



## BOUGAINVILLE REFERENDUM FORTNIGHTLY COMMENTARY

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

### **Implementation of the Bougainville Peace Agreement – The First Five Years.**

#### ***Introduction***

This article looks at the first five of years of implementing the Bougainville Peace Agreement (BPA) that was signed on 30th August 2001. One significant achievement was the installation of the first ABG Government under its own constitution that was sworn into office on the June 15th, 2005. This laid the foundations for government machinery to restore normalcy, restoration of public services under an autonomous governance system as agreed to in the BPA.

The BPA was signed after three years of painstaking negotiations commencing first with a cease fire agreement in 1998. The BPA was a significant achievement given the decade long brutal civil war costing thousands of lives, destruction of property valued at millions of kina and dislocation of more than half the population of Bougainville. Its implementation especially the first five years, was even more critical for laying the foundations for permanent peace.

#### ***Amendments to the PNG Constitution and New Organic Laws***

The BPA gave the legal foundations for the key points agreed to in the negotiations, including an agreement on the implementation of the BPA itself. Furthermore, the autonomy provisions in the BPA provided for Bougainville to be self-governing with its own legislature, executive government and Judiciary, powers far greater than the existing powers provided to provincial governments. A referendum on Bougainville's future political governance system by the people of Bougainville also required legal basis. These required amendments to the PNG Constitution and for relevant Organic Laws.

The PNG Government prepared the instruments and presented to the PNG Parliament. The first vote on the bills was taken on the 23rd January 2002 with 86 votes for and none against. The second reading was taken on 27th March 2002 with 85 voting for the bill and none against. The Governor General signed the bills into effect on the 1st of August 2002.

The majority bipartisan vote in the PNG Parliament in support of the provisions of the Bougainville Peace Agreement is significant in that the leaders of PNG wanted peace for Bougainville and an end to the terrible civil war that had caused so much devastation. This reflected and endorsed the spirit of the BPA reached between the leaders of Bougainville and the leaders from PNG, for permanent peace.

#### ***The Bougainville Constitution***

The next step was to develop the Bougainville Constitution. Provision for the establishment of the ABG was provided for in Section (280) of the amendments to the PNG Constitution. Section (281) provided for the establishment of a Bougainville Constitutional Commission to consult and draft the Bougainville Constitution for consideration by the National Executive Council. On the 3rd of September 2002, the Governor of Bougainville Dr John Momis announced the establishment of the Bougainville Constitutional Commission.

A draft constitution by the Bougainville Constituent Assembly through an exhaustive process was completed by July 2004. The National Executive Council considered the draft constitution and following endorsement, was signed into law by the Governor General in December of 2004.

The Constitution of the Autonomous Region of Bougainville is very comprehensive. It provides the legal basis for self-government for the region by providing for the establishment of a legislature, an executive government, a Judiciary, an electoral commission and an Office of Bougainville Ombudsman. It covers Bougainville's identity, objectives and the general framework for government for the region.

The Constitution captures and puts into effect the key elements of the BPA, the amendments to the PNG Constitution and the Organic laws on Autonomy Government and the conduct of a Referendum.



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### *Disarmament, Weapons Disposal and the First Elections*

The elections for the first ABG Government could not proceed until the UN had given the clearance that weapons held by the different armed Bougainvillean factions had been destroyed. This was done according to a pre-agreed process where arms were surrendered to the commanders and locked up in containers with one key held by the commander and the other by the UN officials. The weapons were to be destroyed upon meeting required procedures. The UN gave the all clear report in early 2005.

The Bougainvilleans arms surrender was itself conditional on the PNG Government forces withdrawing from Bougainville and that the PNG Parliament had amended the PNG Constitution and approved the legislation to implement the BPA.

The first elections of the members of the House of Representatives in Bougainville and the President of Bougainville was held in early 2005 and on June 15th, 2005, the inauguration of ABG Government took place. The late Joseph Kabui was elected President and led the first ABG elected government under its own constitution.

### *Summary*

In summary, the Bougainville Peace Agreement (BPA) is a detailed document spelling out a series of activities to ensure lasting peace. The core activities included the establishment of an autonomous government in Bougainville, the disposal of weapons before the autonomous government was elected, and a referendum to be held within 10 to 15 years after the election of the first Autonomous Bougainville Government. Several legislations were to be enacted including the amendment of the PNG National Constitution, the passage of Organic Laws to allow implementation of the BPA, and the formulation of a new Bougainville Constitution.

This article looked at the first years of the implementation of the BPA. It was crucial and important that the first steps were implemented providing the foundations for good government in restoring services and in rebuilding Bougainville.

The next article will look at the implementation of the BPA by looking at the progress in implementation of the three pillars; Autonomy, Weapons Disposal and then the Bougainville Referendum.

#### **Note;**

Those who want to read further on the above topics are advised to read the following documents listed below:

1. Bougainville Peace Agreement, signed at Arawa 30th August 2001.
2. The Constitution of the Autonomous Region of Bougainville.

Electronic copies of the documents can be provided upon request at [Referendum.Research@pngnri.org](mailto:Referendum.Research@pngnri.org)

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