



BOUGAINVILLE REFERENDUM RESEARCH COMMENTARY

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“Institution Building in Post Referendum Bougainville”: Some Practical Insights to Assist in the Consultations on Bougainville’s Future

Introduction

In a Referendum conducted in December 2019, as provided for in the Bougainville Peace Agreement (BPA) of 2001, ninety eight percent (98%) of the people who voted, chose ‘Independence’ over ‘Greater Autonomy’ for Bougainville. As required by the BPA, the outcome of the Referendum is subject to ratification by the National Parliament following consultations between the PNG Government and the Bougainville Government.

The Bougainville Referendum Research Project at the PNG NRI commissioned two independent research reports to inform critical developments in the Post Referendum stage. One report looks at ideas on raising adequate revenues for the ABG to achieve fiscal independence whilst the other report outlines issues to be considered in building the institutions of government of Bougainville, under its new political status.

This commentary outlines briefly the purpose and some key points of the second report, titled “Institution Building in Post Referendum Bougainville” undertaken by Professor Cheryl Saunders and Dr Anna Dzedzic of the Constitution Transformation Network, based at Melbourne Law School at the University of Melbourne.

Purpose of Report and Key Premises

The primary target audience for this report is those engaged in the consultations between the Bougainville and PNG Governments following the referendum.

The central question to be determined through these consultations is the future relationship between Bougainville and PNG. The report makes no assumptions about what the outcome of the consultations will be. In order to examine the issues of institution-building, it identifies three broad possible options for the future relationship:

- Self-determination for Bougainville outside of PNG as a formally sovereign state.
- Self-determination for Bougainville outside of PNG, but in a form of free association with PNG.
- Self-determination for Bougainville that leaves Bougainville formally within PNG.

The report outlines the new institutions and different arrangements for governance which might be needed to implement self-determination for Bougainville, whichever of these broad forms it takes. The report canvasses institutional options for the internal governance of Bougainville, such as the head of state, the judiciary, citizenship, monetary institutions, and oversight agencies such as the ombudsman. It also considers the institutions that Bougainville might need to conduct relations with the rest of the world, such as institutions for diplomacy and to manage international investment and assistance.

Finally, recognising that PNG and Bougainville will have a continuing relationship, whatever the form of self-determination chosen, the report outlines some institutional options to support the ongoing relationship between Bougainville and PNG.

The report is informed by the need to ensure that the institutions of government fit the realities of Bougainville - its culture, size, fiscal capacity and preferences. Bougainville does not necessarily need all the same institutions in the same forms that exist elsewhere. Bougainville can take advantage of opportunities to share institutions with other states. Institutional change might be phased in over time, as the outcome of the consultations is given effect and as Bougainville further builds its capabilities.

Key Areas of the Report

Chapter 2 sets out the critical issues to be considered in the consultations. The key questions posed are:



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- What should be the future relationship between Bougainville and PNG, in conditions of self-determination?
- What institutional changes are necessary to achieve that relationship, in both PNG and Bougainville?
- How should these changes be made, to ensure that they work as effectively as possible from the standpoint of both Bougainville and PNG.
- Over what time frame, should change occur and in what order of priority?

This chapter suggests some guiding principles that might assist the parties during consultations, by providing a shared reference point. These include:

- The dignity of the referendum vote should be respected.
- The ultimate goal is Bougainville as an effective self-governing polity, that works for its people.
- Institutions should be tailored to fit the realities and preferences of Bougainville.

Chapter 3 discusses institutions to further develop Bougainville as a polity to realise self-determination, including symbols to reflect Bougainville’s identity and a distinct citizenship of Bougainville.

Chapter 4 highlights specific areas of Bougainville’s Constitution that might need to be changed to provide a framework for self-determination and the processes for making that change. A table in the Appendix to the report outlines these changes in detail.

Chapter 5 canvasses institutional changes that may need to be made to reflect self-determination. It covers institutions of government (such as the head of state and the judiciary) public sector institutions (such as the police, currency and monetary policy, and oversight agencies such as the ombudsman). In doing so, the report explores how changes can be implemented over time.

Chapter 6 covers institutions that Bougainville might require to engage with the rest of the world, such as institutions and policies to support international investment and assistance, and to conduct foreign relations.

Chapter 7 deals with institutions that might be helpful to manage the relationship between Bougainville and PNG. It also notes the need for amendments to PNG’s Constitution to recognise Bougainville’s new status. The detail of these institutions and constitutional changes depend on decisions made in the course of the consultations about the future relationship with PNG.

The authors recommend that readers also have a look at their earlier report “Greater Autonomy and Independence for Bougainville: Institutional Options and Issues for Transition” also commissioned by the PNG NRI, as the current report builds on insights highlighted in the earlier report.

Disclaimer

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Further information can be obtained through reading the research reports commissioned by PNG National Research Institute at Referendum.Research@pngnri.org.

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