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BOUGAINVILLE AUTONOMY — IMPLICATIONS FOR GOVERNANCE AND DECENTRALISATION¹

Introduction

The founding and guiding principles for the establishment, operation and development of the Autonomous Bougainville Government (ABG) are contained in the *Bougainville Peace Agreement*. Insofar as they are concerned with political/constitutional/institutional reform, they represent an attempt to transform and channel previous, violent conflicts into political processes and institutions (Bachler n.d.; cf. Widner 2005 and Ghai 2004). They are, therefore, concerned with governance – the process by which society collectively attempts to solve problems, maintain public order and meet other shared needs – and not just government – one of the main instruments used for such purposes (Osborne and Gaebler 1993:24; cf. Wolfers 2006a:4). This is made clear by the way in which the arrangements for Bougainville autonomy are embodied together as but one of three pillars in a much broader *Agreement*, concerned with autonomy, a guaranteed referendum on Bougainville's political future, and weapons disposal. In fact, the three pillars themselves are only part of an *Agreement* which also provides an amnesty

for persons convicted and immunity from prosecution for offences committed during the Bougainville conflict, and a commitment by former combatant groups to disband and work through a unified set of administrative and political structures – the ABG. The broader concern with governance expressed in the attention the *Agreement* gives to weapons disposal, amnesty and reconciliation is given additional, clear expression in the provisions dealing with the referendum, which state that the timing of the referendum in the 5-year window allowed, 10-15 years after the establishment of the ABG – that is, between 2015 and 2020 – will be determined by reference to weapons disposal and good governance (in the case of the latter, defined with regard to internationally accepted standards as they are applicable and implemented in the circumstances of Bougainville and the rest of Papua New Guinea).

The circumstances in which the arrangements for Bougainville autonomy were agreed are underlined by the way in which the *Papua New Guinea Constitution*, Part XIV, as well as the organic law made under that part – which, together, give these arrangements

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legal effect – were deliberately given a title which refers to more and other than formal governmental arrangements: ‘Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum’. This was done at the insistence of the national minister responsible for negotiating the *Agreement*, Hon. Sir Moi Avei, and despite some misgivings among members of the Bougainville team who participated in finalizing the drafting of the constitutional laws giving legal effect to the *Agreement*. There were observers, as well as participants on the national government side, who, almost certainly, saw relevance and, perhaps, precedents being set for other parts of the country in elements of the autonomy arrangements being considered and agreed for Bougainville. However, the emphasis on ‘Peace-Building in Bougainville’ in the constitutional laws was intended to underline the point that the agenda of the discussions and the purpose of the arrangements being agreed was not primarily constitutional reform, improved service delivery, or anything else, but a determination to secure lasting peace by peaceful means. Their focus was specifically on peace building in the post-conflict situation in Bougainville, not on issues and political aspirations or possible claims in other parts of Papua New Guinea.

The result is that Papua New Guinea now has a system of government in which the arrangements that apply to different parts of the country are not uniform. Bougainville and, in other respects, the National Capital District are different from other provinces (for all that Bougainville now carries the name ‘Autonomous Region of Bougainville’, its boundaries continue to be defined in the *Organic Law on Provincial Boundaries*). While the particular arrangements are not identical with any previously envisaged, the resulting diversity in the arrangements which apply to the government of different parts of the country was originally foreseen in the *Final Report* of the pre-independence Constitutional Planning Committee, which recommended that provincial governments be established in three stages (Papua New Guinea 1974, Part 1:10/4). It is also broadly consistent with the purpose of the *Papua New Guinea Constitution* s187G, which allows for provincial governments to acquire functions and powers in stages, for a

gradation of provincial governments, and for the establishment of provincial governments on an interim basis.

It was, in fact, for primarily managerial (not political) reasons that the ‘one size fits all’ approach was instituted when provincial governments were formally established in all provinces from 1977 on (even prior to the ‘reforms’ introduced in 1995). There were, undoubtedly, good grounds for concluding that a uniform arrangement would be easier for the national government to manage than one which allowed for diversity (they do not include the quite widely held suspicion, sometimes bordering on fear, that, if arrangements varied between different parts of the country, people throughout Papua New Guinea would be so short-sighted, even blind to the implications, as to make or support demands which would give their particular province or region the greatest constitutionally available local control over the formal functions and powers of government: people in parts of the country where educated manpower is in short supply, incomes are low, and the revenue base is accordingly narrow are not all so ignorant or indifferent towards economic and other realities that they are likely to advocate or support changes which they must know, at least intuitively, will be to their disadvantage, or might even not work at all). In any event, Papua New Guinea now has an asymmetrical system of government: governmental arrangements are not the same in every part of the country. It is with the implications of this new reality, as well as the particular implications of the arrangements which now apply in Bougainville, that this paper is concerned.

Broadly conceived, the implications that Bougainville autonomy has for Papua New Guinea can be grouped under several headings. They are the implications the new arrangements have for:

- (1) Bougainville, especially the ABG;
- (2) the national government and Papua New Guinea as a whole, including relations with interested external actors who see themselves as having a stake in what has been agreed; and, specifically,
- (3) the current form and future of decentralization.

While the arrangements focus on government, their real importance is on the effects they have for governance more broadly defined. The ultimate test of their impact and effectiveness will be the referendum due to be held 10-15 years after the establishment of the ABG – now, perhaps, as little as nine years away – between 2015 and 2020. The ostensible issue – and the question which will be on the ballot-paper unless the ABG decides otherwise (in accordance with procedures set out in the *Bougainville Constitution*) – will be a separate independence for Bougainville. However, as the result of the referendum will be subject to the overriding decision-making authority of the National Parliament, the ultimate issue is, in fact, even bigger and likely to have much greater consequences – that is, whether people in Bougainville (and at the centre of national government and in other parts of the country) will accept both the result of the referendum and the outcome of the National Parliament's deliberations on that result in an orderly and peaceful way. This will really depend on the degree to which such critical elements of good governance as acceptance of democracy and the rule of law have been achieved. Thus will the referendum be a test both for the ability of government to persuade people to support the maintenance of the unity and territorial integrity of Papua New Guinea – an objective and principle which many people in Bougainville share – and of the commitment, ability and effectiveness of the ABG and the national government to achieve good governance both in Bougainville and nationwide. The manner in which the constitutional laws implementing the *Bougainville Peace Agreement* have been entrenched – through a procedure, known as 'double entrenchment', which provides that they can be changed only if specified majorities in both the National Parliament and the Bougainville legislature, the 'Bougainville House of Representatives', agree – means not only that the provisions on autonomy and referendum are locked in together but so are the national government and the ABG: neither can change the arrangements previously agreed and now implemented in national constitutional laws unless the other agrees (the requirement is generally a two-thirds absolute majority vote in each, except in the case of the autonomy provisions, where only a simple majority is required in Bougainville).

In regard to the referendum provisions, in particular, it might be relevant to note media reports of the apparently calm and orderly manner in which the outcome of the referendum in Montenegro on 21 May 2006 has been accepted in Serbia and elsewhere – with a narrow majority of Montenegrin voters, just over 55 per cent of the absolute majority required to participate in the ballot for a valid result, in favour of a separate independence for Montenegro (see International Crisis Group (ICG) 2005 for background and ICG 2006 for the result). This is in contrast to the continued deferral of referenda in other parts of the world where they have been agreed, for example Western Sahara (for background, see Hodges 1983), the violence which erupted in East Timor (requiring the presence of international peacekeepers) following the referendum of 30 August 1999, and the manner in which other acts of self-determination have been conducted, for example, the Act of Free Choice in West New Guinea/Irian Jaya, now Indonesian Papua, in 1969. The relatively cordial, peaceful dismemberment of the former Gilbert and Ellice Islands colony into Kiribati and Tuvalu, which became independent in 1976 and 1978 respectively, stands out – though the formal split occurred before independence, and, therefore, did not openly challenge the existing international order of sovereign states. So, too, do the plebiscites in Palau and other Micronesian states formed out of the former United Nations Trust Territory of the Pacific Islands, previously administered by the United States of America, and the referendum in Tokelau in early 2006 (the effects of which have been to maintain the political *status quo*, and for Tokelau not to enter into free association with New Zealand – at least, not yet).

Background and character of Bougainville autonomy

The preamble to the *Bougainville Peace Agreement* describes the *Agreement* in the oft-quoted phrase as 'a joint creation' of the parties which made it. The agreed arrangements for Bougainville autonomy are the product of protracted negotiation and compromise. While they draw on precedents and experience, both positive and negative, in other countries, in

Papua New Guinea before and following the 1995 'reform' of the provincial government system, and in Bougainville itself, they do not follow any one precedent or model. They are truly 'home-grown'. They form part of a package, which also includes: a guaranteed referendum on Bougainville's political future – with a separate independence for Bougainville an available option; a weapons disposal plan; amnesty for crisis-related activities; and a commitment by their leaders to disband former combatant groups. The various elements of the package are formally linked together – so that the coming into effect of the constitutional laws implementing the *Agreement* depended on progress with weapons disposal (verification and certification of stage 2 of a three-stage plan, verified and certified by the United Nations Observer Mission in Bougainville [UNOMB]), and the holding of the first general election for the ABG depended on its conclusion. Weapons disposal and good governance will both be issues in determining the precise timing of the guaranteed referendum. In this context, 'good governance' is defined in the *Bougainville Peace Agreement*, Paragraph 313 (a) so as to:

take account of internationally accepted standards of good governance as they are applicable and implemented in the circumstances of Bougainville and Papua New Guinea. These benchmarks include democracy and opportunities for participation by Bougainvilleans, transparency, and accountability, as well as respect for human rights and the rule of law, including the *Constitution of Papua New Guinea*.

The national government and the ABG are committed to cooperate in working towards these benchmarks, and to use the Joint Supervisory Body and other agreed procedures for resolving disputes to determine whether Bougainville has reached the agreed standard. The timing and credibility of the conduct and result of the referendum will likely require ongoing consultation and cooperation between the national government and the ABG.

However, prior to the inclusion of links between different elements in the *Bougainville Peace Agreement* and implementing laws, they could already be found in the proposals the various parties brought to the table

when negotiating the *Agreement*. Thus, the combination of a guaranteed referendum on a separate independence for Bougainville and autonomy made it possible for different Bougainville factions to come together and develop a joint negotiating position, and form a combined Bougainville delegation to pursue it. The assurance of amnesty was a precondition for former combatants to turn the words of the agreed weapons disposal plan into action. On the national government side, the linkage between weapons disposal and the other elements was critical to establishing the sense of mutual security which made it possible to finalize the *Agreement*. Other linkages, which were even more critical to acceptance of the overall package, were the agreements that the arrangements would come within the framework of the Papua New Guinea constitution (as amended to implement the *Agreement*), and that the outcome of the referendum would be subject to the final decision-making authority of the National Parliament.

Thus it is that the negotiations have been described as having multiple dimensions (Regan 2002) and layers (Wolfers 2006a:4) – in Bougainville, on the national government side – where successive governments have been committed to a bipartisan/national approach – and 'across, the table', so to say, between the combined Bougainville and national government delegations. The situation was often similar even as agreements were reached, when the parties found it necessary to negotiate and shore up or build coalitions on either side – for example, so that the Bougainville People's Congress (BPC), the Bougainville Interim Provincial Government (BIPG) and the Leitana Council of Elders in Buka would cooperate and accept the same compromises; to facilitate the involvement of former elements of the Meekamui Defence Force in weapons disposal; for the BIPG to govern in consultation with the BPC through the Bougainville Transitional Consultative Council pending establishment of the ABG; and, on the national government side, to address and overcome the concerns of officials who, in reviewing the ABG constitution, expressed concern that the *Bougainville Peace Agreement* and implementing laws were themselves unconstitutional.

In this context, one of the strengths of the process has been simultaneously one of its

weaknesses. This has been the willingness of the parties to proceed in the knowledge that not all prospective stakeholders are involved, while continuing to welcome them to join in. Thus, peace-making and peace-building to date have kept moving ahead without the active participation of the hard core of the late Francis Ona's closest supporters (in what has become known as the 'No Go Zone' around Panguna) without creating the opportunity which insistence on inclusiveness as a precondition for negotiation or final agreement might have created for them to become 'spoilers' (Wolfers 2006b:9; cf. Stedman 2000).

As the following discussion of the implications of Bougainville autonomy will show, the circumstances in which the arrangements were negotiated not only influenced what was agreed but continue to be closely relevant to their ongoing implications.

Implications for Bougainville

The most obvious influence that the origins and purposes of Bougainville autonomy continue to have on its actual functioning is that the peace process and the area and population where the ABG operates do not cover the whole of Bougainville. While the ABG has made good progress in restoring services in the 'No-Go Zone' – and so in lowering or, at least, getting around the physical and psychological barriers which cut the area off from its surrounds – the ABG's authority is also not Bougainville-wide. The situation has been further complicated by the arrival in 2005 and the subsequent presence of Noah Musingku (architect of the illegal fast-money scheme, U-Vistract, and the self-styled Kingdom of Papala) and his associates in Siwai, and their efforts to cut off the area around Tonu and other parts of South Bougainville from the ABG and the rest of Bougainville.

The Bougainville conflict was, in many respects, a civil war among Bougainvilleans, especially after the withdrawal of government services in early 1990, as well as a conflict between the Bougainville Revolutionary Army (BRA) and its allies, on the one hand, and the Papua New Guinea security forces, on the other hand (see Papua New Guinea 1990 for a detailed analysis of the origins and

development of the conflict). As the conflict spread around Bougainville, growing numbers of Bougainvilleans aligned themselves for or against secession/remaining part of Papua New Guinea on grounds of principle, personal identification as being primarily Bougainvillean or Papua New Guinean, or perceived personal or wider advantage. However, the ways in which many others acted owed more to local circumstances, including traditional enmities, rivalries or alliances: if a particular person, community or group went one way, then neighbours were all the more likely to go in another (see Spriggs 1990 for a graphic first-hand account of the way in which the conflict spread in Central Bougainville). Fear and a desire to settle old scores were sometimes relevant. So was the desire for adventure, theft, or what has been described in other contexts of conflict as 'plain old thuggery' (King 2001:166). Thus did the wider conflict divide families, communities and larger groups, and, in some cases, lead people who had previously identified themselves with the BRA or the Bougainville Resistance Forces (BRF), after their formation in 1990, to change sides. The devastating impact this had on social capital or community has been documented both by research (Peacock-Taylor *et al.* 1999) and in the accounts of persons, especially women, directly affected by the conflict (Sirivi and Havani 2004a, 2004b; Ninnes 2006; Wolfers 2005:170-173 lists a variety of different sources). Thus reconciliation – creating a sense of community – is among the challenges the ABG faces, especially if Bougainville is to be a genuinely democratic society, where citizens respect one another, and not just a place where elections are held (cf. the discussion of the distinction between liberal and illiberal democracy in Zakaria (2003), and of the basis and character of democracy in Sharansky 2004). Another challenge is the growing 'culture of claims', so-called, in which individuals, businesses and groups seek financial redress for losses suffered, services rendered or support provided in return for promises made, both explicitly and by implication, during the conflict (these include former BRF combatants who fought or performed other services in support of the security forces).

The enormous physical damage and destruction which occurred both to physical

infrastructure and to the economy, including agricultural production, especially following the withdrawal of the security forces and the subsequent collapse of government throughout Bougainville in early 1990, is a great challenge for the ABG too (see the description in Dorothy 2000, Part 3:2 by former BRA Chief of Defence, Sam Kauona, of the ‘madness’ with which vehicles and other property were taken, and rendered useless). It is of particular relevance to the ABG’s capacity and political future because of the way in which the *Bougainville Peace Agreement* and implementing laws link national government grants to the ABG to restoration, and the taxation powers available to the ABG to the achievement of fiscal self-reliance. Much more importantly – and not at all surprisingly, given the role that perceived disadvantages and inequities played in the origins and development of the Bougainville crisis, including the ways in which they divided even families and communities (see, for example, Papua New Guinea 1990; Filer 1990) - these lingering effects of the previous conflict are a continuing source of pressure by constituents on the ABG. This pressure has immediate implications for the ABG’s popularity and credibility, the prospects for members’ election or re-election, and, ultimately, for the causes in which leaders and people believe, whether it be continuing autonomy, a separate independence for Bougainville, or some other arrangement. If the ABG cannot deliver at least a reasonable proportion of what Bougainvilleans want, then the prospects are that members will lose support; the ABG as a whole will fail to gain and might even lose credibility; people outside the peace process will continue not to join in – and might become an even stronger magnet for disappointed or dissident people inside; and pressure for a separate independence will grow (though the outcome might also do little to resolve the issues which lead people to vote in a particular way when the referendum is held).

A related consideration is that the way in which various political and former armed factions have come together – in a process which involved coalition-building through the Bougainville People’s Congress, the combined Bougainville delegation which participated in negotiations, and then the Bougainville Transitional Consultative Council – does not mean that previous preferred positions,

alliances and differences have necessarily been left behind, or resolved with the formal establishment of the ABG. Not all differences have been resolved with the establishment of the ABG. Politics goes on (it might, in fact, be – to reverse von Clausewitz’s famous dictum – the pursuit of war by other means). Lobbying for particular policies and jockeying for position is likely to continue within the ABG. This can be seen in differences which have already emerged among Bougainville leaders over mining and other policies (*Post-Courier* 3 July 2006:6), and the questioning by an ABG member as to why the Bougainville constitution does not make specific provision for an opposition (*Post-Courier* 28 June 2006:14). The guarantee of a future referendum on Bougainville’s political future might, in fact, provide an incentive for the persistence of such differences, and even their growth. As the referendum approaches, the question of a separate independence for Bougainville might, therefore, become increasingly important, urgent, and central to politics in Bougainville – with those who were leaders or otherwise involved in previous arrangements providing convenient scapegoats for others, including those motivated by little other than populist politics or political advantage.

As part of the agreed autonomy arrangements, the *Bougainville Peace Agreement* and implementing laws vest quite substantial responsibility for government and development in Bougainville in the ABG. Additional functions and powers are available for transfer at the ABG’s request, provided the ABG has the capacity and resources required to manage them (if not, then the national government and the ABG are required to develop joint plans to facilitate implementation – and to resolve any dispute through the agreed dispute resolution procedures). The ABG also has the right to play or seek a role in respect of functions and powers in areas which remain primarily national government responsibilities, including specific aspects of defence, foreign relations, administration of the common border with Solomon Islands, maritime surveillance, immigration and others. This will, obviously, require additional human and other resources. So, too, does the planning required for restoration, development, and good governance, and the proper management of

human resources, infrastructure and equipment, and public funds.

Thus does autonomy have implications for the need not only for an enlarged public service but for personnel with much higher-level policy and planning skills than provincial governments normally have at their disposal (or than the North Solomons and Bougainville Interim Provincial Governments probably required in the past). The implications for training and/or recruitment of persons with relevant skills seem clear, as do the associated costs. Then there are the costs in time and funds required for the various forms of consultation with the national government for which the agreed arrangements provide, including but not only the Joint Supervisory Body. These are additional to the costs of the political structure for which the Bougainville constitution provides, both the core elements already established and those which the ABG is authorized to establish as resources allow

Implications for the national government

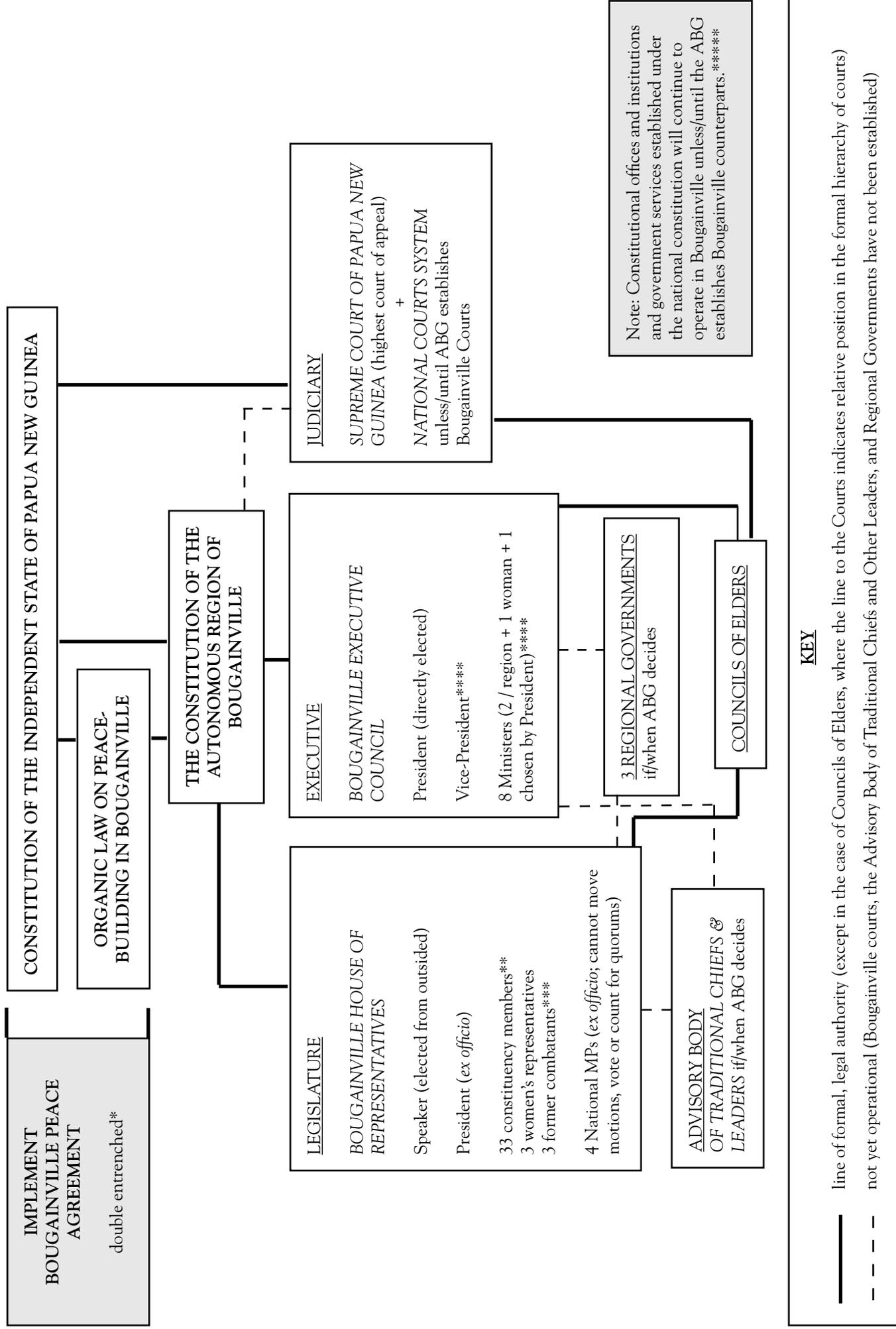
The preceding comments concerning the costs of government and the acceptance or deflection to others of responsibility for what transpires in Bougainville, especially failures or delays in implementing the agreed arrangements for Bougainville autonomy or in promoting restoration and development more generally, have immediate implications for public perceptions of the national government's commitment to Bougainville autonomy and the effectiveness of the *Bougainville Peace Agreement*.

It is one thing to formulate an agreement, and then to turn what has been agreed into law. But turning even what might be described as implementing laws into practical actions can present yet further challenges. This has, in fact, been the experience to date, despite the presence and participation of senior officials from relevant national government agencies in the negotiations which led to the *Bougainville Peace Agreement* and implementing laws, and the decision-making processes through which the National Executive Council gave its approval. Thus it was that, when the Internal Revenue Commission (IRC) was asked to

produce certain tax figures in order to facilitate implementation of the agreed financial arrangements for Bougainville, the practical reality was that the IRC does not normally collect or classify certain information on a provincial basis or in ways that can be easily divided or aggregated to identify Bougainville-specific activities and/or amounts (there has previously been neither need nor reason to do so). When it came to delegating certain police functions and powers to Bougainville, it was not more laws or regulations that were required but a method of implementing the delegations consistent with the way the Royal Papua New Guinea Constabulary is organized and operates (and even the insignia and uniforms that police wear). This took many meetings between officials of the various agencies concerned with implementing the *Bougainville Peace Agreement*, and resulted in the decision that the position of police commander in Bougainville should be raised to the level of assistant commissioner (the time and effort were well spent in that the outcome has been successfully applied, and has needed neither external supervision nor review to achieve the intended objective). The principles underlying the various grants which the national government is legally obliged to make to the ABG are quite clearly expressed. But what is a 'recurrent grant' really expected to be or do: to be equal to funds previously provided for similar purposes (which are often less than actual costs – and require cross-subsidization from funds intended for other purposes), or to be enough to meet real, overall costs; or to bring Bougainville up to a particular standard of service availability or delivery – pre-conflict or at the current national average? Should it be measured on a *per capita* or some other basis?

In every case to date, the mutual goodwill has existed to find a way through – often by deferring final decisions and making mutually acceptable *ad hoc* arrangements (thereby avoiding disputes and possible resort to the courts), while matters of detail are worked out. But this cannot go on forever. The risk is that someone who objects or believes they are in some way disadvantaged could take to court one or more areas in which practical implementation falls short of the law, or make it a political issue. Fresh challenges of a similar kind could well arise when the ABG requests

Figure 1. Sources of Authority and Structure of Autonomous Bougainville Government (ABG)



the transfer of functions or powers currently exercised on a regional or national basis, and it becomes necessary to provide the human and financial resources for the ABG to assume responsibility. The likelihood that *ad hoc*, band-aid approaches will be required is likely to increase, at least in the short and medium term, as the ABG gives notice of its desire to assume formal responsibility for an increasing number and range of government functions and powers. It will take continuing mutual confidence and commitment to cooperate in realizing the potential of the 'joint creation' outlined in the *Bougainville Peace Agreement* for the system to operate and develop as intended, and to avoid disputes.

On the national government side, the challenge of ensuring that government officers are aware of the relationship between their activities and the provisions in the *Bougainville Peace Agreement* is great (and made all the greater by rapid turnovers of staff, often for reasons as mundane as promotions, resignations, retirements and public sector restructuring). Relevant constitutional legislation alone covers

some 146 pages, and then there is the main aid to interpretation, the *Bougainville Peace Agreement*, which is mandated by the Papua New Guinea constitution itself (s278(3)) and covers a further 73 (much smaller) pages. For officials (and others) needing to understand what might be termed 'the Bougainville end' of many issues, the documents they might need to consult include:

- those which apply as national law (just listed);
- the *Constitution of the Autonomous Region of Bougainville* (which covers 178 pages, including a number of annexes summarizing relevant provisions of national constitutional laws, plus 65 pages of legislation providing for the first general election for the ABG), which must be applied consistently with the Papua New Guinea constitution;
- other Bougainville-made laws; as well as
- a number of aids to constitutional interpretation, including the *Bougainville Peace Agreement* (again),

Notes to Figure 1

* The autonomy provisions in the *National Constitution*, Part XIV and the Organic Law made under that Part can be amended following 2 months notice, consultations between the National Government and the ABG, and approval by two-thirds absolute majority in the National Parliament in two separate votes at least one month apart and simple majority vote in the Bougainville legislature.

** May be between 28-38 for future elections

*** Subject to review before the end of the ABG's first 5-year term (2010), and to cease, in any event, when the guaranteed referendum on Bougainville's political future is held in the period 2015-2020.

**** Chosen from the legislature.

The President chooses the Vice-President, who must come from a Region of Bougainville other than his own.

The Bougainville Constitution provides for the President to appoint an additional further 4 members of the Bougainville Executive Council when the Bougainville House of Representatives considers financial resources allow and a law is made for the purpose.

***** Offices and institutions established under the *National Constitution* which may be replaced / supplemented by Bougainville counterparts include: Auditor-General, Electoral Commissioner, Ombudsman Commission, Public Prosecutor and Public Solicitor, Public Services Commission, and Salaries and Remuneration Commission. Government services include Public Service, Police, and Correctional Institutional Services.

Figure 1 was originally prepared to accompany seminar on 'Bougainville Autonomy – Implications for Governance and Decentralisation' by Edward P. Wolfers, National Research Institute, Waigani, 22 June 2006

the draft constitution and a 368-page report prepared by the Bougainville Constitutional Commission, the records of the Bougainville Constituent Assembly which formally adopted the Bougainville constitution, and a list of papers presented by the national government and accepted as aids to interpretation so that the draft could be finalized, formally adopted, and sent on to be endorsed by the National Executive Council and brought into force in accordance with its own provisions by the governor general.

Training, both formal and on-the-job, is required to ensure that relevant national government officials are aware of their responsibilities towards Bougainville. Procedures have to be developed, put in place, and then implemented to ensure that the national government's ability to meet its responsibilities in and in relation to Bougainville is more systematic and less directly dependent on particular incumbents. Briefings are also necessary and procedures have to be put in place, too, in order to ensure that foreign aid donors and others understand how they should conduct their relations with the ABG (generally, through the Departments of National Planning, Foreign Affairs, and/or other and relevant national government departments and agencies).

In relation to restoration and development, Bougainvilleans – faced with the obvious damage, removal and destruction of infrastructure and equipment in Bougainville – rightly point to the problems and disadvantages they face. But the situation increasingly appears rather different to that of many other Papua New Guineans. Quite apart from statements which attempt to attribute blame for what has occurred, there is the reality that, on many indicators, Bougainville is, in fact, better off than many other parts of Papua New Guinea. After all, it is Bougainville that was awarded a prize for the best medical services in the country on the first anniversary of the ABG's establishment. At 95 per cent, the proportion of the eligible school age population (7-12) that manages to enrol in Grades 1-6 is the most favourable in Papua New Guinea, while the proportion of secondary school enrolments is also among the highest (Gomez 2006:163).

However, exhortations to recognize that perceived disadvantage and need should be viewed as against competing needs and aspirations in other communities are unlikely to mean much to people who have suffered the decline in living standards that is the reality of life in contemporary Bougainville – and, possibly, to be counter-productive for people who do not believe that Bougainville should remain in Papua New Guinea and, therefore, be viewed in national perspective.

For Papua New Guineans who believe that the country should remain together as one, winning the referendum is an important objective. It is important, in any event, to people who believe in equity, or fear that failure to devote sufficient resources to restoration and development in Bougainville could increase discontent and disaffection there. An impoverished and administratively weak Bougainville would be likely to become an area of vulnerability – and hence of concern for Papua New Guinea – whatever Bougainville's political status. Thus it is that the national government faces the challenges not only of honouring the grants to the ABG which are required by law – the recurrent, restoration and development, and police grants – but of identifying, mobilizing and ensuring the allocation of resources to restore and develop services which remain national government responsibilities, and, perhaps, to engage in activities which will persuade Bougainvilleans of the advantages of remaining with Papua New Guinea. This is among the reasons why the *Bougainville Peace Agreement* and implementing laws provide for the national government to make additional, conditional grants (the ABG must agree; the grants cannot be imposed). It is also why peace-building (projects and support) is among the Bougainville Peace and Restoration Office's priorities for 2006: the others are capacity-building and relationship-building (with other government agencies, the ABG, foreign aid donors, non-government organizations and civil society) in order to support and facilitate implementation of the agreed arrangements for Bougainville autonomy and other objectives of the *Bougainville Peace Agreement*.

Meanwhile, is it wise to expect (however much one might hope) that people who were willing to compromise their previous positions

for the sake of peace – and a combination of autonomy and a guaranteed referendum with a separate independence for Bougainville an available option – to abandon their old hopes and ambitions? Are they not at least as likely to see the period leading up to the referendum as providing a test of their previous beliefs, or an opportunity to promote them? In this regard, some of the accompaniments of the celebrations marking the first anniversary of the ABG on 15 June 2006 provide food for thought: the remark in the *Handbook* (ABG 2006b:16) handed to visitors stating that ‘Over the past 12 months, Bougainville began on a thin road to full freedom and self determination ...’; the art exhibition with a painting referring prominently to autonomy and independence at the highest point at the centre of the wall at the end of the display; and other physical objects and remarks. These observations are not occasions for criticism or dejection. Rather, they remind observers of the many challenges that remain or are likely to arise in future. The statements and paintings observed need to be put in broader perspective. Thus, the ABG’s *Strategic Action Plan*, prepared in 2005-2006, contains a Foreword by the ABG vice-president, Hon. Joseph Watawi, which says that:

Bougainville is an autonomous region within Papua New Guinea. It is NOT a province. As an autonomous region, Bougainville has the power to make decisions that will determine its own destiny. However, the autonomy arrangements are a joint creation with the Papua New Guinea National Government and therefore an effective and equal partnership with national Government is essential (ABG 2006a:2-3).

The *Strategic Action Plan* (*ibid.*:21) itself states that:

Even though Bougainville is an Autonomous region it remains part of Papua New Guinea and it is important that planning for Bougainville is consistent with planning at the National level.

To the degree that Papua New Guineans seriously wish the country to remain one – and preferably, by consent of the people – or can see the shared interest there is in

ensuring a stable, orderly Bougainville, the statements just quoted above are challenges to be met, not left to resolve themselves or be ignored. The importance of meeting these challenges is made all the greater by what many Bougainvilleans regard as a history of promises not kept or deliberately broken in relation to decentralization and mining policy, in particular, since before Papua New Guinea became independent, and their role in giving rise to the conflict which engulfed most of Bougainville in the period 1989-1997.

Understanding will be required when politicians from Bougainville, like politicians elsewhere, engage in political grandstanding or try to shift responsibility for shortcomings and failures in public policy and implementation; if and when they give priority to overseas travel and foreign affairs, or become involved in controversial or risky financial or other deals; or otherwise give what critics and sceptics might regard as too much attention to activities other than restoration and development which benefit people at the grassroots, including (re-)integration of former combatants and communities.

The ABG is intended to provide political avenues for the pursuit and resolution of political differences among Bougainvilleans, as previously discussed. The Joint Supervisory Body and other agreed procedures, including the courts, established or specified in the *Bougainville Peace Agreement* and implementing laws are intended to prevent and resolve inter-governmental and other disputes. The bottom-line assurance is that the national government on a bipartisan/national basis and Bougainvilleans on all sides say they are firmly committed to ‘lasting peace by peaceful means’, and have generally acted accordingly in the nine years since armed conflict ceased and the *Burnham Truce* was signed in 1997 (Dihm and Wolfers 1998).

Thus it is that the ‘joint creation’ embodied in the *Bougainville Peace Agreement* has become a joint venture, as the responsible minister (Hon. Sir Peter Barter) has repeatedly said – with the national government having a clear interest in cooperating to make autonomy work and produce results. The implications of the experiment with Bougainville autonomy for governance in Bougainville and nationally are accordingly clear.

Implications for decentralization

As the names of the Papua New Guinea constitution, Part XIV and the organic law made under that part are intended to convey, the arrangements for Bougainville autonomy have been agreed in order to make and build peace in Bougainville (not anything or anywhere else). This was the context in which they were made. The 'one-off' character of the arrangements agreed for Bougainville was critical to the support they eventually received in the National Executive Council and in the National Parliament (where the bills to amend the Papua New Guinea constitution and make the *Organic Law on Peace-Building in Bougainville* passed with much greater support than the two-thirds absolute majority required, with no votes against and only a single amendment – to retain legal control over firearms for the national government). The names of the constitution, Part XIV and the *Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum* underline the point that these arrangements were not intended to be a new form or gradation of provincial government available for further application in Papua New Guinea as provided in the constitution at s187G. The new constitutional laws are purpose- and situation- specific arrangements made for the sake of peace.

Inevitably, however, there have been people who have speculated about the relevance and application of the agreed arrangements for Bougainville autonomy in other parts of the country (some participants in the negotiations had their eyes on other provinces, sometimes negatively and sometimes, perhaps, as providing a model or precedent too – though Bougainville leaders have tended to say that Bougainvilleans did not experience and suffer the conflict in order to open the way forward for people in other parts of Papua New Guinea, as they believe was the case when the provincial government system was first proposed before, and subsequently established soon after, Papua New Guinea became independent).

The East New Britain provincial government has been most active, having set up a high-level committee in 2002 to explore options for autonomy in East New Britain (the

chairman was the member of parliament for Pomio, Hon. Paul Tientsen; one of the two deputies was Sir Paulias Matane, now governor general; other signatories of the committee's *Report* (Community Consultative Committee on Provincial Autonomy 2004) included all members of parliament from East New Britain. The initiative was motivated partly by perceived shortcomings in the system established under the provincial government 'reform' since 1995, as well as greater autonomy as such. Lacking a clear response from the national government to the report, the East New Britain provincial government is now taking steps to promote public discussion.

Meanwhile, the governor of Morobe, Hon. Luther Wenge, has also spoken out for greater provincial autonomy (which is not a new theme in Papua New Guinea politics; it has been around for at least thirty-plus years, since before independence; but it is not clear what is meant or implied when some of Governor Wenge's supporters describe themselves as belonging to the 'Republic of Morobe'). In early July 2006, the Morobe provincial government established a high-level committee to prepare detailed proposals, consistent with the Papua New Guinea constitution, before the 2007 national general election.

The West New Britain provincial government has been reported as being interested in greater autonomy too (*Post-Courier* 5 July 2006:4). The East New Britain committee saw itself as charged

to take the issue of provincial autonomy to the people and get their agreement to seek greater provincial autonomy for East New Britain (Community Consultative Committee on Provincial Autonomy 2004:8).

Members saw their report as providing the basis for negotiation with, and decision by, the national government (it is clearly not intended to be a set of final demands).

The *Report* calls for the province to have its own constitution (a feature which is currently unique to the ABG, but applied to every provincial government in Papua New Guinea before the 1995 'reform'). The legislative and executive structures proposed are similar to those which currently apply to provincial governments around Papua New Guinea

(consisting mainly of members of parliament and presidents of local-level governments in the province), but not the ABG. The innovative features of the proposal are to be found elsewhere.

To begin with, the East New Britain proposals are concerned primarily with taxation and other revenue arrangements, and control over the public service. Though some of the language used in the East New Britain report seems to owe quite a deal to the *Bougainville Peace Agreement*, it does not refer to aspects of the Bougainville arrangements which might be regarded as specifically relevant to the post-conflict situation there – such as the special provisions contained in the *Bougainville Peace Agreement* regarding police and the Defence Force as a result of experiences and perceptions during the Bougainville conflict. Their focus is on greater provincial control over sources of revenue, the budget, and public service.

If every province had the control over sources of tax and the revenues they yield that the East New Britain proposals envisage, together with continuing, large national government grants, it is difficult to know how economic development could be planned or services could be provided on a national basis, or what resources would be left to meet the costs of the national government, let alone the range of grants sought – though the proposals recognize the need for the province to continue making what the Community Consultative Committee on Provincial Autonomy (2004: 16) terms ‘a fair contribution to the National Government purse in accordance with a revenue sharing formula’. Establishing and operating a separate public service at provincial level would also be likely to weaken both the capacity and cohesion of public administration at the national level and nationwide.

These recommendations and reservations serve to highlight the ongoing effects of some of the basic and pervasive features of the provincial government system since independence, both before and since the ‘reform’: dependence on national government funds and administrative resources (including foreign aid and technical assistance). The social, political and even the overall economic costs of collecting local government taxes before independence were among the reasons why the previous system in which local government councils relied heavily

on locally-raised head taxes was changed (the issue was especially contentious on East New Britain’s Gazelle Peninsula). Another important reason was the reality that national government revenues, including foreign aid, were widely perceived as providing a sound fiscal basis for change. Having a separate public service in every province would be costly, with increased overheads (possibly including a separate Public Service Commission in each province, etc.) – albeit, arguably, with the possible advantage of increased responsiveness to local circumstances. It is in relation to these issues, in particular, that Bougainville should not be seen as a model or precedent to be followed in other parts of Papua New Guinea without the most careful consideration, and possible modification.

As previously observed, indeed stressed, the national government did not intend that the agreed arrangements for Bougainville autonomy would open the way for other parts of the country, as the names of the constitution, Part XIV and the organic law both show. Moreover, Bougainville political leaders have been adamant that they do not wish to see a repeat of the pre-independence situation where the Bougainville Interim District Government and pressures for provincial government in Bougainville led the way for the rest of the country – with no obvious benefit for Bougainville, and an outcome in which the ‘one size fits all’ approach which was adopted meant that other provincial governments sometimes acquired powers and functions they did not need, want or handle very well, while Bougainville was held back to a uniform standard.

Conclusion

The agreed arrangements for Bougainville autonomy were made in the course of a complex set of multi-dimensional and multi-layered negotiations in a post-conflict situation where the main shared objective was to secure lasting peace by peaceful means. The compromises made on many particular aspects of what was agreed form part of a package in which the different elements are linked in a variety of ways.

Autonomy is not a clearly defined concept (Lapidoth 1997:5; Hannum 1990;

Dinstein 1981). Autonomy arrangements around the world are of many different kinds – often classified into those which involve the devolution or acceptance of substantial authority under the control of institutions responsible for the government of the people and area encompassed by the autonomous entity ('political autonomies'), and those where the issue is primarily cultural and/or linguistic identity ('linguistic or cultural autonomies'). Owing its origins to the Greek term for 'self-government', 'autonomy' is also used as a way of describing or measuring the relative power or control over public affairs of sub-national authorities (the term is used in this general way in the pre-independence Constitutional Planning Committee's *Final Report 1974*, Part 1:10/9).

However, a little remarked feature of many political autonomies is that they are often essentially *ad hoc*, one-off arrangements. Thus it is not really accurate to describe Australia or the United States of America as federations – what of Norfolk Island and the Northern Territory in the first case, and of the Commonwealths of the Northern Mariana Islands and Puerto Rico in the second, not to mention the national capital territories (the Australian Capital Territory and the District of Columbia respectively)? The United Kingdom of Great Britain and Northern Ireland, and New Zealand are not really unitary states when the Channel Islands in the first case, and Cook Islands and Niue in the second case are taken into account. And so on around the world.

In this regard, the essence – and the truly innovative aspect – of Bougainville autonomy lies in the (so far) successful compromise it represents as a means of providing an agreed arrangement to make and build peace by peaceful means, and recognition that 'one size does not always fit all' – that realities in Papua New Guinea may require a certain measure of asymmetry (which is also evident in other ways), and that Bougainville is 'one off' for the sake of peace. The Papua New Guinea constitution, the *Bougainville Peace Agreement*, and the Bougainville constitution are all 'home-grown' (that is, made in Papua New Guinea by Papua New Guineans to suit Papua New Guinean conditions). It might, therefore, be appropriate to conclude by reflecting on the origins of the provincial government

system before independence. The issue then was not just service delivery (though this was clearly relevant), or responsiveness to local circumstances (which was relevant too), but conflict prevention and resolution – directed towards addressing pressures in East New Britain and Bougainville, in particular, without yielding to the threats that growing regional identity in Papua and the Highlands were widely believed to present for a united Papua New Guinea, and using existing administrative arrangements as the infrastructure for the new, decentralized arrangements (Papua New Guinea 1974: Part 1, Chapter 10).

Thus does an arrangement agreed as part of package of measures to transform violent into political conflict cast light on the origins – and raise interesting new questions about the future – of the provincial government system and other aspects of decentralization in Papua New Guinea, and the role that governmental arrangements can play in promoting good governance and peace.

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Endnotes

- ¹ This paper was presented to a seminar at the National Research Institute on 22 June 2006. The views expressed in the paper are personal (and sometimes speculative). They do not necessarily represent official positions.

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