

SUBMISSION TO THE FOREIGN AFFAIRS SUB-COMMITTEE OF THE
JOINT STANDING COMMITTEE ON FOREIGN
AFFAIRS, DEFENCE AND TRADE INQUIRY

BOUGAINVILLE: THE PEACE PROCESS AND BEYOND

by
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INTRODUCTION

Since the July 1997 meeting of Bougainvillean groups at Burnham military barracks, New Zealand, a peace process has contributed to remarkable changes in Bougainville. The opposing armed elements have ceased fighting. The tens of thousands of Bougainvilleans in refugee camps in Bougainville and Solomon Islands have almost all returned to their hamlets and villages.

There is now reasonably general freedom of movement (although limited transport). Access to basic services – especially schools and health – is expanding. Some infrastructure is being rebuilt. Village housing and subsistence gardens are being re-established everywhere. Income-generating activities are expanding in some areas. All over Bougainville, individuals and communities are beginning to reconcile over the differences which contributed to and arose during the conflict. All of this progress has been contributed to by the almost universal support of Bougainvilleans for peace.

At the same time, some sources of tension that contributed to the conflict remain unresolved. In addition, there are new sources of tension, some contributed to or generated by the peace process itself. For example, there is frustration about the slow pace of reconstruction. Basic law and order problems are increasing in some areas. Violent conflict erupted between BRA elements in one area late in 1998. There is uncertainty – and some conflict - about not only Bougainville's future political status but also its future path of economic development.

The dynamics of the peace process are closely related to the dynamics of the conflict that it seeks to resolve. Both sets of dynamics are complex. Those dynamics need to be understood if the Committee is to fulfil the portion of its Terms of Reference that ask it to “make an assessment of the current state of negotiations amongst the parties to the Bougainville dispute and of future prospects for the peace process”. This submission seeks to illuminate the dynamics of both the conflict and the peace process.

The submission is in eleven parts. Part I presents an overview of key issues about the background to and development of Bougainville conflict of 1988 to 1997. They are issues that need to be considered if the development of the

peace process is to be understood. Part II comments on impacts of the conflict.

Part III begins discussion of the peace process itself by examining several background issues relevant to understanding the process. Part IV looks at the early stages of the process from mid-1997 into 1998. Among other things, it identifies the parties to and key features of the peace process (inclusive of an early focus on process rather than the resolution of contentious issues), the issues that most parties and observers agree need to be addressed by the process, and summarises how the main agreements have addressed those issues.

Part V discusses the shift from process to outcomes that emerged during implementation of the Lincoln Agreement of January 1998 and tensions over the establishment of the Bougainville Reconciliation Government that emerged from December 1998.

Part VI continues the analysis in the previous part, but examines the politics of the peace process in the first half of 1999, a period of intense political conflict among Bougainvillean groups about future political structures for Bougainville.

Part VII discusses some key issues that will need to be addressed in the next stages of the peace process. Part VIII presents brief comments on restoration and economic development in Bougainville.

Part IX comments in brief on the contributions to the peace process of the Truce Monitoring Group and the Peace Monitoring Group while Part X discusses a few points about Australia's role in the process.

Finally, Part XI presents concluding remarks assessing the success of the process so far in dealing with the main issues in Bougainville, and make summary comments directed towards the specific Terms of Reference of the Committee.

The body of the submission deals with the situation in Bougainville to early June 1999, just after the formation of the Bougainville People's Congress. However, it also includes an Appendix presenting a brief overview of the dramatic developments from early June to mid-July 1999.

PART I: BACKGROUND TO AND DEVELOPMENT OF THE CONFLICT

1. Aspects of Bougainvillean societies

Population: Bougainville has a population of somewhere between 160,000 and 200,000 people (there has been no census exercise in Bougainville since 1980). It has fewer than 4 per cent of the population of Papua New Guinea (estimated at over 4 million). Like the rest of PNG and other parts of Melanesia, the people of Bougainville are divided into numerous distinct language and culture groups, within which there are numerous small communities.

Language and communities: There are 19 main language groups in Bougainville. No language group has ever constituted a political entity with centralised political authority. Rather each has long comprised small and still largely independent societies. The communities tend to be 'fragile', grouping and re-grouping as leadership changes or conflict occurs.

Cultural differences: There are numerous cultural differences both between language groups and within the larger language groups. Many differences in culture relate to the places groups have occupied in the main ecological niches - coast, valley and mountain. Especially in pre-colonial times, occupation of differing niches probably facilitated accumulation of differing levels of material goods. It also resulted in marked differences in the degree to which various groups were in contact with groups of different language and culture. For example, coastal people tended to be much more in contact with other groups, often with extensive trading links. It may be speculated that long experience of such contact tended to make such groups more open to the outside world and perhaps more adaptable than peoples of the mountains who often had very limited contact beyond immediate neighbouring groups.

Leadership: The differences in culture included differences in the way leaders were selected. In the far south (Buin) and the far north of the main island of Bougainville, in Buka and in the atolls east of Bougainville, there was a strong hereditary element to leadership. Elsewhere leadership was generally based more on performance in a range of fields – fighting, sorcery, feasting and so on. Such leadership is often described as 'big-man' leadership. Often there was a hereditary element even to big-man leadership. For example, the children or nephews of a big man would tend to have more opportunity to achieve 'big-man' status than children who did not start with such advantages do.

Women's roles and status: Roles and status of women varied considerably between language and culture groups. Most were matrilineal societies. In simple terms, this meant that kinship, descent and inheritance of property were determined in terms of matrilineal lines. However, matriliney is not the same as matriarchy. In general, women did not exercise public political power. This was true even in the most highly matrilineal of all groups in Bougainville – the Nagovisi. However, women did have high status, and in a society such as Nagovisi had considerable power. They could achieve a 'big-woman' status in many ways similar to that of a 'big-man'. Some academic observers believe that before colonial rule women in the matrilineal societies of Bougainville had roles more complementary to the roles of men than would have been the case in most other parts of Melanesia. They also believe that a range of changes in production probably undermined this complementarity in roles and economic activities that developed after the colonial period began.

Inter-group conflict: As with the rest of island Melanesia, the available evidence indicates that for the thousands of years prior to the colonial era the patterns of interaction within and between communities included violent conflict. Indeed, in some areas inter-group fighting continued well into the colonial era. It was still common in south Bougainville (Buin) by 1910. It

continued in the southwest – Siwai and Nagovisi – until the 1920s. It ended in the mountains of north Bougainville – Rotokas and Keriaka - after World War II. Patterns of violent conflict included headhunting (for magical power and ceremonial purposes) in the south and cannibalism in the north. After armed inter-group conflict ended with colonial ‘pacification’, long established patterns of conflict often continued through such things as sorcery, and even through traditional ‘enemy’ communities joining different churches.

Within the 50 years before the present conflict there had been instances of inter-group fighting in many parts of Bougainville. There had been isolated local conflicts even in ‘pacified’ areas. There was also the ‘traditional’ inter-group fighting into the 1950s in the Rotokas and Keriaka areas. There was fierce inter-group conflict during World War II in various parts of Bougainville, especially when the Japanese used particular groups to hunt coast-watchers and other Europeans and Bougainvillean groups suspected of assisting or harboring them.

Conflict resolution and peace-making traditions: Together with traditions of conflict, there were strong traditions of conflict resolution – of peace making. There were well-established mechanisms and procedures for dealing with conflict both within and between communities. Such mechanisms and procedures have continued in use since ‘pacification’ to deal with the wide range of conflicts continuing to arise within and between groups. They were used to resolve the tensions between groups that had been in conflict during World War II. Indeed, the last big feasts involved in those conflict resolution procedures occurred in the mid-1970s on the coast of central Bougainville, and in the early 1980s in some mountain areas of the Nasioi-speaking areas of central Bougainville.

Colonial control – continuity and change: Bougainville has been in close contact with the outside world for less than 100 years. For some coastal communities, there was intermittent contact with traders, whalers and ‘blackbirders’ in the last half of the 19th century. Although German control was notionally established in 1884, the first permanent mission station was not established in Bougainville until 1901 and the first German administration station set up at Kieta only in 1905. Direct control of the outside world only began in the last 50 years in some areas (notably mountain Rotokas and Keriaka).

Of course, intrusions from the outside world have had strong impacts on traditional ways. Some have vanished. Others have been modified. Traditional leadership has had to compete with new or introduced forms of leadership. The latter have included churches, administrative officials, local government councils, community governments, village courts, and even the Bougainville Revolutionary Army, the Bougainville Interim Government and the Bougainville Transitional Government.

At the same time there has been a great deal of continuity. People still live in the same small communities organised in much the same way as 100 years ago. While there has been much competition from new forms of leadership,

traditional leadership retained considerable strength even before the 1988-1997 conflict, handling most disputes within and between communities. Land and some other forms of wealth (notably shell valuable and pigs) continued to be dealt with by traditional rules, and so on. (Aspects of continuity in traditional authority are discussed in Part VII, below, under the heading “Roles of Traditional Leadership”.)

Importance of communities to understanding conflict and peace process: While debate about major issues concerning the Panguna mine and its impacts and about secession were undoubtedly factors in the development and unfolding of the conflict, in many areas of Bougainville these and other major issues of the day were relatively remote from most community members. Much of what occurred was the product of decisions made in the context of the localised concerns of small-scale communities living in many ways as they did thousands of years ago, but also in many ways changed by the outside world. Much the same will continue to be true of the peace process.

2. Bougainvillean ethnic identity and ethnic identities within Bougainville

Ethnic identities everywhere are constructed mainly through processes of interaction between groups. They are not inherent qualities of groups or communities. Rather they tend to be constructed through interaction of groups. Where communities have been brought into their initial extensive contact with the outside world through colonial experience, ethnic identity tends to be shaped by the colonial contact.

It is most likely that before colonial control, there was little sense in Bougainville of either a distinct Bougainville identity or of the identities of the major Bougainvillean language groups. It is likely that these two separate kinds of identity emerged more through the colonial experience than anything else.

Before colonial control, there was almost certainly little sense among Bougainvilleans of either Bougainville as a unit, or of distinctions between Bougainvilleans and people of other parts of the world. People from coastal communities of the southern half of Bougainville traded into areas of the Western Solomons. Similarly Buka and north Bougainville traded with Nissan and other islands. But in both cases this involved communities of similar culture and appearance (dark skins) to themselves.

Similarly there is little to suggest that there was clear consciousness of the larger language groups in Bougainville constituting distinct identities. The available evidence indicates that, in part at least due to the prevalence of inter-group conflict, members of most communities lived out their lives in very restricted geographical areas, moving within a radius of a few miles of their places of birth and residence. Inter-group conflict occurred mainly between groups within the same language group. In the areas ‘bordering’ language groups, alliances between communities for the purpose of mutual protection in

inter-group conflict were as much across the rather blurred language and cultural boundaries as within the language group. Local communities were probably far more important lines of division than the blurred lines of demarcation between language groups. The evidence suggests that there was little – if any – consciousness of such things as a Siwai or a Nasioi identity.

In the fifty years before the first mission and government stations were established in Bougainville, there were increasing contacts between mainly coastal Bougainvillean communities and outsiders, contacts that must have changed the perceptions of the Bougainvilleans of their world and their place in it. Under German colonial rule Bougainville became an increasingly more important source of labor. As so often the case with colonisers, the Germans quickly developed stereotypes of the colonised. The people of Buka (and, to a lesser degree, of Bougainville more generally) became highly regarded as having special qualities. Males were energetic and were natural leaders. (Writing in 1887, Hugh Rommilly, a UK official in the Pacific – Deputy Commissioner for the Western Pacific and Acting Special Commissioner for New Guinea said of men from Buka:

“... they are the finest specimens of manhood in the South Seas. They are fine and plucky fellows. ... Wherever he goes and whatever natives he mixes with a Buka man will always become the Leader.” (page 71 in *The Western Pacific and New Guinea*.)

As a result of such perceptions, ‘Bukas’ were highly sought after as colonial police, plantation supervisors and plantation security personnel in other parts of German New Guinea. In the process of engaging in such work, Bougainvilleans (and especially people of Buka) became conscious for the first time of major differences with the light-skinned peoples of neighboring areas. At the same time, the colonisers presumably made clear to their ‘Buka boys’ their superiority over their light-skinned neighbors.

In 1905, the first permanent administrative headquarters for Bougainville was needed mainly to facilitate increased recruitment of labor by bringing inter-group conflict under control. The German Governor, Hahl, decided the headquarters was not needed in Buka because there were so many returned colonial policemen there that ‘pacification’ was already achieved. Instead, Kieta was chosen as proximate to the densely populated areas of central and south Bougainville where inter-group conflict continued unabated. Both missions and government the made extensive use of people from Buka as employees as they brought colonial and church control to other parts of Bougainville. In the process, the stereotype of the man from Buka as of superior stock was reinforced.

In due course, as colonial rule slowly extended its effectiveness, Bougainvilleans began mixing with one another in ways they had never done before. As was the case in so much of the rest of the colonial world, groups recently brought under ‘control’ were used by the colonisers to assist with bringing under control the next group on the colonial frontier. In the process, a range of stereotypes developed about the various language groups in

Bougainville. For example, in 1929, the Catholic priest who established the first mission station at Tunuru, near present day Loloho, described the Torau people of Rorovana, Vito and Tarara as "... a gay, happy people, a much higher type of native than the Nasioi".

It seems quite likely that a large part of the sense of difference among Bougainvillean language groups developed through such processes. In particular, some aspects of the sense of superiority that some Bougainvillean groups have in relation to other Bougainvilleans probably resulted in part from this experience.

At the same time as Bougainvilleans mixed with one another, they mixed more and more widely with people from elsewhere in German New Guinea (and beyond). Bougainvilleans went to work in other parts of that territory, and more outsiders came to Bougainville to work. In general, Bougainvilleans were regarded as a superior type of labor, well equipped for supervisory roles. It seems likely that in the process, the sense of superiority over people from elsewhere in what is now PNG first developed with the mainly Buka workforce of the pre-1900s was enhanced.

The outcomes of these twin processes of differentiation of Bougainvilleans from 'red-skins' and of internal differentiation among Bougainvillean groups have had their impacts in the conflict of 1988-97.

Since at least the early 1970s the common Bougainville identity has been associated with pan-Bougainville political mobilisation around demands for both independence and a high level of autonomy within Papua New Guinea. This is a phenomenon unique in Papua New Guinea. In practice Bougainvillean ethnic identity has most significance as a characteristic distinguishing Bougainvilleans from non-Bougainvilleans, as something asserted against resented outsiders. In the absence of 'threats' from outside, differences – including ethnic differences – between Bougainvilleans have tended to be more significant to the dynamics of Bougainville politics.

(A summary of the analyses of several commentators of the origins of Bougainvillean identity is set out in the attached article, 'Causes and Course of the Bougainville Conflict', *The Journal of Pacific History*, 1988, at pp.272-4).

3. Complex causes of the conflict

The causes of the Bougainville conflict (1988 to 1997) were numerous and complex. While in part related to reaction of Bougainvilleans against the imposition and impacts of the Panguna copper mine, other factors were also important. They included a web of tensions and divisions within and between Bougainvillean groups. The many factors relevant to development of the conflict include the following:

- Resentment of landowners in the vicinity of the mine over imposition of the mine and its impact on them and their physical environment;
- Inter-generational conflict among landowners in the vicinity of the mine over distribution of rents, compensation and other benefits from the mine, that conflict leading to intensification of resentment of the mine;
- Resentment among Bougainvillean employees of Bougainville Copper Ltd about what they perceived as their limited opportunities for advancement within the company;
- A species of economic nationalism, contributed to by resentment of Bougainvilleans in many areas about the limited returns from the mine for Bougainville and
- Tensions among Bougainvilleans resulting from inequalities arising from rapid economic change mainly occurring since World-War II, both cash-cropping and developments associated with the mine;
- Tensions caused by the collapse of cocoa prices between 1987 and 1988 (a drop of about one third had severe income impacts in a society heavily dependent on small-holder cocoa production);
- Resentment of the increasing numbers of outsiders attracted by economic development in Bougainville;
- Bougainvillean ethnicity;
- Reaction to abuses of human rights of Bougainvilleans perpetrated by members of the PNG security forces from late 1988.

In the complex political, economic and cultural situation of Bougainville, it is naïve and misleading to attempt to analyse the origins of the conflict in terms of single causes. All of the above factors, as well as others, had parts to play. Each factor tended to reinforce the importance of other factors at different times.

4. Relationship of Bougainville ethnicity and demands for independence

Brief comment needs to be made about the complex question of the role in the conflict of Bougainvillean ethnicity and the associated demand for independence for Bougainville. There is some evidence to suggest that secession was not a key factor in the origins of the conflict. Indeed, many who supported Ona in the early stages were not so much concerned about independence as such issues as the presence of resented outsiders and economic nationalism – the need for Bougainvilleans to get access to a greater share of the economic benefits from mining. This is not to say that there was not widespread interest in independence among Bougainvilleans in 1988, nor that a few people quickly made the link between the emerging conflict and secession. Rather, the point is that it took some time before independence became a key focus of the conflict that began in November 1988.

Strong, active and widespread support for immediate secession was a consequence of the behavior of the PNG security forces in the early stages of the conflict. First the Police Riot Squads and later elements of the Papua New Guinea Defence Force (PNGDF) committed widespread abuses against Bougainvilleans. It was not so much a matter of attempting to target individuals guilty of acts of violence, as they could not easily be identified. Rather, the tactics were directed towards bringing the communities involved to a state of submission.

The police riot squads had used such tactics for more than 20 years in responding to tribal fighting in the highlands of mainland New Guinea. While squads in the PNG Highlands sometimes also use mediation, this tends to be in association with use of force, and force is often used on its own. This often involves indiscriminate violence, burning of villages, destruction of cash crops and other property and even rape. The record of the Riot Squads in the Highlands had been the subject of strong criticisms, even from within the police force. In a book published in 1986, Mike Mapusia, an Assistant Research Officer in the Royal Papua New Guinea Constabulary, made almost prophetic comments in concluding a paper entitled "police Policy Towards Tribal Fighting in the Highlands". He said:

"Unless present policies are changed, the conclusion must be that the people of the highlands provinces will increasingly perceive the police as an army of occupation to be driven out through mass insurgency and possibly cession from Papua New Guinea; an ironic outcome for a misguided policy" (at page 69 in Louise Morauta, ed., *Law and Order in a Changing Society*).

More than any other single factor the behavior of the Riot Squads injected ethnicity as a significant element in the conflict. Of course the fact that the riot squads comprised mainly non-Bougainvillean police ('red-skins' in the eyes of Bougainvilleans) was a key factor. In addition, several violent incidents involving 'red-skin' squatters around the Arawa/Kieta area late in 1988 and early in 1989 contributed to heightening of ethnic tensions.

Hence ethnicity became a significant factor in the conflict not so much as a result of Francis Ona's efforts to mobilise support around the issue as a consequence of developments that he could not have anticipated, but was able to exploit. There is some evidence that in fact it was not Ona who first realised the potential for a campaign for independence. Rather, leaders from neighboring groups began to offer support to Ona from December 1988 and January and February 1989 on condition that independence become a major goal.

Following the withdrawal of the PNG security forces in March 1990, an anarchic situation developed in Bougainville, in large part because the BRA had not developed a cohesive and disciplined structure. Rather, it was made up of numerous independent bands, usually based in local communities. Once the unifying threat of the PNG security forces was gone, lack of discipline permitted looting, assaults, rapes, revenge attacks and so on. As is considered in more detail later in this Part of the Submission, groups gradually emerged to oppose the BRA, and widespread conflict developed among Bougainvilleans. Later, the PNG government was to take advantage of such conflict as it sought to re-establish control of Bougainville. As internal conflict developed, while support for the general concept of Bougainvillean independence remained widespread, support for immediate secession under BRA leadership reduced.

Some aspects of these points require brief elaboration.

Many Bougainvilleans supported the idea of independence by the 1960s. But while there was considerable political mobilisation around the idea of independence in the early and mid-1970s, once the attempted secession of 1975-76 was resolved, independence was not a major rallying call again until 1988-90, and then only once the security forces had unleashed great violence against Bougainvilleans. It is arguable that even in 1988-90 the main binding and mobilising factor was antipathy to outsiders. With the evacuation of most non-Bougainvilleans in 1989-90 and the withdrawal of the PNG security forces from Bougainville in March 1990, concern about outsiders became relatively remote, and so reduced in significance as a mobilising and binding force. Without it, divisions among Bougainvilleans became more significant. Bougainvillean groups whose members may have suffered at the hands of the BRA, or whose members joined Resistance Forces and fought the BRA had reason to fear secession under BRA leadership.

A point already made about the small scale of Bougainville societies needs to be emphasised when considering the dynamics of the conflict. Even during the early period of the conflict, when there was some generalised popular mobilisation against the PNG security forces (and against non-Bougainvilleans - 'red-skins' - more generally) the development and unfolding of the conflict was to a large degree the product of decisions made in the context of the localised concerns of small-scale communities. There was often a limited focus on the bigger issues concerning the mine, economic nationalism and independence, and much more on local concerns and localised conflict. Much the same continues to be true of the peace process.

5. National government policy-making environment

From 1988, the policies concerning Bougainville made by the PNG government and actions taken by PNG agencies have often contributed to the conflict rather than reduced tensions. The reasons for this situation are complex. The PNG State is relatively weak. Both policy-making and implementation capacity are lacking. There is limited coordination between component parts of the state, leaving latitude for independent or poorly coordinated action by elements such as the Army (the PNG Defence Force) or the Police, or even elements within the Army or the Police.

Because of poor policy-making capacity, and also because of competing policy concerns (for example, fears about loss of mine revenue and investment in 1988-89, and fears of a domino effect if Bougainville has a high level of autonomy) there has always been limited understanding at the national level of the causes and outcomes of the conflict in Bougainville. As a result, there has often been inappropriate policy, or poor implementation of policy. (For analysis of some of the factors underlying the poor capacity of PNG to make policy on complex matters such as Bougainville, see A.J. Regan, 'The PNG Policy-making Environment as a Window on the Sandline Controversy', in Dinnen, May and Regan, eds., *Challenging the State: the Sandline Affair in Papua New Guinea*, 1997, pp.82-93, copy attached).

6. Divisions among Bougainvilleans

Ten years of conflict, much of it between Bougainvilleans, has not only intensified pre-existing divisions in Bougainville but has also added many new ones. Even before the security forces withdrew from Bougainville in March 1990, Bougainvilleans were divided over the BRA and its demands. The violence by the PNG forces included extra-judicial executions and other human rights abuses against Bougainvilleans believed to be opposing PNG. Such actions – perceived to be by 'red-skins' with strong anti-Bougainville prejudices – drew violent BRA responses, thereby setting up a self-reinforcing cycle of violence. BRA responses were directed mainly against the security forces, but in some cases also against Bougainvilleans believed to be opposing them. After March 1990, instances of the BRA taking revenge on those perceived as opposing it increased.

As the BRA was comprised of small and highly independent groups based in local communities, it was easy for local BRA elements to use their new power in localised disputes. In some cases criminal elements were involved with or made use of the BRA. Indeed much that was blamed on the BRA was essentially criminal activity.

In many areas, localised struggles for power developed within the BRA hierarchy, or in local 'civilian' political bodies that were established at various times. Each element in the political leadership tended to have a base in the

local BRA groups. As a result, some local political struggles developed into violent conflicts between armed elements.

There were also elements of ethnic conflict within Bougainville. Examples included the conflict between armed Buka groups (the Buka Liberation Front) and mainland BRA elements in mid to late 1990, and the conflict between Torau resistance fighters and neighboring Nasioi BRA groups in central Bougainville from 1992.

From late 1990, the security forces were requested to return to various parts of Bougainville by local leaders. In most cases they or their groups were threatened in localised conflicts. This process started with Buka in September 1990. It continued thereafter, first in the north of the main island, then in the southwest (Siwai and Nagovisi) and in parts of the south (Buin). In some areas (for example around Wakunai) armed groups opposing the BRA emerged before the PNG troops returned. In other areas local BRA groups actively supported leaders who requested the return of the security forces, sometimes coming into conflict with BRA 'loyalists'.

The various armed elements that opposed the BRA tended to support the security forces as they returned. From 1992 these various elements became known as the Resistance Forces. Bitter fighting took place in many areas not just between the BRA and the PNG security forces, but also between BRA elements and Resistance Forces. There were numerous instances of killings and other human rights abuses on both sides.

The divisions among Bougainvilleans during the conflict at times had an ethnic element. However, the ethnic dimension was only one of the many facets to localised conflict among Bougainvilleans. Undoubtedly economic tensions were important among them.

Where there was ethnic tension contributing to the conflict – as in the Buka/mainland and Torau/Nasioi examples - it was not an ethnic conflict of the kind seen in so many other countries. It did not involve two or three significant ethnic groups opposing one another. Rather, there are many parallels between Bougainville and PNG as a whole. No single ethnic or language group is large enough to dominate the nation. Rather, there are many small groups that may in many cases be antagonistic to one another, but that do not threaten one another by seeking to control the state or the economy to the detriment of other groups. Without deep divisions between large groups seeking to dominate their opponents, there is not the same depth of conflict between groups. Division between groups does not become the main basis upon which leadership mobilises support. As a result, ethnicity is not the central dynamic. It must also be emphasised that where ethnic tensions has contributed to local conflict in Bougainville it is often (though not always) susceptible to traditional dispute resolution and reconciliation mechanisms.

7. Resentment of PNG security forces

As has been discussed, the behavior of the Police riot squads was to a large extent responsible for initiating the cycle of violence that engulfed Bougainville from late 1988. The PNGDF was brought to Bougainville in April 1989, and was initially welcomed by many Bougainvilleans as more disciplined than the riot squads. But once they started taking casualties, from about June 1989, the behavior of the PNGDF elements was if anything worse than that of the riot squads. Once again, most of the PNGDF personnel were 'red-skins', reinforcing the ethnic dimension of the conflict.

The imposition of a blockade by the PNGDF from mid-1990 until the September 1994 cease-fire (and operating informally for much of Bougainville until 1997) added to the resentment of the security forces. They were seen as deliberately endeavoring to harm the vast majority of Bougainvilleans.

The PNG security forces initially tended to adhere to higher standards of behavior after their return to Buka and – later – Bougainville from late 1990. But appalling atrocities continued to be committed by elements of the security forces against Bougainvilleans believed to support the BRA. Resistance Force members were sometimes involved, or suspected of being involved, in such activities. As the PNGDF came under more pressure when conflict escalated from the second half of 1992, atrocities increased markedly. As in 1989-90 there was a cycle of violence, and atrocities were also committed by the BRA and by Resistance Forces.

There were also many problems involving behavior by security force elements towards Bougainvilleans in areas that had invited the return of the PNG forces. Instances of ill treatment of people in 'care centres' were common. Destruction of villages, assaults, expropriation of property and many other forms of mistreatment led to bitter resentment of the PNGDF in particular even by people who had sought the protection or assistance of the PNG forces as a result of the previous localised conflict involving BRA elements.

The long period of bitter conflict with the PNG security forces tended to radicalise the Bougainvilleans actively involved in it. Many of those in the BRA - and its associated civilian government, the BIG - became more deeply opposed to Papua New Guinea and committed to secession. Many in the Resistance tended to become equally bitterly opposed to the BRA and (by association) to the cause of secession championed by the BRA. More generally, deep suspicions developed between opposing groups and individuals at all levels.

8. Parallel government and other structures

As a result of nine years of conflict, much of it between Bougainvilleans, by the mid-1990s two parallel sets of political and other structures developed at all levels in Bougainville. They both reflected the divisions and maintained them. Indeed at times they became vehicles in the conduct of conflict, especially at the local level. These structures have included:

- 'provincial' political structures - the Bougainville Interim Government (BIG) versus (from April 1995) Bougainville Transitional Government (BTG).
- military structures - BRA versus Resistance Forces;
- local government structures - Interim Authorities in 'government controlled areas' versus Area Councils of Chiefs in BRA areas, and Councils of Elders versus Village Councils of Chiefs;
- Women's' organisations - the Provincial Council of Women, associated with the BTG, versus Bougainville Women for Peace and Freedom, associated with the BIG/BRA (there also being several other women's organisations).

Since early 1998 there has been a further complication with the emergence of a third set of structures around Francis Ona's self-proclaimed Republic of Mekamui.

PART II: IMPACTS OF THE CONFLICT

Three sets of issues require discussion. First, there have been a number of consequences of the conflict that have generally been regarded as negative. However, it is seldom the case that any complex development – even conflict – has entirely negative consequences. So a second set of issues concerns a range of perhaps more complex impacts, things that some at least of those involved in the conflict would regard as positive (or at least as not necessarily wholly negative). Third, brief comments must be made on the complex question of the number of deaths attributed to the conflict.

1. Impacts generally regarded as negative

Outcomes and impacts of the conflict on Bougainville have included:

- deaths, injuries, illness and mental trauma for many, both Bougainvilleans and outsiders;
- divisions between Bougainville and Papua New Guinea;
- divisions among Bougainvilleans and deep suspicions between opposing groups and individuals;
- massive disruption in normal life especially for the huge proportion of the population forced to either live in refugee camps in Bougainville (over 60,000 at some stages) or Solomon Islands, or forced to live 'on the run' in the bush (in order to evade the PNGDF or other armed groups);
- widespread destruction of infrastructure (health facilities, schools, community government centres etc) and government services
- destruction of economic activity, including much that was in Bougainvillean hands; in substantial areas of the province, a generation "left behind", without exposure to formal education;
- destruction of much 'human capital' built up in what until 1990 had been the well organised and effective North Solomons Provincial Government administrative arm;

- development of parallel and to some degree opposing sets of governmental and other structures (an issue elaborated below).

2. More complex impacts

There have been a number of impacts that are not readily classified as negative or destructive.

Destruction of economic activity: Even this would not necessarily be regarded as completely negative – for example, by those with any of the various forms of ideological commitment to ‘Melanesian communalism’ to be found in Bougainville. They might include Francis Ona and the adherents of various groups often referred to in Bougainville as ‘indigenous churches’ (once called ‘cargo cults’). But there are other more ‘moderate’ leaders who think that there may be advantages for Bougainville if the ‘levelling’ of wealth and opportunities that has occurred in the past ten years enables Bougainville to choose new, more subsistence based and more egalitarian modes of development. Some see inequality as having been a key factor that contributed to the conflict, and envisage reducing sources of tension by attention to such issues.

Redistribution of political and economic power: In general, the elite that was tending to dominate both political and economic activity has lost power. Political power has been spread far more widely than was the case before the conflict. Many in Bougainville do not want a return to the past. There is considerable suspicion of those who have lived outside of Bougainville during the conflict, especially those that might now seek to develop businesses in Bougainville. (In some parts of Bougainville it might be anticipated that there could be opposition to any ‘returnee’ seeking to take an early and active part in political activity.)

Self-reliance and appropriate technology: In some areas, especially parts of central and south Bougainville that were under BRA control for virtually all of the nine years of conflict, there were impressive exercises in self-reliance, including development of ‘appropriate technology’. Health services incorporated traditional medicines and healing practices. Schools included subsistence and other life skills in the curriculum. Appropriate technology included extensive mini-hydro-electricity systems that even now provide power and light to many remote villages of the valleys of central Bougainville. Engines were modified to run efficiently on high-grade coconut oil produced locally. There is a strong sense among the leaders of the areas involved that the conflict brought out many creative responses, and local solutions to local problems. There is concern that this experience and the creativity that was unleashed during the conflict will be destroyed in the rush towards ‘restoration’ of a far less suitable set of structures and services that existed before the conflict.

‘Ethnic cleansing’: There has been a form of ‘ethnic cleansing’ in Bougainville that most Bougainvilleans are happy with. Almost all of the large numbers of people from other parts of PNG (‘red-skins’) who before the conflict were

working or living in Bougainville left during 1989 and 1990. Few new outsiders have gone to Bougainville since the peace process began. The one area where there are noticeable numbers is Buka, and the presence of such people often attracts unfavorable comment from people from other parts of Bougainville.

Strengthening of Bougainville culture and traditional authority: There was growing concern in Bougainville for years before the conflict about perceived reductions in the strength of culture and traditional authority. Such perceptions were closely related to concerns about Bougainville ethnic identity and resentment of outsiders. The BRA responded to such concerns, and elements of its ideology emphasised a commitment to a resurgent Bougainville culture. Traditional leaders were encouraged to play more active roles in the community. Especially in areas where there was long period of conflict, or which were controlled by the BRA for extended periods, their status was in general enhanced. However, the pattern here is far from uniform, with the authority of such leaders under some challenge in areas such as Buka where other forms of authority have operated parallel with traditional leaders since as early as 1991.

Status of women leaders: The active roles played by a number of prominent female leaders during the conflict and in the development of the peace process has changed perceptions about the place of women in public life in Bougainville. Among educated women and other women with active public roles, there is a sense that things have changed now, that there are new opportunities opening for women. The leadership of the BIG, in particular, has shown openness to more public leadership roles for women. At the same time, there are signs of concern among many male leaders about the changes, and some who clearly want to see women moving back to what is seen as the 'traditional' role of influence rather than public leadership.

Commitment to independence: Another important impact has been the development of deep commitment on the part of many Bougainvilleans to the cause of independence. (On the other hand, knowing that virtually all Bougainvilleans support the general idea of independence, and imbued with a righteous anger about the abuses committed by the PNG security forces, many in the BIG/BRA organisations find it difficult to comprehend that many Bougainvilleans do not in fact support immediate independence.)

3. Numbers of deaths attributed to the conflict

Brief comment is necessary concerning the numbers of deaths caused by the conflict. It is difficult in the extreme to estimate with any confidence how many may have died as a direct result of the conflict. However, such difficulties do not prevent many observers, and also many involved in the peace process, from making apparently confident assertions on the subject. There is a danger, however, that such assertions may sometimes be more directed towards serving political or other interests of those who make them than of illuminating what actually happened.

Major causes of death associated with the conflict include:

- Combat;
- Extra-judicial executions and 'disappearances';
- Untreated illness or injury where lack of treatment was due to the blockade of Bougainville imposed by the national government from mid-1990 to September 1994.

There has yet to be a rigorous attempt to assess numbers of deaths in any of the three categories. This will be a difficult task for anyone to undertake. There are problems involved in making assessments in relation to each of the categories. Bougainvilleans live in scattered small groups. They do not generally maintain written records. The massive disruptions for most groups over the past ten years will make it difficult – but certainly not impossible - to make estimates from interviews. To ensure accuracy such estimates would then need to be cross-checked against other source of information – PNGDF and police reports, media reports etc. With very careful and patient investigation, reasonably accurate records could probably be established for the first two categories. However, no such effort has yet been made.

Undoubtedly, the most difficult category to assess will be the last – that of untreated illness or injury – where separating deaths that could have been expected to happen anyway from those really attributable to the blockade will be problematic. Further, there is some evidence that deaths from untreated illness or injury may well have been offset to a significant degree – or even outweighed - by the improved general health of the population in areas under blockade.

There are numerous reports from people who lived in such areas to the effect that improved general health standards were related to two main factors. The first was a diet far more healthy than before the conflict. It was free from most processed foods, fats, high salt and sugar contents, and without alcohol. The second was much increased physical exercise than prior to the conflict. This was due to such things as the need for subsistence gardening and increased walking due lack of motor vehicles.

People who make such claims in general did not support the blockade. They complain about the preventable deaths that occurred – for example, from post-partem haemorrhage or untreated malaria. However, it is common for them to assert that such deaths were more than offset by reduced deaths from other causes. Indeed, there are many that express regret that it has been the end of the blockade that has been causing in increased deaths from diseases

It may be that part at least of the basis for such reports is a form of romanticisation of the experience of the blockade. There is considerable pride in the impressive self-reliance efforts already mentioned, and the emphasis on improved general health may be over-emphasised in that context. Careful investigation would be needed to establish the facts.

Until thorough assessments are made it will not be possible to do more than guess at the total who died. However, there has been a tendency for public comment on the number of deaths to escalate the total claimed to have died. Around the time of the Burnham I talks (July 1997) the upper estimate used in public comment on Bougainville tended to be around 12,000 to 14,000. By the end of 1998, the common upper estimate had crept up to 20,000.

One Website purporting to offer 'information' on Bougainville claims that "it is estimated that as many as 50,000 men, women and children have died as a result of the war of independence with Papua New Guinea", and repeats the claim, stating that on the basis of "official" estimates "approximately 50,000 Bougainvilleans were killed during the nine year war, but Bougainvilleans insist that the figure is much higher" (see http://www.pacifika.net/pacific/action/national/a_b/bougainville.html, made available at the end of March 1999 on an e-mail list providing information on Bougainville operated by one Norbert Braumann of the Technical University Braunschweig, Germany - see <braumann@rzn1.rz.tu-bs.de>).

At no time has any effort been made to detail the methodology upon which estimates of the numbers of deaths are based. The higher estimates must be regarded as, at best, unreliable, and at worst as serving political and other interests of those that advance them.

There is of course no doubt that the record of deaths caused or contributed to by the conflict is appalling. More accurate information about the true position would be useful. Until it is possible to obtain such information, any estimate of numbers of deaths must be regarded as no more than speculative.

PART III: BACKGROUND TO THE PEACE PROCESS

1. The peace process before 1997

Numerous efforts had been made to resolve the conflict long before Burnham I. The best known efforts included:

- the 1989 peace package proposed by the Papua New Guinea government and the North Solomons Provincial Government;
- the March 1990 cease-fire;
- the Endeavour talks of mid-1990;
- the Malagan Accord of October 1990
- the Honiara talks of January 1991;
- the 1994 Loosley Report;
- the agreements signed in Honiara in June and September 1994 – inclusive of a Cease-fire Agreement – that laid the foundations for the October 1994 Arawa peace conference (with security provided by the South Pacific Peace keeping Force);
- the North Nasioi Agreement of October 1994;
- the establishing of the Bougainville Transitional Government in April 1995, and its negotiations with the Chan government into 1996;

- the Cairns talks between Bougainville leaders in September and December 1995;
- the Barter Peace Plan (developed February to April 1997), which emphasised the need for a negotiated peace.

All of these and other efforts contributed to the more successful peace process that has developed since mid-1997. In particular the negotiations between opposing groups:

- established (in many cases re-established) relationships and understandings between major figures on various sides;
- narrowed down agendas of issues to be dealt with;
- provided much experience of what approaches worked and what failed in building trust among the opposing groups, crucial experience built upon from 1997.

2. Bougainvillean consensus on importance of reconciliation

Bougainvilleans played key roles in all of these and other less well-known peace efforts. From at least 1992, when first efforts were made to hold pan-Bougainvillean leaders meetings, there was a growing consensus on the part of Bougainvillean leaders on the need to build the peace process on the foundations of reconciliation amongst the divided Bougainvillean people. The Bougainville Inter-Church Women's Forum and a range of NGOs and other groups contributed to the building of this consensus.

In general, women's' groups (both formal and informal groups) played major roles in working for peace and reconciliation, both at the local and pan-Bougainville levels. Of course, this is not to say that all women in all circumstances were active in support of peace. At the local level there were women who supported cycles of revenge and violence as much as males in their communities. But in general, female leaders offered support for reconciliation. Activities included prayer meetings, reconciliation ceremonies, peace marches, petitions, support for NGOs involved in activities such as mediation training and trauma counseling and so on. It was through organisation of such activities that various women have emerged as significant public figures in Bougainville. In May 1999 some of those women became members of the Bougainville People's Congress, as discussed below.

From the period after the 1994 Arawa peace conference, when Theodore Miriung emerged as the key leader of a coalition of Bougainvilleans committed to peaceful resolution of the conflict, there were more focussed efforts to bring the divided Bougainvillean leadership together. These efforts resulted in the 1995 Cairns meetings of representatives of the Bougainville groups which in turn provided important foundations for the 1997-peace process.

In addition, quite apart from these public and in many cases international efforts, there were many more local and un-publicised things done in Bougainville. These activities did not involve only Women's' groups but also

other such as local NGOs and church leaders. They all articulated community concerns about the need for peaceful resolution of the conflict. They also undertook local mediation and reconciliation efforts. Local level councils of chiefs mediated in local disputes, and tried to bring the young men with the guns under social control.

The combined effect of such efforts was to build strong public opinion in favor of peace. In turn this put pressure on leaders of opposing groups to explore peaceful means of ending the conflict.

3. Factors conducive to progress in mid-1997

A number of overlapping and mutually reinforcing factors came together in the first part of 1997 that together were conducive to progress towards peace:

- generalised war-weariness in Bougainville – in large part based on the public climate contributed to by women and other community leaders already discussed - and elsewhere in Papua New Guinea;
- expectations raised by PNGDF ejection of Sandline, an event which also helped change BRA perceptions of the PNGDF;
- awareness of many that there was effectively a military stalemate - the PNGDF was well aware it had little capacity to defeat the BRA, while elements of the BIG and BRA leadership were aware not only that it would require a long and difficult war to oust the PNGDF but also of the dangers of mercenaries bolstering PNGDF capacity;
- growing awareness on the part of a moderate BIG/BRA leadership group that the conflict was so dividing Bougainville that even if they were to succeed in winning the conflict, the cost would be high, for they would be left trying to lead a hopelessly divided society;
- in part because of the awareness of the likely cost of victory, a change in the balance of power within the BIG/BRA leadership, resulting in reduced influence for the 'hard-line' leadership around Francis Ona and increased influence for a moderate leadership around Joseph Kabui, sufficient for the latter group to have confidence to act independently of Ona for the first time;
- conflict resolution training conducted in the first half of 1997 by Brisbane lawyers Mark Plunkett and Leo White encouraged 'hard-line' members of the BIG and BRA to re-think their positions, in essence encouraging them to move further in the directions which public opinion and the change in balance of influence of leadership was already taking them;
- new and moderate PNG leadership which replaced Prime Minister Chan, first on an interim basis from April 1997 and then on a long-term basis after the July 1997 elections.

4. Aspects of Bougainville Society

There are a number of characteristics of Bougainville and its communities that have been important to the peace process. They have been conducive to the process taking root much faster than might have been expected if

comparisons are made with examples of bitter internal conflict, such as the former Yugoslavia, Sri Lanka, the Middle East, parts of Africa, and Northern Ireland.

Among these characteristics is the division of a relatively small population into many very small and semi-independent communities as opposed to division into a few large and powerful groups, as in the case of so many other divided countries. There is nothing like the Northern Ireland or Sri Lankan situations where a large majority oppresses a relatively small minority on religious or ethnic grounds. There is no parallel to the situation of some African countries where a few large ethnic or religious groups compete for, among other things, the state power that enables the victor to dominate the loser. One result for Bougainville is that there is little evidence of the extreme 'demonising' of opponents, as occurs in so many major ethnic conflicts.

Further, neighboring communities have histories of thousands of years of co-existence, during which they often fought, but equally often made peace. As a result, there are well-established mechanisms for resolving conflict, both conflict within and conflict between communities.

There are also a number of aspects of Bougainville society that contribute to integration of communities. They include churches, women's organisations and government organisations of various kinds. Among the most important has been the education system associated with the churches, a system that long dominated education in Bougainville in a manner and to a degree unique in Papua New Guinea. As a result of a combination of factors (including the relatively small total size of the population, the history (into the 1970s) of a dominant catholic education system, the unifying experience of establishing and operating the North Solomons Provincial Government) most of the elite leadership of Bougainville know one another well. Such factors help to explain why the leaders of opposing Bougainville factions were able to make contacts and initiate the present peace process. Such factors also illuminate how it was that even where leaders have been on bitterly opposed sides during the conflict, they have been able to work together well once the conflict ended.

5. Roles for outsiders

While there were things about Bougainville that contributed to the speed at which the peace process took root, it was also true that, as with so many bitter internal conflicts, there has been a need for 'outsiders' to move the peace process along, especially in its early stages. This was because of the suspicions between groups and the insecurity of the situation in Bougainville in 1996 and 1997. To a large extent, however, the role of outsiders has been to encourage and support Bougainvillean leaders and other in proceeding in the direction they had already committed themselves to. Thus lawyers Plunkett and White found a ready audience in the BIG and BRA leaders to whom they presented conflict resolution material in the first half of 1997. The New Zealand government offer of a venue and facilitation for peace talks was accepted with alacrity in mid-1997 by leaders of opposing Bougainville

factions already committed to re-commencing their meetings that had been interrupted in 1996.

However, the roles played by outsiders were important, especially that played by New Zealand. While in essence encouraging people to continue in the direction they were committed to, there were many obstacles that had to be cleared and fears damped down along the way. This was often difficult. New Zealand diplomat, John Hayes, played especially important roles in this regard during 1997 and the first part of 1998. In addition, the support he received from Foreign Minister, Hon. Don Mackinnon was essential to what Hayes achieved. Mackinnon himself played an active role, with numerous personal interventions encouraging various PNG and Bougainville leaders at crucial times.

Australia could not have fulfilled the role played by New Zealand, due especially to the suspicion with which Australia was viewed by significant elements of the Bougainville leadership at that time. This fact was recognised clearly by the Australian government at the time, and in general it encouraged New Zealand's efforts.

There were, however, various ways in which trans-Tasman rivalries had their impact on the peace process. At times petty rivalry and personal tensions had their part to play in the way things were done on both sides of the Tasman. The effects were not always positive.

Solomon Islands has also played a number of important roles in the peace process. With the change of government there following the 1997 elections, constructive Solomon Islands leadership emerged willing to cooperate with PNG and to encourage the BIG and BRA to engage in the process. Prime Minister Ula'falu and Minister for Culture, Leslie Boseto, who both chaired sessions during crucial meetings, played major roles. There was a marked difference to the previous government, where largely domestic political considerations had led the government to play a less than constructive role at times.

6. A Perception Gap?

While there is ample evidence of commitment to the peace process by all involved, there is also evidence of a potentially dangerous gap in the perceptions of key parties to the process about what is involved in it. In particular, there is a common perception at the national level that it was overwhelming war-weariness that drove the Bougainvillean leadership into the peace process. The assumption is that there is such strong popular opposition to violent conflict that the BRA could not "return to the bush". It therefore follows that, in a sense, the national government is in a strong bargaining position when it comes time to negotiate the major question of the future political status of Bougainville.

Among the more 'hard-line' BIG and BRA leaders, there is a perception that the BRA defeated the PNG security forces, especially in deflecting Operation

High Speed II (May-June 1996) and in the massacre of security force personnel at Kangu Beach (September 1996). They assume that with the numbers of PNGDF personnel deployed in Bougainville declining dramatically since 1997, there is little likelihood of the PNG government being prepared to fight them again. They tend to think that there is little now standing in the way of independence.

In short, each group not only tends to believe that it has 'won', but also has little understanding that the other group holds the opposite perception. The obvious danger of such a perception gap is that neither group will be willing to enter negotiations on the main divisive issue – the future political status of Bougainville - with open minds. Hence it may be important for the success of the peace process that ways are found of bridging this gap before negotiations on the political issues go too far.

PART IV: ASPECTS OF THE PEACE PROCESS, 1997-98

The present peace process can be analysed in two main phases – first from its beginning in July 1997 (Burnham I) to late 1998 and second since late 1998 to the present. For much of the first phase the emphasis was on building commitment to the process rather than on achieving outcomes on contentious issues. During 1998 the position gradually changed. The Lincoln Agreement of January 1998 provided an agenda of issues that the peace process would need to address, and a timetable for dealing with some of the more divisive ones. In December 1998 decisions about the future distribution of power in Bougainville had to be reached in unexpected circumstances. Serious differences emerged among Bougainvilleans that have not yet been resolved. The ways in which those differences are dealt with could yet determine the future course of the peace process.

1. The parties in the process

The main parties with direct and active roles in the process have been:

- the Papua New Guinea government;
- the Bougainville Interim Government (BIG)
- the BRA;
- the Bougainville Transitional Government;
- the Resistance Forces.

Of course, the United Nations, Solomon Islands, Australia, and the other countries involved in the PMG are not parties to the process. Rather, they are primarily involved as facilitators. However, they all have major interests in the process.

It must be emphasised that no party is monolithic. Within the PNG government, for example, there are many distinct interest groups – especially in the bureaucracy and the security forces - that may have quite different positions on major issues in the peace process.

When the PNG government has been involved in negotiations with Bougainville groups, it has tended to try to have a politically bi-partisan negotiating team, the main reason being the need for bi-partisan support in the Parliament if any settlement is to be given effect. Bi-partisanship seems to have been a major factor in the appointment, just before the Lincoln talks of June 1998, of Opposition MP, Sir John Kaputin, as Special State Negotiator. He has played a very constructive role at different stages (especially at Lincoln and in negotiating the cease-fire). However, his role has not always been clear (does he represent the Independent State of Papua New Guinea, or does he have some sort of broader mediation role, as he seemed to play at talks in New Zealand in April/May 1999 – below - and as seems to be envisaged by clause 2 of the Matakana and Okataina Understanding of 5th May 1999?)

The point about no party being monolithic applies equally to the Bougainville groups, as is discussed further below. This factor adds considerable complexity to the process.

Quite apart from the main parties, there are many other groups with important roles in the peace process. They include womens' organisations, Bougainvillean NGOs, chiefs, churches and so on. Some of these have links with the parties and as a result have had direct input into the negotiations that have been the centrepiece of the peace process. Others have not, but have nevertheless continued to play important roles in the community in such things as awareness-raising, local mediation and reconciliation, promotion of economic activity and so on.

2. Issues for the Peace Process, Mid-1997

It was the twists and turns of nine years of Bougainville's particular experience of violent conflict that determined the issues that had to be addressed by the peace process. In mid-1997 those issues included:

- Distrust among the main parties;
- Tensions and distrust within and between Bougainvillean communities;
- Widespread use of violence between combatants and more generally;
- The active role and the presence of the PNGDF and Police riot squads, so much resented by many in Bougainville;
- Displacement of a huge proportion of the population into refugee camps both in Bougainville ('care centres') and Solomon Islands;
- Human rights and compensation issues;
- Fears of retribution for actions taken during the period of conflict;
- Restrictions on movement and on access to services;
- Destruction of infrastructure, services and economic activity;
- Divided political leadership and administration;
- The future political status for Bougainville;
- Concerns about future economic development (including the future of mining).

3. Additional Issues Emerging During the Process

As the peace process has unfolded, the situation has changed, and some of the above issues have been dealt with, at least in part. However, the peace process has had its own dynamics and as a result new issues have emerged, including:

- Rescinding the call-out under which the PNGDF had an active role in Bougainville and the withdrawal of PNGDF elements from Arawa Town area (issues addressed and resolved with some difficulty during 1998, as discussed below);
- The lack of involvement in the peace process of Francis Ona and his immediate supporters;
- Law and order problems;
- Release of BRA members jailed for offences against PNG criminal laws (often referred to in Bougainville as BRA POWs);
- Uncertainties about distribution of political power in Bougainville;
- Issues about the extent to which non-Bougainvilleans should be permitted to be involved in reconstruction efforts;
- Uncertainty about future patterns of economic development;
- Problems with administrative capacity in Bougainville;
- Frustration about slow progress and limited flow of information;
- Disposal of weapons by Bougainvillean combatants;
- Phased withdrawal of members of the PNG security forces;
- From late 1998, political conflict among Bougainvillean groups focused upon disagreements on the interim government arrangements for Bougainville.

As the peace process continues, it can be expected that much the same will occur – that is, some issues will be resolved or recede in significance, and other existing issues will become more important, or new issues will emerge. As a result, there is a constant need for reflection and analysis with a view to ensuring that the peace process is flexible and responsive. This is not an easy task.

4. How Main Meetings and Agreements Addressed the Issues

The following points summarise how the main meetings and formal agreements of the peace process have attempted to deal with the main issues in the peace process.

a. Burnham I (July 1997)

This was a meeting of a wide range of Bougainville leaders, without direct involvement of the PNG national government. Its outcomes included:

- Building of trust among Bougainville leaders;
- Establishing of a common commitment to a negotiated peaceful solution;
- Agreement on the need for a cease-fire and a neutral peacekeeping force;
- Agreement on the right of the people of Bougainville to determine their political future;

- Agreement for the Bougainville leaders to meet the PNG Government to advance the still very fragile process.

b. Burnham II (October 1997)

This was a meeting of officials of the PNG national government and all main Bougainville groups. It was the first meeting to involve quite large numbers of leaders from the fighting groups - it included both senior and middle-level leaders of the BRA and the Resistance, as well as senior PNGDF and RPNGC officers. The meeting:

- Built trust among the parties (including PNG);
- committed all fighting groups to the process;
- Resulted in a truce, which included agreement to recommend to the parties to invite a neutral regional truce monitoring group;
- Produced agreement on the need for reconciliation, initially among Bougainvilleans and all fighting groups (BRA, Resistance and Security Forces) and possibly, at a later stage, “between the National Government and the people of Bougainville”;
- BIG/BRA and BTG proposed demilitarisation, by re-establishing civilian authority, and a “phased out withdrawal of the Defence Force”;
- Produced agreement on the need to lift all restrictions on freedom of movement and access to essential services;
- Canvassed views on restoration of services;
- Agreed to holding of a Leaders Meeting to discuss a “political settlement”.

c. Lincoln Agreement (January 1998)

This was an agreement signed at the end of a meeting of political leaders from all parties. Many officials of all groups also attended the meeting. Representatives of the UN and of the countries involved in the TMG also witnessed the agreement. The meeting and the agreement:

- Further strengthened trust between parties and among a broad range of Bougainvillean groups;
- Extended the truce and agreed to a “permanent and irrevocable cease-fire” by 30 April 1998;
- Agreed on a Peace Monitoring Group succeeding the TMG;
- Agreed on a UN Observer Mission becoming involved in the process;
- Agreed phased withdrawal of PNGDF “subject to restoration of civilian authority”;
- Agreed on the need for restoration of a normal law and order regime, with civilian peacetime policing, involving Bougainvillean police, and re-establishing of village courts;
- Agreed on reconciliation efforts, inclusive of establishing a ‘Bougainville Reconciliation Government’ by end of 1998, through “free and democratic elections”;
- Agreed on PNG removing bounties, and granting “amnesty to persons involved in crisis-related activities on all sides”;
- Agreed on cooperation on restoration and development;

- Agreed on the leaders meeting on Bougainville before end of June 1998 to “address the political issue”.

d. The April 1998 Cease-fire Agreement

This agreement was signed in Arawa on 30 April 1998 by all parties and was also witnessed by the same international and regional interests as witnessed the Lincoln Agreement. The meeting and the agreement:

- Agreed terms for the “irrevocable cease-fire”;
- Agreed the formal mandate for the PMG;
- Agreed on seeking UN endorsement for the PMG;
- Agreed on the invitation for and role of the UN Observer Mission;
- Agreed on the Peace Process Consultative Committee (PPCC) as a mechanism for consultation among the parties and on the mandate of the PPCC;
- Agreed that concerns of the Bougainville parties about rescinding the constitutional call-out under which the PNGDF operated in Bougainville and about making Arawa a ‘Neutral Zone’ would be raised with the PNG government by the Special State Negotiator.

e. The Matakana and Okataina Understanding

This agreement was signed at meetings held in various parts of New Zealand in late April and early May 1999. The main reason for these meetings was to resolve political conflict that developed from December 1998 over the interim political arrangements for Bougainville, issues discussed in more detail later in this paper. The main achievement of the Matakana Understanding was to move the process forward, past obstacles that had blocked progress. It did so by recording agreement on:

- the steps to ‘select’ (in fact, elect) the members of the proposed Bougainville People’s Congress
- the need for the four Bougainville MPs to work together;
- the need to hold negotiations with the PNG government on future political arrangements before the end of June 1999.
- But this progress was short-lived and achieved at considerable cost of divisiveness and controversy. As to being short-lived, court action to challenge the elections for the Congress was continued by one of the Bougainville MPs shortly after the meeting (below). As to divisiveness, all BRA representatives and several BIG representatives refusing to sign the Understanding. There were complaints that the BIG and former BTG leaders who signed had been pressured or even misled, and they faced strong public criticism upon their return to Bougainville. The main BIG and former BTG leaders, Joseph Kabui and Gerard Sinato, subsequently wrote to all other signatories seeking to revisit the four main controversial clauses of the Understanding. Issues involved in this controversy over the Understanding are discussed later in this paper. The main controversial issues dealt with in the Understanding that were taken up by Kabui and Sinato were:
- The role provided in clause 2 of the Understanding to the Special State Negotiator to collect views of interested parties on the future political

status of Bougainville for submission to the proposed talks to be held in June 1999, a role seen as undermining the unifying and reconciliation role of the Bougainville People's Congress;

- The indication in clause 9 that the arrangements for selection of members of the Bougainville People's Congress might not be 'proper';
- The leadership role in weapons disposal clause 12 provided to New Zealand, contrary to the BRA concern that the United Nations play the lead role;
- The provision in clause 14 for an authority to be established under a statute of the PNG Parliament to plan and manage major reconstruction activities for Bougainville, a proposal seen as contrary to Bougainville's basic concern to work towards increased control of its own affairs.

5. Some Key Features of the Process

Initiated by Bougainvilleans: While outside facilitation has played crucial roles in the process, it did not play the central role in the genesis of the process that public perceptions sometimes assume. The credit for that must go to the efforts by Bougainvillean leaders to bring groups together that had been underway since 1992 and intensified in 1992. The impacts of Sandline and the Barter Peace Plan were factors that helped create opportunities for Bougainvillean leaders in the first half of 1997 to initiate the direct contacts that then PNG Prime Minister Sir Julius Chan had banned as from early 1996.

Understanding between BTG and BIG/BRA leaders: With considerable difficulty, BTG and BIG officials had kept their channels of contact open despite Chan's ban. By late 1996 there were increasing contacts between these groups at the local level. From about early April, soon after Chan stood aside as Prime Minister in the aftermath to Sandline, the opportunity was taken to try to arrange a further round of the pan-Bougainville leaders talks that had begun in Cairns in December 1995. Among the most important of the factors contributing to success in getting the talks underway was the relationships between BTG and senior BIG/BRA figures established during 1995, and maintained with difficulty during 1996 and early 1997 in the face of significant obstacles (especially Prime Minister Chan's opposition to talks). The premier of the BTG, the late Theodore Miriung, deserves mention as having played a major role in beginning the process (by pushing hard for the 1995 Cairns meetings).

Facilitating roles of neutral outsiders: New Zealand has played vital facilitation roles. These have included mediating between the parties (especially but not only PNG and the BIG/BRA leadership) about arrangements for initiating talks, as well as provision of venues, transport and funding. The Solomon Islands government has also played important facilitation roles. The perception of all involved in the process that both governments have been neutral has been essential.

Importance of small-scale societies: The Bougainville parties to the process reflect in many ways the social structures in Bougainville. There are no monolithic organisations with clear ideological positions able to speak without challenge for a mass base. All major groups – BRA, Resistance Forces, BIG and BTG – are all ‘umbrella’ organisations. Their constituent elements are rooted in local communities. The local elements of the organisations have a high degree of independence. It is in large part because of these characteristics that it has been so important to involve numerous leaders from all parts of Bougainville in consultation at different points of the peace process. Similarly it has been necessary to make both the Bougainville People’s Congress and its executive body (the Congressional Executive Council – quite large bodies.

Inclusiveness and widespread consultation: A key to the success of the process for much of the period to the end of 1998 was the effort made to consult and involve directly members of a wide range of Bougainvillean groups and interests in all stages of the process. Such an approach is especially important in Bougainville because of the small societies involved and the deep suspicions that are a heritage of the conflict among them. Inclusiveness and consultation were especially evident at the two Burnham meetings and at Lincoln. However, after Lincoln, there were some changes in relation to this aspect of the process, as discussed below.

Initial emphasis on process rather than outcomes: One of the main strengths of the peace process for much of the 18 months to the end of 1998 was a focus on the process and the putting to one side efforts to achieve outcomes on major divisive issues - a matter expanded upon below. (However, from the end of 1998, outcomes on key issues were required and this aspect of the peace process has changed, as discussed below.)

Responsiveness and flexibility: There has been a conscious effort to make the process responsive and flexible, so that it can adapt to changing needs and circumstances.

Flexible timetable: Consistent with the previous point, the parties to the process and those facilitating it have accepted that the timetable for the process has had to be flexible.

Administrative complexity: There has been a tendency to build considerable complexity into the administration of the process (a matter enlarged upon below). In large part this has been due to the number of parties involved and to the suspicions between some of them. The suspicions of some parties of the entities involved in facilitation of the process has also played a role here – for example, Australia’s intentions have sometimes been questioned. Administrative complexity has sometimes slowed down the peace process and perhaps contributed to feelings of frustration on the part of some parties.

6. Initial focus on process rather than outcomes

The early focus on process and the deferring of consideration of the outcomes on contentious issues was an initial key to the success of the process. Attempting to resolve the major divisive issues too early was likely to divide, to place excessive strain upon the parties and hence on the peace process itself. A focus on process enabled the parties (and in particular the Bougainvillean parties) to develop confidence in the process, to build trust among themselves and to build widespread commitment in Bougainvillean communities to the peace process itself. The underlying assumption was that the parties would thereby become so tied to the process that they would find it difficult to walk away from the process. In this way participation could create momentum for concessions once the stage for considering outcomes was reached.

The focus on process meant putting aside the main divisive issues for a time - those issues where there were risks that reasonable outcomes might involve concessions which could weaken a party's position. These included disarming of combatant groups, withdrawal of PNG security forces, restoration of PNG policing, development of new political structures for Bougainville, and defining Bougainville's future political status.

Instead the focus of the parties in the negotiations was on agreeing formally to peaceful negotiation, negotiating the terms of first a truce and subsequently a cease-fire, agreeing to external monitoring, removing restrictions on freedom of movement, agreeing on restoration of services, supporting reconciliation efforts and so on. This is not to say that there were not significant outcomes achieved on such issues. Rather, efforts to reach outcomes on the potentially more divisive issues were deferred.

7. Administration of the Process

The complexity of administration of the process is demonstrated by the following arrangements that have applied for most of the period the Peace Monitoring Group (PMG) has operated in Bougainville – i.e. since May 1998. Many similar arrangements operated while the Truce Monitoring Group (TMG) was in place (from December 1997 to April 1998).

The PMG mandate provides it with several roles and functions, two of which are arguably the most important. The first is to monitor the adherence of the parties to the undertakings they have made concerning the peace process, and in particular, to monitor the cease-fire. The second is to provide assistance to the parties so as to facilitate the peace process. The latter function involves such things as provision of transportation for key meetings. Other functions include the promotion of confidence in the peace process and provision of information about the peace process to Bougainvilleans.

The PMG is made up of 75 peace monitors - 20 from New Zealand, 30 from Australia (civilians), 15 from Vanuatu and 10 from Fiji. A further 250 or so military personnel provide logistical and other support. Under the TMG, about half each of the support personnel were from New Zealand and from Australia, while under the PMG, almost all are ADF personnel.

The governments of PNG, NZ, Australia, Fiji and Vanuatu are all involved in a range of arrangements concerning the PMG. The mechanism for their consultation on issues concerning the peace process and the PMG is the Peace Process Steering Committee.

Progress in the peace process is reviewed regularly by the Peace Process Consultative Committee (PPCC) that comprises representatives of the parties and the UN Observer Mission together with the PMG commander. It meets regularly in Bougainville, with the head of the UN Observer Mission as chairman.

The United Nations Observer Mission has a formal mandate to monitor and report on the cease-fire. This could extend to monitoring the activities of the PMG – monitoring the monitors! The involvement of the UN undoubtedly helps to create confidence in the process on the part of the groups with the highest level of suspicion of Australia, and which might therefore have been concerned by the 'dominant' Australian role in the PMG.

The PNG government is a major party in the peace process. It has a number of agencies with roles relevant to the process. The lead agency is the Office of Bougainville Affairs (OBA). (When established after the 1997 PNG national elections the OBA was intended as a coordinating agency, but has at times sought to take on a wider role in Bougainville. There has been some controversy in this regard, as discussed below.) Others include the PNGDF, the Police, the Department of Provincial Affairs, and so on.

Donors also have a major role in the peace process. They include AusAID, NZ ODA (Official Development Assistance) and other bilateral donors, the EU, UNDP, and numerous NGOs.

The administration of the peace process has been made more complex and sometimes more slow than might otherwise be the case by a range of developments. They include tensions in regional relations (especially between Australia and New Zealand). Another complicating factor has been political instability in Port Moresby. Growing law and order problems in parts of Bougainville also create some difficulties.

PART V: THE SHIFT FROM PROCESS TO OUTCOMES, 1998

1. Lincoln Agreement as a 'road-map'

The Lincoln Agreement of January 1998 marked the beginning of a shift in the peace process from emphasis on process to efforts to achieve outcomes on the more contentious issues. However, it did so not by seeking to reach agreement on such issues or even by attempting to provide a definitive process for achieving progress. Rather, Lincoln simply set out an agenda of the main issues that in January 1998 the parties had agreed should be dealt with. The Agreement set a timetable for the first steps to be taken in relation to some issues. With other it simply signaled that they were on the agenda. Because it set the direction of the process in this way, some Bougainvillean

leaders have described the Lincoln Agreement as providing a sort of 'road map' for the peace process.

The shift from process to outcomes inevitably raised some tensions. It was a test for the whole process. Were the parties to the process and other less formal groups so committed to the process that such tensions could be managed within the process? So far, despite some major difficulties, the indications have generally been positive.

The potentially divisive issues covered by the Lincoln Agreement included:

- disarming of combatants and disposal of weapons;
- phased withdrawal of the PNGDF;
- establishing of civilian policing and courts (potentially divisive because the BIG/BRA leadership envisages these matters being under Bougainvillean rather than PNG government control, contrary to the arrangements that apply in all other parts of PNG);
- the Bougainville Reconciliation Government (BRG) which Lincoln provided to be established by the end of 1998; and
- the ultimate political status of Bougainville, which under Lincoln should have begun to be addressed at a leaders' meeting held before the end of June 1998.

It has been the last two issues that have had the potential to be divisive and therefore difficult to deal with. Under Lincoln, establishing the BRG was seen as central to reconciliation of a divided Bougainvillea. It would do away with the parallel sets of structures discussed above. They would be replaced by a single set of government structures within which all groups could work together. On the other hand, it was also clear that such a development would involve a shrinking of the positions of power available in Bougainville.

The very existence of the parallel structures facilitated a wide dispersal of power, and establishing the BRG will inevitably involve redistribution of power. That involves risks – there would be winners and losers among the groups in terms of the struggle for political power. At the same time, in the circumstances of Bougainville, there is room for concern about domination by one group or another at the expense of others. For example, 'moderate' leaders from areas that have either opposed the BRA or been associated with Resistance Forces might fear a BRG dominated by the BIG/BRA. Equally, BIG/BRA elements could fear that a BRG dominated by Resistance and BTG leaders might show little interest in their concerns about independence.

As discussed in more detail below, it is considerations such as those that illuminate why the preliminary moves towards establishing the BRG in late 1998 proved to be quite divisive.

As for Bougainville's future political status, decisions on that issue could divide Bougainvillean groups on much the same basis as the BRG issue. The issue also has the potential to divide PNG and Bougainville. Demands for special arrangements for Bougainville, independence or a referendum on

independence could be difficult for PNG to accept – and could involve major political risks of dividing the rest of PNG. Rejection of such demands would be difficult for Bougainville to accept.

The two issues – establishing the BRG and Bougainville's future political status - are closely linked. Part of the idea of establishing a reconciliation government was to encourage development of a united Bougainville position for the negotiation of the political status questions – and so the BRG has been seen as a matter that needs to be resolved before the future political status issue can be addressed. At the same time a well-balanced composition in the BRG is necessary if fears of domination by one interest group or another are to be avoided.

2. Slippage in Lincoln time-table

The recognition by the main Bougainvillean groups of the potential for difficulties in dealing with the two questions just discussed was part of the reason for the slippage in the timetable in the Lincoln Agreement. In particular, the meeting on the political issues that Lincoln envisaged being held by end of June 1998 was not held in 1998. Further, although a BRG constitution was passed by the end of 1998, the body itself was not established until later, and then not in the manner envisaged by Lincoln, for the free and fair elections envisaged by Lincoln have not yet been possible. More importantly, the formation of the BRG has not yet brought about the reconciliation among Bougainvilleans that Lincoln anticipated.

The immediate reason for the delays during 1998 arose from the fact that during negotiations over the cease-fire of April 1998, additional contentious issues were raised. Thereafter the BIG/BRA leadership put most other issues to one side until the new issues were resolved. The issues in question were:

- Arawa town becoming a de-militarised neutral zone;
- Rescinding the legal arrangements for the PNGDF's active role in Bougainville (the 'call-out' under section 204 of the PNG Constitution); and
- Freeing of Bougainvillean 'political prisoners' held in PNG jails.

The Cease-fire Agreement ultimately provided only a process for the first two of those issues to be brought to the attention of the national government. The third remained (and still remains) unaddressed. There were considerable difficulties in resolving those issues. They were not resolved until August 1998. However, managing the tensions involved in dealing with those issues was a significant test of the peace process. Achieving a successful resolution of those issues indicated the extent to which the parties were committed to the process.

However, until those two issues were resolved, the BIG/BRA refused to participate in the Peace Process Consultative Committee or in the talks on the political issue envisaged by Lincoln. For much the same reason there was no real discussion between the parties about the details of how to establish the

BRG. Once those issues (neutral zone and call-out) were resolved, difficulties over arrangements for establishing the BRG have contributed to further delays in holding negotiations about Bougainville's future political status.

3. Early maneuvering over proposed BRG

The BRG being potentially such a contentious matter, it is no surprise that moves towards establishing it made during the second half of 1998 exposed tensions among Bougainvilleans. Those tensions became a significant source of concern in the first half of 1999.

To some extent, the whole of 1998 involved maneuvering about the establishing of the BRG. All significant political leaders with any interest in having a stake in the operation of the proposed BRG were involved in one way or another. Each leader feared that others might gain some unfair advantage or might make deals excluding or damaging their interests. In particular, some were concerned that the BIG leadership associated with Kabui was gaining political advantage from awareness raising meetings (and hence from the AusAID Peace Travel Fund that facilitated such meetings).

Increasing cooperation and understanding developing between the BTG leaders and BIG/BRA leaders during 1998 also raised concerns. Some feared that the BTG leadership was cooperating with BIG leaders mainly in order to protect their own access to power and resources. There were concerns that as a result the BTG leaders were not really representing the interests of 'moderate' Bougainvilleans. If so, then the option of negotiating for higher autonomy rather than independence might be ignored in a headlong rush for independence determined by BIG and BTG leaders' interests.

4. Debate on interim constitutional basis for BRG

In large part because of the unanticipated hiatus in the peace process caused by the controversy over rescinding the call-out and withdrawing the PNGDF from Arawa, it was only late in August that the first serious public debate about the BRG began. This was sparked by the move of the national Minister for Provincial Affairs to publish in the PNG National Gazette proposed constitutional amendments to the PNG Constitution and the Organic Law on Provincial Government. The aim was to provide continuity in the constitutional arrangements for provincial-level government for Bougainville.

(Note: Under the PNG Constitution, organic laws:

- must cover only subjects specifically authorised by the Constitution,
- are entrenched to a high degree; and
- in cases of inconsistency prevail over all laws other than the Constitution.)

The aim of the proposed amendments was to continue the application in Bougainville of the 1977 Organic Law on Provincial Government (the old Organic Law) – a law which in July 1995 had been replaced in all other

provinces of PNG by the Organic Law on Provincial Governments and Local-level Governments (the new Organic Law). However, special constitutional provisions had kept the old Organic Law operating in Bougainville since 1995. The Bougainville Transitional Government (the BTG) operated under these arrangements. The period provided for the operation of these arrangements was due to expire on 31 December 1998. Without further constitutional provision being made, the new Organic Law would automatically apply in Bougainville as from 1st January 1999.

Proposed amendments to either the PNG Constitution or an Organic Law must meet a number of procedural and timetable requirements which take several months to meet. In particular:

- the proposed amendment should be published in the National Gazette at least one month before being introduced into the Parliament;
- two separate votes of the Parliament supported by special majorities (normally two thirds absolute, but for some provisions three quarters absolute) are required;
- those votes must be separated by at least two months.

It was the need to meet the time limits involved in these procedural requirements that encouraged the Minister to publish the proposed amendments at the time he did.

The concern was that otherwise the old Organic Law would cease to operate without acceptable alternative constitutional arrangements existing under which the BRG could be established. It was widely understood that the new Organic Law did not provide a suitable basis for the BRG. The main problem was that it was seen as reducing autonomy at the provincial level, whereas even 'moderate' Bougainvillean leadership was supporting greatly increased autonomy – that is, beyond the level of autonomy available under the old Organic Law. An indication of the extent to which the new Organic Law reduces provincial autonomy is provided by Table I. It compares, on the one hand, the degree of autonomy in relation to key matters which was available to the BTG when operating under the old Organic Law with the position of provincial governments under the new Organic Law.

Table 1

Comparing Autonomy of the BTG (*Old Organic Law*) with a Provincial Government Established under the *New Organic Law*

BTG (*Old Organic Law*) Reforms (*New Organic Law*)

<p><i>Constitution:</i></p> <p>BTG chose own structures with few restrictions, with details set out in a provincial constitution made and changed by the provincial legislature.</p>	<p><i>Constitution:</i></p> <p>Uniform structures for all provincial governments are set out in the new Organic Law. There is no provincial constitution.</p>
<p><i>BTG Structures:</i></p>	<p><i>Provincial Government Structures:</i></p>

<p>Provincial assembly an elected body, the details set out in the provincial constitution. Premier as head of the executive is the premier, selected as directed by the provincial constitution.</p>	<p>The provincial assembly is an appointed body made up of national MPs and heads of local governments. There is a Governor who is normally either the provincial MP or one of the other MPs from the province.</p>
<p><i>District administration:</i></p> <p>BTG decided its own districts, and administered districts as it decided.</p>	<p><i>District administration:</i></p> <p>Open electorate boundaries automatically become district boundaries, and a committee chaired by the Open electorate MP decides all budget and planning matters.</p>
<p><i>Staffing Arrangements:</i></p> <p>BTG had policy secretariat and decided many staffing arrangements under provincial law (North Solomons Provincial Administration Act 1988).</p>	<p><i>Staffing Arrangements:</i></p> <p>No provincial secretariat, and uniform staffing provisions for all provinces (no provincial administration Act).</p>
<p><i>Local Government:</i></p> <p>BTG had full power to decide almost all issues concerning local government under a provincial law.</p>	<p><i>Local Government:</i></p> <p>Uniform arrangements for elected local governments, organised around the open electorate. No power for provincial law.</p>
<p><i>Legislative powers:</i></p> <p>BTG had exclusive powers over some subjects and shared many powers with national Parliament. Shared powers could be made exclusive provincial powers.</p>	<p><i>Legislative Powers:</i></p> <p>Provincial governments have no exclusive powers, and national laws can always override provincial laws on all subjects listed in the new Organic Law.</p>
<p><i>Finances:</i></p> <p>BTG had unconditional grants from national government with strong protection from reduction (amounts calculated according to formulae set out in the old Organic Law).</p>	<p><i>Finances:</i></p> <p>Grants are conditional (must be spent on what the national government directs) and the amounts of grants can be reduced whenever the national government decides there is a "downturn" in the national economy.</p>
<p><i>National Government Direction and Control:</i></p> <p>Under old Organic Law there were few ways for the national government to direct and control the activities of the BTG.</p>	<p><i>National Government Direction and Control:</i></p> <p>New Organic Law provides many ways in which the national government can direct and control activities of a provincial government.</p>

It was unfortunate that the publication of the proposed amendments in August 1998 was made with little consultation. As a result, suspicion and concerns were raised among some leaders. For example, some BIG/BRA leaders may have had concerns that the national government was deciding the constitutional arrangements for the BRG without their agreement.

The Opposition in the Parliament was also concerned. Here again a key concern was consultation. But there were also several issues concerning the long-serving MP for the Bougainville Regional seat and prominent Opposition member, Mr. John Momis. For much of the period since the 1997 elections, he had had concerns about the limited role he believed that he was being permitted to play in the peace process. Yet Momis was the Bougainvillean leader with the clearest popular mandate, having received over 50 per cent of the votes cast in the 1997 national elections (albeit with a turnout of well

below 50 per cent of eligible voters). By contrast, leaders like Joseph Kabui (BIG) and Sam Kauona (BRA) were at that time not elected, and the BTG members had been elected indirectly, through councils of chiefs and Interim Authorities (local government bodies).

While he had little role in the peace process in 1998, if the new Organic Law were to come into operation in January 1999 Momis would have automatically become Governor of Bougainville – the head of both the executive and the legislature. For some time, Momis and other Bougainville MPs (Mr. Laimo and Mr. Ogio) had been seeking an increased role in the BTG. Under the old Organic Law, MPs could participate in debates in a provincial legislature but could not vote or hold substantive executive office. Momis and some Bougainville leaders who were concerned at possible BIG/BRA domination of the proposed BRG saw advantages in the increased roles in provincial government which the new Organic Law provided for MPs.

As a result of such concerns, the constitutional amendments needed to continue the operation of the old Organic Law became a concern in the context of the then emerging debate about establishing the BRG, and especially from late August to early December 1998. The BIG/BRA leadership sought assurances that the old Organic Law would not provide an unduly restrictive framework for the establishing and operation of the BRG. Extensive consultations between BTG and BIG/BRA personnel in October and November helped resolve these concerns. The key BIG/BRA leaders were satisfied that as an interim measure the old Organic Law provided considerable flexibility in structures. While the powers until then exercised by the BTG were too limited they accepted that sufficient additional powers could be transferred to the BRG under that law. However, they made it clear that in the longer term they would seek more favorable arrangements in the negotiations about the future political status of Bougainville.

On the other hand, Momis and his supporters sought and, in consultative meetings in Bougainville in October and November, obtained agreement from the other Bougainvillean groups and the national government for a second set of constitutional amendments. These were to provide increased roles for MPs in the Bougainville provincial-level government, including the possibility of holding substantive executive positions.

The second set of amendments had to meet all of the same procedural requirements as the first, and so could not have been in place until February 1999 at the earliest. Hence it was also agreed that the BTG would remain in place until all amendments were passed and consequential amendments could be made to the provincial constitution (concerning changes of names and structures).

However, the BIG/BRA and other leaders remained committed to establishing the BRG before the end of December, as had been provided in the Lincoln Agreement. So they proposed that the BRG be established initially on an informal basis, as an action of a constituent assembly of Bougainville leaders which should be held towards the end of December 1998. They envisaged

that any body established in that way could subsequently be given formal recognition, once all the necessary amendments had come into operation later in 1999. The details of arrangements for establishing the proposed constituent assembly had not been discussed widely by early December 1998, when the entire arrangements for establishing the BRG were unexpectedly thrown wide open.

5. The proposed constitutional amendments fail to pass

The first vote on the original set of proposed constitutional amendments (those gazetted in August 1998) was taken on 1st October. In November, the second set of proposed amendments was gazetted. The second vote on the original set of amendments was attempted early in December. In the midst of controversy over the 1999 national budget and moves by the Skate government to adjourn the Parliament for an extended period (allegedly to avoid a potential vote of no confidence which the Constitution made available in February 1999) the hard-won bi-partisan support for the two sets of amendments collapsed. Most members of the Opposition absented themselves when the vote was taken, and as a result the amendments were not passed.

The immediate consequence of the proposed amendments not being passed was the lapse of the operation in relation to Bougainville of the old Organic Law as from the end of December 1998, and the coming into effect of the new Organic Law on 1 January 1999. In the context of the suspicions between some of the leaders over the BRG that had been developing during 1998, the tensions that now emerged are understandable. It seems likely that BIG/BRA leaders, and perhaps others, became concerned that Mr. Momis was intending to take power in Bougainville by becoming Governor under the new Organic Law. By now Momis had become interested in becoming Governor. This is not to suggest that he was in favor of the new Organic Law applying in Bougainville in the long-term. At all times he has clearly been in support of greatly increased autonomy for Bougainville. Rather, he seems to have envisaged that law applying for an interim period during which, as Governor, he could take the lead in developing BRG arrangements which ensured a balance between the interests of the BIG/BRA and 'moderate' Bougainvillean groups.

However, most other Bougainvillean leaders were not only suspicious of such a possibility, but in addition, the new Organic Law was unacceptable to them, mainly because it would result in significantly reduced autonomy for Bougainville. Reduced autonomy was evident in provisions on structures, powers and funding. In relation to structures, for example, there was no provision for an elected provincial government. Instead, the provincial assembly comprised the national MPs and the heads of local government in a province, all holding provincial level office *ex officio*. (As noted already, Table 1 – above - indicates areas of reduced provincial autonomy the under the new Organic Law as compared to the old Organic Law.)

There was another important issue that arose once it became clear the new Organic Law was to operate in Bougainville. Even if the new and less autonomous provincial structures provided by that law had been universally acceptable in Bougainville, in practice there were serious obstacles in the way of their being established on 1st January 1999. Perhaps the major problem concerned the heads of local governments who under the new Organic Law make up the majority of provincial assembly members in any province. They have to be heads of local-level governments established under a new local government system required by the new Organic Law. No such new local government system existed in Bougainville, and it would have taken some months to establish it even if everybody in Bougainville co-operated in setting it up.

On its own, the lack of the new local government system meant that there had to be some sort of interim arrangements made in Bougainville on 1st January 1999 to fill in the gap. Interim arrangements to enable new local governments to be set up had been provided under the new Organic Law when it came into operation in 1995. Those arrangements covered the period until a new local government system was established in the other provinces of PNG. Elections for the new local governments were held in those provinces late in 1997. But those interim arrangements ceased to operate after the national and local government elections in 1997. So alternative interim arrangements were required for Bougainville as of 1st January 1999 in any event.

Soon after the proposed constitutional amendments failed to pass, a meeting of BTG/BIG/BRA leaders in Arawa announced opposition to the operation of the new Organic Law in Bougainville. At the same time they indicated their commitment to establishing the BRG by the end of December. At that point, they seemed committed to the BRG being established outside the framework of PNG laws. Bougainville appeared to be drifting towards taking steps that would have been tantamount to a unilateral declaration of independence.

During difficult informal consultations in mid-December the PNG Minister for Bougainville Affairs, Sam Akoitai (who is also the MP for Central Bougainville) persuaded the key BIG and BTG leaders of the grave risks and dangers involved in deliberately stepping outside the PNG constitutional framework at that stage. At his request, further consultations took place between officials from the national government and officials of the BTG, BIG and Resistance with a view to developing compromise arrangements for establishing the BRG. Over four days of meetings, such proposed arrangements were recorded in a draft Basic Agreement that was attached to a minute signed by representatives of each group.

It was agreed that as it was no longer possible to establish the BRG immediately as an fully democratically elected government with full government powers, Bougainville could proceed to establish the BRG under its own arrangements. The Bougainville leaders agreed that the body to be established would operate in accordance with both the wishes of the people of Bougainville and the PNG Constitution. As far as possible previous administrative and political structures (including existing local-level

government arrangements) would be regarded as continuing to operate in Bougainville. In the spirit of the draft Basic Agreement arrangements were made to suspend the Bougainville Provincial Government as soon as the new Organic Law came into operation in Bougainville. The PNG government agreed to exercise the powers of the suspended provincial government in accordance with the advice of a body representative of the people of Bougainville. That the body was to be established by the Bougainville leaders under their own arrangements. For the time being this would be accepted as the BRG, but all acknowledged (at least tacitly) that it would really be a substitute for the democratically elected BRG envisaged by the Lincoln Agreement.

The draft Basic Agreement envisaged a further agreement – or Charter - to be signed between the BRG and the national government which would deal with the details of the role of the BRG in advising the national government on the exercise of the powers of the suspended provincial government.

The arrangements set up in accordance with the draft Basic Agreement ensured that the PNG constitutional framework continued to be respected for the time being. This was a major concession for the BIG and BRA leaders who had been so interested in stepping outside the constitutional framework. They accepted the arrangements with reluctance, on the basis they had interim status only. They would only operate until longer-term arrangements for the BRG were agreed as part of the negotiation of the future political status of Bougainville.

6. Establishing the BRG – the Bougainville Constituent Assembly and the Bougainville People’s Congress

The Arawa leaders meeting of early December had also agreed to adopt a Constitution for the BRG before the end of December 1998. As a result, a hastily convened constituent assembly comprising representatives of the main Bougainvillean groups met in Arawa later in December. On 24 December it adopted a Constitution for the BRG. It provided for the BRG to be established in stages. The first was a Bougainville Constituent Assembly (BCA) made up of nominated representatives of all factions and many interest groups. It was to be an interim body intended to bring together the leadership of most groups into a single and broadly representative body. It was to be the main advisory body while preparations were made to establish a mainly elected body, the Bougainville People’s Congress (BPC). That body was to be established as soon as possible, once all necessary arrangements for elections had been made. The BRG Constitution initially provided for areas of the old community governments to be used as the basic electorate boundaries for elections for the BPC, with the possibility of them being divided further to provide wider representation. The Constitution was later amended to provide for increased constituencies, and a demarcation committee eventually recommended constituency boundaries. In addition, provision was made for nomination of representatives from a wide range of organisations in Bougainville. They include Francis Ona’s group; the BTG; the BIG, the BRA, the Resistance; women’s organisations; and churches.

As of 1st January the new Organic Law came into operation. However, the national government immediately suspended the provincial government for Bougainville that the law established. At that point, the new Organic Law vested all powers of the suspended provincial government in the National Executive Council (NEC). All executive powers were delegated by the NEC to the Minister for Bougainville Affairs (later Minister of State), Hon. Sam Akoitai. Because of the arrangements under the draft Basic Agreement and the suspension of the Provincial Government, it was quite clear that neither the appointed BCA nor the mainly elected BPC provided for in the BRG Constitution of December 1998 would be a governmental body – neither a provincial government under the reforms nor any other form of body exercising government powers. Neither body could get any direct legal authority from the National Constitution. As far as the PNG government was concerned, both were to be informal advisory bodies. Their main roles were to advise the national government about the exercise of the powers of the suspended provincial government.

While the lack of formal government powers for the BCA and BPC was a considerable disappointment to most of the Bougainville leaders, the arrangements were reluctantly accepted as the best way forward for the interim. The expectation was, however, that the imminent negotiations on Bougainville's political future would result in a settlement under which the BPC or its successor would soon exercise full government powers. Further, it was assumed that the BCA and the BPC had the legitimate authority to deal with the national government on all issues relating to the peace process. In particular, the mainly elected BPC was to be the body to negotiate with the PNG government about Bougainville's political future.

PART VI: ASPECTS OF THE POLITICS OF THE PEACE PROCESS 1999

1. Opposition to the interim arrangements

The suspension of the Bougainville Provincial Government and establishing of the BRG was opposed by John Momis. Whilst he was well aware of the possibility of suspension of the provincial government as a fallback position available to the national government, it seems he did not expect that option to be implemented. Suspension took away from him the opportunity to become, as Governor of Bougainville, the main political power in the province. As already noted, it seems likely that he had seen the opportunity of becoming Governor as his chance to look after the political 'moderates', those afraid of what many saw as the growing trend towards political dominance by the BIG/BRA leadership.

In opposing the suspension and the arrangements for the BCA and BPC Momis was supported by another Bougainville MP, Michael Laimo, and by other leaders in Bougainville, most notably a disparate group of leaders from Buka Island. The most vocal support came from leaders of the Buka local government – the Leitana Council of Elders (below). There were others, mostly individuals who believed they might have reason (economic or political) to fear a BIG/BRA dominated government. But with widespread popular support for making progress towards the proposed BRG through the

BCA and the BPC evident all over Bougainville and among many in Buka, the room for action by Momis and his supporters was limited. The result was a series of strident press releases and several court actions. The outcome was a lot of media attention, but limited impact on popular sentiment, even in Buka.

As for the court actions, Momis launched three separate cases, trying new forms of action as the first and second, respectively, were rejected by the courts. The first case was an application for judicial review of the suspension that was rejected. In addition to appealing Momis launched a separate constitutional challenge to the suspension and associated arrangements, including the election of the BPC, then proposed for April 1999. In May this case was rejected by the Supreme Court on technical grounds. A further constitutional challenge was launched on 11th May. Both constitutional cases challenged the validity of the BPC and the selection of its members and also challenged the suspension of the provincial government. The third case was filed only six days after Momis had signed the Matakana and Okataina Understanding in which had accepted that selection of members of the BPC could proceed.

The Leader of the Opposition in the national Parliament, Bernard Narokobi, was also a vocal critic who linked developments in Bougainville to wider trends towards undermining the PNG Constitution. He also had an eye to challenging the government of Prime Minister Skate in the lead up to the July 1999 meeting of the PNG Parliament when the opportunity for replacing the Prime Minister in a vote of no confidence would arise for the first time since the 1997 general election. Narokobi joined Momis as a party in the two constitutional challenges just mentioned.

Of course, the other side of the arguments from Momis and Narokobi about the undermining of the Constitution is the fact that the provincial government suspension and associated arrangements probably prevented moves to set up the BRG outside the PNG Constitution. However, in his disappointment about losing what he saw as his opportunity to make the peace process more inclusive, Momis interpreted the new arrangements as a deliberate effort to exclude him and other 'moderate' leadership from power. He also saw the suspension of the Provincial Government and the associated arrangements as personal - directed towards preventing him playing a positive role. In part this interpretation due to long-standing personal differences he had with both Kabui and Akoitai. In any event, those personal differences were now exacerbated, adding a new level of complexity to the politics of the peace process.

2. Buka versus Bougainville?

The limited support for Momis' stand against suspension of the Provincial Government and establishing of the BCA was mobilised largely on the basis of a Buka/Bougainville divide. This was a potentially dangerous ethnic division, based very much in the historical experience discussed in Part I of this submission. The tensions involved had been exacerbated by the

Bougainville conflict. Many people in Buka had opposed the BRA from mid-1990. Local leaders had worked with Buka BRA elements and others to form the Buka Liberation Front, an armed force that clashed with BRA groups from mainland Bougainville, and supported the return of the PNG security forces in September 1990. The first area to which the PNG forces returned, Buka enjoyed relative normalcy from the early 1990s, and has been the main economic centre ever since. All of this was certainly resented by many in the BRA. By 1998-99 there were concerns among many Buka leaders about the prospect of a BRA dominated government. The fear was that such a government might permit repetition, in some form, of the harassment of Buka by mainland BRA elements which occurred in the first half of 1990 or might retaliate against Buka in some way (e.g. economic discrimination) for its support for the national government in the period since mid-1990.

The main spokesmen for the Buka leaders supporting Momis came from the Leitana Council of Elders – the local-level government for Buka established in 1997-98 under BTG legislation. When councils of elders (COEs) were set up from 1996 they were intended to be small-scale bodies, close to the people. It had been planned that there would be six COEs for Buka with its total population in excess of 30,000. But Buka leaders had insisted that there be just one COE for Buka, with a view to Buka 'speaking with one voice' if it became necessary to make a stand against a BIG/BRA dominated BRG.

From December 1998 the Leitana leaders took Momis' lead and interpreted the draft Basic Agreement and suspension proposals as evidence of a plot by BIG/BRA leaders. They called for Momis to be recognised as Governor. They stated a preference for Buka to become a separate province should a BCA or BPC dominated by the BRA move to independence. At the same time, the senior Resistance Forces leaders, several of whom were from Buka, offered strong support to Momis and Leitana, adding a significant level of tension to the complex situation. (There were strong personal and political links – through Momis' political party, the Melanesian Alliance – between the various groups supporting Momis.)

In any event, in the early part of 1999 there was some concern that the Buka coalition around Momis might be enough to mobilise considerable support based largely on a Buka/Bougainville divide. It was feared that such a development could unleash ethnic tensions that might be hard to contain.

There were also initial concerns of the possibility that groups in other parts of the province who could fear the BRA could also oppose the new political arrangements. With tensions and divisions sometimes emerging even in the BRA, there was even the possibility that BRA elements could become involved.

3. A 'winner-take-all' dynamic?

Elements of a 'winner-take-all' attitude developed as tensions over the interim political arrangements grew in the early part of 1999. Momis and his supporters tended to believe that Kabui and other BIG/BRA leaders had

manipulated the peace process in 1998 to their own political advantage and with a view to excluding Momis and other moderate leaders from access to power. As the arrangements for suspension of the provincial government and establishing the BCA had kept Momis from becoming Governor, they were seen as evidence of what some described as a 'conspiracy' against Momis and other moderate leaders.

Support from Leitana COE and the Resistance Forces was seen as vital to counter the conspiracy. The court challenges became the essential response. Many involved in the BCA believed that if Momis succeeded in court, the moderates would take over, cleaning out those who had opposed them. There was a risk that concerns about such 'winner-take-all' attitudes from the Momis/Leitana group would encourage real exclusionary tendencies in the BCA leadership. Such a development would have undermined the general inclusiveness that until then had been a major strength of the peace process

4. Tensions kept under control

Initial fears of the dangers of ethnic tensions around the Buka/Bougainville divide they were never realised. There were several factors involved. Moderate Buka leaders opposed the Leitana move, saying that public discussion of the possibility of separating Buka from Bougainville was premature. It was intended only as an option of last resort should Buka face a real threat from the BIG/BRA leaders. Further, from the outset, the BCA leadership went out of its way to send signals of moderation and conciliation. At its first meeting in January the BCA offered to engage in talks with Momis and the Leitana leaders. While Momis initially seemed reluctant to accept such offers, and pursued his court challenges instead, the offers were conciliatory themselves. The PMG and the UNOM played useful roles in encouraging moderation and dialogue. So while there was certainly heightened tension, it was kept under control.

However, for some months there was little sign of movement towards resolution of the conflict causing the tensions. By late March there was concern that elections for the BPC were about to begin without the strong opposition to the elections and associated political arrangements being first resolved. There had been a number of failed attempts (by Bougainvillean leaders as well as others) to arrange talks between the leaders. It was in late March that the New Zealand government sought to break the deadlock by offering to bring the Bougainville leaders to New Zealand for a 'study tour'. The idea was that they would look at conflict resolution experience in New Zealand and sit with Maori and other facilitators in an effort to re-establish cooperation. About 30 leaders from most groups (including the Leitana COE) spent almost two weeks in New Zealand in April and early May. The 'tour' resulted in the Matakana and Okataina Understanding, which sought to resolve the major differences (and also to provide a development on the Lincoln 'roadmap', as already discussed).

The main positive development in the Matakana and Okataina Understanding was that all agreed that the 'selection' of members for the BPC could proceed.

However, there was general reluctance to raise the question of John Momis' court challenges, in large part out of concern not to be seen as interfering with his constitutional rights. As a result, there was no mention of the court cases in the Understanding. On his return to Port Moresby, Momis continued with his court challenge whilst at the same time the elections for BPC members got under way. As a result the Leitana COE has found itself in some difficulties. It cannot oppose the elections, but continues to support John Momis. More importantly, the election to the BPC of moderate Buka leaders prepared to work with leaders of all factions has undermined the legitimacy and credibility of the Leitana leaders.

The New Zealand talks resulted in some progress towards resolution of the problems among the Bougainville leaders arising from the December 1998 failure of Parliament to pass the constitutional amendments under which it was planned that the BRG would be established. However, the failure of the New Zealand talks to include John Momis court proceedings in the negotiations has meant that ultimately the central differences between Momis and the leadership of the groups involved in the BCA were not resolved. While Momis is increasingly isolated from political developments, should he win his court challenge there is a continuing risk that the entire peace process could be destabilised (if not threatened).

5. Buka/Bougainville tensions draw attention to concerns of 'moderates'

There was an important positive aspect to the tensions generated over the suspension of the Bougainville Provincial Government and the conflict over the associated political and administrative arrangements. Until December 1998, there had been a tendency for many key actors in the peace process to focus heavily on the BRA – and especially 'hard-line' BRA elements - and on the arrangements needed to bring them into or keep them involved in the peace process. Indeed, the crisis over the possible establishing of the BRG outside the PNG Constitution that occurred in December 1998 is a good example of how concerns about the need to maintain involvement of the BRA tended to dominate the process. At the same time it was assumed that the active involvement in the process of the BTG, the Resistance leaders and the Bougainville MPs ensured that the concerns of moderates were looked after. In fact there were many who shared fears, who felt at risk and who did not understand the accommodation that the BTG leaders seemed to be reaching with the BG/BRA in 1998. The moves by Momis and the Leitana COE had the benefit of focusing attention on their concerns. In particular, the main BIG/BRA leaders were alerted to the issue. As a result, they were probably more moderate, conciliatory and inclusive in the way they worked in the BCA and the BPC than would have otherwise been the case.

6. Growing unity in Bougainville

Despite the problems and tensions associated with developments since the second half of 1998 (just discussed), there was remarkable progress towards unification of the Bougainvillean groups during the first half of 1999. The convergence between the BTG, on the one hand, and the BIG and the BRA

on the other hand had been developing since Burnham I. It was consolidated with the establishing of the BCA in January 1999. In addition, the BCA created a wider leadership pool for Bougainville.

At its first meeting the large and unwieldy BCA delegated most responsibilities to a 'core group' of key BTG and BIG/BRA leaders – five from each group. That group had several main roles. As already noted, although the BCA had no formal government functions, the national government had agreed to act on the advice of the Bougainville leadership in exercising the powers of the suspended provincial government. The Core Group became the body that advised the national government Minister responsible for Bougainville, Hon. Sam Akoitai in the exercise of the powers of the suspended provincial government. It also oversaw preparations for the elections and other arrangements needed to establish the Bougainville People's Congress.

The Bougainville Administration began to work with key BIG/BRA officials, beginning with key BIG adviser David Onavui becoming co-provincial administrator with the former BTG's senior official, Provincial Secretary John Siau. A Technical Team was set up to assist the political leadership in dealing with most major issues. It comprised the senior advisers to both the former BTG and the BIG/BRA. As planning for elections to the proposed Bougainville People's Congress progressed cooperation and understanding between both political and administrative leaders increased.

7. Establishing the BPC

The elections for the 69 BPC constituencies were held peacefully in the first half of May 1999. The main problem was that following their return from New Zealand where they had been signatories to the Matakana and Okataina Understanding the Leitana leaders insisted that the eight BPC representatives from Buka should be selected by groups of chiefs rather than elected directly. This was possible under the Electoral Guidelines adopted by the BCA, but was opposed by many community leaders in Buka who wanted to see democratic selection of Buka leaders. In the interests of continued conciliation, the BCA leaders agreed to the Leitana demands. However, the outcome was that the Buka chiefs selected mainly moderate Buka leaders. In general, they have been independent of Leitana and able to work effectively with leaders from other groups within the BPC.

Appointments of the 32 appointed members went smoothly at the first meeting of the BPC from 26 May, with the main exception that in the absence of nominations from Francis Ona the appointment of the five members to represent his group were not made.

Other business at the first BPC meeting involved election of a Speaker, Deputy Speaker, President and two Vice Presidents. All processes were handled to a large degree through informal caucusing through regional groupings that took place over three days. In the process members of groups and factions that had previously fought or opposed one another rubbed shoulders and resolved differences within the arena provided by the

Congress. There was general support for election of former BIG Vice President, Joseph Kabui, as President of the BPC. The newly elected BPC vice-president are former BTG deputy-premier Thomas Anis and one of Francis Ona's former close aides, James Tanis.

Through regional groupings, the BPC also made recommendations to the President about selection of a 31 member Congressional Executive Council (CEC). The CEC is widely representative. In a special weighting given to Buka representation in the CEC, a strong signal was sent to Leitana (and to Buka in general) about the determination of the BPC leadership to be inclusive and conciliatory.

The large size of the CEC continues the 'tradition' established in 1997 of all steps in the peace process being as inclusive and consultative as possible. However, it may become increasingly difficult to maintain this approach in the face of budgetary constraints. Major costs associated with the BCA meetings have been met by New Zealand and those associated with the BPC by Australia. This will not be possible in even the medium term.

8. Preparing for negotiations on future political status of Bougainville

At its first meeting the CEC began work on preparing the Bougainville position for the negotiations with PNG on the future political status of Bougainville set for no later than 30th June by the Matakana and Okataina Understanding. The CEC examined nine main options, ranging from moving to independence under a unilateral declaration of independence to accepting the new Organic Law. It also considered a framework for evaluating those options which involved assessing how well each option met basic needs of Bougainville. There was an emphasis not just on Bougainville's special problems that had precipitated the conflict, but also problems caused by the conflict. In considering the powers Bougainville might want to enable it to meet its special needs, the point was emphasised that it was also necessary to have capacity and revenue if powers were to be exercised effectively. CEC members proved to be open-minded and willing to consider many viewpoints. There were early signs of movement towards consensus.

There was concern expressed in the BPC and the CEC that for the purposes of the political negotiations the BPC should be seen as the BRG envisaged by the Lincoln Agreement. There was discussion of the possibility that clause 2 of the Matakana and Okataina Understanding might result in dissenting Bougainvillean groups refusing to work with the majority, and instead putting views to the PNG government directly. The view was expressed that clause 2 had only been accepted by BCA leaders on the basis that the main leaders of dissenting groups (Momis and Leitana) had accepted in the Matakana Understanding that selection of members of the BPC should go ahead, apparently on the basis that the BPC was accepted as the legitimate voice of Bougainville. Their subsequent continued dissent now presented the possibility of clause 2 of the Understanding being used for divisive purposes, or to undermine the legitimacy of the BPC.

9. The dissident elements

The dissident elements opposing the mainstream developments based around the BPC do not just involve Momis and Leitana. In a sense, they are the dissent on the 'right', while on the 'left' is Francis Ona ('left' in the sense of more radical while Momis etc. are on the 'right' in the sense of conservatism in the Bougainville political spectrum).

Ona's basic position is that independence was an event that occurred when he announced Unilateral Declaration of Independence in May 1990. He fears that the BPC and its leadership have modified or abandoned his commitment to independence. As self-proclaimed President of the Mekamui Republic, Ona claims to have support of most Bougainvilleans. The former 'A' Company of the BRA is claimed as the armed forces of the Mekamui Republic. The populations of small (and possibly shrinking) areas of central and south Bougainville continue to support Ona strongly, together with a scattering of people throughout Bougainville. However, it needs to be remembered not only that Ona retains great respect from most Bougainvilleans but also that some 'hard-line' elements of the BRA groups now supporting the peace process that do so with reluctance. There are various circumstances imaginable where such elements could cease supporting the peace process and transfer allegiance back to Ona. For example, lack of progress in the forthcoming political negotiations with the PNG government could have such an impact. Lifting of the suspension of the Provincial Government and attempts to install a Governor could also have destabilising effects.

Although Ona has made strident attacks on Kabui and the BPC as late as early June, there are signs that his credibility and support are reducing. Further, there are continuing informal contacts between him and the BPC leaders that indicate he is willing to leave the space for Kabui and the rest of the BPC leadership to try to find a way forward. For the time being, if Ona remains satisfied that independence continues to be on the agenda for the Bougainville leaders, he is unlikely to try to cause major difficulties.

The continued opposition of John Momis and the Leitana COE to the BPC seems to be losing the limited public support it had. The election of moderate Buka leaders into the BPC has been a severe blow to Leitana. However, conflict between the BPC and the national government, or unwise actions by BPC leaders could still result in increased support flowing to Momis and Leitana. There remains a risk that Leitana could develop their support base by exacerbating tensions between Buka and Bougainville. However, developments in the BPC have very much reduced the likelihood of such developments.

The Resistance Forces leadership supporting John Momis and Leitana COE have remained close to the PNGDF. Indeed there have been some indications that PNGDF personnel have attempted to use elements in the Resistance for their own purposes. However, the Resistance leaders now sit in the BPC, and are witness to the growing cooperation and inclusiveness developing there. Strong efforts are being made by BPC and BRA leaders to work closely with Resistance Leaders.

The existence of these dissident elements underline the complexity of and continuing problems involved in the Bougainville peace process. They mean that the great progress so far continues to be fragile.

10. Uncertainty at the national level

The peace process has contributed to confidence and trust building between key elements of the national government and those who fought it in Bougainville. This has occurred mainly through the formal meetings. It was a crucial development that senior personnel from all groups of the fighters (BRA, Resistance, PNGDF and Police) were involved in the meetings from Burnham II onwards. In the process they overcame deep hostility and suspicion and built some understanding of the forces at work in Bougainville. As a result they tended to become committed to the dramatic outcomes of the process.

However a major weakness in the process has been the limited engagement on the part of the national government personnel between formal meetings. Most key national advisers with responsibility for Bougainville issues have made limited visits to Bougainville, and usually for short periods. Relationships with key leaders and policy advisers in Bougainville continue to be limited. There are few ongoing national government programs in Bougainville. The main agencies with ongoing involvement are the Police and the PNGDF, and their analyses of Bougainville have always been poor. As a result of both limited engagement at senior levels and poor information the insights at the national level into what is happening in Bougainville are limited. This is a dangerous basis for policy-making.

For example, the common perception in Port Moresby is that because the mass of the Bougainville population supports peace, it would be impossible for the combatant groups to begin fighting again. In particular, it is assumed that the BRA would never be able to commence fighting again. There is limited understanding of the shades of opinion within the BRA elements supporting the peace process, and how many of them remain close in their sympathies to Ona's position. As a result, some advisers at the national level fail to appreciate how easily it would be for the situation in Bougainville to return to violent conflict – for example, if just a few 'hard-line' BRA elements were to return to violence. There are obvious dangers if such an understanding of the situation were to prevail at the national level.

PART VII: SOME KEY ISSUES IN NEXT STAGES OF THE PEACE PROCESS

The previous section dealt with the politics of the peace process in the first half of 1999. It illuminates the complex dynamics of the peace process. It is the unfolding of those dynamics that will determine the outcomes in relation to the key issues to be faced in the next stages of the peace process. Those issues are discussed in this section. There are close links between most of the issues discussed here, although at this stage the parties have not always made those links explicit.

1. Negotiation of Bougainville's future political status

The Lincoln Agreement envisaged talks about the 'political issue' being held before the end of June 1998. This aspect of the timetable proved unrealistic for many reasons. The reasons for the delays in 1998 include difficulties in resolving differences between the Bougainvillean groups. This is understandable, as one of the key assumptions of the peace process has been that there should be considerable progress towards reconciliation differences among Bougainvilleans before the major divisive issues are tackled.

During much of 1998 one of the main – but unspoken - reasons for the delay in the leaders meeting was the need of various parties in Bougainville to 'test the waters' and shore up their support bases before they proceeded too far in negotiations on these issues. This was especially true of Kabui and Kauona. The delays involved were a major frustration for the PNG government, the PMG and Australia. It was important that all the non-Bougainvillean groups involved in the process understood the complex pressures at work in Bougainville which, given the numerous, small-scale and divided societies, means that issues often take a long time to be resolved.

As of early June it seemed likely that the Matakana and Okataina Understanding timetable for the talks on the future political arrangements for Bougainville before the end of June 1999 will be adhered to. These negotiations will mark a new stage, where outcomes become far more important than process. The key issues will concern the arrangements for the long-term government for Bougainville and the future political status of Bougainville. There is much at stake for all parties in relation to both issues, and so there will inevitably be greater strains involved from this point. It will be a major test of the extent to which commitment to the process itself has been established.

2. Law and order

Despite the fact that there is much about the law and order situation in most parts of Bougainville that compares favorably with other parts of PNG, there is a widespread perception of a deteriorating situation in Bougainville. This is a concern to many involved in the peace process. While the situation needs to be seen in context, there is evidence of robberies, violence associated with alcohol abuse, rapes and so on. The perception of a deteriorating situation can itself cause difficulties.

Law and order problems can create tensions leading to wider violence, thereby threatening the peace process, especially at the local level. Such problems can limit freedom of movement and other aspects of the enjoyment of life of ordinary people, slowing or preventing the much talked of 'return to normalcy'. Robberies and threats of violence can also impinge upon the activities of the PMG, the UNOM and aid organisations.

Many and at times mutually reinforcing factors contribute to the law and order problems. They include:

- localised tensions;
- consumption of 'home brew' liquor (known as JJ, derived from jungle juice);
- violent behavior of individuals traumatised by the past ten years;
- the problems of transition from armed conflict to peace for the generally young Bougainvillean men who have been combatants;
- limited discipline in some of the local armed groups and the blurred boundaries that have always existed between raskol activities and a few individuals in some BRA and Resistance groups;
- lack of government authority (including police and courts) especially – but not only - in rural areas and the limited scope of authority of traditional leadership in some areas;
- lack of fulfillment of high expectations of material benefits from the peace process;
- tensions caused by uneven impact of restoration efforts on local communities (perceptions and reality not always intersecting);
- the temptation for armed elements to extract economic benefits from restoration efforts (law and order issues are closely related to weapons disposal issues, as discussed below).

Ongoing tensions between armed factions arising from the political conflict and uncertainty caused by the controversy over the BRG also contribute to law and order problems.

The difficulties inherent in the transition from armed conflict to peace require brief elaboration. Since at least early in the colonial period, social integration of young males has been weak in Bougainville. That characteristic, associated with the limited economic opportunities available to most of them, contributed to growing law and order problems all over Bougainville in the 1980s. Part of the appeal of both BRA and Resistance Forces was the power and status in their communities offered to underemployed and semi-educated young males. There was in some cases considerable continuity between pre-conflict 'raskol' (criminal) activity and involvement in the BRA and the Resistance Forces.

With the truce and cease-fire in place, pressures to 'behave' have increased. Pressure to at least put weapons to one side and possibly to disarm completely can threaten loss of power and status at the local level. Agreements in negotiations about the BRG and ultimate political status of Bougainville are unlikely to offer most former combatants any major role at any level. There is fear that past patterns of economic development will return, leaving the young men marginal. At the same time the often vague expectations of the great benefits likely to come from peace and reconstruction have not materialised. There are signs of conflict arising from competition to control limited economic opportunities (allegedly one of a number of factors involved in the death of prominent Buin BRA leader, Paul Bobby, late in 1998).

On the other hand, in all the circumstances, perhaps the real surprise is that the law and order problems are not far worse. Further, compared to many other parts of Papua New Guinea, the law and order situation in much of Bougainville is in fact remarkably good. Further, for many – perhaps most - Bougainvilleans their personal security is in fact much better now than at any time from late 1988 until 1997.

It is also true that many thoughtful Bougainvilleans believe that as the peace process moves forward, the law and order situation will change. In their view, anticipated progress on the closely linked issues of the future political status of Bougainville, the withdrawal from Bougainville of the PNG security forces and disarming of combatants should contribute to a range of other possible developments reducing law and order problems. Some are discussed below.

3. Restoring civil authority

The restoration of civil authority has been a key goal of the peace process at least since the Lincoln Agreement. However, it is a task of considerable complexity. It involves not just establishing court and police systems but also working to create the conditions that will enable such systems to be effective. This will involve responding to the many forces that tend to undermine social harmony in Bougainville. Hence it involves tackling causes of conflict (including the many divisions among Bougainvilleans) and of the law and order problems already discussed. It involves disarming of combatants, and so on.

Many Bougainvillean leaders envisage the development of a strong and small-scale local government system based on traditional authority as a key element in any strategy for restoring civil authority. Some of the issues involved in the emphasis on traditional authority are discussed in the next section of this submission. A central aim is to enable local leaders to act as forces for social integration.

The ideas for local government are closely related to proposals for police and court systems somewhat different from other parts of PNG. In particular, it would be local leaders who would work closely with police. The leaders might select and to some extent control members of local, community-based or auxiliary police. Local-leaders would also sit as the village-level courts that would handle most local disputes. There is discussion of reform to the criminal law to enable village-level courts to treat disputes – including criminal matters – more in line with customary practice than is possible under PNG law. In particular, the need to be able to punish clans and lineages for the wrongs of their members is being emphasised.

These and related proposals will obviously have important policy and implementation implications (not least in terms of resources needed for design and implementation). They may also have significant human rights implications. Finally, they may have significant political consequences. Bougainvillean concerns to have control of police, courts and criminal law

systems may be difficult issues to resolve in working towards a political settlement with PNG.

A further dimension to the issues involved with civil authority that has not yet been considered in any detail in Bougainville is the possible need to develop effective policing and court systems of an internationally acceptable standard if such things as insurance of business activities is to begin again, something that many observers believe will be necessary if economic activity is to expand. Such considerations are also relevant to attracting international investment in Bougainville.

4. Roles of traditional leadership

Many Bougainvilleans believe that a major factor facilitating development of the Bougainville conflict was the breakdown of traditional social structures and customary ways. Prior to colonial rule such structures and ways helped to integrate people at the local level. As already discussed, many factors undermined such structures and ways (including widespread adoption of cash crops and changes associated with the Panguna mine and competing forms of authority from churches, government administration, local governments, village courts etc.).

While diminished, in most societies the roles and powers of traditional authority have not been destroyed. Traditional leaders have continued to play important functions. Even before the conflict began, in many societies traditional leaders continued to play key roles in conflict resolution and allocation of resources.

In fact in many areas of rural Bougainville even in the 1980s there was little resort to the introduced legal system to deal with actions within the local community that that system would have classified as 'criminal offences'. Rather, such actions were regarded much as they had been for thousands of years – as disturbing balance within or between communities. The usual response of traditional leadership was to attempt to facilitate restoration of balance. No individual stands alone in relationship to the community. The individual is connected to the broad community through the local manifestations of the clans to which all belong – the land-holding lineages. So when an individual commits a 'wrong' against another individual, it is as much – or more – a responsibility of the lineage to which he or she belongs. (The 'wrong' is often seen as committed against the lineage of the wronged individual as well as against the person wronged). To restore balance in the society, the lineage will be expected to contribute to payment of compensation to the wronged individual (or his or her lineage). Outcomes include strengthening of lineage solidarity and the social integration of individuals. A lineage required to contribute to payment of compensation for the wrong of one of its members is likely to seek to attempt to keep such members under some control.

However, prior to the conflict, the existence of authorities and fora (patrol officers, police, district courts, land courts, village courts etc.) meant there was

always the possibility of authority and forum shopping when anyone was dissatisfied with the impartiality of traditional leaders or unhappy with their decisions. This possibility could undermine traditional authority.

The collapse of almost all forms of governmental and economic power during the conflict meant that traditional leaders once again tended to become far more important. In many areas tended to become the main source of conflict resolution. As such, in many communities they were a major force for social integration, stability and peace. Their authority tended to be enhanced.

There are, however, at least two important caveats concerning the enhanced position of traditional authority during the conflict. First, they were often at odds with local BRA and Resistance leaders. Second, they were in the main restricted to dealing with problems within their own or closely related communities. Where there was conflict between communities with few links or with a history of conflict, traditional leadership usually had little capacity to influence events.

Both the BIG/BRA and the BTG made efforts to enhance the standing of traditional authority with a view to make them even more central to providing social integration and stability at the local level. In the BIG/BRA case, this involved a multi-level system of councils of chiefs (COCs) while in the BTG case it involved councils of elders (COEs). Both the BIG/BRA and the BTG have regarded these councils as the foundations of the peace process. They are seen as the key to dispute resolution and reconciliation at the local level. They are also seen as central to hopes of the social integration of young men. Some believe that they could also be important in disarming of combatants (below).

Since January 1999, the Bougainville Administration has begun work towards combining the COC and COE systems, and on development of policies for further strengthening the capacity of traditional leadership to play constructive roles. Many hope that in this way social integration of young males can be improved, thereby contributing to reduction of law and order problems. Further, reconciliation and other aspects of the peace process (such as conflict prevention and conflict resolution at the local level) should be enhanced.

Of course, it is not clear whether the goals are achievable through such a system. It involves attempting to restore structures and leadership that were strong only in the very different political and economic circumstances of pre-colonial Bougainville. They have been severely weakened in the past 100 years. They have enjoyed something of a resurgence in the special circumstances of the semi-anarchy of the past ten years. But in areas which have returned to something like normalcy for an extended period (as in Buka) there are already signs of considerable tension and struggle for authority between semi-educated hereditary chiefs and more educated villagers. On the other hand, there is evidence that many traditional leaders have played constructive roles in local communities during both the conflict and the present peace process. There seems good reason to try to build upon that

success for the time being. Bougainvilleans have long shown themselves to be adaptable in relation to their choice of leadership. If traditional leaders should prove not to be equal to the task, other leadership is likely to emerge in due course.

5. Disposal of weapons

Disarming combatants is a difficult task in most post-conflict situations, and Bougainville is no exception. At the outset it may be helpful to distinguish between, on the one hand, factors that delay progress on a general disposal of weapons held by combatants, and on the other hand factors that make it likely that some weapons will continue to circulate in Bougainville even after a general disposal of weapons. The point here is that in the case of most of the former factors, answers can probably be found in the peace process. The latter factors are less susceptible to short-term solutions, and are likely to require different and longer-term strategies. Hence it may be useful to consider the two sets of issues separately.

Among factors that may delay progress on a general disposal of weapons held by combatants are the following:

- In the view of many in the BRA it has been their ability to fight that has brought them to a relatively strong position in the peace process, and so they are likely to be reluctant to dispose of weapons until they see significant progress towards their main political goals.
- Suspicion between BRA and the PNG security forces continues, despite the significant reduction in PNGDF numbers from around 1,000 1997 to under 300 early in 1999 and proposals for reducing the number of RPNGC Riot Squads from 3 to one. As long as the security forces retain a strong presence, the BRA is likely to want to retain armed strength.
- Suspicion between Resistance Forces and the BRA (a factor in the continuing close relations between the main Resistance Forces leaders and the PNGDF) is also a reason why the Resistance Forces are reluctant to move to complete disarming. Though many of the weapons held by Resistance Force members are stored with PNGDF units, it is understood they would have easy access to such weapons, and that some have never been stored in this way. There are widespread rumors in Bougainville of a continuing flow of automatic weapons to Resistance Force elements.
- Among the BRA units, weapons are generally regarded as the property of individual fighters rather than the property of the BRA as an organisation, and as a result the ability of the BRA as an organisation to impose a weapons disposal plan on its fighters is limited.
- While Francis Ona remains outside the peace process and retains armed units, the 'mainstream' BRA elements supporting the peace process have strong interests in retaining their arms.
- Factional tensions within the BRA have tended to discourage disposal of weapons in some areas, especially in the south of Bougainville.

In the middle of 1999 there has been some progress towards agreement on a general disposal plan. First the BRA and later the PNG government and the Resistance Forces have submitted position papers on disposal to the PPCC (the main body responsible for developing agreement on weapons disposal). This has been a significant step in that there are now concrete proposals for discussion. However, at the same time something of stalemate has developed, with little flexibility being shown on either side in relation to, among other things, two key issues. The first is method and timetable of disposal. The second is the linkages of disposal to other issues or events. The stalemate has been contributed to by a degree of tension that has developed between key BRA and PNG government figures in the PPCC, tension which results in a high degree of formality and inflexibility in PPCC discussions of the disposal issue.

As to method and timetable of disposal, the BRA position is that disposal needs to occur gradually, in a number of stages, and that the main focus should be on storage, with final decisions on the ultimate disposal method being left until a political settlement has been achieved. The PNG government view is that weapons should be collected and destroyed as soon as possible, with a range of incentives offered to encourage weapons to be handed in.

As to linkage, the BRA insists that progress on disposal should be linked to phased withdrawal of the PNG security forces. The PNG government position is that the issues should not be linked in any way. Rather than link phased withdrawal to weapons disposal, they point to the Lincoln Agreement which links security forces withdrawal to progress on re-establishing of civil authority. While the BRA, BIG and BTG have not made the link specific, the reality is that they see significant progress on disposal depending on positive developments concerning the negotiations about Bougainville's political future.

Because of the way the conflict developed, it may be unrealistic to insist that the weapons disposal issue should not be linked to other issues. Whether or not the issues are linked in any explicit way, progress on disposal is most unlikely without progress on the political question and further reductions in PNG security forces numbers. On the other hand, the political reality is that for several of the diverse and often very 'independent' elements that comprise the PNG government, it is difficult in the extreme to accept linkages.

It may not be necessary, however, for explicit linkages to be made in the PPCC. Progress on the key issues of political negotiations and on scaling down numbers of both PNGDF and RPNGC elements will facilitate movement on the BRA side. If there is progress on those issues, then efforts being made by the UN Observer Mission to open doors through proposals for an informal session of the PPCC expected some time in July may contribute to agreed ways forward being found. In general, however, the factors outlined above suggest that progress is likely to be slow. If so then it will be important that all involved in the process are realistic about the prospects.

Factors that make it likely that some weapons will continue to circulate in Bougainville even after a general disposal of weapons by combatants include the following:

- The blurring of distinctions between raskols and both BRA and Resistance forces makes it difficult to enforce weapons disposal.
- The limited opportunities for economic activity and the growing law and order problems in Bougainville add to such difficulties. They add to pressures on some individuals to retain their weapons for 'personal use'.
- The wide spread of knowledge of the technology for making homemade guns means that manufacture weapons for personal use will ensure continued circulation of weapons.

It seems likely that these issues can only be dealt with by longer-term strategies directed towards such goals as spreading economic activities and improving social integration.

6. Phased withdrawal of PNG security forces

It is the contribution of the security forces to the original cycle of violence that makes their continued presence in Bougainville a highly sensitive issue with many Bougainvilleans. On the other hand, many in PNG object in principle to any limit on PNG sovereignty that would be involved in any limits on PNG rights to make dispositions of security force personnel to Bougainville.

The Lincoln Agreement provided for phased withdrawal of the PNGDF but linked that issue to the restoration of civil authority. In fact significant withdrawals have occurred already (as noted, from around 1,000 to below 300) but without that being part of any agreed process. As a result, there is suspicion on the BRA side that the PNG government might reserve the right to restore troop levels to previous levels. Lincoln sets no clear benchmarks concerning restoration of civil authority. The BRA would like to link disposal of weapons with phased withdrawal, but the sovereignty issue makes the PNG government resist any such linkage.

PART VIII: RESTORATION AND THE ECONOMY

Progress towards restoration of Bougainville and re-development of its economy are of central importance to the peace process. However, the issues involved are complex, and beyond my expertise to deal with in any detail. Accordingly I will do no more than make brief comments on issues that I happen to have become aware of during my involvement in Bougainville.

1. Restoration

'Restoration' implies that the economy, infrastructure and services are to be restored to a pre-existing state. In fact, without the Panguna mine, the economy of Bougainville will be dramatically different from what it was before the conflict. In addition without revenue derived from an economic base

depending on mining, the capacity of a Bougainville Government (independent or highly autonomous) to aspire to providing infrastructure or services at the level they were provided before the conflict will be much reduced. One reason why questions concerning the future economic base have not yet been addressed is that the issues are closely related to debate at the heart of the BRA ideology concerning self-reliant and egalitarian development. On the other hand, commitment to such an ideology is far from uniform, with many BRA and BIG leaders actively involved – or seeking involvement in – economic opportunities in the ‘modern’ sector.

There is as yet little serious discussion among Bougainvilleans about the issues involved in planning restoration. Yet those issues are closely connected to the present donor-funded restoration or reconstruction program. While roads, wharves, schools, medical facilities etc are planned for re-building using donor funds, how will these things be maintained in a few years, when the donors withdraw. The desire for independence or for a high level of autonomy (which many assume should include fiscal autonomy that will avoid the long-term dependence on national government grants which irked the North Solomons Provincial Government to 1989) has economic implications. How are services to be delivered and infrastructure maintained in the longer term?

2. Future economic development

As the reference to issues about the future economic base indicates, there are different views about choices of the path of economic development. There is a strong view among some that modern economic development was a major factor contributing to the conflict, and that Bougainville can manage well with an essentially subsistence economy, perhaps with some cash-cropping. Others see the causes of conflict as more to do with economic nationalism, believing that the problem was one of insufficient benefits for Bougainvilleans from the mine and the economic activity associated with it. Many who take this view would be happy to see the modern economy revive, inclusive of mining.

There are also major issues about the roles that outsiders should be permitted to have in future economic activity. Most Bougainvilleans are happy with the fact that few non-Bougainvilleans now live in Bougainville. There is discussion of how best to ensure that the situation does not change too much. There is strong ‘grass-roots’ support for Bougainvillean control of virtually all economic activity. However, in the absence of policy decisions on such issues, ‘outside’ businesses owned by and employing non-Bougainvilleans are returning to Bougainville in increasing numbers. There is already widespread resentment about the trends. An additional dimension to this issue is emerging as reconstruction projects are planned. Many Bougainvilleans would like to restrict opportunities in projects in their area to Bougainvilleans from the same area.

Clearly, there are hard choices to be made in terms of future economic planning. The real choices will probably be between an economy involving

mining and one based on copra and cocoa (with limited contributions from other sources such as tourism, forestry and fishing). But because of the political sensitivity about mining, it is probably much too early in the process for these issues to be considered openly by Bougainvilleans. The issues need to be canvassed with a view to developing policies. In the meantime, donors and contractors need to be aware of the local sensitivities, and would be well advised to develop programs for encouraging and involving local Bougainville businesses in all aspects of reconstruction activities.

3. Building on experience of self-reliance etc.

As already discussed, there is considerable pride in what was achieved during the blockade of Bougainville in terms of self-reliance and appropriate technology. There may well be opportunities to build on that experience. There may well be ways here of engaging ex-combatants, or people from areas much affected by combat, in spreading tried technology such as mini-hydro electric schemes. So far, however, there seems to be limited interest among donors in examination of such possibilities.

4. Coordination

No clear decision has yet been made about where primary responsibility for coordination of 'restoration' efforts should lie. While most in Bougainville are clear it is a matter for Bougainville, capacity is a major issue (below). Further, the issue is contested at the national level. Not only have there been efforts by OBA to take roles that the Bougainville administration believes should be in Bougainville, there is also the proposal contained in the Matakana and Okataina Understanding that much should be handled by a an authority established under a law of the PNG Parliament, the model being the Gazelle Restoration Authority responsible for coordinating restoration efforts in the areas of East New Britain Province devastated by the 1994 volcanic eruption.

5. Administrative capacity in Bougainville

Until 1989, Bougainville had the most effective provincial administration and local-level government systems in Papua New Guinea. The conflict destroyed the pre-existing local government system (community governments) and severely reduced the capacity of the provincial administration. There has been a tendency for some PNG government officials as well as some donors to be highly critical of government capacity in Bougainville. At times there has been talk of national government developing its own capacity to handle reconstruction in Bougainville. Some donors have shown little interest in cooperating with a Bougainville Administration that they have tended to see as more an obstacle than anything else.

The leadership of the Bougainville Administration is well aware of the limited capacity in the Administration, and is working to improve it. There is strong capacity in parts of the Administrations, and a willingness to learn and improve in other parts. Administrative and political leaders are aware of the need for radical surgery in still other parts. But until the coming together of

factions under the BRG it has been difficult to know in which way to proceed. The Administration has been aware that it should not pre-empt decisions of the new political leadership. With the establishing of the Bougainville Constituent Assembly in January 1999, combined working groups of officers from the former BTG and former BIG have been working to review the roles of the Administration with a view to developing new and revised sets of goals for the Administration, work that should provide the basis for a thorough review of the Administration itself. In the meantime the Administration has been taking on a number of technical advisers to assist in building performance.

At the local level, the Administration is making major efforts to re-develop local government, based on the councils of chiefs and councils of elders (above). As already discussed, one aim is for the new councils to be the foundations of the peace process at the local level. If they were to become that, they would be expected to have central roles in identifying and implementing development projects at the local level.

At the level of both Bougainville Administration and local-level government, there are strong 'institutional memories' of the high capacity provincial and local level governments that preceded the conflict. There is a strong interest in re-building capacity to equal or improve those levels of performance. In these circumstances, there is ample scope for donors to work closely with both the Bougainville Administration and local level governments. This offers one important avenue for donors to achieve sustainability. There are important questions here for the kind of aid that Australia delivers in Bougainville.

6. Sensitivity and sustainability

There is a tendency for some donors (especially but not only international NGOs) to operate independently, with little effort to coordinate their activities with either government or with other donors. Lack of coordination can cause a range of problems, including local misunderstanding and frustration and duplication of effort.

There has also been a tendency for some donors to 'push' their own agendas. This can occur even where there are the best of motives on the part of the donors. It can also occur where bodies such as international NGOs perceive advantage to themselves as well as for Bougainville if the donor's program is adopted. Donors can assume that circumstances applying in Bougainville are similar to those applying in another 'complex political emergency'. There can be lack of cultural sensitivity, even to the point where donors do not realise that a muted positive response from local leaders to questions from a potential donor may actually be intended to impart a decidedly neutral or even negative response. In addition, the possibility that potential jobs or other benefits from a donor may well influence responses from potential counterparts.

The question of how the programs and infrastructure now being provided by donors will be sustained when the donors leave Bougainville is in many cases not being addressed. There is a need to encourage all donors to think about

sustainability (in cases of normal development aid) and exit strategy (in cases of emergency aid).

The Bougainville Administration, local-level governments, churches, NGOs and community groups are all bodies with either present or potential ability to be involved in ways that ensure sustainability. There is an urgent need for better education of the donor community about past practices and future possibilities in Bougainville.

PART IX: CONTRIBUTION OF THE TMG AND PMG

1. Creating 'political space'

The TMG and the PMG have achieved a great deal in a short time. By successfully carrying out their two main formal roles – monitoring adherence to truce and cease-fire, and facilitating the peace process - they have created the conditions necessary for building confidence and trust among the parties to the conflict. As a result, the presence of the TMG and PMG has been one of the most important reasons why there has been no armed conflict between combatant groups. (There has been some armed conflict between factions of the BRA, notably late in 1998 in the south of the main island.)

In general, the presence of the TMG and the PMG has created a secure 'political space' in Bougainville where there was none before. This is not to say that there are no tensions among the groups. In fact there continue to be deep tensions (as the discussion of the conflict over the suspension of the provincial government and the establishing of the BCA and BPC shows). Rather, the point is that because people feel relatively secure and safe, they are able to deal with differences through political processes, without resort to violence. As a result, what might be seen as a list of positive indicators about the general situation in Bougainville that is set out in the first two paragraphs of this Submission have developed in a very short space of time.

2. Symbolism of unarmed military

The fact that the TMG and PMG have involved a strong military presence has been important in terms of the various 'warrior' elements (PNGDF, BRA and Resistance) perceiving they were meeting standards monitored by foreign warriors. All have tried to prove their professionalism to the forces from overseas. The fact that the TMG and PMG have involved unarmed military personnel has had a strong symbolic value for the combatant groups.

3. Accepting the importance of a limited role

The limited role of the PMG (unarmed, and monitoring and facilitating) has at times been frustrating for some involved in the PMG. At various points such concerns have contributed to discussion of a more pro-active PMG role in the peace process. This might involve pushing the process in ways the PMG believe are likely to be positive, or identifying particular people in the various

Bougainville factions who the PMG believes are committed to the peace process, and actively encouraging or even supporting them.

There would be grave risks in the more pro-active role some PMG personnel have considered. The Bougainville situation is remarkably complex. Efforts to identify and support true supporters of peace can far too easily involve unforeseen dangers, such as the PMG unwittingly supporting factions involved in local conflict. If that happened, perceptions of PMG neutrality could be destroyed for some local factions. The PMG could then be targeted in local conflict. Late in 1998 there was a risk of such perceptions emerging in the context of local conflict in the Buin area of south Bougainville. This situation may have helped the PMG become clearer on the need to avoid the temptations of a more pro-active role.

4. Setting a timetable?

At times there has also been concern expressed at senior levels of the ADF that the role – and timetable for involvement - of the PMG was too open-ended. There has been fear of the ADF becoming mired in a messy situation it could not easily withdraw from. There has been talk of the need for a clear 'exit strategy'. Such concerns have also contributed to discussion within the ADF of the possibility of pushing the process in particular directions. Others have talked of encouraging progress among the parties by setting clear benchmarks against which progress in the process could be judged. With benchmarks set 'signals' could be sent to the parties of the possibility of cutbacks in or withdrawal of the PMG if the benchmarks were not achieved.

Once again, there are problems with the analysis. First, it is difficult to see the ADF becoming 'mired' in a Vietnam-style situation from which withdrawal would be a serious problem. Second, the complexity of the situation is such that efforts to push the process in particular directions are much more likely to be counter-productive than to contribute to positive outcomes. This is not to say that there should be a totally open-ended commitment to PMG. It certainly does not hurt to be reminding the parties of the costs involved in providing the PMG, and of the fact that the PMG will need to reduce its size as progress is made, and will eventually leave, and to encourage the parties to identify bench-marks in cooperation with the nations contributing to the PMG.

5. Training issues

One important caveat must be signaled to the very positive assessment of the contribution of the TMG and PMG. There may have been an element of 'luck' in the excellent record to date. The point here concerns the training provided to both the ADF and civilian personnel serving with the TMG and PMG. There has been efforts to provide a few days training to the civilian monitors, but it is understood that far more limited training has been provided to military personnel – both monitors and logistical support staff. In the complex circumstances of Bougainville, it may well have been fortunate that lack of training – especially training or education directed towards improving understanding of Bougainville – has not contributed to serious incidents

involving TMG or PMG personnel. It is suggested that if the PMG is to remain in Bougainville for an extended period, the issue of training be examined critically.

PART X: AUSTRALIA IN THE PEACE PROCESS

1. Australian leadership of the PMG

Early in 1998, there were concerns among some observers (myself among them) that the shift from New Zealand leadership of the TMG to Australian leadership of the PMG could cause problems. The basic concern involved Bougainvillean - and to a lesser extent PNG - concerns about past Australian policy on Bougainville. In fact this has not proved to be a problem. Indeed, the Australian led PMG picked up the mantle of independence established by the New Zealanders with the TMG, and has been accepted as independent with far less difficulty than might have been accepted. There is still lingering suspicion of Australia among some in Bougainville. This has probably reduced since the Matakana and Okataina Understanding of 5 May 1999, something that contributed to considerable questioning of New Zealand's role and a re-assessment of Australia's contribution. Nevertheless, it remains a possibility that the Australian role in the PMG will be used as a political 'weapon' by various groups should the situation in Bougainville change.

2. The future of the PMG

It seems likely that the peace process is going to take some time to resolve major issues. The tensions among Bougainvillean groups (Resistance versus BRA, Ona versus others, Leitana and Momis versus BPC, factions within the BRA etc.) and between Bougainvillean groups and the PNG government (especially the PNGDF) are not going to be resolved quickly. Risks of renewal of violent conflict remain. Disposal of weapons and restoration of civil authority are going to be difficult tasks. Negotiations about the future political status of Bougainville could cause tensions. A change of government in Port Moresby in July could produce new policies that require revisiting of many issues in the peace process (perhaps even issues such as the rescinding of the PNGDF call-out).

The difficulties in all such endeavors would be far greater without the political space created by the presence of the PMG. The continuing presence of the PMG in some form is most likely going to continue to be necessary to create the conditions needed for progress, for an extended period – perhaps one to three years (depending on progress). This does not mean it should necessarily retain exactly the same roles or operate at its present size. A reduced contingent with changing roles may well be possible as time goes on.

3. Australia's aid and re-construction program

There has, at different times, been criticism of Australia's aid effort in Bougainville. Some of the criticism has been more to do with the political

position of the critics than with the evidence. Other criticisms have been based on mis-information, or on misunderstanding of the situation in Bougainville. For example, attacks based on the concentration of large projects in the north of Bougainville failed to understand the long lead times for such projects and the limits flowing from the security situation applying in various areas at the time the projects were conceived and planned.

Other criticisms have more basis. The levels of aid funding promised by Australia from 1997 were too much at the time. AusAID had little capacity to spend it, and Bougainville had little capacity to absorb it. With political imperatives to spend it, the money could not readily be used in ways that brought optimal benefits to Bougainville. Initially AusAID was not used to operating in a situation such as Bougainville. It is not only a high cost environment but also a highly politicised one. For example, lack of widespread involvement of Bougainvillean workers and businesses in large projects can not only be expected to cause problems, but will also involve added costs. A balance is perhaps needed between large infrastructure projects and smaller community based projects. But the latter may need to be designed so as not to contribute to what some observers fear is an already growing dependency of local communities. Hence some form of real community contribution may be needed. But small-scale projects of this kind would be very expensive to administer.

AusAID has had a steep learning curve, as it has struggled to adapt the ways in which it normally establishes and administers projects to the special circumstances of Bougainville. While there is no doubt more that can be done, AusAID is certainly learning and becoming more adaptable.

There are also dangers of Australian aid becoming too dominant in Bougainville. This could create difficulties of varying kinds for all groups (PNG, Bougainvillean groups and Australia), especially in a situation where Australia is publicly committed to spending large sums annually in Bougainville. For PNG, there are resentments about diversion of resources needed elsewhere, about Australian domination, and about lack of sufficient credit for PNG. For Bougainvillean groups, there are issues about Australia's past roles and the likelihood of conflict over perceptions of some areas or groups being favored. There are also issues about high expectations that are not met (thereby adding to frustrations that generate other problems, including contributions to law and order difficulties). Additional issues concern economic impacts, about sustainability and about potential problems of involvement of 'red-skins' and expatriates. For Australia quite apart from issues concerning high expectations and the political tensions, there are possible problems of high visibility, which could lead to security risks for aid personnel and contractors if there should ever be serious political tensions. There may also be practical problems in running a major aid program if few personnel other than Bougainvilleans can be involved in most tasks.

There may need to be ongoing assessment of the size and focus of the aid program for Bougainville, which takes account of the actual and potential

problems involved in the present program and the need for cooperation with other donors.

4. Australia in the Pacific

For a long time after PNG attained independence, the Australian government tended to disengage from PNG and from the Pacific more generally. In part the reason was the policy focus on Asia, but in part it was also because after decolonisation Australia's role in the region was no longer clearly defined. In any event, there was little room for PNG or Pacific specialists in DFAT or AIDAB/AusAID. As a result, Australia's understanding of and sensitivity to the ways and needs of the region decreased.

An extremely positive aspect of the TMG and PMG experience has been the immersion of a wide range of both civilian and military personnel to the Pacific. The consequential changes in career path choices being made by some returning monitors is indicative of how profound the impacts of the experience has been for some. Hopefully this bodes well for the ability of the Australian government to better understand and engage with this significant region.

PART XI: SOME CONCLUSIONS

Concluding comments are in two parts. The first is a brief assessment of the extent to which the peace process has been able to deal with the issues identified in Part IV of this Submission. The second part makes brief comment on the Sub-Committee's three main terms of reference.

1. Response to the issues

In Part IV, two sets of issues were identified that needed to be dealt with or taken account of by the peace process. The first was those existing when the peace process began in 1997. They were:

- Distrust among the main parties;
- Tensions and distrust within and between Bougainvillean communities;
- Widespread use of violence between combatants and more generally;
- The active role and the presence of the PNGDF and Police riot squads, so much resented by many in Bougainville;
- Displacement of a huge proportion of the population into refugee camps both in Bougainville ('care centres') and Solomon Islands;
- Human rights and compensation issues;
- Fears of retribution for actions taken during the period of conflict;
- Restrictions on movement and on access to services;
- Destruction of infrastructure, services and economic activity;
- Divided political leadership and administration;
- The future political status for Bougainville;
- Concerns about future economic development (including the future of mining).

The second set of issues was those that have emerged as the peace process has unfolded, namely:

? Rescinding the call-out under which the PNGDF had an active role in Bougainville and the withdrawal of PNGDF elements from Arawa Town area (issues addressed and resolved with some difficulty during 1998, as discussed below);

- The lack of involvement in the peace process of Francis Ona and his immediate supporters;
- Law and order problems;
- Release of BRA members jailed for offences against PNG criminal laws (often referred to in Bougainville as BRA POWs);
- Uncertainties about distribution of political power in Bougainville;
- Issues about the extent to which non-Bougainvilleans should be permitted to be involved in reconstruction efforts;
- Uncertainty about future patterns of economic development;
- Problems with administrative capacity in Bougainville;
- Frustration about slow progress and limited flow of information concerning the peace process;
- Disposal of weapons by Bougainvillean combatants;
- Phased withdrawal of members of the PNG security forces;
- From late 1998, political conflict among Bougainvillean groups, focused upon disagreements on the interim government arrangements for Bougainville.

A 'short-hand' method of assessing the success or otherwise of the peace process is to summarise the progress made in relation to those issues.

There has been significant progress on:

- Building trust among and reducing tensions between both the parties and Bougainvillean groups;
- Reducing the use of violence between combatants;
- Doing away with restrictions on movement;
- Returning of people from refugee camps to their villages and hamlets;
- Limiting the active role of the PNGDF;
- Making Arawa a neutral zone.

There has been some progress on:

- Reconciliation and healing;
- Restoring civilian authority, in the form of Councils of Elders, the BCA and the BPC, and the building of a unified Bougainville administration;
- Improving access to services;
- Removing fear of retribution for actions during conflict;
- Restoring infrastructure and economic activity;
- Uncertainties on distribution of political power (through moving to a unified government and administration and development of the BCA and BPC);
- Resolving political conflict over the interim arrangements for the BRG.

As yet, there has been little progress on:

- Improving the law and order situation;
- Disposal of weapons;
- Phased withdrawal of PNG security forces;
- Developing consensus on future directions of economic development;
- Negotiating Bougainville's future political status;
- Rebuilding administrative capacity in Bougainville;
- Human rights and compensation issues;
- Improving the flow of information about the peace process;
- Including Ona in the process;
- release of jailed BRA members.

In general, it would be fair to say that the peace process has achieved a great deal, but that there is yet to be significant progress in relation to many of the most difficult tasks.

2. Comments on Terms of Reference

Current state of negotiations among the parties:

i. In general, the situation is positive. Trust and good relationships have been established among the parties. In particular, the progress in the coming together of the Bougainvillean groups has been positive, and the signs are that the BPC is likely to achieve far more in that regard than could have been expected earlier in 1999. However, growing unity among the Bougainvillean groups may have the consequence of putting the PNG government under increased pressure, especially if a Bougainville consensus develops around a political agenda that PNG fears is too radical. Of course, the possibility of a change of government in Port Moresby in July must be considered. The Skate government has built a good understanding of the Bougainville situation, and has shown flexibility in its Bougainville policy. A new government may well try to distance itself from the policies of the Skate government. Expectations in Bougainville have increased under Skate, and there could be difficult tensions if policies are reversed.

ii. The perception gap – whereby BIG/BRA leaders feel they have 'won' and many in the PNG government and bureaucracy feel Bougainville could never return to war - remains a concern, for it could lead to adoption of dangerous positions on either side.

iii. Inclusiveness and widespread consultation among the Bougainvillean groups were key features of the peace process in its early phases, and especially the period in which the Burnham I, Burnham II and Lincoln documents were negotiated. Unfortunately, from late 1998 tensions concerning establishing the BRG have tended to give rise to fears of exclusion on the part of various groups. There have also been periods when there has been insufficient consultation within some groups. This was not planned – rather it was due to unexpected pressure of events (as when the Parliament did not pass the proposed constitutional amendments in

December 1988). However, it can – and did - create tensions and can contribute to development of a ‘winner take all’ mentality. There has been a major effort by the BCA and BPC leadership to redress such problems. There is a need to keep the lessons learnt very much to the forefront of the process in the immediate future.

iv. There may well be a need for a new ‘road map’ to follow on from Lincoln. It would be an agreement setting the agenda for the next six to twelve months.

v. Although the progress made has been remarkable, it is also fragile. Many issues pressures remain unresolved. Difficult and sensitive tasks remain outstanding.

Contributions of TMG and PMG and likely duration of PMG:

i. The TMG and PMG must be judged to have made outstanding contributions to the peace process, mainly in terms of providing the security necessary for the political space that has enabled the process to work well.

ii. In general, most Bougainvilleans are very grateful indeed for the removal of the threat of conflict that came with the TMG and the PMG. As a result, both monitors and support personnel have been accepted remarkably well in most areas.

iii. The PMG needs to avoid temptations to become activist. PMG members at all levels need to accept their limited monitoring roles. They need to have a clear understanding of the importance of their mere presence and the dangers of going beyond monitoring.

iv. There may be a need for improved training of PMG personnel.

v. The fragility of progress to date and the likely difficulty of some of the next steps in the process suggest that presence of the PMG is likely still to be needed in Bougainville for an extended period – from one to three years, depending on the progress made in the next few months.

vi. It is likely that the size of the PMG can be reduced over the coming months, if progress continues.

Australia’s current reconstruction and rehabilitation program:

i. While there have been difficulties, there is no doubt that Australia is making significant contributions.

ii. However, there are complex political issues involved in planning restoration and future economic development for Bougainville. They include differences about the entire direction of development, and issues about whether control of programs should be in Moresby or Bougainville. The question of involvement of non-Bougainvilleans in any form of business or employment in Bougainville is one of the most sensitive issues (both within Bougainville and for the PNG

government). Australia will need to continue to be very sensitive to such issues.

iii. Recognising the sensitivity of the issue (in terms of the unresolved questions about ultimate responsibility already averted to) there is room for significant assistance to the Bougainville administration to enable it to play a more effective coordination role and in order to improve sustainability of the restoration effort.

iv. There is a need for all donors, and especially the international NGOs, to be sensitive to the need for agendas to be set by Bougainville and PNG, and to the need for coordination and sustainability.

v. Donors should build sustainability criteria and exit strategies into their programs for Bougainville. The Bougainville administration, local-level governments (COEs and COCs at present) churches, women's groups and other NGOs are all possible candidates for involvement in sustainability and exit strategies.

vi. The roles of women, women's organisations and women's leadership in the peace process and in reconstruction involve complex and sensitive issues that all donors should be giving attention to.

vii. Local governments based on traditional authority are seen by Bougainvillean leaders as foundations for the peace process. There are many ways in which donors can both incorporate such bodies into their programs as partners and assist with the development of the system.

- Anthony J. Regan
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