



## BOUGAINVILLE REFERENDUM FORTNIGHTLY COMMENTARY

By Dr Thomas Webster – Team Leader of the PNG NRI Bougainville Referendum Research Project

### **What is a Referendum and why is a Referendum being held to determine Bougainville's future Political Governance arrangements?**

#### ***What is a Referendum?***

A Referendum “is a Vote by all the eligible voters and not just by their elected representatives” on a particular policy Issue, as described by Professor Matt Qvortup, a political scientist engaged by the PNG NRI to provide a report on Referendums.

Many countries provide for Referendums under their constitution to be held on very important matters, especially amendments to their national constitution. In other instances, governments seek the views of the wider population through a referendum before passing a law.

Recently the Irish people voted in a referendum as advice to their Government to pass an Abortion Bill. Similarly, Australians earlier this year voted on the question of Same-sex marriages and relationships. Two years ago, the British people voted in a referendum on whether or not to exit from the European Union. And about a year before that, the people of Scotland voted on whether to become a separate independent country breaking away from the United Kingdom.

Overall there are three types of Referendums;

- (i) Ad hoc Referendums on a particular issue
- (ii) Initiatives by Government or by ordinary people as provided for by law
- (iii) Constitutional Referendum

Under Constitutional Referendums, there are again three main types;

- On the approval of a constitution
- On amendment to a constitution, and
- On sovereignty issues, such as “Sovereignty” or ‘Independence’ Referendums.

Professor Qvortup writes that globally, more than 1,500 nation-wide referendums have been held, and of these 61 were on the question of “Independence”. Interestingly, of the 61 independence referendums, only three returned “No Votes”.

It turns out that PNG is one of a few countries that does not provide for a “Referendum” under its Constitution. All issues are left to elected representatives of the people in the National Parliament to decide. Consequently, the public must be informed on what a referendum is and why the very first of its kind is being held in Bougainville.

#### ***Why is a Referendum being held for the people of Bougainville?***

The Referendum for Bougainville's Political Future that must be held before June 2020 was agreed to as part of the Bougainville Peace Agreement signed between the leaders of Bougainville and the Government of Papua New Guinea to end a brutal civil war that lasted for ten years costing more than twenty thousand lives, and the destruction of properties and critical infrastructure valued at hundreds of millions of kina.

#### ***The Bougainville Conflict and the Peace Agreement.***

The civil war started in 1988 from a conflict with the Bougainville Copper mine over distribution of royalties to the landowners and long-standing concerns regarding environmental damages. Strong arm tactics applied by the police and later the military forces sent in by Government led to the emergence of the dormant demand for independence which was spearheaded by the Bougainville Revolutionary Army (BRA). Following the withdrawal of PNG Government forces from mainland Bougainville and forming a blockade, the BRA broke up into splinter groups and got enmeshed in local conflicts. In the process, the Bougainville Resistance Forces (BRF) emerged who fought vigorously with the BRA.



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Many attempts to resolve the multiple conflicts between PNG Government forces and the BRA and between the BRA and the BRG, beginning as early as 1990, failed until 1997 when the war fatigued groups accepted a New Zealand Government led peace-initiative. The NZ Government hosted all the Bougainville factions where the meetings allowed for discussions between the warring factions that was finally formalized into a truce agreement and cessation of fighting by 1998.

From 1998 to 2001, protracted negotiations took place at different places between the Bougainville leaders and the PNG Government that was mediated by the UN and supported by New Zealand and Australia. Whilst issues around cessation of fighting, disarmament and disposal of weapons and restoration of peace and normalcy were quickly resolved, the political future of Bougainville remained a sticking point throughout the negotiations.

Some of the Bougainvillean leaders wanted a clear separation and pushed for Bougainville's Independence. Others did not concur with the push for immediate Independence but demanded considerable political autonomy. The PNG Government vehemently rejected the demand for Independence. This disagreement nearly led to the collapse of the truce and a real concern of a possible return to conflict.

A compromise was reached through international intervention where all parties accepted that a Referendum would be held 10-15 years after the first election of a fully autonomous government of Bougainville. All eligible voters would be given the opportunity to vote on the future political arrangement for Bougainville and one of the options would be Independence. It was also agreed that the results of the Referendum would be non-binding and be subject to ratification by the PNG Parliament, a position that the PNG Government accepted.

The compromise on the referendum was the final piece in the negotiations for the comprehensive Bougainville Peace Agreement (BPA), signed in August 2001. The BPA comprised of three key pillars; namely,

1. Disposal of Weapons
2. Establishment of an Autonomous Government System
3. A Referendum to be held within the window of 10 to 15 years after the election of the first ABG Government.

Amendments to the PNG Constitution was made to reflect the key elements of the BPA, an Organic Law was enacted to allow for the establishment of the Autonomous Bougainville Government, and Bougainville was given the permission to enact its own constitution. Each of the above-enumerated were new to Papua New Guinea. The Bougainville Constitution was approved and the first ABG House of Representatives were elected in June 2005.

As provided for in the BPA and the supporting legislations, the Referendum could have been held in 2015, ten years after the first election of the ABG House of Representatives, and now must be held before the 15th anniversary, that is, by June 2020.

This short article explains succinctly what a referendum is and how did the decision to hold a referendum in Bougainville come about. The Council of PNG-NRI has taken the view that the referendum in Bougainville is an event of national significance, creating a project to specifically research issues of relevance for the referendum. Readers interested in detailed explanations of the issues covered here are referred to publications on these subjects available from the PNG-NRI website.

Electronic copy of this document can be provided upon request at [Referendum.Research@pngnri.org](mailto:Referendum.Research@pngnri.org)

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