



FACT SHEET

Greater Autonomy and Independence for Bougainville: Institutional Options and Issues for Transition

MAIN ISSUE

This report commissioned and written before the holding of the Bougainville referendum (and before the outcome was known) was designed to assist the governments and the people of PNG and Bougainville to work towards a **joint understanding of greater autonomy and independence, and to identify the key issues for consideration during the consultation and transition periods during and after the referendum period**. The report describes what the governance arrangements under greater autonomy and independence might look like in practice by examining across five aspects of governance: **the powers and functions of government, fiscal matters, institutions, intergovernmental relations and identity**.

Broadly, whatever the outcome of the referendum, four issues are clear:

- i. Whether as an autonomous region or as an independent state, it is critical for Bougainville to function peacefully as a polity for the benefit of all its people.
- ii. The referendum will not result in an immediate change, whatever the outcome. There is no prescribed timeframe for the consultations.
- iii. Once a way forward is agreed, there will be a period of transition. This is necessary for practical reasons.
- iv. On either scenario, PNG and Bougainville will continue to have a close and ongoing relationship.

ACTIONS FOLLOWING THE REFERENDUM

It is recognised that the referendum will be followed by a period of consultation between the two governments with the aim of agreeing to a peaceful and mutually acceptable outcome. An official roadmap, setting out the steps and a timetable for the consultation period is needed for the internal purposes of the two governments as they embark on negotiations and prepare the ground for the next phase in their changing relationship. Importantly, a roadmap is needed for public release as well, preferably shortly after the referendum results are known.

The BPA requires 'ratification' of the outcome of the referendum by the National (PNG) Parliament. The PNG Constitution requires that the PNG government and the Bougainville government 'consult over the results of the Referendum'. Whatever the precise meaning of the term 'ratification' in the context in which it appears, in practice it seems appropriate for the PNG Parliament to: formally acknowledge the results of the referendum when these become available and; receive and accept the agreed outcomes of the consultation in due course, and take whatever action is needed to give it effect.

If legal and constitutional changes are required to implement the agreed outcome, these laws will have to be introduced and passed by the National Parliament of PNG following the process set out in the Constitution of PNG. Actions will also be required of the Bougainville House of Representatives, the Post Referendum Ministerial taskforce who has been tasked with the responsibility of planning for the implementation of the referendum result and other stakeholders. (See chapter 2)

REALISING EXISTING AUTONOMY

The existing framework for autonomy (at the time of writing), negotiated in the BPA and reflected in the Constitution of PNG, provides Bougainville with very extensive formal autonomy. One strength of the BPA was that it recognised that it would take time for the AROB to build the capacity to fully exercise the autonomy granted through the BPA and PNG Constitution, and for both levels of government to adapt to these new arrangements. Despite significant progress, in 2019 this process was not yet complete. In consequence, the full extent of the autonomy legally available to Bougainville is yet to be drawn down. Equally,

KEY POINTS

- This report (written before the holding of the referendum) was designed to assist the governments and people of Bougainville and PNG work towards a joint understanding of greater autonomy and independence, and to identify the key issues for consideration during the consultation and transition periods after the referendum.
- One of the first steps that may need to be taken following the referendum would be for an official roadmap, setting out the steps and a timetable for the consultation period to be released for internal preparation purposes and also to inform the public.
- Whatever the precise meaning of the term 'ratification' in the context in which it appears, in practice it seems appropriate for the PNG Parliament to: formally acknowledge the results of the referendum when these become available and; receive and accept the agreed outcomes of the consultation in due course, and take whatever action is needed to give it effect.
- The existing framework for autonomy (at the time of writing), negotiated in the BPA and reflected in the Constitution of PNG, provides Bougainville with very extensive formal autonomy, but not all powers conferred have been drawn down. Until the current arrangements are fully implemented, it is difficult to gauge the difference between the status quo and 'greater autonomy'.
- Ultimately, 'greater autonomy' is something for PNG and Bougainville to define together.
- It is important not to overestimate what independent statehood means in contemporary conditions of globalisation.

neither PNG nor ARoB has yet fully recognised the implications of autonomy for the relations between the two levels of government and adapted their practices accordingly. The report highlights that the incomplete implementation of the existing autonomy arrangements could have had implications for the evaluation of each of the choices before the people of Bougainville at the referendum. Until the current arrangements are fully implemented, it is difficult to gauge the difference between the status quo and 'greater autonomy'. (See chapter 3)

GREATER AUTONOMY

The existing arrangements offer Bougainville a significant degree of autonomy, which is still in the process of implementation. From that perspective, effectively implementing the existing arrangements would provide a 'greater' degree of autonomy than Bougainville presently experiences in practice.

'Greater autonomy' is a broad category: the precise scope of Bougainville's autonomy could range from powers not much greater than those it possesses under the current arrangements to a position that would entitle it to some but not quite all of the benefits of full statehood. Ultimately, 'greater autonomy' is something for PNG and Bougainville to define together. This exercise requires an understanding of existing arrangements; an understanding of how existing arrangements might work if they were fully implemented; agreement on ways to deepen Bougainville autonomy within PNG; agreement on changes in PNG governance that might better reflect, respect and support Bougainville autonomy; and agreement on the resolution of any consequential issues that arise. (See chapter 4)

INDEPENDENCE

If Bougainville became fully independent, it would have full responsibility for the welfare of its people, subject to international law. It would join the almost 200 states into which the world presently is divided. It would be eligible for admission as a member state of the United Nations.

The core features of independent statehood are territory, people, government and the capacity to enter into relations with other states. While Bougainville already has a distinct territory, people and government, each would require further attention for the purposes of independence.

New states also require recognition as states by other states. Membership of the United Nations is an indicator of recognition, in that an application for membership requires the consent of two thirds of all member states, including the five permanent members of the United Nations Security Council. Recognition of new states is relatively rare in recent times. In Bougainville's case, however, the deferred requirement for an independence referendum in the BPA and the Constitution of PNG, a vote for independence at a free and fair referendum, and negotiation and agreement on the outcome between the governments of PNG and ARoB, may facilitate international recognition of Bougainville statehood. Evidence of capacity to effectively carry out the functions of government can also be expected to be important.

It is important not to overestimate what independent statehood means in contemporary conditions of globalisation. In practice, no state operates in isolation from other states, and some are more dependent than others. States share many connections, through membership of the international community and regional communities, international trade and investment, the multiple identities of peoples, and, relevantly to Bougainville, the provision and acceptance of foreign aid. (See chapter 5)

FINAL THOUGHTS

Full responsibility for, and implementation of, many of the aspects of existing autonomy would also be required under independence. This is not to say that independence, if that is the agreed outcome, ought to be delayed. Rather, if as a result of the referendum, independence is envisaged after a period of transition, it would be useful to be clear about the objectives and milestones in that transitional process. The options set out in this report can inform negotiators as they chart that course. (See chapter 6)

- Full responsibility for, and implementation of, many of the aspects of existing autonomy would also be required under independence.

ABOUT THE RESEARCH

This fact sheet summarises the research paper produced by the PNG National Research Institute in 2019 to help understand and promote discussion in preparation for the Referendum that was to be held in 2019.

The full research paper is available [here](#).

References to the related sections of the research paper are included in this fact sheet.

ABOUT THE AUTHORS

Cheryl Saunders is a Laureate Professor Emeritus at Melbourne Law School and co-convenor of the Constitutional Transformation Network.

Anna Dzedzic is a Global Academic Fellow at the Faculty of Law, Hong Kong University, and co-convenor of the Constitution Transformation Network.

Follow this [BRRP page](#) link to PNG NRI website and see all the publications available.

inquire
inform
influence