



# Department of Pacific Affairs

## The Bougainville Referendum Arrangements: Origins, Shaping and Implementation Part One: Origins and Shaping

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The [Bougainville Peace Agreement](#) (the BPA)<sup>1</sup> is a complex agreement, produced by a succession of compromises made during more than two years of often intense negotiations (June 1999 to August 2001), directed towards permanently ending a deeply divisive violent conflict and generally referred to in Bougainville as ‘the crisis.’ The agreement sought to transform violent conflict through provision of new constitutionally provided governance arrangements that were acceptable to all the previously divided parties that participated in the negotiations. It is significant that it is not just the autonomy arrangements that provide a new governance framework applicable to both Bougainville and the Papua New Guinea (PNG) national government. The referendum arrangements are also intended to be a part of the new governance framework that are in large part designed to allow for the peaceful management of disputes that once were only dealt with through violent conflict. This is a vitally important perspective in relation to the referendum given that, as the time when the referendum must be held approaches, there are voices both at the national level in PNG and amongst pro-secessionist Bougainvilleans expressing doubts about aspects of what the BPA provides in relation to the referendum. Some in Port Moresby are still concerned that the existence of the referendum arrangements undermines PNG sovereignty, while some in Bougainville question the value of a referendum where the national parliament retains the right to reject the outcome of the referendum, or claim that the referendum is not necessary because Bougainville is already independent under the unilateral declaration of independence made by rebel leader Francis Ona on 17 May 1990.

These two linked Discussion Papers seek to provide insights into the referendum arrangements, starting with an historical overview of the development of support amongst Bougainvilleans for the separation of Bougainville from PNG. This first paper points to emergence of a pan-Bougainvillean identity during the 20th century and how it was that secession became a widely discussed possibility for Bougainville from the late 1960s, largely in reaction to decisions of the then Australian colonial government to permit the establishment of a large-scale mine in Bougainville. It then briefly reviews the origins and impacts of the Bougainville conflict (1988–97) and highlights what is still a little known and understood fact of Bougainville history: that the origins of the conflict do not lie in the mining-related grievances and actions of young landowners from the Panguna mine area, but rather in the grievances and actions of a broad coalition of Bougainville groups. The existence of such a coalition helps to explain the widespread response of Bougainvilleans to the violence of the PNG police mobile squads between 1988 and 1990, which saw the separation of Bougainville from PNG becoming the central demand of the Bougainville Revolutionary Army (BRA) leadership.

This paper also considers the divisions that developed amongst Bougainvilleans during the conflict including divisions about the possibility of secession. It touches on the efforts made between 1988 and 1995 to prevent escalation of the conflict or to end the conflict, before turning to the beginnings of the Bougainville peace process between 1997 and 1999. In particular it discusses the origins and development of the Bougainvillean demands for inclusion of provision on a referendum on independence in the BPA, and

how a significantly modified version of those demands was eventually included in the final version of the BPA, signed almost 17 years ago on 30 August 2001. This historical analysis provides the background to the second Discussion Paper, which surveys the intent, content and implementation (to date) of the referendum arrangements contained in both the BPA and the PNG constitutional laws that give effect to the BPA.

### Development of a distinct and unifying Bougainville identity

#### *PNG and Bougainville*

Bougainville's population in 2018 is approximately 300,000, less than 4 per cent of PNG's total population. Its 9438 square kilometres constitutes roughly 2 per cent of PNG's total land area. With 25 languages and a similar number of sublanguages and dialects (Tryon 2005), and many cultural differences even within the larger language groups (Ogan 2005), Bougainville reflects PNG's pattern of linguistic and cultural diversity. While in many ways Bougainville societies are close culturally and linguistically to those in the west of the neighbouring Solomon Islands, it is also true that many features of Bougainvillean cultures are similar to those found elsewhere in PNG as well as in other countries of the Melanesian cultural area. The most distinctive feature shared by most (but not all) Bougainvilleans is very dark skin colour, noticeably darker than most (though not all) people from other parts of PNG.

Pre-colonial Bougainvilleans were organised mainly around tiny, stateless, clan-based societies. Despite major social and economic changes since colonial 'rule' began in the late 19th century, the most significant social groups in Bougainville today continue to be nuclear and extended families, the localised clan-based landowning lineages to which members of those families belong (typically containing 50–150 members), and flexible groupings of such lineages. These structures continue to be heavily influenced by customary arrangements that remain strong today despite many significant changes in Bougainville society associated with the colonial and post-colonial eras.

A minority of societies have hereditary ('chiefly') leadership, with the rest largely built around performance-based leadership often with a hereditary element. Most societies are matrilineal, but at the same time tend to be quite patriarchal (Eves et al. 2018;

Hamnett 1977). Matriliney means that land and other valuable property (and often leadership) descends through the matrilineal line, that women tend to be seen as custodians of customary land and that they sometimes have quite high status within their societies, though the extent of this varies between culture and language groups. Under customary arrangements, however, women tend to have limited decision-making roles within the family and also tend to play limited public roles, with maternal uncles and brothers usually speaking on their behalf in public discussions, sometimes even on land matters (although women's views on customary land are usually regarded as important). It is still far from easy for women to take on other public roles in Bougainville, although this situation is gradually changing. In part this is because of the leadership roles that women took on in the origins of the Bougainville peace process (1997–2005) that ended the Bougainville conflict, and in part because of leadership roles that women are now playing in several Bougainville-based non-government organisations and as elected representatives in both the Autonomous Bougainville Government (ABG) (from 2005) and Bougainville's system of community governments established early in 2017 (in which each village assembly area elects both a male and a female representative).

While Bougainville was under nominal German colonial control from 1884 to 1915, the first colonial administrative centre was not established there until 1905. Hence, the engagement of Bougainville societies with the outside world is comparatively recent, something which helps to explain the continuing importance of pre-colonial social structures, including clans. Australia took control from 1914 until PNG's independence in 1975 (with a brief period of Japanese control during World War II). Some parts of mountainous Bougainville had little contact with churches or the colonial regime until after 1945.

The state in PNG (including Bougainville) has always been relatively weak at all levels, with a limited impact on local communities and difficulties in imposing policies on those determined to oppose them. There were no formal pan-Bougainvillean political structures under the highly centralised colonial administrative structure until very late in the colonial period. Indeed, elected local-level governments were only established gradually from the late 1950s onwards, and in some areas were resented and resisted (Connell 1977; Griffin 1977). The first pan-Bougainville political structures were

the combined councils conference established in 1963, followed by the interim provincial government set up in early 1974 and given a constitutional basis in 1977 as part of a settlement of Bougainville's first attempted secession in late 1975 (Ghai and Regan 2006). A group of young educated Bougainvilleans took the lead in the 1973 debates about establishing the interim provincial government. They were supported by John Momis, then a Bougainvillean member of the House of Assembly (the colonial legislature), who was de facto chair of the PNG constitutional planning committee that proposed a system of devolution to provincial governments to be included in the independence constitution (Ballard 1981; Conyers 1976; Regan 1997a).

### *Identities among Bougainvilleans and pan-Bougainville identity*

While trade networks undoubtedly linked various Bougainvillean groups before colonialism (see, for example, Specht 1974; Wickler 1990), most societies probably had little sense of Bougainville as a whole. Group identities were probably multiple, and were often related to environmental and other localized factors (Regan 2005:423–24). A pan-Bougainvillean sense of identity was created only from the early 20th century, initially as a response to plantation colonialism which brought about the first extensive interactions of Bougainvilleans with people from elsewhere in PNG, with dark skin colour becoming the primary marker of that identity (Nash and Ogan 1990). Bougainvilleans were regarded by the German colonisers as particularly fierce and they were valued as policemen and as providers of security on plantations. Nash and Ogan (1990) argue that in carrying out such roles, many developed a sense of the superiority of black-skinned Bougainvilleans over the lighter ('red skin') people that they were often supervising.

Politicisation of this new pan-Bougainville identity developed after World War II. Contributing factors to this new politicisation included continued close links to Solomon Islands (reinforced by the links of the two main Christian churches in Bougainville with 'parent' houses in Solomon Islands), grievances against the colonial regime for neglect of economic development in Bougainville (Griffin et al 1979:150), and the racism of some planters and colonial officials (Ogan 1965, 1971, 1972). However, the strongest factor to drive identity politicisation was Bougainvillean reaction to the

development of one of the world's largest copper and gold mines in the mountains of central Bougainville from the mid-1960s, under Australian colonial rule. The mine was seen by many Bougainvilleans as imposed by the colonial authority for the benefit of the rest of colonial PNG with little regard to detrimental social and environmental impacts on Bougainville itself. There was particular resentment of the limited land rents and compensation and the fact that they were paid only to communities whose land was actually used for mining-related purposes, with no regard for the impact of mining on other communities (Regan 2017). The mine operated from April 1972 until violent conflict closed it in 1989; it has not reopened. While resented by many, economic activity associated with the mine together with widespread plantation and smallholder cocoa and copra production made Bougainville PNG's wealthiest province before the conflict. It was, however, wealth based on significant inequality (Regan 2017:364–66), a factor which undoubtedly contributed to the origins of the conflict.

### **Background to secessionist demands**

#### *Early evidence of secessionism*

Both Conyers (1976:53) and Mamak and Bedford indicate that the possibility of secession had been discussed in some areas of Bougainville for many years before the first recorded Bougainville secession demands that emerged in the late 1960s in the context of both development of the mine and the approach of independence, both of which raised expectations and opportunities for change. A September 1968 meeting of a group of 25 Bougainvilleans living in Port Moresby 'called for a referendum in Bougainville on its political future' (Griffin et al. 1979:152; Mamak and Bedford 1974:8–10). A spokesman for the group, Leo Hannett, issued a statement requesting that the proposed referendum be held by 1970 'to decide whether Bougainville should be independent, should unite with the Solomon Islands to constitute a separate unit, or should remain with PNG' (Premdas 1977: 76).

The September 1968 call for a referendum saw secession become widely discussed amongst emerging educated Bougainvillean leaders, who then sought to convey their perspectives to other local leaders, making deliberate efforts to communicate with local government council leaders through the Bougainville combined councils meetings. Most of the educated



leaders probably saw their demands for secession as part of a strategy to gain autonomy for Bougainville within new PNG constitutional arrangements that would possibly come with independence.<sup>2</sup> Nevertheless the constant discussion of the topic led to widespread interest in secession as a solution to what were seen as a range of problems affecting late colonial Bougainville, and especially mining-related problems. A new political organisation established in the Kieta area in 1969, Napidakoe Navitu, was openly secessionist and in 1970 attempted to stage its own 'referendum on secessionism' although it was 'a fiasco' (Griffin et al. 1979:153; Mamak and Bedford 1974:9–10). In March 1971 Paul Lapun, one of Bougainville's three representatives in the House of Assembly and Chairman of Napidakoe Navitu, 'unsuccessfully introduced a Bill ... calling for a referendum among Bougainvilleans to determine whether the island should be independent' (Premdas 1977:68).

### *The first Bougainville unilateral declaration of independence*

Secessionist feeling intensified in the aftermath of the killing in the eastern highlands in December 1972 of two senior Bougainvillean public servants who had been involved in a car accident in which a small child was killed. The educated leadership, however, gradually shifted the focus of debate to autonomy for Bougainville within PNG as their preferred approach to gaining a share of mining revenue and for dealing with Bougainville's broader needs. In late 1973, PNG reluctantly agreed to an 'interim' Bougainville provincial government (Ballard 1981; Conyers 1976:53–64; Mamak and Bedford 1974:18; Somare 1975:114–22). In 1974 and 1975 tensions developed over the demand by Bougainville's unelected Interim Provincial Government for a share of mining revenue. That dispute, and the move by then Chief Minister Somare in July 1974 to remove the constitutional arrangements for provincial government from the independence constitution, resulted in the Bougainville leadership making a unilateral declaration of independence (UDI) with effect from 1 September 1975, just days before PNG's independence. The secessionists were initially dismissed in Port Moresby as a minority that was strongly opposed in the north of Bougainville. But as Premdas observes:

In late 1975, [PNG Prime Minister] Somare sent a delegation of cabinet ministers and other political personnel to ascertain the extent of secessionist sentiments ... Everywhere they went, even in the northern parts of the island, they were met by large crowds, effectively destroying all lingering illusions that Bougainvilleans were undecided or divided on their demands for secession (Premdas 1977:80).

Despite the existence of strong secessionist feeling, the Bougainville leadership was quite moderate. There was limited violence, the main exceptions occurring in January 1976 when 'secessionists destroyed government property and buildings and tore up airstrips in the northern and southern parts of the troubled island' and then in June when the PNG government 'dispatched a riot police squad (sic) to southern Bougainville to evacuate the staff of Buin High School (which had been the scene of considerable disturbances a month before)' (Laracy 1991:55). Recognition from the international community for Bougainville's independence was not forthcoming and, after a failed effort to gain support from the United Nations for secession, negotiations between PNG and Bougainville developed and continued for about six months (Momis 2005:312–14). In mid-1976 an agreement was reached for constitutionalised autonomy, generalised to the whole of PNG through a system of provincial governments coupled with what was in effect special financial arrangements for Bougainville, the only PNG province at that time where a large-scale mining project was located. Its provincial government was to receive a guaranteed share of mining revenue through receipt of 95 per cent of the mineral royalties which until then had been paid by the mining company to the PNG government. (The other 5 per cent was already payable to the landowners of the mine lease area.)

Support for secession calmed after 1976, but never died. The provincial government system was initially widely accepted as a substitute for independence. There was, however, a gradual loss of faith as many people realised that Bougainville's provincial government had limited authority over matters of central concern to Bougainvilleans and in particular, mining, land and internal migration. By the mid-to-late 1980s there was a growing but by no means universal sense that it had been a mistake for Bougainville to abandon the

secessionist cause in 1976 (Ghai and Regan 2006:295–96; Regan 2017; Tanis 2005).

### The conflict and the second unilateral declaration of independence

These concerns contributed to a conflict beginning in late 1988 as new Bougainvillean leadership emerged that challenged the mining company, the national government and Bougainville's provincial government over not only the distribution of mine revenue but also concerns about social and environmental impacts of mining. In general the coalition of groups did not seek an end to mining, but rather sought a radical new regime that included considerably increased flows of revenue to mine-impacted communities and to Bougainville's provincial government (Regan 2017). While this new leadership was widely reported at the time, and has been discussed ever since, as involving mainly young mine area landowners led by Francis Ona, in fact there was a coalition of groups involved, the existence of which helps to explain how it was that the initial demands relating to mining were rapidly transformed into a generalised separatist uprising. This coalition emerged in 1987–88 and included:

- some younger generation landowners from the mine lease areas
- young Bougainvillean mine workers, who came from many parts of Bougainville
- members of the broadly representative Arawa Mungkas Association (see Mamak and Bedord 1974:13–17 for discussion of an earlier manifestation of the Mungkas Association)
- members of radical 'pressure groups', mainly from the Bana and Siwai areas of south-west Bougainville
- members of criminal gangs recruited by leaders of other groups once police violence was being widely used
- indigenous political–religious groups such as Me'ekamui Pontoku Onoring, led by Damien Dameng (Regan 2017).

Most of the leadership of these groups were adherents of the Catholic church, and they got strong support from some Catholic church leaders, a fact that greatly added to the legitimacy of the coalition in Catholic-dominated Bougainville (Regan 2017:368–69, 383–84). The Catholic Justice and Peace Commission was a consistent voice of criticism of mining-related injustices (see Kigina 1984) as was the then Bishop of

Bougainville Gregory Singkai and several outspoken priests on the impacts of mining.

Although these groups had differing agendas and objectives, all were concerned in various ways about the impacts of the mine, and sought a far fairer mining agreement. Some of them, and notably the leadership of the Bana Pressure Group<sup>3</sup>, saw secession as an important goal, but it was not a generalised one until the unifying experience of the PNG police mobile squad's violence made secession the key goal of what quickly became a wider uprising. Ona became the main leader of the coalition of groups, because he was a member of most of the groups involved but also because he was a strong personality with a particularly strong sense of grievance about the impacts of the mining company Bougainville Copper Ltd (BCL). Much of Ona's grievance related to internal family problems that saw him and his family excluded from distribution of BCL payments of land rents and compensation (Regan 2017:386–88; Roka 2014:23–26).

The November 1988 destruction of some mine property was the spark to a wider conflict. It involved, amongst other things, explosions that brought down power lines supplying power to the Panguna mine site. These were actions carried out by members of the Bana Pressure Group, contrary to most reports which attribute the action to young mine area landowners. The destruction of mine property was intended to put pressure on the mining company and both the national and Bougainville provincial governments to negotiate new mining arrangements. However, contrary to expectations of the Bougainville groups involved, their actions were almost immediately treated as a law and order issue, and police mobile squads were deployed from elsewhere in PNG. It was the indiscriminate police violence, initially mainly against communities in the areas around the mine but later on a broader basis, that quickly transformed the conflict into a generalised uprising, changing the key demands of the leadership away from mining-related grievances to secession.

Secession soon became the central demand of the newly established and very loosely structured BRA, of which Francis Ona was the leader. Again, contrary to most reports, the BRA originated not amongst young Panguna landowners, but in members or associates of the Bana Pressure Group.<sup>4</sup> It soon expanded, however, to include members from most parts of Bougainville. Key BRA personnel actively recruited members of Bougainvillean criminal gangs in the belief that they

would be more ready than most to respond to the violence of the police mobile squads.

The PNG Defence Force (PNGDF) was deployed in April 1989, but to no avail, and its personnel too became involved in generalised violent action against the non-combatant population (Liria 1993). Closure of the mine was pursued as a goal, but Ona and the leaders around him also envisaged the mine being reopened as the major source of revenue for an independent Bougainville, provided it operated under a new dispensation, far fairer to impacted communities (Regan 2017). The mine did close in May 1989 and in March 1990 PNG forces (both police and PNGDF) withdrew from Bougainville under a ceasefire.

In May 1990 Francis Ona made Bougainville's second UDI although, again, international recognition of Bougainville's independence was not forthcoming. Soon after the UDI was announced, PNG imposed a sea and air blockade of Bougainville that continued until late 1994. Bougainville's provincial government was suspended in mid-1990 and remained suspended until it was reestablished as the Bougainville Transitional Government in early 1995.

### *Intra-Bougainville conflict*

Internal divisions amongst Bougainvilleans developed rapidly in the wake of the departure of PNG forces in March 1990. Factors involved included the very loose structures of the BRA and the presence in its ranks of many criminals. A significant contributing factor was the BRA standing orders issued by Ona, which invited action against suspected PNG agents as well as sorcerers, orders that provided the motivation for many targeted attacks based more on localised jealousies and conflicts than on any real need for action. Another factor in emergence of conflict was the strong localised identities of Bougainville (Regan 2005), with much of this conflict reflecting longstanding sources of division. A pan-Bougainville identity and the development of political demands associated with that identity had been able to unite Bougainvilleans when there was a national government and an international mining giant present to oppose. In the absence of both of them, localised identities took precedence and were often a factor in conflict on the island.

By the latter part of 1990 leaders of some local communities threatened by localised conflict actively supported the return of PNG forces, which began

in Buka in September 1990. Former BRA elements loyal to such leaders then began actively assisting PNG forces, in time becoming part of the loosely structured Bougainville Resistance Forces (BRF). These developments established patterns of conflict that persisted until 1997. Terrible violence was unleashed through this internal Bougainville conflict, and at least some of this violence was modelled on and legitimised by the violence Bougainvilleans had experienced at the hands of the PNG security forces.

The conflict took on three distinct but overlapping dimensions. First, the BRA pursued independence and fought the returning PNG forces, gradually gaining the upper hand, at least from about 1994. Second, the BRA also fought elements of the BRF. The BRF leadership tended to oppose independence, but mainly because of fear of what exclusive BRA control of an independent Bougainville might mean rather than because of principled opposition to independence. The third dimension of the conflict involved highly localised conflicts over land, relationships and other family and community level causes, often but not always involving local BRA and BRF elements. All three dimensions of the conflict were violent and divisive and often gave rise to fluid and shifting relationships between groups at the local level.

### *Impacts of the conflict*

The impacts of the conflict were severe. Varying estimates of the numbers of conflict-related deaths have been made, from 3000 up to 20,000.<sup>5</sup> Given that Bougainville's population immediately before the conflict was about 150,000, and that between 10,000 to 15,000 left Bougainville as a result of the conflict during 1989 and the first half of 1990, then even 3000 deaths was an appalling outcome. This figure includes perhaps 1000 or more from conflict, including both Bougainvilleans and several hundred PNGDF and police personnel. In addition, there were many extrajudicial killings by all groups involved in the conflict, as well as an unknown number of deaths caused or contributed to by the PNG blockade of BRA controlled areas. These deaths, and the many more injuries that occurred, caused grave trauma for Bougainville. Another source of anguish was the displacement of 60,000 people from their hamlets and villages to displaced persons camps, called care centres. Deep divisions amongst Bougainvillean communities

arising from the conflict led to further trauma. Other impacts included destruction of virtually all public infrastructure and private sector productive assets, and destruction of the capacity of both Bougainville's provincial government and of national government agencies previously operating in Bougainville. For PNG, the deaths and injuries suffered by many PNGDF and police personnel was also deeply traumatic and contributed to significant loss of morale in both organisations. Further, the closure and loss of revenue from the Panguna mine had deleterious impacts on the PNG economy.

The extent of the divisions amongst Bougainvilleans was manifested in the establishment of opposing government structures: a Bougainville Interim Government (BIG) associated with the BRA, and from early 1995 the Bougainville Transitional Government (BTG) which was quite closely associated with the BRF (a nominated member represented the BRF in the government).

Amongst the BRA personnel and the extensive support base it enjoyed in many Bougainvillean communities, PNG was seen as at fault due to its actions in the origins of the conflict, and in particular the indiscriminate violence wrought by the police mobile squads, and later by the PNGDF. Many felt deep bitterness towards the PNG state. As a result, the cause of independence from PNG became a deeply held core belief for many Bougainvilleans. Those views tend to remain little changed by the almost 17 years that have elapsed since the BPA was signed. So deep was the conviction of pro-secessionists that they developed their own explanations for why BRF members and other Bougainvilleans opposed secession, which included a widespread belief that the support of BRF members and other pro-PNG leaders was being bought by PNGDF payments to the individuals concerned.

On the other hand, the experience of not only the chaotic internal conflict that began after the PNG forces withdrew, but also the subsequent localised conflict, led to many Bougainvilleans opposing independence, especially if it were to be under a BRA-dominated government.

### The peace process

From as early as late 1988, various initiatives were directed to either preventing the violence (in the early stages of the conflict) or ending the violence

and achieving peace (see, for example, PNG 1992). Although there were hopeful signs associated with some of the initiatives, they all failed to prevent the violence or achieve peace for a variety of reasons. This is not to say that these efforts were a waste of time, as cumulative lessons were learnt through those attempts (see Regan 2010:141–42). From late 1995, however, a number of factors interacted to create the political space within which a successful peace process was able to emerge. A major factor was the resurrection of Bougainville's provincial government in early 1995, now called the Bougainville Transitional Government (BTG) which, under the leadership of lawyer Theodore Miriung, became focused on finding solutions to the conflict. In late 1995 these efforts culminated in little-known talks held in Cairns, Australia, between the BTG and BRF leaders on one side, and BIG and BRA leaders on the other, in which for the first time moderate leaders on both sides engaged and explored possible ways ahead.

Unfortunately, a PNGDF ambush of BIG/BRA leaders returning to Bougainville from the December 1995 talks resulted in a hiatus and was followed by a significant escalation of military activity by the PNGDF in 1996. These increased PNGDF efforts were, however, singularly unsuccessful. The failure of PNGDF action was a significant part of the motivation by the PNG government for ultimately unsuccessful efforts from late 1996 to engage mercenaries in an effort to defeat the BRA, known as the Sandline affair (Dinnen et al. 1987; Dorney 1998; O'Callaghan 1998). Paradoxically, however, the Sandline affair resulted in a change of attitude on the part of the BIG/BRA leadership. The failed PNG effort to engage the Sandline mercenaries led the BIG/BRA leadership to consider the risks of a significant new and unpredictable escalation in the conflict, and the role of the PNGDF in ousting the Sandline personnel contributed to senior BRA and BIG leaders assessing the PNGDF in a more sympathetic light than had hitherto been possible (Regan 1997b). At the same time, the Sandline affair added to what was already steadily growing pressure from the international community on PNG to move away from use of military force to resolve the conflict, towards use of political processes.

In any event, a peace process developed in mid-1997, initiated by moderate Bougainvillean leaders on both sides of the conflict who had become deeply concerned about the potential long-term impacts of



the intensifying divisions amongst Bougainvilleans. They were supported by the New Zealand government, which provided the venue and some mediation for a series of meetings from mid-1997 to January 1998 (Adams 2001; Hayes 2005; Mortlock 2005). The peace process involved three main stages. The first was from mid-1997 to mid-1999, and mainly comprised efforts to build trust between previously opposing and still deeply distrustful groups. To that end, the Lincoln Agreement (one of three main agreements reached in the first seven months of the process) provided for the establishing of a single Bougainville Reconciliation Government, intended to bring together the previously opposing Bougainville governments, the BIG and the BTG. In this first phase, an international intervention was also developed through agreement between the opposing Bougainville groups and the PNG government. It comprised two main components. One was an unarmed regional group of personnel from four countries which monitored first a truce and later a ceasefire (the New Zealand-led Truce Monitoring Group from November 1997 to March 1998, then the Australian-led Peace Monitoring Group from April 1998 to June 2003). The second component was the establishment of a small United Nations (UN) observer mission, supplied by the UN Department of Political Affairs, which operated from mid-1998 to June 2005.

The second phase of the process, from 30 June 1999 to 30 August 2001, was the negotiations for a political settlement to the conflict. The differences amongst the Bougainville factions, in particular, had been too deep to allow for negotiations before June 1999. The third phase, from August 2001, involved the implementation of the BPA. The initial steps were drafting the PNG constitutional laws that give effect to the BPA, the development between September 2002 and November 2004 of the Bougainville constitution under which the ABG was established in June 2005, and the implementation of the three-stage weapons disposal plan contained in the BPA. In many ways the implementation of the BPA has continued ever since August 2001, with the steps currently under way to prepare for the referendum on Bougainville's independence being just the latest stage in the implementation process.

While the first phase of the peace process was directed at bringing the deeply divided parties closer together, the divisions, especially those between Bougainvilleans, were still intense, so much so that new

intra-Bougainville divisions emerged in the early stages of the peace process. Francis Ona and the minority of BRA elements who supported him was one such division as Ona opposed the peace process, claiming that Bougainville was already independent as a result of the May 1990 UDI. While Ona did not have enough armed supporters to disrupt the peace process, his strident support for Bougainville secession put strong pressure on the BRA leadership who were involved in the peace process. It also gave them useful arguments for the negotiations with PNG — they were able to claim with a high degree of credibility that they had limited room to move for fear of losing popular support to Ona. (For more on this aspect of the 'new' divisions, see Regan 2010:47–50).

A second source of division related to the significant difficulties experienced in establishing the Bougainville Reconciliation Government under the Lincoln Agreement of January 1998. These difficulties saw three of Bougainville's four MPs, together with leaders of Buka's council of elders and some BRF elements, refusing to work with the mainstream Bougainville leaders supporting the peace process. In fact, they boycotted the May 1999 elections of the Bougainville People's Congress (which was designated as the Bougainville Reconciliation Government envisaged by the Lincoln Agreement) and the initial negotiations for the political agreement in June 1999. With the BRF and integrationist support more generally concentrated in particular areas, especially the large island of Buka and the northern part of Bougainville Island, there were serious risks of long-term geographic divisions emerging from the peace process. Indeed, a Tok Pisin slogan often used by a key Buka leader at this time was *Sapos Bogenvil I bruk lus lo PNG, Buka bai bruk lus lo Bogenvil* (If Bougainville secedes from PNG, then Buka will secede from Bougainville.) The split in this case emerged in December 1998. It then took almost 12 months before the dissidents and the leadership of the Bougainville People's Congress were able to agree to work together. (For more on this second aspect of 'new' intra-Bougainville divisions, see Regan 2010:50–52.)



## The referendum in the Bougainville Peace Agreement

### *The combined Bougainville negotiating position*

To understand the quite complex referendum arrangements in the BPA, and in particular the reasons why it provides for deferral of the referendum for 10 to 15 years after the Autonomous Bougainville Government (ABG) was established and why the referendum outcome is not binding on PNG, it is necessary to consider the origins of the BPA in the more than two years of negotiations that occurred in the second phase of the peace process, between June 1999 and August 2001.

The negotiations for the BPA actually involved two separate negotiations. The first was an intra-Bougainville negotiation in May and June 1999, intended to find a compromise between the divided Bougainvilleans. That first stage resulted in the joint leadership in the Bougainville People's Congress developing a combined Bougainville negotiating position (Regan 2002), which they took into the second series of negotiations which lasted more than two years between Bougainville and PNG, from 30 June 1999 to 30 August 2001. Although the three Bougainville MPs, some BRF leaders and some Buka leaders were not part of these intra-Bougainville negotiations, they subsequently accepted the combined negotiation position when they reconciled with the Bougainville People's Congress in November 1999.

The election of the Bougainville People's Congress in May 1999 saw pro-secession and pro-integration leaders sitting together in the one institution for the first time. Developing the compromise 'united Bougainville negotiating position' was not easy. Up until that point the secessionist leaders had had very little appreciation of the degree of suspicion of them and their goals on the part of many of the BTG and BRF leaders. The BIG and BRA leaders to that point had been arguing that Bougainville should pursue the earliest possible independence, and the fear on the BTG and BRF side was that the BIG and BRA leadership might seek to dominate an independent Bougainville, seeking to exclude all others.

In the first few months of 1999, however, the split in the leadership supporting the peace process and the boycott of the Bougainville People's Congress by the three MPs and other leaders had brought home to the secessionist leaders the fact that there

were serious differences amongst the Bougainville leadership on secession. So in the process of intra-Bougainville negotiations that preceded negotiations with PNG, the secessionists reluctantly accepted a referendum on independence as a democratic basis for making such a step, but wanted it held as early as possible (such as within 3 to 5 years) and demanded that its outcome be mandatory. Other Bougainvillean groups were open to a referendum being held, but feared domination by armed BRA groups if an early referendum occurred before reconciliations were held and normalcy returned. So they argued for deferral of the proposed referendum for a longer period, to allow for reconciliation and for disposal of weapons. Some other Bougainvillean groups were initially opposed to anything other than Bougainville continuing to be a part of PNG, but with a high degree of autonomy. It was difficult to reach a common Bougainville position on this as well as other contentious issues.

In an impressive process that has been described elsewhere (Regan 2002; Regan 2010:85-88) the combined leadership in the Bougainville People's Congress reached such a compromise which:

involved those supporting independence dropping their demands for early independence and instead agreeing to deal with that issue through a referendum ... but deferred to allow time for divided Bougainvilleans to reconcile ... On the basis that those supporting integration would agree to support the holding of the referendum, the secessionists agreed to support the high autonomy for Bougainville preferred by the integrationists (Ghai and Regan 2006:597).

The referendum would be held within six to eight years and the outcome would not only be binding on both PNG and Bougainville, but would apply to the whole of Bougainville irrespective of whether particular areas voted differently from the majority.

As they considered incorporating these compromises into a 'common Bougainville negotiating position' being prepared for the first negotiating session with the PNG government on 30 June 1999, a major concern was how to avoid the risk that a referendum might cause conflict if a substantial minority was left dissatisfied by the outcome. The particular concern was Buka and parts of north Bougainville where opposition to the BRA was strongest. As a result, the initial common negotiating position proposed that:

- a vote of two-thirds or more of the Bougainville electorate would be conclusive
- a vote of between 55 per cent and two thirds would be conclusive only if approved by a two-thirds absolute majority vote of the Bougainville legislature
- in case of either a vote between 55 per cent and two-thirds where the Bougainville legislature did not approve, or a majority vote of less than 55 per cent, a further referendum could be held at a time determined by the Bougainville legislature.

The precedent of influence here was the 1998 Noumea Accord negotiated for New Caledonia, under which as many as three referendums on independence can be held if the first does not result in a majority vote for independence.

In addition, the Bougainville side asserted that a vote in such a referendum should not only be binding on both PNG and Bougainville, but also be binding on all parts of Bougainville (if the majority vote in Bougainville was to be for independence, then a vote against independence in a particular part of Bougainville would not provide a basis for that part to remain within PNG, a provision proposed with particular reference to Buka).

From the outset of the negotiations between Bougainville and PNG, the PNG side opposed a referendum on independence, seeing that as an affront to its sovereignty (Regan 2010:59) and likely to establish a dangerous precedent for other parts of PNG, especially those where there had been a history of micro-nationalist movements (see May 1982), as well as a threat to Bougainvilleans opposed to independence. In the first few months of negotiations for the BPA, it became apparent to the Bougainville negotiators that, quite apart from the general concern that the PNG side had with a referendum, PNG had particular problems with the possibility that there could be more than one referendum. In the interests of seeking compromise on the referendum, the proposals for special majorities and a possible second referendum were dropped.

The negotiations for the BPA occurred in 23 sessions varying in length from a day to a month, held over more than two years (June 1999–August 2001). The differences between the PNG and Bougainville parties over the referendum were extensive and extremely difficult to resolve. Indeed, in the early stages of negotiations the PNG side sought to avoid discussion of the issue. When the issue was raised, differences between the sides dominated. Despite the best efforts

of the director of the United Nations Observer Mission on Bougainville in chairing negotiations and mediating when he could, by late 2000, differences over the referendum resulted in stalemate in the negotiations. Tensions were high and a breakdown in the peace process seemed quite possible.

### *The referendum compromise, December 2000*

It was an Australian government intervention in December 2000 that broke the deadlock. This mediation was possible only because of a little known but highly significant change in Australian policy in relation to Bougainville, announced in January 2000 by then Australian High Commissioner to PNG, Nick Warner. The previous policy position had emphasised Australia's respect for PNG's territorial integrity, with Bougainville regarded as an integral part of PNG (a view that caused grave concern to pro-secession Bougainvillean leaders, committed as they were to self-determination for Bougainville). The new position was that Australia 'would accept and support a political solution negotiated by the parties' (Downer 2001:33–34).

This major policy change was largely the outcome of the close engagement of Australia in the peace process, especially (but not only) through its leadership, from early 1998, of the regional Peace Monitoring Group (Breen 2016; Regan 2010:65–71; Wehner and Denoon 2001). This engagement had helped the Australian government better understand not only the depth of feeling underlying Bougainville's demands in the negotiations and the difficulties involved in bridging the gap between PNG and Bougainville positions, but also the difficulties in Australia playing neutral peace monitoring or mediation roles if it was seen as having a predetermined position, supporting one side on the most divisive issue: Bougainville independence. Many Bougainvilleans blamed Australia for the conflict because it had authorised the establishment of the Panguna mine and also blamed Australia for its support to the PNGDF during the conflict. Consequently, any suggestion that Australia was favouring the PNG side in the negotiations tended to undermine any claim to Australian neutrality.

The then Australian Minister for Foreign Affairs, Alexander Downer, made his compromise proposal on the referendum arrangements in the course of visits first to Bougainville and then to Port Moresby in December 2000. His advice on the issues involved

came from High Commissioner Warner and his first secretary responsible for Bougainville matters, Sarah Storey. Downer proposed that the parties should agree to a constitutionally guaranteed referendum, deferred for a longer period than Bougainville had hitherto proposed — 10 to 15 years after an autonomous Bougainville government was established. Most importantly, the referendum outcome should not be binding, but rather would become a matter for consultation between the parties, with the PNG parliament having ultimate decision-making authority.

The Australian proposal was intended to remove the immediate sources of tension over the question of a referendum. The first dimension of the proposal — deferral of the decision on the most contentious issue for an extended period — aimed to give the parties the opportunity to build trust and reach a better understanding through the operation of the autonomy arrangements (already largely agreed by December 2000). For its part, PNG was being offered the opportunity to manage its relationship with Bougainville in such a way as to gradually reduce division and bitterness, and in doing so reduce support for independence. The assumption was that PNG would grasp the opportunity to make the autonomy arrangements work so well (for example, through financial support, transfer of powers, capacity building) that even many pro-secessionists might be persuaded to vote against secession.

The second dimension to the compromise was to significantly reduce the salience of the referendum. Instead of being decisive on the issue of independence (as proposed by the Bougainville negotiating position), if the referendum vote was to be in favour of independence then the parties would consult, with a view to finding agreement on the way forward. Hence although the referendum would not be binding, the national government could not simply ignore it. The PNG government would be constitutionally obligated to consult with the Bougainville leadership about the referendum results.

The compromise proposal was accepted mainly because it offered both parties an escape from the possible collapse of the talks and a likely consequential crisis. It did so through arrangements that gave each party a significant part of what they sought. Bougainville achieved a constitutionally guaranteed referendum, and after 18 months of tense negotiations the leaders realised what a significant achievement that

was. In doing so they conceded that the referendum alone would not decide the independence issue.

Serious concerns about that change were considerably reduced by what was seen as an assurance provided by Downer's arguments in favour of the compromise. He pointed to the precedent of East Timor, saying that although the outcome of its 1999 referendum was not binding on Indonesia, once an overwhelming majority of East Timorese voted in favour of independence the international community ensured that the vote was honoured. The Bougainville negotiators saw this argument as an assurance of the same international community support should there be similar outcome when the Bougainville referendum was held.

As for PNG, by this late stage of the negotiations for a political agreement it was becoming clear that there would be no agreement without including a referendum on independence; the depth of pro-secession feeling was clear. PNG conceded a referendum while getting the right of final decision on the outcome. Downer assured PNG that its sovereignty was protected if the outcome was not binding and ultimate authority rested with the PNG parliament. In doing so, PNG leaders took the view that Australia would support PNG's authority if it were to reject a referendum vote in favour of independence.

### Combining autonomy and a deferred referendum

As discussed briefly already, a key assumption of the proposal for inclusion in the political settlement of the combination of constitutionalised asymmetrical autonomy arrangements and a deferred but non-binding referendum on independence was that it would offer PNG the opportunity to persuade even pro-secession Bougainvilleans on the long-term advantages of remaining part of PNG. The most obvious example of such an approach in the region was the way that France was implementing the Matignon Accord (1988) and the Noumea Accord (1998) in relation to New Caledonia's political future by ensuring that a programmed approach was followed, not only in the irreversible transfer of powers but also the adequate flow of resources to New Caledonia.

However there are some aspects of the Bougainville arrangements that perhaps militated against PNG following the example of France. In particular, the outcome of the referendum in New Caledonia is binding, whereas that will not be the case with



the Bougainville referendum. As a result there are those in PNG who feel it is not necessary to treat Bougainville too much as a special case, because even if the Bougainvilleans become disgruntled with their treatment by PNG, they will not have an enforceable right to separation even after a majority vote for independence. Further, PNG has much less freedom to move than France has in terms of making special provision for New Caledonia, especially in provision of funding. Most of the provinces that constitute the rest of PNG have similar claims in relation to lack of adequate funding from the centre to those that Bougainville makes. Particularly in the period of low commodity prices since the advent of the global financial crisis, special treatment for Bougainville in terms of funding could have resulted in strained relations for the centre with provinces elsewhere in the country. Hence although the autonomy arrangements are definitely designed to be asymmetrical — applicable only to Bougainville and not to the provinces elsewhere in PNG — there is clearly pressure on the PNG government to reduce the extent of asymmetry.

Whatever the reasons, there has been real disappointment in Bougainville with the progress in implementation of the autonomy arrangements, both in terms of the pace at which powers and functions have been transferred from the national government and the flow of funding from the national government to the ABG. The most serious problems with funding relate to the payment of one of the two main annual grants payable to the ABG by the national government — the restoration and development grant. In a conflict running since about 2010, the ABG has been claiming serious underpayment of this grant, resulting from a failure by PNG to calculate the amount payable annually on the basis of the formula in section 49 of the [Organic Law on Peace-building in Bougainville — Autonomous Bougainville Government and Bougainville Referendum](#). On the ABG's calculations, the amount of the annual grant should be around K70 million, as opposed to the K15 million annual payment usually provided in the national budget, and arrears of payment amount to in excess of K700 million.

As the other main grant — the recurrent unconditional grant — meets the costs of the functions and powers vested in the ABG and so is in essence tied to meeting the costs of the existing ABG functions and powers, the restoration and development grant is of great importance if the ABG is to have funding

available to allocate to development projects at its discretion. The failure, over about eight years now, to resolve the ABG's concerns about the restoration grant have undoubtedly contributed to strained relations between the ABG and the national government. These strained relationships suggest a failure on the part of the national government to grasp the opportunities inherent in the combination of asymmetrical autonomy and a deferred referendum.

### The referendum in Bougainville's politics after 2001

As mentioned earlier in this paper, when the joint Bougainville negotiating position was being negotiated in mid-1999, just before the negotiations for the BPA began, the moderate Bougainvillean leadership was divided on the question of independence, and whether and when there should be a referendum on independence. Many of those who supported a referendum deferred for an extended period took that position because of fears of domination of a post-referendum by the BRA, and some form of repetition of the chaotic situation that arose after the withdrawal of the PNG forces from Bougainville in March 1990. The establishment of the ABG in 2005 through a peaceful election, followed by two more general elections (2010 and 2015) and a Bougainville-wide presidential by-election late in 2008, and the lack of interference by former combatants (BRA or BRF) in the operation of the ABG has changed attitudes towards the referendum and probably towards independence. However, in the absence of any form of opinion polling in Bougainville, it is impossible to assess the extent of support for either independence or integration, or the degree of change in levels of support for both positions.

As for those who in 1999 were refusing to support the peace process, as already noted, Ona and some BRA elements had refused to join the peace process in 1997, and by early 1998 were claiming to be the true government of Bougainville through Ona's proclamation of the Republic of Me'ekamui. Throughout the negotiation of the BPA and the early period of its implementation, Ona was a strident critic of the whole peace process and claimed that the referendum proposal was actually a trick on the part of the PNG government, intended to divert attention from the status of independence that he claimed had already been attained through his UDI of 17 May 1990. Soon after the ABG was established, however, Ona



died quite unexpectedly in July 2005. In the aftermath of his death, the Me'ekamui leadership split into two main factions and some associated semi-independent locally based groups. One of the main factions, calling itself the Me'ekamui Government of Unity, began working with the ABG from about 2007, resulting in restoration of ABG government services in much of what had previously been a Me'ekamui-imposed no-go-zone in areas around the mine and down to the main Buka–Arawa road. Nevertheless, even the Me'ekamui Government of Unity maintained a degree of separation from the ABG and continued to be sceptical about the possibility of a referendum. (For more on the post-Ona Me'ekamui leadership movement, see Regan 2010:114–17.)

This situation continued until about 2016, when it became increasingly clear that the national government was beginning to engage in a serious way with the ABG about the referendum. The first real progress towards organising the referendum began at the May 2016 Joint Supervisory Body (JSB). From then on there has been a growing acceptance amongst the Me'ekamui leadership that the referendum will really occur, and this change has manifested itself in the agreement by the Me'ekamui factions to a new weapons disposal programme.

The most significant leadership element refusing to commit to working with the ABG in relation to the referendum is yet another group claiming to be the legitimate government of Bougainville — the Kingdom of Papala, headed by the self-appointed claimant to the monarchy, Noah Musingku. Musingku first came to public attention in 1998 in Port Moresby as head of a major Ponzi scheme, called U-Vistract, and fled to his home province of Bougainville in 2003 to escape warrants for his arrest arising from legal proceedings in relation to the failure of U-Vistract to pay hundreds of millions owing to investors in the scheme. Initially based at Guava village with Francis Ona, Musingku fell out with Ona in mid-2004 and went to his home area of Tonu in Siwai, and from there has developed his claims about monarchy and the imminent payouts of the huge sums owed by U-Vistract. In 2018 it is widely reported that Musingku is opposed to the referendum, on the grounds that Bougainville is already independent, and that he seeks to discourage his supporters from even enrolling to vote. The speculation of many observers is that Musingku really opposes the referendum because of fear that an ABG with growing legitimacy

might eventually take action against U-Vistract and the supposed Kingdom of Papala. (For more about U-Vistract, the Kingdom of Papala and Noah Musingku, see Cox 2014; Regan 2010:117–26.)

## Conclusions

This brief history of the background to and negotiation of the referendum arrangements highlights how the BPA is the product of a hard-won and thoroughly evaluated compromise between opposing parties, each with strong views on the issues involved. The compromise was intended to provide a careful balance between the interests and concerns of all parties.

A conflict that originally concerned mainly the distribution of mining revenue amongst affected Bougainvilleans and to the Bougainville provincial government, and brought together a broad coalition of Bougainville groups, was transformed by PNG security force violence from late 1988 to early 1990 into a broad-based secessionist conflict. The fairly generalised but not intense movement for secession before the conflict was transformed by the BRA and its support base into an intense cause. However, from mid-1990, intra-Bougainville conflict emerged which reduced the breadth of secessionist support as opposition to the BRA developed. But even as some support for the PNG forces emerged, the ongoing conflict between the BRA and PNG forces undoubtedly deepened the support for secession amongst the BRA and its support base. By the time the peace process began in mid-1997 not only was there a significant proportion of Bougainvilleans supporting independence, but they also had little sense of the extent of opposition to independence amongst the BTG and the BRF and their support base.

For the national government, by mid-1997, the combination of the experience of not only the serious problems for the security forces in the intensification of violence in 1996 but also of the Sandline affair (which showed that the use of mercenaries to defeat the BRA would not succeed) finally made it clear that a military victory over the BRA was most unlikely. The development of the combined Bougainville negotiation position which proposed dealing with the independence issue through a referendum put the national government in a difficult position. It desperately wanted peace, and was under international community pressure to achieve that goal. But it took 18 months of tough negotiations to get to the point

where the national government negotiators realised that without a referendum on independence, there would be no peace agreement and that there was a formulation for a referendum that the national government might just be able to live with.

The combination of a deferred referendum together with asymmetrical autonomy arrangements for Bougainville gave the national government the opportunity of normalising relationships with Bougainville and reducing the intensity of support for secession. However PNG has not been willing to make the special arrangements for Bougainville included in the autonomy arrangements work as intended, perhaps in part because its right to reject a vote in the referendum in favour of independence reduces its need to treat Bougainville as a special case compared to provinces elsewhere in PNG.

### Author notes

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### Endnotes

1. The full text of the Bougainville Peace Agreement is available on a number of websites, for example on the [United States Institute for Peace](#) website.
2. Leo Hannett 10/10/2010, personal communication.
3. For more on the Bana pressure group, see Regan 2017:380–81.
4. Dennis Kuiai 10/6/2018, personal communication.
5. There are no reliable estimates of the number of deaths, mainly because no records are available, particularly for deaths of BRA personnel, extra-judicial killings and deaths attributed to the blockade. For a discussion of the difficulties with the data, see Braithwaite et al. 2010:83–92.

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