the international obligations which apply to Bougainville include treaties and other written international agreements to which the National Government is or becomes a party.

56. The National Government and the autonomous Bougainville Government will resolve any differences over Papua New Guinea’s obligations arising from generally accepted rules of international law through the agreed dispute resolution procedures.

Subjects not now known or identified

57. Consistent with the agreed process for the transfer of powers, any subject not listed on either list will remain initially with the National Government, provided that:

(a) Where either of the governments wishes to legislate on a subject which is not clearly on either list, it will consult the other with a view to reaching agreement on which government should be responsible for the subject;

(b) If either government passes a law on an unlisted subject, then the other may, if it disagrees, contest it through the agreed dispute settlement procedures;

(c) Any dispute over which Government is responsible for a power or function will be resolved by applying the principles governing the division of powers in this Agreement.

Transfer or delegation of powers and functions

58. Either Government may, by agreement, transfer or delegate powers and functions, including financial powers and functions, to the other.

(VI) Agreed Arrangements Concerning Exercise of National Government Powers in Relation to Bougainville

59. Powers and functions on the National Government list shall be exercised in relation to Bougainville in accordance with the arrangements set out in this Agreement.

Defence

60. The National Government will exercise this responsibility in Bougainville in accordance with this agreement and arrangements made under it.

61. The Papua New Guinea Defence Force (PNGDF) remains a national organization which recruits throughout Papua New Guinea. Maritime and border surveillance, search and rescue, assistance in natural disasters, etc.

62. (a) The PNGDF will continue to assist in meeting Papua New Guinea’s international obligations as well as carrying out maritime and border surveillance and enforcement.

(b) The National Government will be able to send PNGDF personnel to Bougainville for purposes of search and rescue and assistance in natural disasters and other humanitarian emergencies, in response to requests from the autonomous Bougainville Government or by giving prior notice to agreed points of contact in Bougainville.

63. (a) The parties will co-operate in assisting the PNGDF to carry out the above activities.

(b) In the interests of transparency and mutual confidence-building, the National Government and the autonomous Bougainville Government will make arrangements for officials of the autonomous Bougainville Government to participate actively in the Bougainville-based aspects of the above activities.

Other activities

64. After the withdrawal of the PNGDF from Bougainville in accordance with the agreed weapons disposal plan, other PNGDF activities in Bougainville will be on a co-operative basis following consultation between the autonomous Bougainville Government and the National Government.

65. (a) The parties will conclude an agreed arrangement that, in respect of land-based activities and facilities in Bougainville, they accept that:

(i) The PNGDF requires immediate access to wharves, airfields, refuelling stores and associated facilities;

(ii) The National Government has no immediate plans for the PNGDF to have facilities, a base or a permanent presence in Bougainville after phased withdrawal in implementation of the agreed plan for weapons disposal;

(iii) The National Government will consult the autonomous Bougainville Government before finalising any plans to develop any of the above for the PNGDF in Bougainville; and

(iv) PNGDF personnel in Bougainville after phased withdrawal in implementation of the agreed weapons disposal plan will be unarmed.

(b) While the agreed arrangement will not be embodied in the National Constitution or an Act of the National Parliament, any disputes over it may be subject to the agreed disputes resolution procedures.

66. The parties will meet at an early, mutually convenient time to consider developing an agreed plan for civic action by the PNGDF to assist in restoration and development in Bougainville.

67. The need for any additional PNGDF facilities in Bougainville will be addressed in the agreed five-yearly reviews.

Implementation

68. (a) The National Government and the autonomous Bougainville Government will establish agreed procedures to give effect to the above.

(b) Consultations and resolution of any disputes over defence will be in accordance with these provisions and the agreed dispute resolution procedures.

Foreign Relations

69. The two Governments will establish mechanisms for consultation in agreed areas of foreign affairs.

Regional organisations

70. The National Executive Council may allow Bougainville to send a representative or observer to regional meetings and organisations.

71. The autonomous Bougainville Government may nominate a representative to be included in National Government delegations to regional meetings and organisations of clear special interest to Bougainville.

72. The autonomous Bougainville Government will meet any additional costs arising from its participation.
International agreements – Bougainville’s role

73. The autonomous Bougainville Government may request the National Government’s assistance or concurrence through an agreed mechanism for the autonomous Bougainville Government to participate or engage directly in the negotiation of international agreements of particular relevance to Bougainville.

74. The autonomous Bougainville Government will respect the National Government’s authority regarding international agreements.

Future treaties

75. An international agreement negotiated or signed with a purpose of altering the agreed autonomy arrangements will take effect only with the agreement of both the National Government and the autonomous Bougainville Government.

76. If a disagreement arises between the National Government and the autonomous Bougainville Government as to whether an international agreement has been negotiated or signed with such a purpose, the matter will be resolved through the agreed dispute resolution procedures.

Border agreements

77. The autonomous Bougainville Government will have a representative in National Government Delegations engaged in the negotiation of new border agreements with Solomon Islands.

78. Future border agreements (other than those concerning defence or national security aspects) which affect the jurisdiction of the autonomous Bougainville Government will take effect only by agreement between the National Government and the autonomous Bougainville Government.

Sporting and Trade Missions

79. The two Governments will consult over appropriate forms of co-operation for Bougainville to participate or engage in international cultural exchanges; trade, investment and tourism promotion; and sport.

Immigration – Visas and Work Permits

80. The autonomous Bougainville Government may recommend names to the National Government for inclusion on or removal from the Visa Warning List.

81. Applications for work permits and employment visas for Bougainville will be referred by the relevant National Government agency to the autonomous Bougainville Government for recommendation.

82. The autonomous Bougainville Government may submit lists of occupations and industries for which work permits and employment visas should not be issued for Bougainville.

83. Bougainville will establish appropriate machinery for implementation, including the sharing of information.

Quarantine

84. The autonomous Bougainville Government may act as agent for the National Government in providing quarantine services.

Fisheries

85. The National Government will provide for the autonomous Bougainville Government to be represented on:
(a) Delegations negotiating access and other fisheries agreements regarding Bougainville waters and waters beyond the guaranteed three nautical mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory;
(b) Bodies responsible for determining total allowable catches, licence numbers and reservation of licenses for domestic fishers in such waters.

86. An agreed formula (based on derivation less costs) will provide for National Government fishing revenues from fishing in those waters to be distributed to the autonomous Bougainville Government.

87. Bougainville will decide on the allocation of an agreed quota of domestic fishing licenses for highly migratory and straddling fish stocks.

88. The autonomous Bougainville Government will be responsible for the sustainable management of other fisheries in Bougainville’s waters.

Central Banking Responsibilities

89. The National Government will make its best efforts to assist the autonomous Bougainville Government in assuming its powers to supervise non-banking financial institutions.

90. The National Government will make its best efforts to assist in the establishment of a commercial bank in Bougainville.

91. As part of the agreed Review process, the National Government and the autonomous Bougainville Government will consult on what other central banking responsibilities might be appropriate for Bougainville to assume after fiscal self-reliance. The National Government will then make its best efforts to assist Bougainville assume those powers agreed upon.

International Civil Aviation, International Shipping, International Trade and Posts

92. The National Government will delegate control of aspects of the subjects of international civil aviation, international shipping, international trade and posts to the autonomous Bougainville Government, including:
(a) Management of non-aviation aspects of airport terminals in Bougainville;
(b) Management of postal services;
(c) Issuing of Bougainville stamps, provided they display the words ‘Papua New Guinea’; and
(d) Other aspects as may be agreed from time to time.

Telecommunications

93. The parties agree on the need to facilitate the development of a telecommunications system capable of reaching people throughout Bougainville, and will co-operate to bring about the development of such a system, including such private sector participation as may be appropriate and agreed.

94. The regulatory and legislative regime, including licensing, administered by PANGTEI will apply to the development of telecommunications in Bougainville, unless the National Government and the autonomous Bougainville Government otherwise agree.

95. Within the PANGTEI legislative and regulatory regime, the autonomous Bougainville Government may itself or by agreement with a third-party telecommunications carrier provide telecommunications services in Bougainville.
96. The National Government and the autonomous Bougainville Government will consult with a view to ensuring that Bougainville's interests are taken into account:
(a) In respect of privatisation or changes to the legislative and regulatory regime for telecommunications; and
(b) If the autonomous Bougainville Government wishes to increase the powers and functions available to it in relation to telecommunications in Bougainville, bearing in mind available technology, the economic interests of other parts of Papua New Guinea, and relevant aspects of national security.

97. In the event that the autonomous Bougainville Government seeks a need to change existing laws and policy or wishes to assume additional powers and functions in respect of telecommunications, the autonomous Bougainville Government or the National Government may refer the matter to the joint supervisory body.

98. The joint supervisory body may, by agreement, appoint a panel of experts to prepare a report bearing in mind the mutual benefits Bougainville and the rest of Papua New Guinea seek to pursue through their joint creation of the agreed autonomy arrangement as a whole.

99. The membership of the panel will be mutually agreed, the costs will be shared and the report, which will be submitted by an agreed date, may be tabled in the National Parliament and the Bougainville legislature.

100. (a) Any proposal for a telecommunications carrier in Bougainville to develop its own international links will be subject to the national legislative and regulatory regime;
(b) Any differences between the autonomous Bougainville Government and the National Government over such a proposal or a relevant provision of the legislative and regulatory regime will be resolved through consultation, the expert panel and, if differences persist, through the agreed dispute resolution procedure.

(VII) Transfer of Powers and Functions
Process for Transfer
Initiating transfers
101. Powers and functions will be transferred from the National Government to the autonomous Bougainville Government, which will initiate the process, taking full account of needs and capacity, by notifying and consulting the National Government in advance.

Initial powers and functions
102. The autonomous Bougainville Government will be established with at least the same powers and functions as the Bougainville Interim Provincial Government.

103. The Bougainville Interim Provincial Government will give the National Government reasonable advance notice of any powers or functions to be transferred or institutions to be established by or under the Bougainville Constitution in the first twelve months after the establishment of the autonomous Bougainville Government.

Notice of additional transfers
104. The autonomous Bougainville Government will give the National Government at least twelve months notice of its intention to seek the transfer of any additional power or function.

Implementation
105. (a) Closely linked powers and functions will be transferred together.
(b) Any differences over such links or transfers will be resolved through the agreed dispute resolution procedure.

106. National laws will continue to apply in Bougainville until replaced by Bougainville laws.

107. If the capacity or economic circumstances affecting the resources necessary for a transfer of a power or function are such as to prevent effective exercise of that power or function, then the National Government and the autonomous Bougainville Government will consult with a view to preparing an agreed plan for overcoming any difficulties.

108. If differences arise in reaching agreement, implementing a plan, or as to whether the capacity or circumstances should delay the transfer, then either Government may seek to resolve the issues in dispute through the agreed dispute resolution procedures.

109. In addition to other agreed dispute resolution procedures, such procedures may include an agreement to appoint a panel of independent experts to make recommendations on issues concerning capacity or economic circumstances or the content or implementation of a plan.

110. The panel of experts may make recommendations on whether failure to reach agreement on capacity or economic circumstances or to implement a plan is on reasonable grounds.

111. The report of the panel of experts may then be taken into account in the dispute settlement process.

National and regional institutions and services
112. (a) In any case of an institution or service which is organised on a regional or National basis and either the National Government or the autonomous Bougainville government believes that the personnel, assets or funding associated with the institution or service cannot be readily divided on a basis which is viable regionally, nationally and in Bougainville, then the National Government and the autonomous Bougainville Government will agree to:
(i) A plan for achieving a mutually acceptable division; and/or
(ii) An arrangement which ensures the existing organization continues, together with guaranteed access for the autonomous Bougainville Government and Bougainvillians.
(b) An arrangement to share access to or use of an institution or service organised on a regional or National basis may make provision for cost sharing;
(c) The above is not intended to prevent the autonomous Bougainville Government from establishing and supporting similar institutions or services of its own.

113. If differences arise over whether personnel, assets or funding of an institution or service can be readily divided or in agreeing or implementing a plan or agreement for shared access or use, they will be resolved through
the agreed dispute resolution procedure.

Delegation of powers over public service, police and CSI

114. (a) Agreed arrangements for the delegation of powers over the Public Service, Police and CSI in Bougainville will be implemented by the National Government immediately on request from the Bougainville Interim Provincial Government (in consultation with the Bougainville People's Congress) or, when it is established, the autonomous Bougainville Government;

(b) The autonomous Bougainville Government may exercise its powers to establish a Bougainville Public Service, Police and CSI when agreed plans have been implemented.

Agreed plans for implementation

115. The National Government and the autonomous Bougainville Government will jointly prepare agreed plans for co-operating in implementing the transfer of powers and functions for which the autonomous Bougainville Government will become responsible.

116. (a) The agreed plans will be made up of criteria, indicators and targets of capacity and resources available to or required by the autonomous Bougainville Government that should be taken into account in making proper preparations for the transfer of particular powers and functions;

(b) Agreed plans in relation to the transfer of powers and functions over police may provide for transfer to be gradual.

Associated Arrangements

National Government assets and land

117. National Government assets and land will be transferred to the autonomous Bougainville Government at the same time as the powers and functions with which they are associated.

118. The National Government will have the right to retain such assets and land as may be required for its continuing responsibilities in relation to the same powers and functions.

119. The future of other National Government assets and land will be subject to future negotiation.

Privatisation issues

120. The National Government will use its best endeavours to ensure that any future privatisation takes account of the autonomous arrangements agreed with Bougainville.

121. The National Government will use its best endeavours to ensure that any future privatisation takes account of the need to rebuild the infrastructure of Bougainville following the crisis, and may take steps to ensure that community service obligations relating to Bougainville, including restoration and development, are recognised by purchasers of privatised assets in Bougainville.

122. The National Government will use its best endeavours to ensure that potential purchasers are made aware of the capacity of the autonomous Bougainville Government to develop laws and policies that might impact on the operation of proposed privatised enterprises, and of the sensitive nature of unresolved issues regarding the economic and property rights of Bougainvilleans and their ability to participate in economic activity in Bougainville.

(VIII) Human Rights

123. The autonomous Bougainville Government will have the power to provide additional guarantees of human rights in Bougainville, which do not abrogate the human rights provisions in the National Constitution.

124. The autonomous Bougainville Government will have the power to establish mechanisms for enforcement of human rights that do not abrogate the human rights provisions in the National Constitution.

125. The autonomous Bougainville Government will have the power to qualify human rights incidental to the exercise of its powers and functions under Section 38 of the National Constitution, except defence.

126. Proceedings for the enforcement of human rights by the residents of Bougainville may be commenced in Bougainville courts or institutions or the National Court.

127. The Supreme Court will remain the final court of appeal on human rights matters.

128. The National Government and the autonomous Bougainville Government will establish a joint commission to examine and report on the issues that would be involved in giving the autonomous Bougainville Government power to make laws permitting courts or Councils of Elders to require clan-groups to which persons convicted of criminal offences belong to meet customary, non-custodial obligations.

129. The terms of reference for the commission will direct it to have full regard for:

(a) The aspirations of Bougainvilleans for the integration of custom and introduced law;

(b) The national human rights regime;

(c) The justice system in Bougainville and Papua New Guinea as a whole; and

(d) The international human rights system and other relevant aspects of international law.

130. The joint commission will be established at the initiative of either Government; its membership will be mutually agreed; the costs of the commission will be shared.

131. The commission's report, which will be submitted by an agreed date, will be tabled for consideration in the National Parliament and the Bougainville legislature.

132. The National Government and the autonomous Bougainville Government will inform one another of the outcome of the debates in their respective legislatures, and co-operate in giving effect to mutually acceptable, practical follow-up action, as may be appropriate, through consultation, the joint supervisory body or the agreed five-yearly reviews.

133. The above procedures may also be used to follow-up on doubts about whether the autonomous Bougainville Government has power under the existing human rights provisions to make laws regulating or restricting the qualified rights other than laws made in accordance with Section 38 of the National Constitution.

(IX) Financial Arrangements

Basic Principles

134. The autonomous Bougainville Government will have sufficient revenue-raising powers available to it to become financially self-reliant.

135. Bougainville will continue to make a fair contribution to National Government costs – before fiscal self-reliance through the National
Government retaining control over company tax, Value Added Tax and customs duties in Bougainville, and after self-reliance through a revenue-sharing formula.

136. Except as otherwise provided, the additional costs involved in establishing and maintaining the agreed autonomy arrangements will be shared between the autonomous Bougainville Government and the National Government.

**Taxation**

137. The National Government will support Bougainville in moving towards the goal of fiscal self-reliance, defined as the year in which the revenue from company tax, 70 percent of Value Added Tax and customs duties is equal to the value of the recurrent grant on a sustainable basis.

138. (a) Revenue from company income tax, customs and 70 percent of Value Added Tax collected in Bougainville will go to a Trust account for Bougainville and be credited against the recurrent grant at least until Bougainville achieves financial self-reliance;

(b) 'Company tax' is understood for this purpose as tax on profits of companies whose principal place of business or main business activity is in Bougainville.

139. (a) When Bougainville achieves financial self-reliance revenues from these sources (in excess of the costs of recurrent activities calculated in accordance with the recurrent grant formula) will be shared between the National Government and the autonomous Bougainville Government so as contribute to both national and Bougainville development;

(b) The 5-yearly reviews of financial arrangements should be used to consider the issues involved in revenue sharing.

140. The National Government will continue to impose and collect Personal Income Tax in accordance with the provisions below until such time as restoration is achieved.

141. (a) Revenue from Personal Income Tax collected from Bougainville will be paid directly to a trust account for the autonomous Bougainville Government and distributed to the autonomous Bougainville Government on its request to be used to support development in Bougainville.

(b) The autonomous Government of Bougainville will have the power to adjust the rate of Personal Income Tax to apply in Bougainville by no more than five percent.

142. The autonomous Bougainville Government shall assume the powers and functions to impose, set rates of, and collect Personal Income Tax when restoration is achieved.

143. Revenues from all other existing National Government taxes (including 30 percent of Value Added Tax) collected in Bougainville will be paid direct to the autonomous Bougainville Government.

144. The National Government will retain the power to set rates for Company Tax, Value Added Tax and customs. But after fiscal self-reliance the autonomous Bougainville Government will have power to set rates and collect Company Tax; provided that the effective rates of company tax shall not vary from the National Government's rate by more than an agreed amount of 5 percent.

145. The autonomous Bougainville Government shall have power to set rates or establish its own tax regime for all other existing National Government taxes (e.g. export tax, excise) and all taxes that have been available to provincial governments under the National Constitution.

146. The Internal Revenue Commission will initially collect all taxes for the autonomous Bougainville Government but the autonomous Bougainville Government will have the power to establish its own tax office to collect Bougainville taxes as well as, by agreement, Company Tax, Value Added Tax, customs duties.

147. The autonomous Bougainville Government will be eligible for tax incentives available in the Income (Company) Tax Act.

148. Both the National Government and the autonomous Bougainville Government will have the right to audit taxes paid into the trust account or collected on behalf the other.

**Grants System**

149. Until the autonomous Bougainville Government becomes financially self-reliant the National Government will provide grants to the autonomous Bougainville Government, including the following kinds of grants:

(a) Recurrent unconditional grants;

(b) Restoration and development grants;

(c) Specific purpose conditional grants, including the recurrent grant for policing; and

(d) The one-off Establishment Grant.

150. As the autonomous Bougainville Government revenue increases, grants will decrease according to an agreed set of factors.

**Recurrent Grants**

151. The autonomous Bougainville Government will receive an annual unconditional grant to cover the recurrent costs of functions for which it is responsible including funding of newly transferred powers and functions, based on their costs.

152. The funding of maintenance and operational costs of former development projects will be subject to consultation when funding is sought for new projects.

153. These consultations will be based on mutual recognition of constraints on the National Government, the particular situation in Bougainville during the early phases of restoration, and cost sharing.

154. The grant will be adjusted annually in the same manner as annual grants for a provincial government activity under the Organic Law on Provincial Governments and Local-level Governments – that is, by the percentage increase or decrease in the cost of living or by the percentage increase or decrease in the payments to the Consolidated Revenue Fund in the year two years before the year of grant.

155. The calculation and timely payment of the grant will be guaranteed by law (debt servicing and salary obligations must be paid first).

156. The grant will be cut only if seriously adverse economic conditions arise, requiring "across the board" cuts to the National Budget and by no more than the average of these cuts.

157. In years when overall public expenditures increase, the National Government will do its best to increase the recurrent grant to balance any cuts in previous years.
158. The autonomous Bougainville Government will have full control over use of this grant.

159. The autonomous Bougainville Government will prepare plans and consult the National Government in cases where it wants to reallocate funds in ways, which affect the continued employment of public servants or other forward commitments.

Restoration and Development Grant

160. The autonomous Bougainville Government will receive an annual restoration and development grant no less than the 2001 PIP and adjusted upwards pro rata in accordance with the national PIP averaged over a rolling five year period.

161. An agreed Bougainville-controlled mechanism including both Bougainville and National Government representation will be established to co-ordinate the restoration and development program in Bougainville.

162. The National Government representation in that mechanism will be subject to review in the future review process.

(f) Conditional Grants

163. The National Government may offer to the autonomous Bougainville Government conditional grants for purposes:

(a) Proposed by the National Government after consultation with the autonomous Bougainville Government and implemented after consultation and agreement between the Governments; or

(b) Provided for in this Agreement.

Borrowings - Revenue Raising

164. The autonomous Bougainville Government will have the power to raise loans after consultation with the National Government.

165. Domestic borrowing by the autonomous Bougainville Government will comply with Central Bank regulation of the banking system.

166. Overseas borrowing will require Central Bank approval.

167. Any proposed deficit in the Bougainville budget shall require approval of the National Government minister responsible for financial matters.

Establishment Grant

168. The National Government will mobilise funds for a 'one-off' establishment grant to the autonomous Bougainville Government, which may disburse it over more than one year.

169. The establishment grant will be additional to all other grants.

170. The autonomous Bougainville Government will use the revenue raised from personal income tax and excise in Bougainville in the first year of autonomy as counterpart funding for the establishment grant.

171. This revenue will be used for development purposes decided by the autonomous Bougainville Government.

(ii) Foreign Aid

172. The agreed arrangements for foreign relations will also apply to foreign aid (consultation mechanism, and Bougainville representation on delegations).

173. The National Government will do its best to obtain foreign aid to support restoration and development in Bougainville, and to facilitate the autonomous Bougainville Government's participation in managing aid projects.

174. The autonomous Bougainville Government will be able to obtain foreign aid.

175. The National Government will approve foreign aid secured by the autonomous Bougainville Government, which does not reduce the value of aid already available to Papua New Guinea - and subject to overriding foreign policy considerations.

176. The autonomous Bougainville Government will keep the National Government fully informed of its efforts to obtain foreign aid.

177. The National Government will co-operate with the autonomous Bougainville Government by negotiating such international agreements as may be required to finalise foreign aid prospects identified by the autonomous Bougainville Government.

Fiscal Accountability

178. The National Constitution will set out the requirements within which the Bougainville Constitution will establish a framework for orderly management of the autonomous Bougainville Government's financial and other resources.

179. This framework will include requirements that the autonomous Bougainville Government will do the following in accordance with law:

(a) Raise revenues, including loans, and manage National Government grants;

(b) Approve and administer annual budgets (and, where appropriate, supplementary budgets), comprising estimates of revenue and expenditure, and appropriations for the main functions of government;

(c) Make expenditures;

(d) Maintain proper transparent and accurate accounts, compatible with international standards;

(e) Ensure that accounts are subject to regular audits additional to audits by the National Auditor-General (or his agents); and

(f) Provide for a Public Accounts Committee in the Bougainville legislature, which shall receive, consider and make recommendations on auditors' reports.

180. The National Public Finance Management Act will continue to apply to the autonomous Bougainville Government’s finances until and unless the autonomous Bougainville Government makes a Bougainville law (or laws) in accordance with the framework for management of financial and other resources.

181. The Bougainville Constitution may make provision for exceptional circumstances in which the autonomous Bougainville Government may find it necessary to raise revenues or make public expenditures without the Bougainville legislature’s prior approval (for example, if the budget for a particular year is not passed in good time).

182. Grants provided to the autonomous Bougainville Government shall be subject to audit by the Auditor-General established under the National Constitution.

Follow-up Audits

183. Should any audit carried out by the National Government pursuant to this agreement disclose systematic and widespread abuse (or misuse) of funding provided to the autonomous Bougainville Government by way of Recurrent or Conditional Grant then the following steps shall take place:

(a) The National Government shall
advise the autonomous Bougainville Government of the details of the abuse;
(b) The autonomous Bougainville Government shall immediately
investigate the concerns raised by the National Government and shall take
appropriate steps to remedy the situation as soon as is reasonably possible;
(c) Should the autonomous Bougainville Government, after
investigation, disagree with the National Government’s concerns or if
the National Government is not satisfied with the response of the
Bougainville Government they shall consult with each other to resolve the differences;
(d) If the consultations do not resolve the matter the National Auditor
General and the auditor responsible for auditing accounts on behalf of the
autonomous Bougainville Government shall consider the matters in question
and provide a report making joint recommendations to resolve these matters;
(e) The autonomous Bougainville Government shall implement the
reasonable joint recommendations of the both auditors to their satisfaction;
(f) If the autonomous Bougainville Government fails to attend to the
recommendations within a reasonable time, the National Government may
withhold the further release of funds (other than the costs of essential
services such as, salaries and medical supplies) until such time as the
recommendations have been attended to;
(g) Should the National Government or the autonomous Bougainville
Government disagree on reasonable grounds as to the recommendations, or
should there be a dispute as to whether the autonomous Bougainville
Government has implemented the recommendations, recourse may be
had to the general dispute resolution mechanisms in this agreement.

(X) Personnel

Provisions Applying Generally to Public Service, Police and Correctional Institutional Services (CSI)

Implementation as packages

184. The agreed arrangements for the Public Service, Police and Correctional Institutional Services (CSI) in Bougainville will each be implemented as a package.

Application to other bodies

185. The arrangements applying to the Bougainville Public Service will also apply to the Teaching Service and all public authorities established by the autonomous Bougainville Government (except where special arrangements have been agreed to apply to Police and CSI).

Constitutional basis

186. The National Constitution will be amended to allow the autonomous Bougainville Government to establish and to make laws regarding a Bougainville Public Service, Police and Bougainville equivalent to the CSI (‘Bougainville CSI’) consistent with this Agreement.

187. The Heads of the Bougainville Public Service, Police and CSI will be responsible to the autonomous Bougainville Government through a minister (or equivalent) appointed under the Bougainville Constitution.

Recruitment, employment and industrial relations

188. Bougainville law will provide for recruitment and terms and conditions of employment for the Bougainville Public Service, Police and CSI to be based on individual merit.

189. Bougainville will accept the national industrial relations system.

Oath of allegiance

190. Members of the Bougainville Public Service, Police and CSI will swear allegiance to the Head of State of Papua New Guinea.

National public service, police and CSI

191. The Papua New Guinea Public Service, Police and CSI will remain national organisations, which recruit throughout Papua New Guinea.

Co-operative arrangements

192. The National Government and the autonomous Bougainville Government will agree to arrangements to:
(a) Facilitate transfers, secondment and exchanges of personnel;
(b) Provide for core training and personnel development programmes, together with utilisation of common training facilities throughout Bougainville and the rest of Papua New Guinea; and
(c) Provide for regular consultations between the most senior officers responsible for Public Service, Police and CSI matters in the National Government, the autonomous Bougainville Government and Provincial Governments, and other senior officers.

Public Service

Control

193. The Bougainville Public Service will be subject only to the control of the autonomous Bougainville Government through a minister (or equivalent) of that Government.

Bougainville law

194. (a) Bougainville law will provide for standards for management and control of public servants, work value criteria and standards for pay determination, as well as classification and grade structure compatible with those of the National Public Service.

(b) Bougainville laws on the above will be made following consultations with the National Government.

195. The National Government and the autonomous Bougainville Government, through their respective Ministers and responsible Public Service Heads, will consult with a view to reaching agreement before general pay increases which will impact on the National and the Bougainville budgets.

196. The autonomous Bougainville Government will consult the National Government before making or changing decisions requiring changes to Bougainville Public Service General Orders (or their equivalent).

Institutional arrangements

197. The autonomous Bougainville Government will consult the Head of the National Government department responsible for personnel matters within the National Public Service before appointing the most senior public servant responsible for Public Service matters in Bougainville.

Information and monitoring

198. (a) The National Government will monitor developments in the Bougainville Public Service.
(b) The autonomous Bougainville Government will keep the National Government informed about
developments in the Bougainville Public Service, including proposed changes of policy and budgetary allocations for personnel, and facilitate monitoring by the National Government.

Constitutional provisions for appeal and review of public service matters

199. The Bougainville Constitution will make provision for an independent body which will be responsible for reviewing decisions on personnel matters in relation to the Bougainville Public Service.

200. The autonomous Bougainville Government will meet the costs of this body.

National public service offices in Bougainville

201. The National Public Service will continue to establish positions and transfer personnel to Bougainville to carry out National powers and functions.

202. The autonomous Bougainville Government will co-operate with the National Government to ensure that such positions and personnel can be filled and operate efficiently and effectively.

Phased implementation plan, interim arrangements and transitional period

203. Until such time as the autonomous Bougainville Government establishes the Bougainville Public Service, the National Government will facilitate progress towards greater autonomy in the management of the Public Service on Bougainville through delegations by the departmental head responsible for personnel management matters in the National Public Service, to the Bougainville Administrator under current legislation.

204. These transitional arrangements will be implemented on receipt of a request from the Bougainville Interim Provincial Government or the autonomous Bougainville Government.

205. The National Government and the autonomous Bougainville Government will develop a recruitment and training plan for building Public Service capacity on Bougainville.

206. On the coming into force of the law establishing the Bougainville Public Service, a mutually agreed transitional period shall be effected by the Act, during which period serving public servants shall remain as members of the National Public Service. On conclusion of the transitional period, all of those public servants will become members of the Bougainville Public Service, other than any who choose not to leave the National Public Service. The National Government will be responsible for the accrued rights and entitlements of transferred public servants to the point of transfer. Those rights and entitlements will be fully portable.

207. During the transitional period, the National Public Service and the Bougainville Public Service will give proper consideration to the transfer of public servants on Bougainville who may wish to serve elsewhere in Papua New Guinea and the integration or seconderment into the Bougainville Public Service of those members of the National Public Service who wish to continue to serve in the Bougainville Public Service.

208. (a) During the Transitional Period, the Bougainville Administrator, in consultation with the Secretary of the Department of Personnel Management, will plan for implementation of the Bougainville Public Service, including determination of:

(i) Organisation structures;
(ii) Terms and conditions;
(iii) General Orders; and
(iv) Manpower budgets.
(b) The interim arrangements will include the development and the publication of Bougainville general orders to be executed by the Bougainville Administrator under powers of delegation granted under the Public Services (Management) Act.

209. The plan will be subject to the authority of the autonomous Bougainville Government.

210. The national Public Services (Management) Act together with Bougainville General Orders will apply in Bougainville until the autonomous Bougainville Government makes and implements equivalent legislation or General Orders of its own.

Police

Control and command

211. The Bougainville Police will be subject only to the control of the autonomous Bougainville Government through a minister (or equivalent) of that Government.

212. The Bougainville Police will not be subject to command except in accordance with Bougainville law.

Head of Bougainville police

213. (a) The Head of the Bougainville Police will be appointed and subject to removal for just cause by an independent commission established under the Bougainville Constitution, which will include two representatives of the National Government, one of whom will be the Commissioner of the Royal Papua New Guinea Constabulary (RPNGC) or his nominee.
(b) The head of the Bougainville Police will have a title other than Commissioner, and hold rank below that of Commissioner of the RPNGC.

Functions of Bougainville police

214. The Bougainville Police will be responsible for preserving peace and good order and maintaining and, as necessary, enforcing both national and Bougainville laws in an impartial and objective manner and with full regard for human rights.

215. The National Government and the autonomous Bougainville Government will agree to arrangements for maintaining and enforcing national laws.

216. The National Government (working, where appropriate, through the RPNGC) will inspect and audit compliance of the Bougainville Police in respect of maintaining and enforcing national laws.

217. The autonomous Bougainville Government will facilitate these inspections and audits.

218. Any differences about agreed arrangements will be resolved through the agreed dispute resolution procedures.

Role of RPNGC

219. The RPNGC may itself exercise its functions in Bougainville.

220. The autonomous Bougainville Government and the Bougainville Police, and the National Government and the RPNGC, will develop appropriate agreed arrangements to facilitate the exercise of those functions.

221. The autonomous Bougainville Government and the Bougainville
Police will provide all reasonable assistance to the RPNGC in the exercise of those functions.

222. The parties accept that the National Government has no immediate plans to redeploy Police Mobile Units or similar units to Bougainville after they have been withdrawn in accordance with the agreed weapons disposal plan.

223. After phased withdrawal, RPNGC Police Mobile Units or similar units will be deployed to Bougainville only after consultation (through procedures appropriate to the urgency of the particular situation) and consensus is reached between the National Government and the autonomous Bougainville Government in support of that deployment.

224. The Bougainville Police will not develop the equivalent of an armed Police Mobile Unit.

Training, rank structure and uniforms of Bougainville Police

225. Bougainville law for the Bougainville Police will provide for the following:

(a) Core training and personnel development arrangements consistent with those of the RPNGC; and
(b) Rank structure, and terms and conditions of employment consistent with those of the RPNGC.

226. The uniforms, vehicles, premises and stationery of the Bougainville Police will include the National Emblem or name.

Co-operative policing

227. The co-operative arrangements for the Bougainville Police will include:

(a) Mutual assistance in law enforcement;
(b) Compatible policing standards, procedures and equipment, including co-operative procurement arrangements.

228. The Bougainville Police and the RPNGC will develop agreed arrangements for continuing access by the Bougainville Police to specialist services (e.g. forensic, criminal investigation, etc.) and other support from the RPNGC.

229. The parties recognise that these agreed policing arrangements will require a balance between the following needs:

(a) For the fundamentals of criminal law to be consistent and capable of consistent enforcement throughout Papua New Guinea; and
(b) For Bougainville to be able to develop its own approaches to criminal law.

Funding

230. (a) The National Government will provide the autonomous Bougainville Government with funding by way of guaranteed annual conditional grants for the specific purpose of meeting the recurrent costs of policing in Bougainville.

(b) The minimum grant will be sufficient to support existing levels of police activities in Bougainville.

(c) The grant will be adjusted annually on the same basis as the adjustment of the recurrent grant.

231. The National Government will provide the autonomous Bougainville Government with guaranteed conditional grants intended to:

(a) Restore civilian peacetime policing in Bougainville, one measure to be the reaching of normal levels of policing elsewhere in Papua New Guinea, such funding to be taken into account in the calculation of the amount of the grant for recurrent costs of policing in subsequent years;

(b) Provide for further development of policing services in Bougainville.

232. Grants to the autonomous Bougainville Government in relation to policing will be taken into account when determining progress towards fiscal self-reliance by the autonomous Bougainville Government.

233. The additional costs of establishing and maintaining the Bougainville Police outside the RPNGC will be equitably shared between the National Government and the autonomous Bougainville Government.

Emergencies and other support

234. The Bougainville Police and the autonomous Bougainville Government will maintain order and enforce the law on behalf of Bougainville and the State as a whole and shall seek support and assistance from other appropriate state agencies to deal with threats or situations in which that support or assistance is required.

235. On the request of the autonomous Bougainville Government, the RPNGC may deploy additional police to assist the Bougainville Police.

Transitional arrangements for Bougainville policing

236. (a) Until such time as the autonomous Bougainville Government establishes the Bougainville Police under the Bougainville Constitution, the National Government will facilitate progress towards greater autonomy in the policing arrangements in Bougainville through delegations by the Police Commissioner of administrative and operational powers and functions to the Provincial Police Commander in Bougainville.

(b) These arrangements will be implemented on receipt of a request from the Bougainville Interim Provincial Government.

237. The Bougainville Police will initially be made up of RPNGC personnel who will serve on a basis to be agreed.

238. The RPNGC Commissioner will consult the executive of the autonomous Bougainville Government on the appointment of the Police Commander in Bougainville and appoint their nominee, to whom the National Government will make the delegations of administrative and operational powers and functions – in such a way that the Commander is, in practice, responsible (through a minister or equivalent) to the Bougainville Interim Provincial Government, and, when it is established, the autonomous Bougainville Government.

239. The National Government and the autonomous Bougainville Government will develop a recruitment and training plan for building Bougainville Police capacity.

240. The RPNGC and the Bougainville Police will give reasonable consideration to the transfer of RPNGC personnel in Bougainville who wish to serve elsewhere in PNG and the integration or secondment into the Bougainville Police of those members of the RPNGC who wish to serve in the Bougainville Police.

241. The national Police Act will continue to apply in Bougainville, subject to necessary modifications,
until the autonomous Bougainville Government passes its own legislation concerning police.

Correctional Services Institute (CSI)

Control

242. The Bougainville CSI will have the same relationship with the autonomous Bougainville Government as the National CSI has with the National Government.

Head of Bougainville CSI

243. (a) The Head of Bougainville CSI will be appointed and subject to removal for just cause by an independent commission established under the Bougainville Constitution, which will include two representatives of the National Government, one of whom will be the Commissioner of the National CSI or his nominee.

(b) The Head of the Bougainville CSI will have a title other than Commissioner, and hold a rank below that of Commissioner of the National CSI.

Functions of Bougainville CSI

244. The Bougainville CSI will be responsible for containing and rehabilitating offenders on behalf of the National Government and the autonomous Bougainville Government in accordance with law and Papua New Guinea's international obligations, including humane treatment of prisoners and respect for human rights.

245. The National Government and the autonomous Bougainville Government will agree to arrangements for co-operating in the containment, rehabilitation and transfer of prisoners, including escapees, held under one another's laws.

246. The National Government (working, where appropriate, through the National CSI) will inspect and audit compliance of the Bougainville CSI in respect of maintaining and enforcing national standards and laws.

247. The autonomous Bougainville Government will facilitate these inspections and audits.

248. Any differences about agreed arrangements will be resolved through the agreed dispute resolution procedures.

Training, rank structure and uniforms of Bougainville CSI

249. Bougainville law for the Bougainville CSI will provide for the following:

(a) Core training and personnel development arrangements consistent with those of the National CSI; and

(b) Rank structure and terms and conditions of employment consistent with those of the National CSI.

250. The uniforms, vehicles, premises and stationery of the Bougainville CSI will include the National Emblem or name.

Co-operation

251. (a) The co-operative arrangements for the Bougainville CSI will promote compatible professional standards, including procedures concerning storage, access and use of weapons.

(b) The Bougainville CSI and the National CSI will co-operate in weapons procurement; the Bougainville CSI will not have high-powered weapons.

252. (a) The Bougainville CSI and the National CSI will develop agreed arrangements for continuing access by the Bougainville CSI to specialist services and exchanges (for example, training, riot drills, exchanges of personnel for professional development within Papua New Guinea and internationally).

(b) The National CSI may deploy personnel to Bougainville on receipt of a request for assistance from the Bougainville CSI.

253. The parties recognise that these agreed CSI arrangements will require a balance between the following needs:

(a) For consistent standards and application throughout Papua New Guinea; and

(b) For Bougainville to be able to develop its own approaches to containment and rehabilitation of offenders.

Funding

254. The recurrent costs of the Bougainville CSI will be met from the annual unconditional recurrent grant to the autonomous Bougainville Government.

255. The National Government will provide the autonomous Bougainville Government with guaranteed conditional grants intended to:

(a) Support restoration of civil authority in Bougainville, one measure to be the reaching of normal levels of CSI elsewhere in Papua New Guinea, such funding to be taken into account in the calculation of the amount of the recurrent grant in subsequent years;

(b) Provide for further development of CSI in Bougainville.

256. The additional costs of establishing and maintaining the Bougainville CSI outside the National CSI will be equitably shared between the National Government and the autonomous Bougainville Government.

Transitional arrangements for Bougainville CSI

257. (a) Until such time as the autonomous Bougainville Government establishes the Bougainville CSI under the Bougainville Constitution, the National Government will facilitate progress towards greater autonomy in the CSI arrangements in Bougainville through delegations by the CSI Commissioner of administrative and operational powers and functions to the Provincial CSI Commander in Bougainville.

(b) These arrangements will be implemented on receipt of a request from the Bougainville Interim Provincial Government or the autonomous Bougainville Government.

258. The Bougainville CSI will initially be made up of National CSI personnel who will serve on a basis to be agreed, subject to the availability of funding.

259. The National CSI Commissioner will consult the executive of the autonomous Bougainville Government on the appointment of the CSI Commander in Bougainville and appoint their nominee, to whom the National Government will make the delegations of administrative and operational powers and functions – in such a way that the Commander is, in practice, responsible (through a Minister or equivalent) to the Bougainville Interim Provincial Government, and, when it is established, the autonomous Bougainville Government.

260. The National Government and the autonomous Bougainville Government will develop a recruitment and training plan for building capacity of the Bougainville CSI.

261. The National CSI and the Bougainville CSI will give reasonable
consideration to the transfer of National CSI personnel in Bougainville who wish to serve elsewhere in Papua New Guinea and the integration or secondment into the Bougainville CSI of those members of the National CSI who wish to serve in the Bougainville CSI.

262. The national Correctional Service Act will continue to apply in Bougainville, subject to necessary modifications, until the autonomous Bougainville Government passes its own legislation concerning CSI.

263. The autonomous Bougainville Government will assume responsibility for CSI in conjunction with the Police.

(XI) Intergovernmental Relations

Joint supervisory body

264. The autonomous Bougainville Government and the National Government will consult over implementation of autonomy through a joint supervisory body, which will also be used to consult with a view to resolving any disputes.

265. The joint supervisory body (name to be mutually determined) will consist of equal numbers of members representing the National Government and the autonomous Bougainville Government; its functions will be to:
(a) Oversee implementation of arrangements for the establishment and operation of the autonomous Bougainville Government;
(b) Prepare draft legislation to further the objectives of this Agreement;
(c) Finalise matters of detail; and
(d) Resolve any differences or disputes.

Settling disputes

266. The autonomous Bougainville Government and the National Government will try to resolve disputes by consultation, or, where required, through mediation or arbitration.

267. If a dispute cannot be resolved in one of the above ways, then it may be taken to court.

268. The details of dispute resolution procedures will be clarified and integrated during drafting of Constitutional Laws to give legal effect to this Agreement.

No suspension or withdrawal of powers

269. The National Government will not have the power to withdraw powers from the autonomous Bougainville Government or suspend it.

Consultations

270. If consultation is required it will proceed through the following steps:
(a) Timely communication of views in writing to a specified point of contact;
(b) Adequate opportunity to respond in a similar way;
(c) Where there are differences, meaningful exchange of views within an adequate, agreed or specified time-frame, either orally or in writing, with a view to reaching agreement; and
(d) Clear, written record of outcome (either agreement or different views) provided for all parties.

(XII) States of Emergency

271. The Bougainville Constitution will specify the procedures which the autonomous Bougainville Government will follow in dealing with situations in Bougainville similar to those covered in the emergency provisions of the National Constitution.

272. In circumstances where it is necessary to declare a state of emergency in Bougainville, the autonomous Bougainville Government will be responsible for initiating a request.

273. The National Government and the autonomous Bougainville Government will co-operate in the management of a declared state of emergency.

274. If it is necessary to declare a state of emergency in Bougainville and the autonomous Bougainville Government fails to initiate a timely request, the National Government will use its best endeavours to consult the autonomous Bougainville Government.

275. Only if the situation is urgent and consultation is not practicable will the National Government be able to declare a state of emergency in Bougainville.

276. The parties acknowledge that the power to initiate and declare states of emergency which apply nationally, or substantially in other parts of Papua New Guinea or in relation to a declared war will remain a National Government responsibility (states of emergency which apply only in other parts of Papua New Guinea will not be affected by this agreement).

(XIII) Judiciary

Bougainville courts

277. The National Constitution will be amended to allow the Bougainville Constitution to provide for the establishment within the national judicial system of courts and tribunals in Bougainville ranging from courts with a similar jurisdiction to Village Courts to a court of similar jurisdiction to the National Court.

278. The name 'National Court' shall not be used for any Court established by Bougainville.

279. The highest court in Bougainville will have such jurisdiction, consistent with the agreed autonomy arrangements, as may be provided under the Bougainville Constitution.

Jurisdiction of Bougainville courts

280. Until Bougainville establishes a court of similar jurisdiction to the National Court with power to hear cases under the Criminal Code, the application and enforcement of the Criminal Code will remain solely with the National Court.

281. Subject to these arrangements, laws made by the National and Bougainville Governments will be enforceable in one another's courts.

282. The highest Court established under Bougainville law will have the power to make orders in the nature of prerogative writs and such other orders as are necessary to do justice in the circumstances of a particular case.

283. The National Government and the autonomous Bougainville Government will consult with a view to legislating for Bougainville courts and tribunals to exercise additional jurisdiction under national law.

Appeals

284. The highest Bougainville Court may have the power to review the exercise of judicial authority by courts and tribunals established under Bougainville law.

285. The National Court will remain an alternative Court of Review and Appeal (that is, alternative to the highest appeal Court in Bougainville; but not vice-versa).

286. The Supreme Court of Papua New Guinea will be the final court of appeal for Bougainville.
Interpretation of national Constitutional provisions and of Bougainville Constitution

287. The Bougainville Constitution may provide that questions of interpretation of the Bougainville Constitution will be taken directly to the highest Bougainville Court, and may be appealed to the Supreme Court. [Compare para. 20, page 12]

288. Questions of interpretation of the agreed autonomy arrangements in the National Constitution or Organic Laws will be taken directly to the National or Supreme Court, as appropriate.

Appointment of judges for Bougainville courts

289. Appointment and removal of Bougainville judges will be non-political, with two representatives of the Judicial and Legal Services Commission (JLC) serving on the appointments body.

Operation of national judicial system

290. The National Judicial System will continue to carry out its responsibilities in Bougainville.

291. The autonomous Bougainville Government will provide all reasonable assistance to the National Judicial System in the exercise of its functions.

292. The National and Bougainville Court administrations will cooperate with one another.

293. Appointments to the National Judiciary will be open to qualified persons from throughout Papua New Guinea.

Phased implementation plan

294. The National Government and the autonomous Bougainville Government will develop and implement a plan for restoring and building the capacity of courts in Bougainville, including courts at village level, as provided in the Lincoln Agreement.

Costs of establishing Bougainville courts

295. The autonomous Bougainville Government will meet the costs of establishing courts of its own above the level of the District Court as well as special tribunals.

(XIV) Criminal Law

296. The autonomous Bougainville Government will have power to:
   (a) Create and set penalties for offences incidental to the exercise of its agreed powers and functions; and
   (b) Amend the Summary Offences Act and all other laws relating to criminal law as they apply in Bougainville, or to make equivalent laws of its own (the Criminal Code may only be amended as provided in the next paragraph.)

297. The Criminal Code will be adopted by the autonomous Bougainville Government and may only be amended in its application to Bougainville on the following basis:
   (a) Change to principles of the criminal law shall be evolutionary;
   (b) There shall be no wholesale changes to the coverage of subjects by the criminal law;
   (c) There shall be no amendment of the Criminal Code without proper consultation;
   (d) The autonomous Bougainville Government and the National Government will establish a joint working group on criminal law to develop changes that work for both Bougainville and the rest of Papua New Guinea;
   (e) Amendments to the Criminal Code by the autonomous Bougainville Government will be gazetted but will not come into effect without the agreement of the National Government;
   (f) The National Government may require further negotiation should it not accept the proposals for amendments made by the autonomous Bougainville Government; and
   (g) The agreed dispute resolution procedures will apply.

298. In the longer term the autonomous Bougainville Government may seek to develop its own Criminal Code in consultation with the National Government, which will come into effect only upon the agreement of the National Government.

(XV) Review

299. The autonomous Bougainville Government and the National Government will jointly review the autonomy arrangements every five years and present the report of the review to the National Parliament and the Bougainville legislature.

300. The five-yearly joint review of the autonomy arrangements will follow and consider separate reviews by independent experts of particular aspects, including:
   (a) The financial arrangements – grants, taxes and progress towards financial self-reliance;
   (b) The Bougainville public services and other aspects of public sector administration in Bougainville – inclusive of size, efficiency, effectiveness, and related matters;
   (c) Technical and legal aspects, including issues arising from judicial interpretation, and the distribution of powers and functions; and
   (d) Such other areas as the autonomous Bougainville Government and the National Government may agree.

301. The terms of reference for the reviews will specify that, unless otherwise agreed, they are intended to improve, clarify and strengthen the autonomy arrangements consistently with the objectives and principles in this Agreement.

302. The Governments may, by agreement, defer the specialist reviews or incorporate the issues with which they deal in the general review.

303. The reports of the specialist reviews will include drafts or drafting instructions for the legislative amendments they recommend.

304. The reports of all reviews will be tabled in the National Parliament and the Bougainville legislature.

305. In the event that either the National Parliament or the Bougainville legislature passes the amendments proposed according to its own constitutional procedures and the other does not, then the autonomous Bougainville and National Governments will follow the procedures agreed for resolving disputes – up to the level of arbitration (points of law may go to the Supreme Court).

306. The arbitrator(s) cannot give directions to the National Parliament or the Bougainville legislature but may order the Governments to present a report in the National Parliament and the Bougainville legislature recording the views of both Governments and containing their own recommendations on differences between them.

307. The two Governments may agree
to additional reviews of any aspect of
the autonomy arrangements at any
time.
308. In addition to the above reviews,
the two Governments will hold annual,
wide-ranging consultations on the
general operation of the autonomy
arrangements.
309. Unless the two Governments
agree to some other method, these
consultations will be held through the
joint supervisory body.

C. AGREED PRINCIPLES ON
REFERENDUM
310. The National Government will
move amendments to the National
Constitution to guarantee a referendum
on Bougainville’s future political
status.
311. The choices available in the
referendum will include a separate
independence for Bougainville.
312. (a) The amendments will provide
that the outcome will be subject to
ratification (final decision-making
authority) of the National Parliament;
(b) The autonomous Bougainville
Government and the National
Government will consult over the
results of the referendum.
313. (a) The constitutional amendments
will guarantee that the referendum will
be held:
(i) No earlier than 10 years and, in any
case, no later than 15 years after the
election of the first autonomous
Bougainville Government,
(ii) When the conditions listed below
have been met,
(iii) Unless the autonomous
Bougainville Government decides, after
consultation with the National
Government and in accordance with
the Bougainville Constitution, that the
referendum should not be held.
(b) The conditions to be taken into
account include:
(i) Weapons disposal, and
(ii) Good governance.
(c) The actual date of the referendum
will be agreed after consultations by
the autonomous Bougainville
Government and the National
Government.
314. (a) The benchmarks to be used in
determining good governance will take
account of internationally accepted
standards of good governance as they
are applicable and implemented in the
 circumstances of Bougainville and the
rest of Papua New Guinea. These
benchmarks include democracy and
opportunities for participation by
Bougainvillean, transparency and
accountability, as well as respect for
human rights and the rule of law,
including the Constitution of Papua
New Guinea;
(b) The National Government and the
autonomous Bougainville Government
will co-operate in ensuring progress
towards the achievement and
maintenance of these benchmarks;
(c) The agreed procedures for review
and resolution of disputes will be used
to determine whether Bougainville has
achieved the standard of good
governance intended by this
Agreement.
315. (a) The referendum on
Bougainville’s future political status
will be conducted in accordance with
agreed constitutional arrangements;
(b) The constitutional amendments and
any Organic Law required to
implement the agreed referendum
arrangements will be introduced into
the National Parliament together, and
drafted to take effect at the same time.
316. Eligibility to vote in the
referendum will be the same as for
national elections in Bougainville plus
non-resident Bougainvillean (detailed
criteria to be finalised through
consultation).
317. (a) The question(s) to be asked in
the referendum should be clear and
agreed by the National Government
and the autonomous Bougainville
Government.
(b) The choices should be presented so
as to facilitate a clear result.
318. The referendum will be free and
fair.
319. The National Electoral
Commission and the authority
responsible for conducting elections in
Bougainville will be jointly responsible
for conducting the referendum.
320. International observers will be
invited to observe the conduct of the
referendum.
321. This agreement will be given
effect through constitutional laws.
322. The National Government and the
autonomous Bougainville Government
will consult and co-operate to ensure
that the conditions intended to apply
before the referendum are met.
323. The agreed dispute resolution
mechanism will be used to resolve any
differences concerning any issues
related to holding the referendum,
including issues concerning the
questions or method of choice in
referendum, and the actual date of the
referendum.
324. Consultations over the
referendum will include:
(a) Timely communication of views in
writing to a specified point of contact;
(b) Adequate opportunity to respond in
a similar way;
(c) Where there are differences,
meaningful exchange of views within
an adequate, agreed and specified
time-frame, either orally or in writing,
with a view to reaching agreement;
and
(d) Clear, written record of outcome
(either agreement or different views)
provided for all parties.
325. Agreed plans for weapons
disposal will be fully implemented
before elections for the autonomous
Bougainville Government are held.

D. AMENDMENT OF
CONSTITUTIONAL ARRANGEMENTS
FOR AUTONOMY AND REFERENDUM
326. The constitutional arrangements
implementing this agreement may be
amended only in accordance with both
requirements (a) and (b) below:
(a) After approval by the National
Parliament in accordance with the
amendment provisions contained in
the National Constitution; and
(b) (i) In the case of the referendum
provisions, after a vote in which a two-
thirds absolute majority of members of
the Bougainville legislature vote in
support; or
(ii) In the case of the autonomy
provisions, after a vote in which a
simple majority of members of the
Bougainville legislature vote in
support.
327. Voting in the Bougainville
legislature must be concluded before
the second vote on the same Bill to
amend is held in the National
Parliament.
328. The National Government and the
autonomous Bougainville Government
will inform each other of any proposed
amendments; consult over them through the agreed consultation procedures or the agreed five-yearly reviews before they are formally moved (or, in the case of Private Members’ Bills put to the vote for the first time); and resolve any differences through the agreed dispute resolution procedures.

329. The constitutional provisions concerning the above entrenchment arrangements will themselves be subject to the above procedures and requirements.

E. WEAPONS DISPOSAL

(i) Endorsement of Weapons Disposal Plan

330. The Parties endorse the Weapons Disposal Plan developed with ex-combatants and contained in the Resolution on Weapons Disposal adopted by the Peace Process Consultative Committee (PPCC) on 9th May 2001 (set out in the following pages), and will regard implementation in full accordance with the Plan as representing mutually acceptable compliance with paragraph 16 of the Agreed Principles on Referendum (set out above).

PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL

Introduction

1. The PPCC welcomes the way in which the Bougainville Revolutionary Army (BRA) and the Bougainville Resistance Force (BRF) have come together, and acknowledges the positive foundation the Rotokas Record establishes for a comprehensive weapons disposal plan for Bougainville that is acceptable to all parties.

2. The PPCC reaffirms the commitment of all of the parties to implementation of the Lincoln and Ceasefire Agreements.

PPCC Sub-Committee

3. (a) The PPCC hereby establishes a sub-committee to develop, manage and implement weapons disposal in accordance with this Resolution. The agreed membership of the sub-committee will be as follows:

Chairman: Director, United Nations Observer Mission on Bougainville (UNOMB), or his representative.

Deputy Chair: Commander, Peace Monitoring Group (PMG), or his representative.

Representatives of the following: the National Government, the BRA, the BRF.

(b) The sub-committee may, by agreement, co-opt other members, including representatives of other groups.

4. (a) The sub-committee will seek support for, and co-ordinate:

(ii) An active joint programme to promote public awareness, understanding and support of weapons disposal;

(ii) Development and implementation of this Resolution, including mechanisms to ensure location, identification, control, withdrawal from the community and secure storage of weapons, with special regard for factory-made arms and ammunition;

(iii) Means of ensuring the full and accurate recording of weapons, and securing the co-operation and participation by individuals and other groups.

(b) The sub-committee shall take such account of the need for confidentiality as the parties may require for security at Stage 1.

(c) The sub-committee shall resolve such differences as may arise in relation to implementation under this Resolution.

Implementation

5. Weapons disposal will be implemented in stages.

Stage 1

6. Stage 1 will begin immediately, initially in areas where there is no Defence Force or Police Mobile Unit presence. It will proceed in all areas as follows:

(a) Councils of Chiefs/Elders will inform UNOMB when the people in a particular area are ready for ex-combatants to disarm and re-integrate into the community, remaining Defence Force and Police Mobile Units to withdraw, and weapons to be securely contained;

(b) UNOMB will inform the PPCC sub-committee;

(c) The National Government will be advised and take appropriate steps to arrange for Defence Force and Police Mobile Unit personnel to withdraw from that area;

(d) Weapons will be handed in to BRA and BRF unit commanders, who will store them securely in containers provided through the PPCC and sealed for purposes of verification by UNOMB. Note: BRA and BRF structures are outlined in Attachment 1.

Stage 2

7. (a) After implementation of Stage 1 in any area, Stage 2 will begin in that area with the delivery of weapons to company commanders, who will place them in secure containers at a small number of central locations;

(b) When and if amendments to the National Constitution to implement the comprehensive agreement are ready for certification, the weapons will be held in containers under UNOMB supervision and secured by two locks – with one key held by the relevant commander and the other held by UNOMB – pending a final decision on the ultimate fate of the weapons.

(c) The bills to amend the National Constitution will provide for the constitutional amendments to take effect on verification by UNOMB that the weapons are in secure, double-locked containers under its supervision.

Stage 3: final fate of the weapons

8. (a) A decision on the final fate of the weapons should be made within four months of the coming into effect of the constitutional amendments. If no decision is made, the parties will meet with a view to reaching agreement on whether or not the elections should be delayed, taking into account whether or not there has been genuine handing in of weapons and the level of security of the weapons;

(b) In any event, any of the parties may call on the UNOMB with the assistance of the PMG to verify and certify whether there has been substantial compliance by the parties in handing in of weapons and whether the level of security of the weapons makes it conducive to holding the elections;

(c) UNOMB’s report will be presented to, and considered by, the PPCC.

(d) The Bougainville parties will be bound by UNOMB’s findings on whether or not the first election for the autonomous Bougainville Government will be deferred, and the length of any deferral.
Verification and other practical considerations

9. (a) UNOMB will carry out such inspections and enquiries as its representative considers necessary at each stage, verify the collection and storage of weapons, and report its findings regularly, frequently and fully to the PPCC, with respect for such confidentiality as may be required;
(b) The parties will co-operate with each other and UNOMB to ensure that UNOMB can carry out its responsibilities under this Resolution efficiently and effectively.
10. (a) Weapons that have been handed in will not be reissued;
(b) Ex-combatants will not attempt to rearm;
(c) Keys will be kept securely by those to whom they are entrusted, and not handed over to anyone else;
(d) The parties will respect and co-operate in promoting wider respect for the security of containers, keys and those who are responsible for them under this Resolution;
(e) The National Government assures the PPCC it will not re-deploy members of the Defence Force or the Police Mobile Units in new areas or areas from which they have been withdrawn.

International aspects

11. The National Government will seek the agreement of the United Nations Security Council for UNOMB to carry out the responsibilities specified in this Resolution.
12. The National Government will request the states that contribute to the Peace Monitoring Group (PMG) to (1) provide technical assistance, (2) agree to the PMG’s support, for implementation of this Resolution.
13. The National Government will seek the assistance of foreign development co-operation partners in developing and implementing a programme to assist in the reintegration and rehabilitation of ex-combatants.

Reconciliation

14. Recognising that weapons disposal and reconciliation are both mutually reinforcing and necessary to lasting peace by peaceful means, the parties undertake to co-operate in promoting reconciliation among ex-combatants and in the wider community, and restoration of civil authority in Bougainville.

ATTACHMENT 1

1. The Bougainville Resistance Forces are organised as follows:
   Company Command
   Unit Command
   A unit consists of 10-30 men, organised mainly on a local geographical basis. A company command covers the area of an administrative District.
2. The Bougainville Revolutionary Army is organised as follows:
   Regional Command
   Company Command
   Unit Command
   A unit consists of 10-12 men, usually made up of localised membership. There are 14 BRA companies, organised on a loosely geographical basis, and each consisting of 80-150 members. Regional commands are organised into Southern, Central, Northern and Marine commands.

2. Weapons Disposal – Mandates of UNOMB and PMG

331. The parties agree that:
(a) The PMG countries and the UN Security Council will be requested to agree to continue the PMG and the UNOMB in Bougainville and assist in implementing the PPCC Resolution on Weapons Disposal until the decision is made concerning the final fate of weapons at Stage 3 of the agreed weapons disposal plan and the autonomous Bougainville Government is established;
(b) The decision concerning the final fate of the weapons may require a continuing presence by the PMG and the UNOMB for a short period to conclude their assignments during implementation; and
(c) The likely exit-dates for the PMG and the UNOMB are around the middle and not later than the end of 2002.

F. OTHER MATTERS

(i) Amnesty and Pardon
332. The parties confirm that grants of amnesty and pardon (as agreed in the Lincoln Agreement) for all persons involved in crisis related activities or convicted of offences arising out of crisis related activities should be expedited and will co-operate to ensure that they are.

(ii) Resolving Disputes During Implementation
333. In the period leading up to the establishment of the autonomous Bougainville Government, the parties will consult with a view to avoiding disputes and resolving such differences as may arise over implementation of this Agreement.
334. The means by which differences may be resolved may, by agreement, involve the assistance of a mutually acceptable, neutral third party, with reference to a court in appropriate cases as a last resort.
335. The National Government will table this Agreement in the UN Security Council, and use its best efforts to obtain support for UNOMB to continue monitoring and reporting on implementation of agreed arrangements as provided in the Ceasefire Agreement.
336. The PPCC, which the parties have invited UNOMB to chair, will continue to promote the peace process by addressing such issues as are within its mandate and the parties agree to refer to it for consideration during implementation.
337. The National Government will also use its best efforts to ensure that the PMG continues to provide such assistance in implementation of the Lincoln Agreement as the parties may, by agreement, request and the contributing states may agree.

3. Reconciliation and Unified Structures for Bougainville

Reconciliation

338. The parties acknowledge the suffering, pain and loss, 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 risks of renewed conflict.
339. The success of the peace process has been based on resolution of tensions and differences through a wide range of reconciliation efforts.
340. 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 the many reconciliation efforts made in Bougainville, within and between families and communities. For the peace to be self-sustaining, reconciliation efforts must continue.

341. The process of negotiating this agreement has contributed to the reconciliation process, both within Bougainville and between the rest of Papua New Guinea and Bougainville. The Agreement itself is intended to further encourage the process, and among other things:

(a) The autonomy arrangements and other aspects of the Agreement are intended to assist in building a new relationship between Bougainville and the nation as a whole;

(b) The autonomous Bougainville Government and other arrangements for government in Bougainville are intended to end institutional divisions and encourage co-operation among Bougainvilleans;

(c) The agreed weapons disposal plan is intended to remove a major factor contributing to conflict within Bougainville and between Papua New Guinea and Bougainville;

(d) The arrangements for pardon and amnesty are intended to reduce tensions and divisions that could continue to flow from the conflict.

342. The signing of this Agreement is intended to be a symbol of progress in reconciliation.

343. The parties commit themselves to continuing to promote and pursue meaningful reconciliation both within Bougainville and between Bougainville and the rest of Papua New Guinea. 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.

344. The parties will consult from time to time as required concerning the steps and resources that might be needed to facilitate further development of reconciliation efforts in the future.

**Bougainville Commitment to Unified Structures**

345. The parties agree that:

(a) All groups and individuals in Bougainville should commit themselves to working through the lawful and democratically elected government and the unified administrative and support structures established under the laws that will give effect to this Agreement;

(b) The former combatant groups should be disbanded as soon as they no longer have a role in relation to implementation of the Weapons Disposal Plan provided for under this Agreement;

(c) Commanders and members of the former combatant groups should sign the Statement of Commitment to Unified Structures attached to this Agreement.

**STATEMENT OF COMMITMENT TO UNIFIED STRUCTURES (ANNEX TO THE BOUGAINVILLE PEACE AGREEMENT)**

We, commanders and members of the former combatant groups, acting on behalf of those groups and speaking on behalf of their members, agree to the following things:

(a) We are committed to working through the lawful and democratically elected autonomous Bougainville Government and the unified administrative and support structures established under the laws that will be established under the Bougainville Peace Agreement made by the representatives of Bougainville and the Papua New Guinea Government signed in August 2001;

(b) We are committed to the former combatant groups being disbanded as soon as they no longer have a role in relation to implementation of the Weapons Disposal Plan provided for under the Bougainville Peace Agreement;

(c) We will work towards reconciliation of all disputes and tensions within Bougainville and to avoiding disputes and tensions in the future.

Done at Arawa, Bougainville, Papua New Guinea this 30th day of August 2001.

**SIGNATURE BLOCK**

Signed by:

- Hon. Sir Mekere MORAUTA, Kt MP
  Prime Minister
- Hon. Moi AVEI
  Minister for Bougainville Affairs
- Hon. M. OGIO
  Deputy Prime Minister, MP for North Bougainville
- Hon. J.L. MOMIS
  Governor, Bougainville Interim Provincial Government
- Hon. M. LAIMO
  MP for South Bougainville
- Hon. S. AKOITAI
  MP for Central Bougainville
- Mr J.C. KABUI
  President, Bougainville People’s Congress
- Mr. J. TANIS
  Vice-President, Bougainville People’s Congress
- Mr. G. SINATO
  Deputy Governor, Bougainville Interim Provincial Government
- Mr J. BANAM
  Chairman, Leitana Council of Elders
- Ishmael TOROAMA
  Chief of Defence, Bougainville Revolutionary Army
- Hilary MASIRIA
  Chairman, Bougainville Resistance Forces
- Ruby MIRINGKA
  Representative of Bougainville women

**Appreciation:**

Sincerely appreciative of the support and assistance they have provided for the peace process, the parties invite the representatives of the following countries and international organisations to witness this Agreement:

**Witnessed by:**

- New Zealand
- Australia
- Fiji
- Vanuatu
- Solomon Islands
- United Nations Observer Mission on Bougainville
- Peace Monitoring Group
Bougainvillean political, administrative, and armed formations

Pre-conflict political formations

Hahalis Welfare Society

Established in 1960, the Hahalis Welfare Society was branded by the Australian administration and the local Catholic Church as a 'cargo cult'. When in 1956, the Australian Administration established Local Government Councils for Buka and introduced taxes to support it, the young leaders of the Hahalis Welfare Society rejected the Councils and the tax. The Society established a work collective supported by cash-cropping and, more notoriously, 'baby gardens'; where young women were collectively encouraged to help build the Society's population. When the Administration failed to persuade society members to pay the tax, they sent in a detachment of police who were forced to retreat. Order was restored after 400 more police were flown in and the same number of protesters arrested. In the longer term these tensions with the Australian Administrators diminished and the Society continued to play an active role in Bougainville's politics. Their ideas began to resonate on Bougainville and a number of similar groups continued to emerge, perhaps the most significant being Me'ekamui Omoning Pontoku (often called the Fifty Toea Movement) led by Damien Dameng in Central Bougainville, which was to become an important group in the conflict from 1988. These emerging groups and societies are considered to be the earliest expressions of a nascent Bougainvillean nationalism and the direct precursors to later, more militant formations.

The Mungkas Association

Mungkas is the Telei word meaning 'black' or 'blackskin'. Also the name of the union-like grouping formed among BCL's Bougainvillean employees, the Association was formed in 1967 by Bougainvillean students at the National University in Port Moresby — the first Bougainvilleans to achieve a tertiary education. The association became an articulate voice for Bougainvillean separatism, both politically and culturally. These students later proved to be a virtual 'who's who' of Bougainvillean politics.

Napidakoe Navitu

Napidakoe is an anagram of the names of ethnic groups in the Kieta sub-district and Navitu means 'united people' or 'grouping' in the Nasiol language. The Napidakoe Navitu group developed in central Bougainville in April 1969 out of conflicts over the forced acquisition of land by the Australian Administration for mining. The organisation's initial objectives were focused on halting the emerging land problem around the mining area. Over time, the aims of the organisation became more radical and pan-Bougainvillean, emphasising traditional
culture and customs of Bougainville and advocating greater self-determination, including independence from Papua New Guinea. Estimates on their membership vary from 4-8,000, but the movement enjoyed pan-
Bougainville support, with a membership that incorporated a wide range of language groups and generations. The group’s leaders planned for the movement to shift beyond interest group advocacy and into a political movement that could act as a springboard for secession. In 1970 they conducted an unofficial referendum on independence via their publication – Bougainville News. By the early ’70s the group’s secessionist demands were replaced by ‘lesser’ autonomist objectives, a process of change that may have reflected its integration into the wider autonomy movement.

Panguna Landowners Association (PLA) and the New Panguna Landowners Association (New PLA)

Established in 1979, the PLA’s membership extended to all local landowners within Bougainville Copper Limited’s (BCL) lease areas in central Bougainville. It was intended to act as both a forum and a mouthpiece for the landowners during negotiations with BCL. When BCL was slow to respond to their concerns, several members of the PLA looted Panguna supermarket in 1980. This direct action led to agreement on a coherent compensation programme, including a trust fund controlled by the PLA Board of Directors into which payments were made of portions of some forms of compensation, averaging one million kina a year and rising to two million in 1989 when the agreement was due for revision.

From the mid-1980s, divisions developed between the PLA leadership and its younger membership. Older Nasiol leaders dominating the PLA were perceived to be benefiting unfairly from existing financial arrangements with BCL and failing to address the damaging environmental, economic and social consequences of the mine. These generational divergences eventually caused a younger group to break away and the New PLA was formed on 21 August 1987. Francis Ona, an employee with BCL, was appointed Secretary and his cousin Perpetua Serero (who died two years later) as Chair. Ona had received limited schooling but trained as a professional surveyor. He was employed by BCL as a pit surveyor for ten years before transferring to become a haul-truck operator.

The New PLA had significant sympathy from the leadership of Bougainville’s provincial government, including Joseph Kabui (Premier of the Bougainville provincial government), but BCL chose to continue dealing with the PLA.

In early 1988, the New PLA presented an ultimatum to BCL demanding much higher levels of compensation, profit-sharing and consultations. BCL’s refusal to negotiate their demands led the New PLA to set up roadblocks across mine access roads in May 1988. Their continued campaign led the national government to commission the New Zealand firm Applied Geology Associates to carry out a study of the impacts of the mine. In October 1988, Ona and members of the New PLA allegedly kidnapped Ona’s Uncle and PLA Director, Mathew Kove, demanding the abolition of the PLA and the re-negotiation of the Bougainville Mining Agreement.

Bougainville militant groupings

Bougainville Revolutionary Army (BRA)

The public meeting over the Applied Geology Associates report appears to have been a singular catalyst for individuals who were later to form the BRA. Ona declared that the New PLA had decided to close down the mine to protect Bougainvillean lives and welfare. Over the next week, young Bougainvillean men conducted raids and stole explosives, using them to topple a power line pylon and eventually forcing the temporary closure of the mine.

A core group of ‘militants’ soon drew support from members of Damien Dameng’s Me’ekamui Onoring Pontoku (Fifty Toea Movement) and various local ‘raskols’ (criminal groups). Dameng’s movement, which disavowed all forms of government, provided sanctuary for Ona and his supporters. Briefly modelling themselves on ‘Rambo’ from the popular Sylvester Stallone films, the
escalation into a pan-Bougainvillean front was at least in-part precipitated by the abusive behaviour of the 'riot squads'.

Violence escalated in January 1989 with further attacks on BCL property. The militants became known as the Bougainville Revolutionary Army (BRA). Several Bougainvillians left the PNGDF and joined them, particularly Sam Kauona (a PNGDF trained munitions expert) who became its commander.

The BRA's populist ideology promoted independence from exploitative PNG/outside interference; a form of ethno-nationalism with virulent anti-foreigner or anti-'redskin' sentiment, and the notion of a 'traditional idyllic egalitarian society' or, 'gutpea sindaun bilong ol man' ('a decent way of life for all'). This emphasis on 'traditional' culture expressed itself in a strong interest in supporting local chiefs, in conjunction with an opposition to the wealthy and educated.

Under the joint leadership of Francis Ona and Sam Kauona, the BRA became an effective paramilitary organisation. The structure of the BRA was loosely based on regional, company and unit commands, with each unit comprising an average of between 10 - 12 men. Women did not fight in the BRA, but many supported its activities. There were 14 BRA companies, organised on a local geographical basis. Regional commands were organised into southern, central, northern and coastal areas. In practice, the command and control structure was largely rhetorical. The small autonomous 'unit commands' might cooperate for particular purposes, but there was often tension and even open conflict over localised issues between units. The BRA leadership had only tenuous control over some rogue groups and almost no control over armed criminal gangs who sometimes called themselves 'BRA'. This contributed to anarchy in some areas after the March 1990 withdrawal of PNGDF and perpetration of serious human rights abuses by some BRA elements.

It is estimated that by 1997 the BRA numbered over 2,000 men, most being home guards and only a minority engaging in active combat. They were armed with 300 to 500 modern automatic weapons (mainly captured from the security forces) and perhaps two to three thousand reconditioned WWII and homemade weapons.

Throughout the 1990s the BRA leadership was involved in negotiations to secure a stable ceasefire. The late 1990s witnessed a power-shift within the BRA from militants such as Ona to moderates like Joseph Kabui, who was supported by Kauona; this new leadership built widespread support within the BRA. A self-proclaimed group of BRA 'hard-liners' of about six leaders and their supporters, mainly from central and southern Bougainville, supported the process while remaining very sceptical about the potential for an equitable negotiated settlement. During negotiations they used the threat of Francis Ona to press their case, despite having previously accepted the Lincoln Agreement, though with grave reservations. Since the signing of the Ceasefire Agreement (1998), and the August 2001 Peace Agreement, members of the BRA have taken part in provincial governance.

Bougainville Interim Government (BIG)

Following the withdrawal of the PNGDF and provincial authorities in March 1990, the Bougainville Interim Government (BIG) was established in April, claiming to be the legitimate civil authority on the island. Francis Ona was appointed President and Joseph Kabui, who since mid-1987 had been Premier of the North Solomons Provincial Government, Chairman and Vice-President. Kabui's appointment was opposed by some BRA leaders, who distrusted anyone with connections to the previous government; this became a damaging fault-line which prevailed well into the peace process beginning in mid-1997. BIG claimed broad popular support throughout the island, bringing together many who had not been active supporters of the BRA including former provincial government members, heads of the three main churches in Bougainville, traditional chiefs, women and youth. On 17 May 1990, BIG announced a unilateral declaration of Bougainville independence from PNG. The BIG established a limited form of administration and encouraged the development of a system of councils of chiefs to handle local governance.

As the PNGDF returned to various parts of Buka and Bougainville, beginning with Buka in September 1990, they did so with the support of local chiefs and BRA elements, and the areas of BIG influence were significantly reduced.

The BIG also involved a small group of prominent Bougainvillian activists based in Solomon Islands and Australia. Acting both autonomously and as a political wing, BIG sought to secure the BRA and BIG objectives through political means. Through its public office in the Solomons, it prioritised raising the international profile of the conflict. As BIG members developed their political skills, they were to play key intermediary roles with the international community. They were involved in every peace attempt that followed and helped to lay the foundations leading to the Lincoln ceasefire and the final agreement.

Me'ekamui Defence Force (MDF)

In the first half of 1998, differences within the BRA over tactics and continued engagement in the negotiations resulted in the formation of a separate paramilitary force called the Me'ekamui Defence Force (MDF), led by Francis Ona. Suspecting that the BIG and BRA leadership in the
peace process was diluting the BRA's independence objectives, Ona again declared Bougainville the Republic of Mekeamau (Mekeamau is Nasiol word for 'holy land') with himself as President. With significant support in central Bougainville and some elsewhere, Ona claimed that the formation of the MDF had the mandate of more than 700 chiefs and supporters.

If MDF had the capacity to wreck the negotiations process, they chose not to do so. Instead, since late 2000, contact between senior MDF and BRA personnel has increased, drawing the MDF into the peace negotiations including the Weapons Disposal talks. The decision of Damien Dameng to participate in the negotiations also brought in a number of MDF members, raising the possibility of a consolidation of the Bougainville factions. Since mid-2001 there has been a partial re-integration of MDF members into the peace process, although Francis Ona remains outside.

Bougainville Resistance Forces (BRF) / 'The Resistance'

Described by its chairman, Hilary Masiria, as an 'authorised unauthorised security force' the 'Buka Liberation Front' (BLF) was created as a resistance force in response to abuses and local conflicts within the BRA on Buka Island in 1990. From September 1990, the PNGDF returned first to Buka and, during 1991 to 1993, to other parts of Bougainville. The BLF along with BRA elements formed the Bougainville Resistance Forces (BRF) with the support of the PNGDF. Sam Akoltai became the group's first Chairman, being replaced by Hilary Masiria when he entered PNG Parliament in 1997.

Cooperation between the PNGDF and Resistance Forces took the form of intelligence-sharing and logistical and military cooperation. Like the BRA, the BRF were organised on a local basis, comprising eight separate regional commands, each containing a number of units. The BRF became a substantial player in the Bougainville crisis, justifying a significant voice within the peace process. Their ideology was characterised by a strong commitment to Bougainville remaining a part of PNG. At their height, the BRF numbered 1,500. Armed by the PNGDF, most were 'home guards' and only a minority were involved in patrolling with the PNGDF.

Bougainville provincial governance

In July 1974, the first Bougainville Interim Provincial Government (BIPG) was formed as a result of negotiations between the Bougainville Special Political Committee, the Constitutional Planning Committee and the PNG government. Their primary issues of concern were the level of political autonomy for the province and the Panguna mine revenue. Negotiations with the national government collapsed in May 1975 and the BIPG issued a Unilateral Declaration of Independence of the Republic of North Solomons on 1 September, ahead of Papua New Guinea's scheduled independence on 16 September. The national government then suspended the BIPG in October and withheld grant payments.

Negotiations between Bougainvilleans and Prime Minister Somare's government began in February 1976 and resulted in the Bougainvillean authorities agreeing to accept PNG sovereignty. On 7 August 1976 the Bougainville Agreement was signed, formalising the 'special relationship' between the province and the national government. The primary concern of the North Solomons delegation was to ensure that Bougainville possessed the powers and capacity (especially revenue) to steer an independent economic policy. The North Solomons Provincial Government (NSPG) was installed later in 1976.

The NSPG had a significant impact on leadership and authority structures in Bougainville, abolishing the Council of Chiefs system and replacing it with fully elected community governments. However, attempts to reign in growing anti-central government sentiment across Bougainville failed. When PNG forces evacuated in March 1990, the BRA took power and Francis Ona established the Bougainville Interim Government (BIG). The NSPG ceased to operate and was formally suspended by the national government in August 1990. From mid-1990, a provincial administration in exile was established in the neighbouring province of Rabaul under an Administrator representing the national government, and provincial administrative services were gradually re-established in Buka and Bougainville as the PNGDF returned. From 1991, indirectly elected 'Interim legal authorities' were established in areas of Buka and Bougainville under PNG 'control'.

Following the signing of the Miriyini Charter in November 1994, the Bougainville Transitional Government (BTG) was formally established on 10 April 1995 under the revised Bougainville Constitution and to replace the NSPG. It emerged with considerable community support in some areas as well as backing from the Interim Legal Authorities, the BRF and the Provincial Council of Women despite opposition from the BIG. Theodore Miriung was elected Premier and worked to establish a Council of Elders system, which operated at village level.

In contrast to the BRA/BIG, the BTG pursued a political goal of securing 'highest possible autonomy' for Bougainville, and negotiated with Prime Minister Chan concerning that and related issues from mid-1995 to mid-1996. It produced a Peace Plan in February 1996. On 12 October 1996, Premier Theodore Miriung was assassinated by PNG Defence and Resistance forces. Following his murder, the BTG remained involved in the negotiations and continued to contribute to pan-Bougainvillian dialogue until its dissolution in January 1999. Along with the other main Bougainvillian factions,
it was a signatory to the *Lincoln Agreement* of 1998, which envisaged the establishment of an elected *Bougainville Reconciliation Government* (BRG) by the end of 1998. By late 1998 it was generally agreed that the BRG would be set up under amendments to the constitutional law under which the BTG had been operating. However in late 1998 matters were complicated by the failure in the national Parliament of proposed constitutional legislation to get past its second reading. This opened the way for the establishment of a provincial government for Bougainville of the same status as those in all other 18 provinces in Papua New Guinea, with John Momis as Governor, under a new *Organic Law on Provincial Government* and Local-level Governments, which came into effect in Bougainville from 1 January 1999. This was opposed by BIG, BTG and BRA, and in order to avert confrontation in the negotiations, the national government agreed to the provision of special arrangements for Bougainville. The planned new provincial government was suspended and arrangements agreed for a modified form of the BRG to be established in two phases — the first being the *Bougainville Constituent Assembly* (BCA) in January 1999 and the second being the election of the *Bougainville People’s Congress* (BPC) in May 1999. The BCA, with BIG Chairman Joseph Kabui and BTG Premier Gerard Sinato elected as Co-Chairmen, comprised nominated representatives of all factions and interest groups within Bougainville, operating while preparations were made for the establishment of the BPC. The BPC had 69 constituencies with representatives predominantly elected through popular vote as well as about 40 nominated members. Joseph Kabui was elected BPC President. However, while the BPC was a broadly representative body, its legal validity was contested. In late November 1999, Momis and his supporters (including the Leitana Council of Elders and Bougainville Resistance Forces leaders) succeeded in an appeal in a legal challenge against the decision to suspend the provincial government. Momis was subsequently sworn in as Governor of Bougainville and head of a new *Bougainville Interim Provincial Government* (BIPG).

The BIPG possesses legal powers identical to those of the other 18 provincial governments in PNG. It comprises 36 members, appointed from a wide range of Bougainvillean groups and is a forum for debate and expression of the positions of various groups within Bougainville. Even before the court decision that resulted in Momis becoming Governor, there had been a rapprochement between Momis and Kabui and their respective supporters, and this opened the way to negotiations for the *Greenhouse Memorandum* of December 1999, under which the BIPG operates in consultation with the BPC. The BPC includes a Congressional Executive Council (CEC), a 31-member executive body. The CEC’s first meeting sought to establish Bougainville’s negotiating position vis-à-vis the future political status of Bougainville, accepted by the BIPG. Under the terms of the 2001 Bougainville Agreement, the Bougainville Autonomous Government will supersede both bodies.

**The government of Papua New Guinea**

*(The national government)*

**Prime Ministers of Papua New Guinea**

<table>
<thead>
<tr>
<th>Date</th>
<th>Prime Minister</th>
</tr>
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<tbody>
<tr>
<td>Sep 1975 – Mar 1980</td>
<td>The Rt Hon. Michael Somare</td>
</tr>
<tr>
<td>Aug 1994 – Mar 1997</td>
<td>The Rt Hon. Julius Chan</td>
</tr>
<tr>
<td>Jul 1999 – present</td>
<td>The Rt Hon. Mekere Morauta</td>
</tr>
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**National government**

Papua New Guinea is a constitutional monarchy with parliamentary democracy. A Governor General, who is elected by parliament and performs ceremonial functions, represents the British monarch. On the basis of majority support in the National Parliament, the Governor General appoints the Prime Minister for up to five years and the National Executive Council (cabinet) on the recommendation of the Prime Minister. The National Parliament contains 109 seats and members are elected by popular vote to serve five-year terms. The major political parties are currently the People’s Progress Party (PPP); Pangu Party; People’s Democratic Movement (PDM); People’s National Congress (PNC); National Alliance (NA); Advance Papua New Guinea and Melanesian Alliance (MA) but numerous, diverse and changing parties and allegiances characterise PNG politics. Members of Parliament (MPs) are elected from 19 provinces and the National Capital District of Port Moresby. Since 1995, regional MPs become provincial governors, while retaining their national seats in parliament.

**Bougainville Affairs**

In early negotiations with the Bougainvilleans, the PNG Prime Minister represented the national government or appointed a representative from his office to negotiate on behalf of the government. This practice was changed when Prime Minister Bill Skate appointed a Special State Negotiator (SSN), a role later supported by the creation of the Bougainville Affairs Office. The SSN was the Rt. Hon.
Sir John Kaputin, who represented the government in all major negotiations from Lincoln until the change of government in July 1999. Further responsibilities of the SSN were developed through the Matakana and Okatina Understandings, with the SSN mandated to prepare a package of proposals on the powers, functions, structure and status of Bougainville's government, ‘geared to Bougainville’s needs.’

The Bougainville Peace and Restoration Office (BPROTO) was created in 1999 and is headed by the Minister for Bougainville Affairs, who sits on the National Executive Council and is separate from the SSN’s position. The BPROTO replaced the Office of Bougainville Affairs, which itself replaced the Department of Bougainville Affairs. The Minister for Bougainville Affairs in 2002 is the Hon. Sir Moi Awei.

Royal PNG Constabulary Mobile Riot Squads

On Bougainville, the arrival of the PNGDF in March 1989 was initially welcomed by many Bougainvilleans who expected them to be far more disciplined than the Riot Squads. They described their counter insurgency operations as ‘placing the salt in the sand’. However, the early casualties suffered by the Defence Forces and what was described as a ‘culture of payback’ quickly led to extra-judicial executions, the ransacking of villages and other violent activities. During the decade of violent conflict, there were several major (and largely unsuccessful) deployments (Operations 'Footloose' (90), 'Dynamo' (93), 'High Speed I' (94) and 'High Speed II' (96)), but the PNGDF never asserted complete control over Bougainville. In the early years of the conflict, acts of apparently ill-disciplined violence on the part of the PNGDF effectively undermined several high-profile attempts to reach a political settlement with the BRA.

Papua New Guinea security forces

The all-time low of the ‘Kangeu beach massacre’ in September 1996, when the BRA in cooperation with local BRA units attacked and killed 12 members of the PNGDF, a turning point in relations between the PNGDF and Bougainvilleans groups came in March 1997 when they voiced similar opposition to Chan's decision to bring in Sandline. The actions of General Jerry Singirok and much of the PNGDF, purportedly in the interests of human rights and democratic accountability, helped shift the perception of the PNGDF for many Bougainvilleans and contributed to the opening of space for dialogue and politics. PNGDF representatives participated in negotiations with the armed Bougainvillean groups at the Burnham 11 talks.

Since the signing of the Lincoln Agreement and the subsequent commitment to peace, the PNGDF has continued a phased withdrawal from Bougainville. The issue of reform, modernisation and resourcing of PNG’s security forces remains a core political issue.

International involvement

Government of Australia

As former colonial rulers of the territories of Papua and New Guinea, and supporters of the Panguna mining operation, Australia has had a complex, dynamic and at times controversial relationship with the people of Papua New Guinea in general and with Bougainvilleans in particular.

The legacy of this historical involvement, and notably Bougainvillean resentment over Australia's role in imposing the mine on Bougainville during the colonial period, was a significant factor in limiting early Australian efforts at mediating in the Bougainville crisis. As a sponsor of PNG independence, Australia was committed to substantial aid and defence cooperation programmes, focusing on supporting the building of national...
institutions. The Australian government therefore rejected both the declarations of independence of 1975 and 1990, fearing the consequences of secession could lead to a further break-up of PNG, with implications for regional security. Their decision in 1989 to support the PNG government with four Iroquois helicopters, subsequently employed in combat by the PNGDF, fomented widespread mistrust among Bougainvillean groups about Australian intentions.

It was not until 1994 that Australia played a more active role in peace initiatives. A parliamentary delegation visited Bougainville, made it clear that a military solution was not possible, and assisted in giving Bougainvillean a means of dialogue with the outside world. Australia funded, trained, deployed and commanded the South Pacific Peace-Keeping Force, at a cost of A$5 million, for the Arawa conference. It subsequently facilitated the Cairns peace talks in September and December 1995. In late 1996, officials began to talk with PNG government officials about possible support for a peace process, followed by assistance in the delivery of humanitarian relief to Bougainville on behalf of the PNG government. Subsequent Australian opposition to Sandline in 1997 was a critical factor in influencing the PNG government’s shift towards a peaceful policy for resolving the conflict.

Australia provided finance and personnel for the New Zealand-led Truce Monitoring Group and later led the Peace Monitoring Group, contributing 250 of the 300 members in the initial phase. Foreign Minister Alexander Downer played a critical role in the political negotiations of 2000, proposing a formula on a deferred referendum that was ultimately accepted by both sides.

PNG is currently the largest recipient of Australian aid (at approximately A$300 million per year). In addition to large-scale development programmes for Bougainville, AusAid has financed travel to a series of peace negotiations, including Cairns, Canberra and Townsville. It has seconded expert advisers to the parties. As such Australian personnel and money have at times been critical in ensuring the continuation of the peace process.

Government of New Zealand
Successive governments of New Zealand have played pivotal roles in the peace process. Their diplomatic, military and economic interventions were characterised by a willingness to engage in dialogue with all parties, a commitment to a political approach to resolving the conflict, relative neutrality and cross-cultural sensitivities.

New Zealand supported a peaceful settlement from as early as 1989, but it was in July 1990 that it offered the facilities of three naval ships to support peace talks. The first of these took place on the HMNZS Endeavour and resulted in the signing of The Endeavour Accord.

The following year, the national government and BRA and BIG representatives met on the New Zealand ship MV Kris and again in 1992 using the MV Huris.

In 1994, New Zealand took part in the Australian-led South Pacific Peacekeeping Force (SPPPKF) for the Arawa peace conference. With a seat on the Security Council at the time, NZ was instrumental in securing the UN’s support for these operations.

New Zealand was largely responsible for the Burnham talks in 1997 (see ‘From Burnham to Buin’, this volume). Concerned about the humanitarian disaster and the possible impact of the conflict on regional stability, Foreign Minister Don McKinnon felt that the region needed to do more to help. Burnham I set the scene for the establishment of the Burnham Truce and the Truce Monitoring Group. It also led to an agreement which secured the release of the five PNGDF Kangu Beach hostages to New Zealand diplomat John Hayes.

Following the signing of the Lincoln Agreement, New Zealand played a significant role in seeing the process through, maintaining close cooperation with the national government, the Bougainvillean parties and the other diplomatic missions in PNG.

New Zealand has also provided funding to support the peace process through its aid programme (NZODA), financing community-based social and economic development work, including an important community policing project. While New Zealand’s involvement has greatly reduced since Lincoln, it is likely to continue to play a core role in safeguarding the peace.

The Government of Solomon Islands
Lying to the south and east of Bougainville, Solomon Islands (SI) is in some respects physically and culturally closer to Bougainville than Bougainville is to mainland PNG. Important communal, family and clan ties link many Bougainvillean to the Western Solomons, especially to the Shortland Islands, which is only ten kilometres away from Bougainville.

During the crisis, the belief in Port Moresby that BRA combatants were using the Shortland Islands to obtain weapons and ammunitions resulted in the decision in October 1989 to ban the movement of people between Bougainville and Solomon Islands. During the blockade, however, the western islands of the Solomon group became an important refuge for displaced Bougainvillean. The unfolding humanitarian crisis led Prime Minister Mamaloni to make efforts to facilitate PNG – Bougainville dialogue. In 1991, the Solomon government sent two ministers to discuss their plans to facilitate talks in Honiara. Both sides responded positively to this offer, and arrangements were quickly put in place. These talks resulted in the Honiara Declaration of January 1991.
However, the SI government decision in 1992 to allow BIG to establish an office in Honiara – and thereby sustain communications between Bougainville and the outside world led to a great deal of pressure from PNG. Relations between the two Melanesian neighbours reached their lowest level with persistent PNGDF cross-border raids, one of which, in 1992, killed two Solomons civilians, leading to formal complaints to the UN.

Improvements followed. The ‘Tambea Officials Talks’ and ‘Honiara Talks’ in 1993 and 1994 were held in Solomon Islands, and a former Solomon Islands Governor General chaired the five days of the Arawa Peace Conference of October 1994. In 1997, following the outcome of Burnham I and the changes of government in PNG and SI, Rev. Leslie Boseto, the SI Minister for Home Affairs was involved in Burnham II.

More recently, serious internal conflict in Solomon Islands has somewhat reversed the roles, with the Malaita Eagle Forces seizing control of Honiara in June 2000 and SI narrowly escaping civil war.

PNG’s South Pacific neighbours were not prepared to intervene in the early days of the Bougainville crisis. Fiji had just experienced two divisive coups in 1987 and the lobbying efforts of the BIG delegations to the annual Summits of the Fiji-based South Pacific Forum initially bore little fruit.

All this changed following the signing of the Tambea Accord (August 1994) and the Commitment for Peace on Bougainville (September 1994) when Fiji, Vanuatu and Tonga were first brought into a peacekeeping role. These agreements called for the creation of a South Pacific Peacekeeping Force (SPPKF) to provide security for the Arawa Peace Conference. The SPPKF was originally envisaged as a Fijian-led force of 200 troops with the Australian Defence Forces (ADF) providing command and control, air transport and logistical support. The three Pacific nations were at first reluctant to accept overall Australian command and instead called for the involvement of the UN. When the SPPKF ultimately received formal UN endorsement, Fiji, Vanuatu and Tonga provided personnel and Tongan and Fijian officers held the senior posts on the ground.

Support for further regional peacekeeping efforts was consolidated by the parties to the Burnham Declaration of 1997. The Governments of Fiji and Vanuatu agreed to provide a small number of personnel for the Truce Monitoring Group and Peace Monitoring Group, with Fiji allocating 10 personnel and Vanuatu offering 8-10. In 2000 Fiji and Vanuatu provided 10 and 13 members respectively out of a total force of 312, reducing these commitments to six each in 2001. The Fiji and Vanuatu diplomatic missions in Port Moresby also played a coordinated role in supporting the peace process with Australia and New Zealand. Both governments continue to play a role in the PMG and weapons disposal process.
Pre-colonial history

The earliest evidence of human habitation on the island of Bougainville dates to over 27,000 BC. Contact with Europeans begins in the mid-sixteenth century, when European explorers begin to chart the South Pacific and lay claim to some of the islands. The main island of Bougainville is named after the French navigator Louis de Bougainville who comes to the island in 1768. In the second half of the nineteenth century, large numbers of Bougainvilleans are coerced into indentured labour in the plantations of Australia’s Queensland, Fiji, Samoa and New Britain. In 1882 the first traces of copper are found on Bougainville.

Colonial period

In 1899, the contemporary territory of Bougainville is incorporated into German New Guinea and the rest of Solomons islands into a British protectorate. During the First World War, Australia seizes New Guinea from the Germans. It occupies Bougainville in September 1914. In May 1920, the League of Nations gives Australia a mandate to govern the former German colony. In 1942, Japanese forces occupy Bougainville throughout the war. American-led allied forces land at Torokina in November 1943. Both leave behind a significant cache of arms, some of which are re-deployed over forty years later. From 1946–75 Australia administers the Territories of Papua and New Guinea, with the latter as a United Nations Trust Territory.

Movement towards independence

1962

A UN visiting mission on Bougainville hears grievances, and speakers ask that the UN mandate be transferred from Australia to the United States.

1964

The PNG House of Assembly is established, although control of governance is largely retained by the colonial administration. Bougainville’s representative Paul Lapun presents a motion calling for a referendum on the status of Bougainville which is rejected by the Assembly. Despite local resistance to mineral prospecting, a major copper deposit is discovered at Panguna in central Bougainville.

1966

Protests are mobilised in parts of Bougainville against the Australian Administration and the mining company, Conzinc Rio Tinto Australia (CRA). The issue becomes linked to Bougainvillean secession.
1967
CRA signs an agreement with the Australian Administration to set up a mining company, later known as Bougainville Copper Ltd (BCL) to develop the Panguna mine. Bougainvilleans continue to oppose the principle of large-scale mining.

1968
Local demands for a referendum on secession are articulated and the Mungkas Association is founded.

1969
In July, the Napidakoe Navitu movement for Bougainvillean independence, led by Paul Lapun, holds its first public meetings. In August Bougainvillean women at Rorovana protest over inadequate compensation for their land and are confronted by provincial police with truncheons and tear gas. The authorities eventually increase the compensation.

1970
The Napidakoe Navitu movement conducts an unofficial referendum on independence in central and south Bougainville. Results reveal strong support for secession in areas closest to the mine, but not in northern regions of Bougainville Island or on Buka.

1972
Michael Somare forms a PANGU-led national coalition government and becomes Chief Minister. In June, the Assembly establishes a Constitutional Planning Committee (CPC) under de facto chairperson, Bougainville MP John Momis. It is expected to devise an acceptable decentralisation arrangement for Bougainville and other areas demanding autonomy. Two Bougainvillean civil servants are killed in a ‘payback’ incident in the New Guinea highlands in December.

1973
Bougainville leaders establish the Bougainville Special Political Committee (BSPC) to negotiate the future status of Bougainville with the Port Moresby government. In December 1973, Australia hands over self-rule to the Somare government.

1974
The Bougainville Copper Agreement is renegotiated, increasing the revenue for the PNG government. Although Somare promises that the new Bougainville provincial government (established in July) will receive 95 per cent of the royalties, no arrangements are made for increasing the income received by the Nasioi people who have been most affected by the mine.

Between independence and the ‘crisis’

1975
On 28 May, the Bougainville provincial government votes to secede from PNG. They issue the Unilateral Declaration of Independence of the Republic of North Solomons on 1 September. The Somare government retaliates by suspending the government and withholding payments to the province but continues to negotiate with Bougainvilleans. On 16 September, Papua and New Guinea become independent as Papua New Guinea, incorporating Bougainville and Buka.

1976
Following anti-central government riots on Bougainville in January, negotiations begin between Bougainvilleans and Somare’s government. In April, the Bougainvillean authorities agree to accept Papua New Guinea sovereignty and the Bougainville Provincial Government is restored. On 7 August the Bougainville Agreement is signed, recognising the ‘special relationship’ between the province and the national government.

1977
In February 1977 the Organic Law on Provincial Government is enacted.

1979
The Panguna Landowners Association (PLA) is established, in part to negotiate for increased compensation payments.

1980
In MarchSir Julius Chan, leader of the People’s Progress Party, becomes Prime Minister.

1981
Provincial authorities enter negotiations with the central government in preparation for a re-negotiation of the 1974 Bougainville Copper Agreement. Bougainvillean demands for the transfer of equity, increased royalties, and a greater share of tax revenues are rejected.

1987
In August, a group of younger landowners in Panguna, including Francis Ona, form the ‘New PLA.’ They commence a campaign of escalating demands against BCL in relation to claims about the social and environmental health impacts of the mine.
The ‘crisis’ and beginning of armed conflict

1988

November
Landowners walk out of a meeting to discuss the findings of a report examining allegations concerning environmental health and social impacts of the mine. Ona declares that the New PLA will close down the mine. Large quantities of explosives are stolen and on 26 November a power line pylon is sabotaged. Ona’s group, then known as ‘Rambos’, disappear into the densely forested Kongara region where they link up with Damien Dameng’s Me’ekamui Pontoku Onoring (often referred to as the Fifty Toea Movement) and transform their militancy from mainly anti-BCL sabotage to support for secession from PNG.

December
On 8 December, Akoka Doi, Deputy Prime Minister and leader of the Special Committee on Bougainville finalises a Memorandum of Understanding with Francis Ona. On the night of the signing at Arovo Island outside Arawa, police arrest key landowners. Francis Ona is not present. He rejects the Doi Package and attacks continue. In December national government authorities send in mobile riot squads to quell the violence.

1989

January
Violence escalates with further attacks on BCL property. The national government deploys more riot squad police and declares a night-time curfew. The militants become known as the Bougainville Revolutionary Army (BRA). Former PNG Defence Force (PNGDF) soldiers join them, including Sam Kaoma who becomes its commander. The Special Committee on the Crisis in the North Solomons Province, chaired by Hon Sir John Kaputin, actively promotes political resolution of the crisis.

March
The government agrees to the deployment of the PNGDF in Bougainville and the first soldiers arrive.

April
Ona proclaims a ‘Republic of Bougainville’ and demands PNGDF withdrawal from ‘foreign land’. The BRA launches its first attack on the PNGDF.

May
The mine closes ‘indefinitely’ on 15 May. The NSPG establishes the Bika Select Committee, under the chairmanship of John Bika, to make recommendations for long-term solutions to the crisis. On 25 May the PNG Executive Council declares a 15-day truce to create an opportunity for negotiations. After initial indications that he will talk, Ona refuses when his pre-conditions are not met.

June
On 26 June, the PNG Executive Council declares a State of Emergency, greatly increasing the PNGDF scope of activities.

July
600 villagers are evacuated and residents put into ‘care centres’.

September
Prime Minister Rabbie Namaliu offers a meeting to discuss a joint PNG/NSPG Peace Package. Ona insists that substance of ‘dialogue’ must be secession. On 10 September John Bika is assassinated, two days before the planned ceremonial signing of the deal. In the following months, the mobile riot squads and PNGDF forces engage in indiscriminate violence. By the end of the year, 1,600 village homes have been burned down.

October
Unsuccessful attempts are made to reopen the mine. Prime Minister Rabbie Namaliu comes to a peace ceremony in Arawa attended by 1,500 people, including church and traditional leaders and NSPG Premier Kabui.

1990

January
The PNGDF launch the ineffectual ‘Operation Footloose’ in the Kongara area, killing 27 civilians. The BRA expands its attacks over much of Bougainville. The PNG government withdraws public servants and all banks, offices and services are closed down. Non-Bougainvillean Papua New Guineans and expatriates largely evacuate the province.

Peter Wallensteen is invited by a PNG-based think-tank to visit Port Moresby and Bougainville to explore possibilities for a ceasefire.

February
On 14 February, six civilians, accused of being militants, are killed by the PNGDF at Tinputz in the ‘St. Valentine’s Day Massacre’. Five bodies are dropped at sea from Iroquois helicopters supplied by Australia the previous year. 1,600 houses are burned down in security forces special operations in Kieta district.
March
On 1 March, the first Bougainville Ceasefire Initiative is signed by PNG, BRA, and the NSPG but breaks down shortly afterwards. The PNGDF withdraw from Bougainville. Members of the BRA detain and assault two of the provincial government’s principle officers, Michael Laimo and Joseph Kabui.

April
The Bougainville Interim Government (BIG) is formed. Francis Ona is appointed as President and former Premier Joseph Kabui as Chairman.

May
On 17 May, Francis Ona issues a Unilateral Declaration of Independence. On 18 May, the national government formally rejects the declaration and imposes an economic and communications blockade on Bougainville. Leta village in Buka is burned by BRA elements from mainland Bougainville, contributing to tensions between some communities and the BRA on Buka.

August
New Zealand’s offer to facilitate talks aboard the HMNZS Endeavour outside Kieita Harbour results in the signing of The Endeavour Accord on 5 August.

September
Conflict between Bougainville groups, particularly in the north, continues. The PNGDF land on Buka, beginning a slow process of return of PNG forces to many parts of Bougainville. With PNGDF support, a counter-BRA group, the ‘Buka Liberation Front’ (BLF) begin operations.

October
On 5 October Buka leaders and the national government sign the Kavieng Agreement (also referred to as the Malagan Understanding) endorsing the return of government services and the PNGDF to Buka. Women’s delegations from Buka Island talk to the BRA about ending the war.

1992
March
PNGDF patrols conduct cross-border raids into the Solomon Islands to ‘sabotage BRA supply lines’. Solomon Islands protest and pledge to refer the matter to the UN Security Council.

April
Former MP for South Bougainville, Anthony Anugu, is kidnapped, robbed and killed by BRA elements on his return from Port Moresby, along with five other south Bougainville leaders. He had been carrying funds for the establishment of a South Bougainville Interim Authority.

May
Sir Michael Somare, Minister for Foreign Affairs calls for CRA to be bought out of BCL and the share to be given to the provincial government and Panguna landowners. PNGDF land on Bougainville in the Siwai area of South Bougainville at the request of local chiefs. 270 BRA surrender in Wakanai and Tinpotz areas. Central Bougainville remains under de facto BRA control. BIG representatives make a representation to the UN Sub Commission of Human Rights in Geneva. The ‘Aita massacre’ takes place in Aita village, Okuguapa. Chief Silas Ausi, his family and at least 17 members of the village are killed by the PNGDF for celebrating Bougainville Independence Day.

July
Paivas Wingti replaces Rabbie Namaliu as Prime Minister of PNG.
August
6,000 ex-BRA fighters join local chiefs in south Bougainville in denouncing BRA leadership. They form a militia of ‘local resistance fighters against the BRA’, later known as the Bougainville Resistance Forces.

November
BRA forces burn down a provincial government building in Arawa to prevent it being used by advancing government forces.

1993
January
Bougainville chiefs condemn the BRA for killing 17 civilians. The PNGDF pursue their counter-insurgency tactics of forcibly displacing the civilian population into ‘care centres’. Arawa is re-occupied by government forces in ‘Operation Dynamo’ but BRA still occupies parts of the town. Withdrawing rebels set fire to numerous buildings including the Arawa General Hospital. In the north-west, 3,000 ex-BRA rebels offer themselves to the PNGDF to fight the BRA as part of Resistance Forces.

April
The Bougainville Leader’s Forum is held in Buka, involving some 500 Bougainvilleans and 150 traditional leaders.

November
Amnesty International publishes a report outlining human rights abuses.

1994
January
The ‘Bougainville Reunion’ of the Catholic Women’s Federation is held in Buka. The North Niasioi Council of Chiefs prepares a ‘Peace Document’.

April
Australian parliamentarians on a fact-finding mission are prevented from entering BRA controlled areas by the PNGDF. Their subsequent report concludes that there can be no military solution to the conflict.

June
National government officials meet BIG representatives in Honiara and agree on a preparatory meeting between BIG and leaders of interim authorities to prepare for a Pan-Bougainville Peace Conference.

August
The unsuccessful PNGDF offensive ‘Operation High Speed I’ is launched to recapture Panguna Mine. Talks take place in Honiara between senior national government officials and Sam Kauona of the BRA and The Tambea Accord is signed. Following the dismissal of the PM Paiai Wingti, Sir Julius Chan is elected Prime Minister.

September
Chan meets with Sam Kauona in Honiara. The talks culminate in The Honiara Commitment to Peace and The Ceasefire Agreement, paving the way for the creation of a neutral zone for the Arawa Peace Conference.

October
The Arawa Peace Conference is convened by the national government with security provided by the regional South Pacific Peacekeeping Force. BIG leaders boycott the conference. After the conference, North Niasioi traditional leaders and BRA commanders sign the North Niasioi Agreement with the national government representatives committing themselves to the peace process.

November
On 25 November, the North Niasioi Peace Committee and Chan’s government sign the Mirigini Charter, agreeing to the establishment of the Bougainville Transitional Government (BTG).

1995
April
The national government formally recognises the establishment of the indirectly elected Bougainville Transitional Government with Miriung as its Premier.

May
Talks between Julius Chan and BTG Premier Theodore Miriung in Port Moresby lead to the signing of the Walgini Communiqué on 18 May.

September
Peace talks are held in Cairns (Cairns I) between leaders from BIG, BRA, BTG and BRF factions. Women from BRA and PNG government-controlled areas of Bougainville attend the 4th Global Conference on Women in Beijing.

December
A second round of peace talks between Bougainvillian factions is held in Cairns (Cairns II) results in the issuing of a Joint Communiqué by the BTG and BIG, which is delivered to the Prime Minister.

1996
January
A PNGDF patrol boat fires upon the BIG/BRA delegation returning from the Cairns talks. 15 men, women and children are killed in the ‘Simbo village massacre’ in an early morning raid by the PNGDF in south Bougainville. Chan bans all overseas peace talks.

February
The BIG Office and house of Martin Miriuri and his family in Honiara, Solomon Islands is firebombed. 12 members of the PNG security forces are killed in Buka in retaliation
by the BRA for the ambush on return from Caims. The BTG publishes its peace plan.

**March**
Chan announces the official lifting of the ceasefire on 21 March and begins a new military campaign. First contacts are made by national government officials with Tim Spicer, through Defence Systems Limited.

**July**
BRA forces launch raids into government-controlled areas of Buka and north Bougainville. The PNGDF launches 'Operation High Speed II'. The battle for Aropa Airport on 15 July results in military defeat for the PNGDF.

**August**
A Women's Peace Forum is organised by the Inter-Church Women's Forum (BICWF) in Arawa from 25-31 August. Tim Spicer sends a letter to Defence Minister Mathias Ijape suggesting a joint venture with the national government and RTZ to open and operate the Panguna Mine.

**September**
Resistance fighters join the BRA to attack a PNGDF camp at Kangu beach, south Bougainville. 12 PNG security personnel are killed and five are taken prisoner. 1,000 civilians leave the Kangu Care Centre. The event causes a national outcry.

**October**
On 12 October, Bougainville women from both sides of the blockade meet at the 'Women Speak Out' Forum in Sydney. On the same day, BTG Premier Theodore Miring is assassinated in southern Bougainville.

**November**
Nine civilians are killed on 28 November when a PNGDF mortar falls on Malapita Church during morning prayers.

**December**
14 are killed in Mukakuru village in south Bougainville on 1 December, by PNGDF and Resistance forces. Tim Spicer visits Port Moresby under the company name, Sandline International, and meets with Minister for Finance Chris Haiveta to discuss 'Project Contravene'.

**1997**
**January**
Julius Chan contracts Sandline International to defeat the BRA and retake the Panguna copper mine. A cheque for 50% of payment (US$18million) is provided to Sandline.

**February**
Peter Barter, Minister for Provincial Affairs, puts forward a peace plan emphasising the need for a negotiated peace. The Australian government discovers the plan to use mercenaries.

**March**
PMs Chan and Howard meet to discuss alternatives to the use of Sandline. On 16 March, PNGDF officers arrest Sandline commanders. On 17 March PNGDF commander Singirok calls for Chan's resignation on national radio over the Sandline affair. Protests in Port Moresby begin. Singirok is sacked the following day but demonstrations and the ongoing opposition of the PNGDF leads to the suspension of the Sandline contract. On 26 March, Chan, Havieta and Ijape agree to 'step aside' pending a commission of inquiry on the Sandline affair. John Gilheno is appointed Acting Prime Minister.

**May**
On 26 May, the National Executive Committee approves Peter Barter's Bougainville Peace Strategy. Behind-the-scenes communications and meetings between representatives of BTG and BIG begin and continue until July.

**June**
Prime Minister Chan loses his seat in the national election and is replaced by Bill Skate. Lawyers Mark Plunkett and Leo White lead a conflict resolution training course with ten members of the BIG and BRA leaders in Solomon Islands.

**July**
'Burnham I' talks are held in New Zealand from 5-18 July leading to the Burnham Declaration. The five Kangu Beach hostages are released to New Zealand diplomat John Hayes. Bill Skate is elected Prime Minister on 22 July.

**October**
'Burnham II' takes place and is the first meeting to involve large numbers of leaders from the Bougainville combatant groups as well as senior civilian officials, senior PNGDF and Royal Papua New Guinea Constabulary officers. It results in the signing of the Burnham Truce.

**November**
Further talks are held in Cairns between PNG officials, BTG, BRA and BIG and result in the signing of the Cairns Commitment on Implementation on 24 November. A New Zealand-Led Truce Monitoring Group begins deployment in Bougainville.
1998

January
Political leaders from all parties sign the *Lincoln Agreement* on 23 January that effectively ends nine years of civil war. Francis Ona does not sign.

March
Preparatory talks on the Ceasefire Agreement take place in Canberra.

April
The *Lincoln Agreement* annex – *Agreement Covering Implementation of the Ceasefire* is signed in Arawa on 30 April.

May
*An Australian-led Peace Monitoring Group* replaces the Truce Monitoring Group and the formal ceasefire comes into force.

August
UNPOB is established following a formal request to the UN from the PNG Government for an observer mission.

December
Legislation to establish the Bougainville Reconciliation Government fails to pass the second vote in the PNG Parliament and *ad hoc* legal arrangements are needed to set up an interim form of the BRG. It is agreed that the new provincial government due to be established in January 1999 will be suspended to make way for the interim BRG. The Bougainville Constituent Assembly meets in Arawa to draw up a constitution for the interim form of BRG to be called the Bougainville People's Congress (BPC).

1999

January
Interim governmental arrangements are put in place and the NEC provisionally suspends the BTG.

February
Hon John Momis MP loses a court case challenging the state’s suspension of the Interim Provincial Government.

March
The Bougainville Interim Provincial Government is sworn in by the Governor General on 30 March.

April/May
The *Matakanaka and Okataina Understandings*, which address differences over interim provincial governance arrangements, are signed in New Zealand.

May
Elections are held for the Bougainville People’s Congress. Joseph Kabui is elected President.

June
The *Joint Bougainville Negotiating Position* is agreed between the BPC and senior BRA commanders on 29 June. The first talks between national government representatives and BPC officials on the future political status of Bougainville begin on 30 June.

July
PM Skate and BPC President Kabui sign the *Hutjena Minute* on 10 July. Sir Mekere Morauta replaces Skate as Prime Minister on 14 July.

October
The BPC and the four Bougainville MPs meet at Nehan and agree to pursue ‘the highest form of autonomy’ for Bougainville, as well as a binding referendum on Bougainville’s political future. The meeting results in the *Nehan Resolution*.

November
A one-day reconciliation ceremony is staged at Hoko, Gogohe between the Buka BPC members and the Leitana Council of Elders. Momis wins an appeal on his challenge to the suspension of the provincial government and becomes governor of the Bougainville Interim Provincial Government (BIPG). He agrees that the BIPG will cooperate with the BPC.

December
The first round of political negotiations takes place with the Morauta Government. Momis and Kabui lead the Bougainville negotiating team. The *Greenhouse Memorandum* is signed by Momis and the BPC, formalising an agreement that the BIPG makes its decisions in consultation with the BPC.

2000

February
UNPOB holds its first meeting with Bougainville BRA ‘hard-liners’.

March
A further round of negotiations between the government and the Bougainville leaders is held at Hutjena High School. A further round of negotiations is held in Port Moresby. The *Lolotai Understanding* is signed by all parties on 23 March.
June
Following two months of talks at the Gateway Hotel in Fort Moresby, the Gateway Communiqué is signed by all parties on 9 June, recording progress in the talks.

September
Morauta's proposals on constitutional change allow for referenda on major national issues but rule out a referendum on independence for Bougainville. The Record of Outcome of Political Talks Between Bougainville Leaders And The national government is signed on 11 September, following talks in Rabaul on Autonomy, Referendum and Arms disposal. Talks continue in October, resuming in late November.

December
The talks end in deadlock on the referendum issue. Somare is replaced by Hon Moi Avel as Minister for Bougainville Affairs. Alexander Downer, Australian Minister for Foreign Affairs proposes a compromise formula for a deferred conditional and non-binding referendum on Bougainville's future political status.

2001

January
On 26 January, the Agreed Principles on Referendum is signed by all parties to the negotiations to allow for a referendum on Bougainville's political status within 10 – 15 years after the election of an autonomous Bougainville Government.

May
Meetings begin between ex-combatants at Togarau, central Bougainville, facilitated by UNPOB and the PMG. The Rotokas Agreement on a three-stage weapons disposal is signed on 8 May between the BRA and the BRF. The Agreed Weapons Disposal Plan is signed shortly afterwards by the national government, BRA, BRF, UNPOB and the PMG.

June
The Agreed Basis For A Comprehensive Political Settlement is initialled on 22 June.

July
A ceremony takes place on 31 July to mark the re-opening of the Jaba bridge. Numerous Me'ekamui Defence Forces members attend the ceremony but Francis Ona is absent.

August
The Bougainville Peace Agreement is signed in Arawa on 30 August.

October
Moi Avel tables the Bougainville Peace Agreement in Parliament on 17 October.

November
Amendments and the Organic Law required to give legal effect to the Bougainville Peace Agreement are approved by the NEC.

December
A weapons' disposal ceremony takes place at Torokina

2002

January
PNG Parliament approves the first reading of the legislation covering autonomy for Bougainville on 22 January.

March
The Bougainville Bills are passed by the PNG Parliament, giving full constitutional authority to the Bougainville Peace Agreement on 27 March. Over 900 weapons are handed in by the time of the second vote.

May
Negotiations take place between Bougainville and PNG officials on the terms of the amnesty and pardon.

June
BIPG/BPC leaders approve the terms proposed for amnesty and pardon and make decisions needed to establish a Bougainville Constitutional Commission.
Further reading

On the peace process

- Downer MP, The Hon. Alexander, The Bougainville Crisis – An Australian Perspective. (Canberra: Department of Foreign Affairs and Trade, 2001)
- Harris, G., N. Ahai, R. Spence (Eds) Building Peace in Bougainville. (Waigani: The National Research Institute and The Centre for Peace Studies, 1999)

On the conflict

- Denoon, D. Getting under the skin: the Bougainville copper agreement and the creation of the Panguna Mine (Carlton South: Melbourne University Press, 2000)
- Dorney, S. The Sandline Affair: Politics and Mercenaries In the Bougainville Crisis (Sydney: ABC Books, 1998)
- Liria, Y. A. Bougainville Campaign Diary (Eltham North: Indra Publishing, 1993)


History, politics and government


Web resources

- The Office of the Prime Minister, Papua New Guinea http://www.pm.gov.pg/pmsoffice/pmsoffice.nsf/Pages /ress
The Accord series

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Khmer language edition (1999); The Khmer Institute of Democracy
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E-mail: kid@camnet.com.kh

The Mozambican Peace Process in Perspective
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This issue revisits key aspects of the Mozambican peace process five years on from the negotiated settlement between the Frelimo Government and Renamo.

Compromising on Autonomy: Mindanao in Transition
Issue 6 | 1999
This issue centres on the political settlement that attempted to end twenty-four years of civil war in the Southern Philippines and focuses on the negotiations between the Philippines Government and the Moro National Liberation Front over the struggle of the minority Muslims of Mindanao for self-determination.
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Russian language edition available from CR and on www.c-r.org

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The authors of this issue, many of them key players in the peace process, explore the factors that convinced those on all sides of ‘the Troubles’ that talking was a better alternative than fighting. They describe the development of an environment conducive to negotiations and assess the aspects of the Belfast Agreement that have either facilitated the political process or caused problems with implementation. These unique insights shed new light on one of the most high-profile peace processes of recent years.

Discussion pack, which accompanies the issue, and Russian language edition also available from CR

Paying the price: the Sierra Leone peace process

Issue 9 | 2000

In Accord 9, the authors – most of them Sierra Leonean – explore the processes leading to the Abidjan (1996), Conakry (1997), and Lomé (1999) accords. They analyse the dilemmas around implement these agreements, the difficulties of power-sharing, and the challenge of supporting justice and reconciliation. They also document a range civil society peacebuilding initiatives, including those by women and local community activists and by the Inter-Religious Council.

Politics of compromise: the Tajikistan peace process

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Russian language edition available on www.c-r.org

Protracted conflict, elusive peace: initiatives to end the violence in northern Uganda

Issue 11 | 2002

Since the mid-1980s, the internal conflict between the Ugandan government and the Lord’s Resistance Army has become linked to larger geopolitical interests – in particular the conflict in southern Sudan. While a meaningful peace process remains elusive, this issue documents significant peacemaking initiatives undertaken by internal and external actors. It analyses the impact of civil society initiatives, traditional reconciliation processes and the child rights agenda on the dynamics of the conflict and attempts to find peace.

Future issue

Mechanisms for political participation of the public in peacemaking. Many people involved in peacemaking and conflict transformation are seeking to ensure that peace processes address the underlying causes of conflict and are responsive to the needs of all those affected by it. Yet process mechanisms for enabling public participation in the political negotiations for reaching peace agreements have not been studied systematically. This first thematic project in the Accord series is aimed at addressing that gap. By drawing out insights from feature studies of mechanisms used in Guatemala, Mali and South Africa, and by examining some of the challenges of public participation at different stages of a peace process, the publication will provide resources for those seeking to promote, design or implement mechanisms for public participation in current or future processes.
Conciliation Resources (CR) was established in 1994 to provide an international service and act as a resource in the field of peacebuilding and conflict transformation. CR's principal objective is to support the activities of locally-based groups working at community or national levels in preventing violent conflict or seeking to transform armed conflict into opportunities for social, political and economic development based on more just relationships.

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- civic groups in Guinea, Liberia, Sierra Leone and Nigeria;
- Kakove Madit and its partners in northern Uganda;
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- the Angolan non-governmental organisation ADRA and its local partners;
- the Citizens' Constitutional Forum in Fiji;
- non-governmental organisations and officials in Georgia and Abkhazia;
- community-based organisations in the south Balkans.

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The Bougainville Inter-Church Women's Forum (BICWF)

The BICWF, based in Buka, Bougainville, grew out of a strong tradition of women organising within their various churches in Bougainville. By drawing in 'non-politicised women' and as a pan-Bougainvillean and ecumenical organisation, the BICWF complemented the work of the Provincial Council of Women and their district structures. Dialogue work was done in northern Bougainville with the Bougainville Resistance Army, the Papua New Guinea government and the Papua New Guinea Defence Force on various abuses of the rights of the civilian population.

Since 1995 volunteer staff have operated an office with support from the Bread for the World Germany, German Development Service PNG, the National Council of Churches, Australia, Uniting Church Assembly of Australia, the Marist Mission Centre through AUSAID funding. Their director, Sr. Lorraine Garasu, CSN, also works with the Catholic Church, providing family counselling services and running training workshops in conflict resolution. The focus of their present work is critical literacy (popular education), capacity building for women and women's groups and small business education training and income generation for local communities. The BICWF is leading on a complementary Accord project to develop an education pack of materials about the conflict and peace process for use in critical literacy training workshops across Bougainville.

For more information or to make a donation contact:

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Ceremonial dance marking the 2001 Bougainville Peace Agreement

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