

INDO-PACIFIC STRATEGIC PAPERS

# Understanding the neighbourhood: Bougainville's referendum for independence

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## **Abstract**

This paper addresses the proposed referendum in relation to the future of Bougainville, which was agreed—as part of the 2001 Bougainville peace agreement—would be held between 2015 and 2020. It uses the Organisation for Economic Co-operation and Development’s ‘Security System Reform framework’ to analyse relevant governance, security, justice and economic issues in order to identify how the preparation, conduct and management of the aftermath of the referendum can be shaped for success.

The paper concludes that insufficient progress has been made in setting the conditions for a successful referendum and that, if significant work is not undertaken to rectify this situation, the referendum is doomed to fail before it begins. Importantly, such failure would not only impact PNG and Bougainville but has implications for the entire South Pacific region. Accordingly, the paper asserts that key regional players urgently need to become pro-actively involved in shaping the prospects for a successful referendum.

# Understanding the neighbourhood: Bougainville's referendum for independence

There is no road my friends: we make the road as we walk.

Bougainville Executive Council, November 2013<sup>1</sup>

## Introduction

The conflict in Bougainville had its historical origins in the late 1960s, when many Bougainvilleans took exception to plans by the then Australian administrators of Papua New Guinea (PNG) to establish a massive copper mine at Panguna in the centre of the main island. Local concerns related to the potentially-damaging social, economic and environmental impacts of large-scale mining. These seeds of discontent eventually erupted into violent conflict in the late 1980s, resulting in the loss of up to 20,000 lives and the internal displacement of a further 80,000 people, changing the political landscape of PNG forever.<sup>2</sup>

After much bloodshed, a ceasefire was achieved and a temporary solution was found in the form of recognition of Bougainville as an autonomous region within PNG. While these milestones were significant in regaining stability, they are not long-term solutions. It was agreed as part of the Bougainville peace process that a referendum for independence in Bougainville would be held between 2015 and 2020. The stakes in this referendum are high. If successful, long-term peace and prosperity may be in reach of this troubled land. If not, the islands risk returning into the abyss of conflict.

This paper will use a framework to analyse relevant governance, security, justice and economic issues in order to examine how the preparation, conduct and management of the aftermath of Bougainville's referendum on independence can be shaped for success. In this context, 'success' will be defined as a referendum that is peaceful in its preparation and conduct, and the results of which are accepted as legitimate and viable by all, or at least the majority of, key stakeholders, including government and domestic audiences within Bougainville and PNG.

The Organisation for Economic Co-operation and Development's Security System Reform (OECD SSR) framework is the tool that is used to undertake this analysis.<sup>3</sup> This framework was selected on the basis that while there is no agreed UN security sector or system framework for such assessments, the OECD SSR framework is widely accepted as a viable modelling tool. Australia is a standing member of the OECD and its framework is relevant to a post-conflict state that has issues spanning governance, security, justice and economic sectors.

The paper's methodology commences with a review of the OECD SSR framework. This is followed by an analysis of the conflict, focusing on those issues that may influence the referendum. The preparation and conduct of the referendum, as well as the management of its likely aftermath, will then be analysed across each of the framework's major categories, followed by a summary addressing the relevance of the OECD SSR framework as a valid tool in shaping the success of the referendum.

The paper will conclude that insufficient progress has been made in setting the conditions for a successful referendum and that if significant work is not undertaken soon to rectify this situation, the referendum is doomed to fail before it begins. Importantly, such failure will not only impact PNG and Bougainville but has adverse implications for the entire South Pacific region.

## Part 1: OECD SSR framework methodology

A framework that supports the analysis of political, economic, societal and security dynamics—and how they interrelate—is required to analyse what is necessary to shape the preparation, conduct and management of the aftermath of the proposed Bougainville referendum. The framework, as an analytical tool, must also assist in identifying the obstacles to and opportunities for positive change within the security system.

The OECD SSR framework supports this analysis by its design which focuses on four main categories that contain a myriad of sub-set issues: political economy and conflict analysis; governance and capacity of security and justice institutions; security and justice needs of civilians; and other frameworks and programs.<sup>4</sup>

### *Political economy and conflict analysis*

The purpose of this category is to analyse the profile of the country (or autonomous region), including relevant contextual issues and points of friction. This ensures that relevant historical issues are considered during the analysis of a nation's or region's current and future opportunities and obstacles to security. The analysis also focuses on government structures, legitimacy and competence at the differing levels within the state, as well as regional interactions with internal and external political actors, both state and non-state. Finally, consideration is given to the linkage between government and security organisations.

### *Governance and capacity of security and justice institutions*

The purpose of this category is to analyse all relevant security and justice institutions. This includes formal and informal state security and judicial organisations, structures, roles, capacity and competence. In the case of an autonomous region, it also considers relevant external security organisations. Finally, it considers how these organisations interrelate.

### *Security and justice needs of civilians*

The purpose of this category is to analyse the needs and perceptions of the local people. There is an acceptance that while the state's security and justice organisations may appear suitable in theory, the practicality of their effectiveness and efficiency may be very different when analysed from the community's perspective. Without this analysis, a potential source of public discontent may be overlooked.

### *Other frameworks and programs*

The purpose of this category is to identify other national, political, economic and social programs and processes that may impact on governance, development and peace-building. The category seeks to understand the nexus between development opportunities and obstacles to security. It is important, for example, to understand if there are national initiatives, such as poverty reduction strategies, and if security and justice issues are integrated into these or if there is potential to do so. Finally, it considers the potential for external support or programs from other state actors.

## **Part 2: Conflict analysis**

While the Bougainville conflict began in late 1988, the seeds of discontent had been sown well before then.<sup>5</sup> Australian laws and regulations applied to PNG in the early 1960s, as it was still under Australian administration.<sup>6</sup> This included a law dictating that all minerals found below the surface belonged to the PNG Government.<sup>7</sup> Conzinc Riotinto Australia (CRA) undertook mine exploration during this period, which resulted in the discovery of large deposits of copper at Panguna on Bougainville.

This exploration occurred despite protests from the local 'Nasioi' landowners. The Panguna mine commenced operation in 1972 in spite of landowner protests but with the endorsement of PNG authorities. The PNG Government ratified the Bougainville Copper Agreement (BCA) in 1974, which set out tax, dividend, royalty and compensation scales for the mine.<sup>8</sup> At its height, proceeds from the mine accounted for 44 per cent of PNG exports and generated 17 per cent of the nation's internal revenue.<sup>9</sup> While the amount of compensation paid to local landowners was significant, its distribution was problematic. The current President of Bougainville, John Momis, wrote in 1971 that 'it is the tragedy of the Nasioi that the economic benefits are not distributed in the same manner as the social costs'.<sup>10</sup>

PNG gained independence from Australia in September 1975 but, even at this early stage, Bougainville appeared to be a reluctant province as a result of tensions over mining.<sup>11</sup> The PNG Government introduced a system of provincial government, in part in an attempt to diffuse the secessionist leanings of Bougainville (and, to a lesser extent, New Britain).<sup>12</sup>

The perception in Bougainville that the PNG Government was responsible for the BCA, and that the Australian Government played a part both directly (through implementation of initial mineral ownership regulations) and indirectly (CRA is considered an Australian company) in setting the conditions for this conflict, negatively impacted on the ability of either Government to appear impartial to Bougainville's domestic audience.<sup>13</sup> It is also important to note that both the PNG Government and the people of Bougainville were acutely aware that the Panguna mine had considerable potential to impact significantly on their respective economies.<sup>14</sup>

With discontent spreading, the conditions for conflict were set. In 1987, some Panguna landowners, led by Pepetua Serero and her first cousin Francis Ona, demanded a much higher level of compensation than was agreed in the BCA. It was an amount considered unacceptable by Bougainville Copper Limited (BCL), which put it at odds with the traditional landowners' association.<sup>15</sup>

As a result, Francis Ona and his supporters commenced operations to disrupt the mine in November 1988.<sup>16</sup> PNG riot police attempted to quell these activities but, as a result of some heavy-handed tactics by these forces, local opposition morphed into the Bougainville Revolutionary Army (BRA).<sup>17</sup> Continuing disruptions resulted in the closure of the mine in May 1989.

In response to the growing violence, the PNG Government deployed the PNG Defence Force (PNGDF) to Bougainville. Yet again, heavy-handed tactics caused a further escalation of tensions and, despite numerous attempts at settlement, the conflict gained momentum.<sup>18</sup> According to a UN report:

The Police Riot Squad, sent to deal with the disturbances, acted by committing indiscriminate violence, a situation never encountered previously by the Bougainvilleans. The methods used included the burning of villages, beatings, lootings and on occasion even rape and murder. The issue of human rights was completely ignored and the conflict in Bougainville continued. The Papua New Guinea Defence Force, sent in later to deal with the situation, also resorted to brutal and illegal ways in order to contain the strife.<sup>19</sup>

The armaments initially available to the BRA were limited.<sup>20</sup> However, its arsenal grew significantly as a result of poor discipline within PNG security forces and in the wake of BRA tactical victories, where weapons were taken from dead and wounded PNGDF soldiers.<sup>21</sup> With the prospect of a peaceful solution brokered by Australia and New Zealand in March 1990, the PNG Government withdrew its security forces and deployed a blockade to restrict the import of goods. However, the growth of the BRA in the intervening months had led to a loss of central control. Factions started to develop within the BRA that acted on their own accord, pursuing personal and tribal interests that led to cases of theft, rape and murder.<sup>22</sup>

These criminal acts increased in the security vacuum caused by the departure of the PNGDF and police and, more broadly, with the disappearance of all aspects of government administration.<sup>23</sup> Bougainvilleans opposed to these criminal gangs formed the Bougainville Revolutionary Force (BRF), funded and armed from sources within PNG.<sup>24</sup> This transformed a conflict that was ostensibly a war of independence.<sup>25</sup>

One key point to note in this early stage of the conflict was the potential for elements within PNG to remotely foster an armed opposition (in this case the BRF). Additionally, there was a significant presence of uncontrolled military-grade weapons and ammunition at the cessation of hostilities.<sup>26</sup> Finally, the BRA was unable to control all of its elements because of competing personal and tribal interests.

The PNG Government and BRA signed the 'Endeavour Peace Accords' in July 1990. However, by September 1990, fighting resumed as PNG security forces were re-deployed to Buka (an island just off the northern tip of the main island) at the request of local chiefs who were increasingly

frustrated by criminal elements within the BRA. By April 1991, the Endeavour Accords had become a distant memory and the escalating cycles of violence between the PNGDF and BRA ensured that a lasting and mutual distrust was forged between the population of Bougainville and the PNG Government.

Further international peace initiatives were attempted in 1994 and 1996 but to no avail. The PNG Government was almost brought to its knees in 1997 by a failed military coup, when it hired an external mercenary firm, Sandline, to deal with the BRA.<sup>27</sup> Ironically, the Sandline affair reversed the status of the PNGDF as oppressors. It also 'contributed to the peace process by providing opportunities and creating room to move for moderates in both the PNG government and among the BRA leadership'.<sup>28</sup>

A peace settlement was finally achieved as a result of an international peace initiative, the 'Lincoln Agreement', signed in January 1998.<sup>29</sup> It established a ceasefire, setting the conditions for peace and reconciliation, and allowed for the deployment of an unarmed, Australian-led multinational Bougainville Peace Monitoring Group (PMG). The 'Bougainville Peace Agreement'<sup>30</sup> was signed in Arawa in August 2001.<sup>31</sup> This agreement detailed the need to disarm, the need for good governance and the need to conduct a referendum for independence 10 to 15 years after the election of an autonomous government.<sup>32</sup> A Bougainville Transition Team was deployed at the completion of the PMG mission in June 2003, and remained in Bougainville for a further 12 months.<sup>33</sup>

Bougainville's constitution as an 'autonomous region' was gazetted by the PNG Government in December 2004 and the region conducted its first successful election in 2005 (and has since conducted another successful election in 2010). However, it is important to note that the only successful peace negotiations in Bougainville have been brokered by a third party. It is also significant that local leaders and other community groups played a central role as peacemakers on the ground.<sup>34</sup> A major study pointed out that:

[M]ost accounts assume the top-down story is the master narrative and the bottom-up reconciliations are subsidiary. But in important ways the bottom-up micro-narratives subsume and infuse the top-down peace. This way of thinking—that peacebuilding starts in families and ripples out from there... a transitional government that empowered chiefs, women, church and youth leaders to lead local reconciliations under councils of elders is an intermediate narrative that infuses the master peace narrative.<sup>35</sup>

Additionally, the presence of an unarmed international security force that was considered neutral by all parties had an immediate and lasting impact in maintaining peace.<sup>36</sup>

There are a several aspects of the conflict's history that provide an important context when analysing how the preparation, conduct and management of the aftermath of Bougainville's referendum on independence can be shaped for success. Firstly is the perception within Bougainville that the governments of PNG and Australia played a part both directly and indirectly in the conflict's origins. This is of particular relevance when contemplating PNG's and Australia's potential roles in the referendum's conduct.<sup>37</sup> Neither is seen as a completely neutral stakeholder by Bougainvilleans.

Secondly, it is important to note that the Panguna mine is recognised by PNG and Bougainville as having the potential to have a significant effect on their respective economies.<sup>38</sup> It is equally important to note that any resumption of mining needs to be approached very cautiously. Given that the conflict was due in large part to irreconcilable differences between key stakeholders over mining issues, assurances would need to be made that these issues have been resolved before efforts are made to resume mining. These conditions are unlikely to be met before the referendum takes place.

Thirdly, it is important to note that the only successful peace negotiations in Bougainville have been brokered by a third party, along with significant support from local leaders and other community groups who played a central role as peacemakers on the ground.<sup>39</sup> This is particularly relevant when contemplating regional support mechanisms for the conduct of the referendum, as well as identifying prospective stakeholders who can positively influence the conduct of the referendum within Bougainville and PNG.

Finally, the key conditions identified as essential for lasting peace as defined in the Bougainville Peace Agreement are disarmament, good governance and the conduct of an independence referendum.<sup>40</sup> In terms of disarmament, there was a significant presence of uncontrolled military-grade weapons and ammunition at the cessation of hostilities. Weapons disposal still remains an issue on Bougainville today.<sup>41</sup> Moreover, in terms of good governance, while Bougainville has shown a capacity to self-govern as an autonomous region, this is a very different proposition to governing as an independent nation state.<sup>42</sup>

### Part 3: Pre-referendum period

#### *Introduction*

Identifying and setting the necessary pre-conditions for the referendum will be an essential step in improving the referendum's chances of being peaceful, legitimate and lasting. Much has already been achieved in Bougainville during the post-conflict period. However, ensuring that robust governance is already in place, capable of taking on the rigours of implementing the referendum's outcome, is an important aspect in setting these conditions for success. Without this, it is unlikely that Bougainville will be able to implement the necessary changes to realise a capable, independent government.<sup>43</sup>

Strong governance and accountability must also exist within Bougainville's judicial and security architecture. Confirming that disarmament of the population of Bougainville has been achieved is also essential.<sup>44</sup> While there was a disarmament program as part of the peace agreement, not all groups have disarmed. In particular, those groups who remained outside of the formal agreement most probably still retain a number of their weapons.<sup>45</sup> Finally, gaining widespread stakeholder support within the PNG Government and its opposition, as well as the Autonomous Bougainville Government (ABG) and the Bougainvillian population, will be essential for the conduct of the referendum. This will require a common understanding and acceptance of the referendum's methodology within Bougainville and PNG.

#### *Political economy and conflict analysis*

The hybrid nature of politics within Bougainville, whereby governmental and tribal structure operate simultaneously and interdependently, creates both complexity and opportunity.<sup>46</sup> The political system of governance on Bougainville is based on a liberal democracy, with the ABG having its own constitution and governing the Autonomous Region of Bougainville. And encouragingly, the people on Bougainville finally witnessed a return to democracy in 2005, when the first of two post-conflict elections was held.

The ABG is led by a President and consists of a House of Representatives made up of 40 members. It is supported by an administration comprising regional commissioners of north, central and south Bougainville. Within these regions are ten districts. It is within this administrative function that governance is particularly weak.<sup>47</sup> Below this level is where the hybrid nature of Bougainville's government becomes most apparent, with Bougainville divided into 41 'Council of Elders' areas, representing the 500 or so villages across Bougainville.

The councillors are either elected or selected according to traditional custom. The ABG pays the councillors, who can access grants and distribute funds as they see necessary. The Council of Elders is considered highly effective and potentially offsets the shortfalls of the ABG administration.<sup>48</sup> The village assembly is the lowest level of authority and comprises the internal leadership of respective villages. While this is currently outside of the ABG, efforts are being made to incorporate these assemblies within the formal governance system.

The key point of tension relating to Bougainville's Government is a perception that the administration is under-performing in the delivery of basic services (health, education and infrastructure).<sup>49</sup> Jennings and Claxton note that '[i]neptitude, misconduct and infighting remain among the Bougainville members of the PNG Parliament and Bougainville's Executive Council, House of Representatives and administration'.<sup>50</sup> The ABG asserts that this under-performance is due to financial constraints and impediments from PNG.<sup>51</sup>



In particular, there is a view within the ABG that the Joint Supervisory Board, an ABG-PNG institution whose mandate is to implement the peace agreement, is failing to carry out its role effectively because of poor relations with the National Co-ordinating Office of Bougainville Affairs (NACOPA) of PNG.<sup>52</sup> In 2011, the PNG Government committed to spend a K\$100 million grant for high-impact development projects every year for five years, as well as recurrent funding for annual public service costs.<sup>53</sup> These commitments are currently in arrears and there are growing levels of frustration about the tight control the PNG Government maintains on how this money is spent.<sup>54</sup>

PNG's Prime Minister O'Neill recently admitted that 'there is a complete breakdown of government services in the region since the crisis, and the PNG government is not doing enough to restore these services'.<sup>55</sup> Recently, Bougainville's President John Momis asserted this was a deliberate ploy by PNG, which he believes is 'deliberately trying to fragment Bougainville'.<sup>56</sup> He also accused PNG of breaching both the PNG and Bougainville constitutions.<sup>57</sup>

Significantly, the PNG Government has still not fully transferred all functions and powers to the ABG. These delays may increase local support for independence.<sup>58</sup> It would be an unfortunate outcome for a population to determine its future form of government based on an issue that could be resolved within current governmental arrangements.

### *Governance and capacity of security and justice institutions*

The law enforcement and judiciary systems within Bougainville are plagued by problems. Similar to the government systems, law enforcement and judiciary systems are a hybrid structure. The Bougainville Police Service (BPS) is insufficiently resourced to cover the entirety of Bougainville and is focused on large population centres. There is a Community Auxiliary Police (CAP) force that operates in rural areas.

However, while appreciated by the locals, it can only operate within the bounds agreed by village heads and is, at times, influenced by local gangs.<sup>59</sup> This risks undermining the legitimacy of the entire law enforcement system. Similarly, the judicial system is underfunded, resulting in a heavy reliance on traditional law within village constructs, with only four district courts available. These courts sit infrequently because of funding limitations.<sup>60</sup>

Governance within Bougainville has progressed in specific areas since the conflict ended.<sup>61</sup> It has an established constitution, an elected democratic government and a hybrid customary structure that complements civic society. However, there are significant issues with effective government administration and limited law enforcement and judiciary systems that rely too heavily on local traditions as a result of insufficient resources.<sup>62</sup>

These resource shortages are both a result of PNG's failure to provide sufficient funding and also poorly prioritised funding by the ABG.<sup>63</sup> This reliance on local traditions may undermine legitimacy if tribal differences emerge. It is essential that the PNG Government and ABG focus on effectively apportioning resources and training to develop a robust government that has the trust of the population.

### *Security and justice needs of citizens*

The BRA had limited access to weapons in the early stages of the Bougainville conflict. Its forces were predominantly equipped with handmade arms, such as bows and arrows, and military arms caches from World War 2. The BRA was able to transform these very old weapons and munitions into useable fire arms and explosives with the assistance of some skilled metal workers, reportedly restoring hundreds of these weapons between 1990 and 1997.<sup>64</sup> As the conflict progressed, the BRA managed to acquire quantities of military-grade arms and ammunition from PNG security forces, using hit-and-run tactics such as raids and ambushes.<sup>65</sup> According to Sam Kauona, the BRA's military commander, 'the BRA never imported or bought any arms from abroad'.<sup>66</sup>

The peace agreement specified disarmament as a precondition to the conduct of elections in 2005. The task was given to the PMG in 2001 and 2003.<sup>67</sup> During the disarmament process, there

was a spate of thefts due to flawed security measures, resulting in up to 120 weapons disappearing.<sup>68</sup> While the UN Observer Mission Bougainville (UNOMB) declared that ‘significant compliance’ of disarmament had been achieved, sufficient to allow Bougainville to be declared autonomous, the actual level of disarmament was never quantified.<sup>69</sup>

There is a view held by some commentators that the declared success of the UN’s disarmament program in Bougainville was politically motivated in order to ensure the peace agreement remained on schedule to achieve autonomy in accordance with the planned timeline.<sup>70</sup> Volker Boege, for example, contends:

There are still a large number of weapons in the communities. This contributes to a general feeling of insecurity. Some areas of Bougainville are still controlled (to varying degrees) by armed groups that have not (yet) joined—or have not remained in—the peace process.<sup>71</sup>

A recent UN report similarly assessed that significant quantities of weapons remain in Bougainville.<sup>72</sup> It is important to note that formal disarmament measures only applied to those organisations within the peace process.<sup>73</sup> Organisations such as the Meekamui Defence Force and Bougainville Freedom Fighters in the south of Bougainville were not signatories to the peace agreement and were not subject to disarmament.<sup>74</sup> These groups still pose a threat to peace and security, particularly while they remain armed.

There are also numerous World War 2-vintage weapons and ammunition caches yet to be neutralised. The area of Torokina, on the west coast, is a particularly rich source of arms and ammunition.<sup>75</sup> The Australian and NZ Prime Ministers recently committed to support a program to reduce the threat of unexploded ordinance, which could assist in reducing identified ammunition caches.<sup>76</sup> There is also evidence to suggest that Bougainville is the centre of a low-level trade of small arms and ammunition between the Solomon Islands and PNG.<sup>77</sup> While only a small percentage of weapons are thought to remain in Bougainville (most are sold to buyers elsewhere in PNG), there is insufficient knowledge to make accurate assessments of the actual threat.<sup>78</sup>

While the presence of weapons does not in itself pose a threat to stability within Bougainville, it is a critical component of any form of instability, as they provide the ‘capability’ component to a potential threat. The final ingredient required to realise a threat to instability is ‘intent’. It is quite possible that the intent to destabilise the referendum will be present among some groups on Bougainville, and potentially also within some stakeholders on mainland PNG.<sup>79</sup>

### *Other frameworks and programs*

Shaping stakeholder support for the referendum is a vital pre-condition to enhance its prospects of success. The most important of these stakeholders are within the PNG Government and its opposition, and within the ABG and Bougainville’s population. While not all individuals within these groups will be swayed to support the referendum, it is important that there is a clear majority.

The PNG Government is a critical element of the referendum, as the outcome, regardless of whether it is in favour of an autonomous or independent state, will have to be ratified for it to be formal and binding. There are several risks for the PNG Government associated with ratification of independence. Firstly, there is concern that it sets a precedent that may be a catalyst for instability in other provinces.<sup>80</sup> Secondly, ratification will not be forthcoming if the PNG Government is unsure of Bougainville’s capacity to govern as an independent state. PNG’s Prime Minister O’Neill recently indicated that he was ‘not pleased with Bougainville’s administration.’<sup>81</sup>

However, conflict is by no means a certainty even if the Government fails to ratify the referendum’s outcome. The population’s comparatively recent memories of the conflict’s devastating effects in both PNG and Bougainville should make such an event less likely.<sup>82</sup> Regardless, a PNG Government which is supportive of the process and outcome is preferable to the converse.

Nevertheless, the presence of potential spoilers within PNG's political opposition parties cannot be discounted. A referendum marred by violence or allegations of fraud may be seen by some as an opportunity to achieve political gains against the Government. Accordingly, the leadership of PNG opposition parties needs to be engaged early by the PNG Government, with the aim of achieving bipartisan support for the referendum and its processes.

The ABG will also need to engage in the referendum process early, shoring up bipartisan support for the referendum across the leadership and opposition within Bougainville. Possibly the most important organisations to engage early are those groups which have remained outside the peace process, as they are potential sources of tension during the referendum.<sup>83</sup> Gaining support from groups such as the Meekamui will be critical in minimising organised opposition, although there have been some very positive signs from this group, with its leader, Philip Miriori, saying:

[W]e the Meekamui, announce to the Honourable Prime Minister of Papua New Guinea and the world at large our intention to formally conclude the civil conflict that existed between Bougainville and PNG and most of all it is significant because we make peace and reconciliation the foundation of our future.<sup>84</sup>

It should be noted, however, that there was no specific mention of the referendum in these comments. Importantly, the wider domestic audience also need to be educated in the process and the options of government available to them.<sup>85</sup> It is the community leaders and groups, such as the tribal chiefs, women, church and youth leaders who were so important in the Bougainville peace process, who could also be valuable in informing the society of the referendum, its conduct and implications.<sup>86</sup>

An important aspect of garnering widespread support will be engaging those agencies responsible for the conduct of the referendum and ensuring all planned processes will meet international standards and survive intense domestic and political scrutiny. Garnering support from external agencies, such as the Australian Electoral Commission, will significantly assist this process. All stakeholders, as well as the wider domestic audience, need to be convinced of the integrity of the planned processes well in advance of the actual referendum.

### *Summary*

The pre-referendum period is a critical phase in shaping the referendum for success. Ensuring that there is robust governance and administration is essential in ensuring Bougainville is postured to succeed, regardless of the outcome of the referendum. Poor administration in the pre-referendum period may leave Bougainvilleans questioning the validity of the outcome, and could be a catalyst for further tensions.

There are also issues within the judicial and law enforcement sectors that must be addressed prior to the referendum. Disarmament, while already declared as an achieved outcome by the UNOMB, is in some doubt given recent estimates.<sup>87</sup> The minimum level of disarmament must be quantified and then assessed. Finally, significant efforts must be made by both the PNG Government and ABG in this period to gain stakeholder support for the referendum.

## **Part 4: Independence referendum period**

### *Introduction*

The period spanning the final preparation and conduct of the referendum will be a crucial time. The probability of a peaceful referendum is high, providing the following conditions have been set:

- the ABG is fully prepared and capable of governing regardless of whether Bougainville remains an autonomous region or an independent state;
- there is bipartisan support for the referendum across the key stakeholders within the PNG and Bougainville political spheres; and
- the parties within Bougainville who have remained outside of the peace program have been engaged.

However, regardless of stakeholder engagement, there is every possibility that there will still be elements who seek to spoil the referendum. Accordingly, both the PNG Government and ABG will play a vital role during the referendum in reinforcing its legitimacy. It is also essential that there is an impartial security infrastructure, ideally provided by regional neighbours, which can deal with acts of violence and intimidation. Finally, consideration must be given to the methods of improving economic viability beyond mining, prior to the completion of the referendum, through diversification of and investment in local businesses.<sup>88</sup>

### *Political economy and conflict analysis*

The PNG and Bougainville Governments have already started establishing internal organisations to support the referendum. The PNG National Executive Council will establish a special parliamentary committee to provide political oversight and leadership for the Bougainville referendum.<sup>89</sup> This confirms the PNG Government's commitment to the successful conduct of the referendum.<sup>90</sup> The Bougainville Referendum Committee, vested with the responsibility with overseeing preparations for the referendum, has also been established. Bougainville has already conducted two elections since the conflict ended, which has provided invaluable experience in democratic voting processes, although:

The main criticism of the Bougainville Electoral Commission has been the inadequate voter registration process.... The delay has been attributed to the slowness in receiving funds from both the ABG and PNG national government.<sup>91</sup>

Despite some significant administrative issues, there is evidence to suggest the Bougainville Election Commission is aware of the need for wide stakeholder representation. The 2010 election was largely conducted in a peaceful and compliant manner. There was greater voter participation in the central region, where the rebel Meekamui group had blocked access in the previous election. Prior to the 2010 election, the Meekamui signed a memorandum of understanding with the Bougainville Electoral Commission to allow unfettered access for the Commission, police and international observers.<sup>92</sup>

Bougainville has shown very promising progress in its democratic transition. Further improvements in identified areas of weakness, such as voter registration processes, will be essential in preserving the referendum's legitimacy given its contentious nature. However, while recent election experience shows positive indicators, there are still significant issues to be addressed, and important details such as the timing of the vote are still unclear.<sup>93</sup>

As already described, the peace agreement was specific in its referendum pre-conditions, including weapons disposal and good governance.<sup>94</sup> But as was evident in the 2005 elections, defining what constitutes 'sufficient disarmament levels' and 'good governance' will be difficult. Furthermore, government elections in Bougainville and PNG are due to occur in 2015 and 2017 respectively.<sup>95</sup> New governments would present an additional risk to the referendum and should both be given at least 12 months in government before conducting the referendum.<sup>96</sup>

Another significant issue will be the nature of the referendum itself. While the peace agreement mandates a referendum on the political status of Bougainville, it does not specify whether independence is the only other viable solution to current arrangements, saying only that 'the choices available in the referendum will include a separate independence for Bougainville'.<sup>97</sup> Alternative solutions such as a 'Free Association' state, as seen in the Cook Islands and Niue, may be worth consideration as opposed to an all-or-nothing approach.

The currently ill-defined nature of the referendum introduces additional uncertainty to an already sensitive issue. While recent government elections have been relatively free from violence, the emotional nature of this referendum invalidates any assumption that the referendum will be the same as a routine election.<sup>98</sup> Accordingly, the measures taken to mitigate this risk must be considered closely, catering for all contingencies without unnecessarily escalating the situation.

### *Governance and capacity of security and justice institutions*

As has already been discussed, the BPS is limited in size and capability. While it is capable of dealing with low-level crime, it does not have the capacity to deal with armed gangs or armed and organised spoiler elements. Building on the success of New Zealand's police support program, there is scope to enhance the BPS with additional training and equipment.<sup>99</sup> There is still a small New Zealand police cadre on Bougainville that assists in recruiting, training and managing Bougainville's CAP. Regional reinforcement of this small element would be invaluable in ensuring that the BPS maximises its capabilities for the referendum.<sup>100</sup>

It is unlikely that the BPS can manage the security for the referendum without additional manpower and technical support, given the potential presence of spoilers and armed gangs. If nothing else, it will require a highly mobile force on very short notice to reinforce areas of concern. Such a force would also present a deterrent to potential spoilers. While PNG could constitutionally provide this support if requested, it is unlikely that such a solution would appeal to either PNG or Bougainville, given the likely tensions it would cause.<sup>101</sup> Similarly, an Australian-led force may attract unwanted attention from potential spoilers.

The forces that appear to have had the most effective outcomes within Bougainville are composite forces from the wider Pacific Islands.<sup>102</sup> Given that the referendum will not occur before 2015, there is also scope for Australia's newly-commissioned HMAS *Canberra* to act as an off-shore command, control and support node for a 'Pacific Island Response Force' that could remain on standby to support the BPS if the situation destabilised. With a number of liaison officers, a comprehensive communication plan, and a mobile regional police response force, the potential for violent outbreaks would be significantly mitigated.

There is a risk that the presence of foreign security forces may be interpreted as a lack of confidence in the BPS. However, the local community is still very familiar with the presence of forces from the Pacific Islands.<sup>103</sup> Provided a careful information plan is developed by the ABG, it is unlikely this would be a significant issue. Regardless, this option is preferable to the presence of security forces from PNG or uncontrolled violence during the referendum.

### *Security and justice needs of citizens*

As already described, the risk of spoilers and armed gangs is a distinct possibility during the elections.<sup>104</sup> Any actions undertaken by these groups that either causes harm to government officials or voters, or influences the way in which locals vote, would seriously undermine the credibility of the referendum. It would also potentially have repercussions for the perceived legitimacy and credibility of the governments within PNG and Bougainville.

It may also negatively influence the PNG Government's decision to ratify the outcomes of the referendum on the basis that Bougainville is not sufficiently mature to govern itself as an independent nation. While every effort to reconcile with groups in Bougainville that have remained outside of the peace process can be made, it is highly unlikely that all groups will support the process. This would create a sense of uncertainty within the community and may impact on voter participation in the referendum.<sup>105</sup>

While groups such as the Meekamui are now showing signs that they are supportive of the peace process, support of the referendum may be a different matter.<sup>106</sup> This is particularly the case given that the issue of mining has still not been resolved.<sup>107</sup> A referendum on independence just transfers the risk of agitation from the PNG Government to the ABG. Other potential spoilers to the referendum are warlords in the south.<sup>108</sup> The reconciliation of three former BRA commanders, BRA 'king pin' Ishmael Toroama, Moses Pipiro from the Meekamui Unity Government and Chris Uma from the original Meekamui faction, is a significant and positive step forward.<sup>109</sup>

However, there are still a number of 'wild cards' within Bougainville who could attempt to spoil the referendum. According to Boege, '[i]n parts of southern Bougainville there are still some (relatively small) armed groups involved in localized violent conflicts, the causes of which can be found in land disputes or issues dating back to the war of the 1990s (pay back).'<sup>110</sup> Warlords such

as Noah Musingku have shown no intention of integrating themselves and their gangs into the peace process and are unlikely to do so in the future.<sup>111</sup> The BPS will need to closely monitor these individuals leading up to the referendum, and they will need to be warned of the probable repercussions for them, personally and as a group, if they choose a path of disruption.<sup>112</sup>

Also, the possibility of spoilers from mainland PNG cannot be discounted. Opposition parties and individuals who are opposed to the government within PNG may take the opportunity to place the current government in a bad light. Opposition elements within PNG have shown that they are willing to go to significant lengths to discredit the Government. As noted by Peter Jennings and Karl Claxton, '[a]rmed militias and criminal groups clashed periodically in the south [of Bougainville] until 2011 and could be remobilised to pursue political ends'.<sup>113</sup> Supporting spoiler organisations within Bougainville during the referendum is not beyond the realm of possibility.

### *Other frameworks and programs*

Given that the peace agreement details 'good governance' as a pre-condition for the referendum, there is a view held by some commentators that Bougainville must first be deemed economically self-sufficient. While this is not specified within the parameters laid down in the agreement, good governance implies a viable economy or sufficient external funding from the PNG Government or elsewhere.<sup>114</sup>

From this logic, one could conclude that progress should have been made in recommencing Bougainville's lucrative mining industry as a precursor to, or in concert with the referendum. President John Momis stated in 2011 that he 'sees re-opening Panguna as the most realistic way of contributing to broad based economic growth'.<sup>115</sup> While this will cost an estimated A\$3 billion, it would provide access to copper reserves worth approximately A\$50 billion.<sup>116</sup> As pointed out by Jennings and Claxton, this is already occurring and '[c]autious moves are underway towards resuming the only realistic economic basis for independence or meaningful autonomy'.<sup>117</sup>

There are several issues with such an approach. The complexities and emotions associated with independence and mining, in combination, may cause a spike in tensions within the community and may lead to an outbreak of violence. Certainly, 'negotiating the most conflict prone problem in Bougainville today is a high risk endeavour'.<sup>118</sup> Secondly, it may be premature to start negotiating with mining companies before a decision on whether Bougainville will remain autonomous or becomes independent is determined.

If a mining lease were negotiated prior to or during the elections, the PNG Government would have a significant voice in the negotiations and would potentially become a benefactor.<sup>119</sup> However, the PNG Government would no longer be a stakeholder if Bougainville becomes an independent nation, which would necessitate a renegotiation. It is also possible that the current ABG is not sufficiently mature to deal with such a sensitive issue, particularly as it faces so many other challenges.

The mining issue has already started to cause tensions, with allegations that the PNG Government is attempting to gain access to Bougainville's mining industry. According to Bougainville's President Momis, PNG's Prime Minister O'Neill has proposed the expropriation of Rio Tinto's 53.6 per cent stake in BCL, further alleging that:

[Prime Minister O'Neill] proposed to me directly that the national government would repeal the Bougainville Copper Agreement Act and expropriate all Rio Tinto shares in BCL.... I knew Bougainvilleans would object to PNG controlling the development of mining at Panguna ... [s]o I wrote to the PM, opposing what he proposed in the strongest terms.<sup>120</sup>

While it is probable these allegations are linked to political point-scoring in the lead-up to Bougainville's 2015 elections, it is a clear indicator that the mining issue still has the potential to cause instability. Bougainville has survived without the mining industry for the last two decades, albeit with support from PNG and the international community. It may be more prudent to continue with externally-provided fiscal support until after the referendum. As Peter Sohia, the President of Bougainville's Chief of Staff stressed, 'the re-opening of the Panguna mine should never be used as a condition for Bougainville's political future'.<sup>121</sup>

The Bougainville and PNG Governments could strive to foster other sustainable business ventures within Bougainville that are less contentious, to offset risks associated with mining. Agriculture, fisheries and tourism are potential economic drivers that have significantly less issues attached to them. For example, the production of cocoa has almost returned to pre-conflict levels, after the industry collapsed as a result of the trade embargo initiated by the PNG Government during the conflict.<sup>122</sup>

In the pre-conflict period, even with the Panguna mine operational, annual household incomes derived from cocoa were 40 per cent greater than compensation payments from mining in the Panguna area.<sup>123</sup> All cocoa is exported, making it an excellent example of an income option beyond mining.<sup>124</sup> Diversification of Bougainville's economy is an essential ingredient to success. Firstly, it would mean that Bougainville could undertake a referendum without mining being a complicating issue. Secondly, Bougainville would remain viable as an independent nation or autonomous region should the mining industry falter.

It is critical that if Bougainville does decide to allow mining to recommence, it does so when all conditions are set for success. Small-scale alluvial gold mining is already operating extensively within Bougainville,<sup>125</sup> undertaken by numerous private and local companies, which has extended to hard rock mining.<sup>126</sup> This poses a risk in itself, as these stakeholders may be threatened by the return of larger companies like BCL.<sup>127</sup>

If the mining industry re-commences and then falters, the industry may lose interest in Bougainville's natural resources indefinitely. This would be potentially catastrophic to Bougainville's long-term prosperity. Certainly, it would seem preferable to start cautiously and build on solid foundations than risk it all for a quick but fleeting win.

### *Summary*

Issues such as the referendum design and timing are still potential points of friction that require attention prior to the referendum's conduct. The potential for spoilers and gangs with differing agendas to unhinge the legitimacy of the referendum remains a significant risk. The PNG Government and ABG must focus on these issues in the lead-up to the referendum to reduce these threats, although they are unlikely to be entirely mitigated.

While additional training of the BPS will partially address this issue, the South Pacific regional community needs to be prepared to reinforce Bougainville's limited security architecture to guarantee a free and fair referendum unimpeded by spoilers. Finally, dealing with the contentious issues surrounding mining need to be deferred until after the referendum, with a focus placed instead on developing a range of diverse economic opportunities beyond large-scale mineral exploitation.

## **Part 5: Post-referendum period**

### *Introduction*

The first 12 months after the referendum, regardless of its outcome, will be a critical period for Bougainville. The prognosis for Bougainville's future is bright if the referendum's conduct and outcomes are deemed legitimate. Conversely, a rejection of the referendum's outcome by either the PNG Government or the ABG may result in a return to instability or conflict. There are several factors which will likely influence this outcome.

Firstly, the Governments of Bougainville and PNG need to swiftly ratify the referendum's outcome. Secondly, there needs to be a commitment to continuing reforms in governance and capacity of security and justice sectors within Bougainville.<sup>128</sup> Thirdly, the security and justice needs of the society must be addressed, to a point where all communities within Bougainville perceive their future is secure, regardless of their tribal affiliations or geographic locality.<sup>129</sup> Finally, there needs to be a solution found to recommence mining on Bougainville that is supported by all key stakeholders.<sup>130</sup>

### *Political economy and conflict analysis*

The first and potentially most critical issue in the post-referendum period is ratification of the referendum outcome by both the Bougainville and PNG Governments. It is difficult to predict the outcome of the referendum with any certainty. It is highly likely that the Government of PNG would be most supportive in ratifying the outcome if Bougainville were to vote for autonomy. However, it is quite possible that pro-independence groups within Bougainville, such as the Meekamui, could rearm.<sup>131</sup>

Current indications would suggest that a majority of the population will vote for independence, although there is also likely to be a significant minority who will vote for autonomy.<sup>132</sup> Boege suggests that '[t]his division is to a certain extent along the old conflict lines of the war and along geographical lines, with Central and South Bougainville more pro-PNG.'<sup>133</sup> While there are no identified pro-PNG groups within Bougainville that are likely to oppose an independence vote, there is a possibility that the PNG Government would not ratify the outcome on the basis of insufficient disarmament or ineffective governance, in accordance with the mandated pre-conditions of the BPA.<sup>134</sup>

There are also indications that while the ARB is likely to vote for independence, many Bougainvilleans do not understand what independence actually entails and may be disappointed with the results.<sup>135</sup> Community education and expectation management strategies are needed to deal with this issue.

Given these potential threats to peace in the aftermath of the referendum, it would be prudent for the ABG to seek an endorsement from the PNG Government that the necessary conditions of governance and disarmament have been met before undertaking the referendum.<sup>136</sup> Additionally, there should be close consultation between the two Governments prior to the referendum, guaranteeing a ratification of the outcome of the referendum if the electoral process and conduct is deemed legitimate by both the Bougainville Election Council and an external regional election audit team.<sup>137</sup> There is unlikely to be any basis on which the referendum's ratification could be withheld if these conditions are met.

Similar guarantees need to be sought formally and in writing from potential spoiler organisations, such as the Meekamui, to agree to honour the outcome of the referendum, regardless of whether it is in favour of autonomy or independence. Ensuring that security and justice are maintained throughout this ratification process will require the presence of a regional security architecture, ideally provided both during and for some time after the referendum's conduct.

### *Governance and capacity of security and justice institutions*

As already described in relation to pre-conditions, a significant amount of work is required to enhance both the law enforcement and judicial organisations in Bougainville to ensure security is maintained in the aftermath of the referendum. This will be particularly critical in the event that Bougainville becomes an independent nation. Independent nations require the presence of an existing and capable security and judicial infrastructure, whether indigenous or provided by a third party such as the UN.

However, it is unlikely that the security and judicial infrastructure will be sufficiently developed prior to the referendum. Even if significant improvements are made, they will be made in a paradigm of an autonomous region as opposed to a fully independent state. Once the referendum outcome is determined, both the judicial and security architecture will need to be re-organised to suit the form of government that is implemented.

The effectiveness of the police apparatus on Bougainville currently varies according to the region. In some areas, it is highly effective<sup>138</sup> while in others it is highly ineffective, relying on external stakeholders, such as armed gangs, to support it in applying the law.<sup>139</sup> This is not an acceptable practice in either an autonomous or independent state. In terms of policing, a recent independent evaluation concluded that while the CAP was developing appropriately, the long-term prognosis of the BPS was far less promising.<sup>140</sup>



The judiciary apparatus, while appearing to apply suitable governance, is similarly insufficient in its capacity to meet the needs of Bougainville.<sup>141</sup> In both security and judicial matters, the hybrid nature of the community provides some opportunity to offset the capacity issue. However, it needs to be managed very carefully to ensure that there is a consistent application of law across Bougainville.

There is a view that an enhanced communications infrastructure, providing better inter-connectedness and inter-dependence among tribal groups that have traditionally been in conflict, would improve security.<sup>142</sup> Improved interior lines of communication could be expected to enhance the opportunity for trade among the different communities which, in turn, would develop dependencies and erode any desire to continue conflict in favour of economic prosperity.<sup>143</sup>

Another issue that will emerge in Bougainville as the mining industry recommences is security of the mine.<sup>144</sup> There is a growing acknowledgement of the nexus between human rights abuses and the private security contractors employed to secure mining company assets and property. This prompted the Australian Government to announce its support for the voluntary principles detailed in the 'Global Human Rights and Mining Initiative' of December 2012.<sup>145</sup>

For its part, the ABG will need to develop policies on how mining security will be provided. There are two options open to the ABG to secure mining assets and personnel, both with opportunities and risks. If the Government commits to providing security for mining sites through the BPS or CAP, there will be cost and capacity considerations.

If it is determined that the mining company should be responsible for the provision of its own security, there are risks that ill-disciplined security elements will cause frictions within the community through heavy-handed tactics and criminal behaviour.<sup>146</sup> There are disturbing examples of these abuses within mines currently run on mainland PNG, where ex-combatants and former police undertake security duties, often with a degree of impunity.<sup>147</sup> A reported example is that mine security personnel at Porgera 'engaged in violent abuses with impunity in 2009 and 2010'.<sup>148</sup>

The final issue that will need to be resolved, or at least mitigated, in order to improve the prospects for security are the ongoing border disputes between tribal groups.<sup>149</sup> This needs to be a pre-condition to the resumption of mining. One option is a method already used elsewhere in PNG, where the Government manages a customary land, borders and property register.<sup>150</sup> While the processes are typically intricate, involving all stakeholders in a particular location, there are examples which have been quite successful and may serve as an exemplar to Bougainville.<sup>151</sup>

### *Security and justice needs of citizens*

There are still significant issues regarding the actual and perceived safety of Bougainvilleans that will need to be addressed before or as soon as the referendum is complete. In April 2013, a mob of angry villagers on Bougainville beheaded a female teacher who was accused of sorcery, in the presence of unarmed police, while three other females accused of witchcraft were kidnapped and tortured for two days.<sup>152</sup> The Acting Assistant Police Commissioner for South Bougainville, Paul Kamuai, said local forces were unable to stop the violence, contending that:

Police on Bougainville are not armed. Even if we're armed, there are more arms still out there.... I have eight regular police. They do not have a proper police station—they live in the villages. So we can't very quickly get them to act in a group.<sup>153</sup>

While Prime Minister O'Neill has since pledged to repeal the *Sorcery Act*,<sup>154</sup> which legally recognises sorcery and witchcraft as a legitimate and recognised phenomenon, the key issue is that the police force has often been unable to prevent crimes occurring in its presence. This issue requires urgent action, preferably before or within 12 months after the referendum. While the security and judicial structures must be economically sustainable, they must be sufficient to protect the society in which they serve.

Again, while the hybrid nature of the government, police and judicial organisations can support formal government organisations, they cannot substitute for it. There is anecdotal evidence to suggest that tribal chiefs have lost some of their traditional power to ex-combatants and gang leaders:

There remains a warning sign in the will of young men to be in charge of chiefs during the war. Bougainville needs a youth policy and a bigger place in civil and political society for youth leaders. That worry was palpable on the roadblocks for years after the conflict ended, where many fourteen to sixteen year olds who had never fought in the war occupied a post-conflict spoiler niche.<sup>155</sup>

Other societal issues such as drug abuse also weaken the tribal structures and norms. There is a growth of a marijuana culture among young people, as well as growing issues with teenage pregnancy.<sup>156</sup> Traditional systems are not well structured to deal with these emerging social issues. As Bougainville matures and evolves, so too will its societal issues. Well-developed, responsive government policies and organisations designed to execute these policies will be needed to deal with these emerging 'modern' issues, as opposed to more traditional tribal methods and structures.

### *Other frameworks and programs*

The issue of mining, which was a root cause of the Bougainville crisis, is very complicated.<sup>157</sup> It would be prudent to wait until a determination of independence or autonomy has been made before recommencing large-scale mining. However, it is imperative that this process is slow and cautious, integrating all stakeholders.<sup>158</sup> Issues such as land-holder disputes, environmental management, foreign investment and employment, and apportionment of royalties and reparations must be dealt with before any mining commences, otherwise the risk of a return to conflict will be significantly increased.<sup>159</sup> If successfully executed, the mining industry will have a profoundly positive and lasting impact on Bougainville's prosperity.<sup>160</sup>

As identified earlier, options to stimulate the economy beyond mining are essential in ensuring that Bougainville avoids an over-reliance on the mining economy. It is estimated by Bougainville's Commerce and Trade Office that Bougainville's economy will increase by K\$250 million by 2017, with cocoa contributing K\$110 million, copra K\$18 million, alluvial gold K\$30 million and scrap metal another K\$30 million.<sup>161</sup> Improvements in infrastructure, education and potentially agriculture and fishing subsidies are all methods to prevent an over-reliance on what is a volatile and at times fickle industry. Even infrastructure aimed at enhancing tourism may be a useful alternative.

Developing its human resources and capacity building are significant challenges that will be faced by Bougainville.<sup>162</sup> Bougainville has a particularly young demographic, with approximately 60 per cent of the population under 25 years of age.<sup>163</sup> While this could be considered a significant opportunity for Bougainville, in that it provides a large workforce base and a relatively small aged community requiring social support, it is also a potential cause of high levels of unemployment.

When combined with the education data, which indicates that 13 per cent of the population had no schooling between 1992 and 2005 (compared with 2 per cent prior to the conflict) and 35 per cent of school-age children are not in school, the latter appears more likely.<sup>164</sup> Compounding this difficult demographic picture is the lack of recovery in Bougainville's GDP. In 2011 the per capita income in urban Bougainville was 40 per cent of the average pre-conflict per capita income.<sup>165</sup>

Improving the reach of education across the youth in Bougainville will need to become a government priority in the post-referendum period.<sup>166</sup> Training will also be essential if local Bougainvilleans are going to be employable within the mining, fishing, tourism and agriculture industries.<sup>167</sup> The validity of this approach has been reinforced by the recent criticism from politicians, community leaders, women's groups and landowners over President Momis' focus on the return of mining.<sup>168</sup> There appears to be a growing view that the ABG should be doing more to support local agriculture and other locally-owned business enterprises.<sup>169</sup>

## Summary

It is essential that the referendum outcome is ratified by both the ABG and PNG Government as soon as it is complete. A failure to ratify the referendum would potentially reignite internal tensions and must be avoided at all costs. Additionally, the security and justice needs of the society need to be met, to a point whereby all communities within Bougainville perceive their future is secure, regardless of their tribal affiliations or geographic locality.

Tangible improvements in these areas would have a significant and positive impact on the perception of the legitimacy of the referendum's outcome. Finally, there needs to be a carefully-planned and cautiously-progressed recommencement of mining on Bougainville. This needs to be part of a wider plan for economic prosperity that simultaneously develops diversified sources of income.

## Conclusion

Understanding how the Bougainville referendum for independence should be shaped in its preparation, conduct and aftermath management is a complex issue spanning governance, security, justice and economic issues across a wide range of stakeholders. It requires a highly-developed and methodical framework to ensure all relevant issues are considered. The OECD SSR framework, which has already been tested and proven as an analytical tool in other scenarios, would seem to have particular relevance and value when considering Bougainville's proposed referendum.

The pre-referendum preparation period, spanning 2014 through until the commencement of the referendum, is a critical stage in ensuring pre-conditions are met to positively influence a successful outcome. Ensuring that the ABG is well governed, as well as enhancing its judicial and security architecture, including confirming that disarmament has been achieved, and garnering widespread support for the referendum among key stakeholders are all key elements of this stage.

The referendum's conduct must be tightly controlled, and largely free of spoilers, violence, intimidation and fraud, allowing all Bougainvilleans to vote freely and without fear for their safety. Post-referendum management, particularly in the first 12 months, will be the final critical period in ensuring the aftermath of the referendum sets the conditions for ongoing peace and stability. Endorsement of the referendum outcome by the PNG and Bougainville Governments, and the development and implementation of necessary policy reforms that promote stability and security, and reinvigorate Bougainville's economy will be essential elements of this post-referendum period.

If the referendum is successful, it may set the stage for long-term peace and stability on Bougainville. If not, it may result in a return to bloody conflict. In this event, the responsibility to restore peace and stability is unlikely to return to PNG. Rather, it will become a regional problem. Given this prospect, it is in the region's best interests to become pro-actively involved in shaping the referendum's prospect for success. The old adage that 'prevention is better than cure' could not be more apt. If history is any guide, a 'cure' to renewed conflict on Bougainville would cost millions of dollars, and potentially many lives.

## Notes

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- 2 Oren Ipp and Iian Cooper, *Bougainville Stability Desk Study*, US Agency for International Development: Washington DC, 10 October 2013, p. 2.
- 3 Organisation for Economic Co-operation and Development (OECD), *OECD DAC Handbook on Security System Reform (SSR): supporting security and justice*, OECD: France, 2007.
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- 6 Joint Standing Committee on Foreign Affairs and Trade (JSCFAT), *Bougainville: the peace process and beyond*, The Parliament of the Commonwealth of Australia: Canberra, September 1999, p. 18.
- 7 Australian Parliamentary Delegation, *Bougainville: a Pacific solution*, Australian Government Publishing Service: Canberra, 1994, p. 9.
- 8 Bougainville Copper Limited (BCL) paid more than \$1 billion dollars in tax and dividends to the PNG Government, \$33 million dollars to landowners (royalties and compensation) and \$83 million dollars in royalties to the Provincial Government between 1974 until 1989: JSCFAT, *Bougainville*, p. 18.
- 9 Reuben R.E Bowd, 'Simple Solutions to Complex Matters: identifying fundamental principles of alternate dispute resolution in the multinational effort to broker a resolution to the Bougainville crisis', Working Paper No. 414, Strategic and Defence Studies Centre, Australian National University (ANU): Canberra, May 2009, p. 2.
- 10 JSCFAT, *Bougainville*, p. 19
- 11 Bougainville unilaterally declared its independence from PNG in 1975.
- 12 Australian Parliamentary Delegation, *Bougainville*, pp. 9-10.
- 13 Regan, *Light Intervention*, p. 58.
- 14 Regan, *Light Intervention*, p. 13.
- 15 Serero and Ona demanded 10 million Kina in compensation, a 50 per cent share in BCL profits and greater environmental protection: Australian Parliamentary Delegation, *Bougainville*, p. 11.
- 16 Regan, *Light Intervention*, p. 21.
- 17 Regan, *Light Intervention*, p. 20.
- 18 Amnesty International, *Papua New Guinea: Bougainville: the forgotten human rights tragedy*, Amnesty International: London, 26 February 1997; also Bacre Waly N'diaye, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions in Bougainville*, UN Commission of Human Rights: New York, 27 February 1996.
- 19 Regan, *Light Intervention*, p. 21.
- 20 Weapons were initially limited to hunting weapons (.22 and .303 rifles), knives, bows, arrows and other improvised weapons: Regan, *Light Intervention*, p. 21.
- 21 This included M16, self-loading rifles, M79 grenade launchers and ammunition: Regan, *Light Intervention*, p. 25.
- 22 Regan, *Light Intervention*, p. 23.
- 23 Bob Breen, 'Giving Peace a Chance – Operation Lagoon, Bougainville, 1994: a case of military action and diplomacy', Canberra Papers on Strategy and Defence No. 142, ANU: Canberra, 2001, pp. 5-6.
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- 25 Ipp and Cooper, *Bougainville Stability Desk Study*, p. 3.
- 26 Regan, *Light Intervention*, p. 25.
- 27 Sinclair Dinnen, Doug Porter and Caroline Sage, *Conflict in Melanesia: themes and lessons*, World Development Report 2011, World Bank: New York, 2 November 2010, p. 7.

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