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PEACE BY PEACEFUL MEANS: A BRIEF LOOK AT THE HISTORY OF THE BOUGAINVILLE PEACE AGREEMENT

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Abstract

- The Bougainville Referendum held in late 2019 signaled the end of the mandate of the Bougainville Peace Agreement (BPA) that was signed on 30 August 2001.
- The BPA was the agreement that saw a return to peace in Bougainville following the Bougainville Crisis that spanned from 1988 to 1998.
- The BPA did not come about easily but rather is the outcome of countless negotiations and failed attempts at brokering peace over many years.
- This paper attempts to briefly highlight some of the significant peace negotiations and the lessons from the failures that built up to the permanent peace agreement signed as the BPA.
- It is hoped that this information will inform current negotiations for Bougainville's future as well as for future generations to appreciate the patience, respect and regard for the differing views and the roles played by different parties in the peace negotiations.

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By Martha Waim

Introduction

In November and December of 2019, the people of Bougainville voted in a referendum on the political future of Bougainville. Some questioned why only Bougainvilleans voted in this referendum. Others questioned why there was even a referendum at all. These questions can be addressed by reading through the Bougainville Peace Agreement (BPA) and appreciating the difficult negotiations that transpired in the leadup to the signing of this agreement which ended the Bougainville Crisis. This paper attempts to describe some of the critical phases and the events, providing the background context leading up to the signing of the BPA. The paper is based on a desktop review of literature (published and unpublished papers, government policy documents, etc) on the Bougainville crisis and the following peace process produced from 1999 to early 2020 following the announcement of the referendum results.

The beginning of the conflict

The BPA ended a brutal civil war between 1988 and 1998, that saw between 10,000 to 15,000 people lost their lives, roughly a third of the population of Bougainville being displaced, and the economy destroyed (Parliament of Australia, 1999, para.2.1). This was the most violent conflict in the Pacific region since World War II (Bougainville: the conflict in focus, n.d.). In addition to the massive loss of life and property, the crisis destroyed the livelihoods of the people, damaged both physical and social infrastructure, and caused economic havoc plunging the then a rich province into chaos that will take decades to re-build. There is now a full generation of Bougainvilleans who missed out on primary education, basic health care, and now face a dearth of jobs and economic opportunity.

The demands for independence of Bougainville from Papua New Guinea (PNG) predates the independence of PNG. Many Bougainvilleans consider themselves as having a separate ethnic identity from the rest of PNG. However, as Regan (2013, p.416) pointed out, the conflict started not over demands for separation but with the dissatisfaction over distribution of mining royalties. The mine, in other words,

exacerbated pre-existing tensions with PNG.

The 'Bougainville Conflict' was the product of an underlying sentiment of being ethnically different from the rest of PNG, tensions that arose with the establishment of the Panguna Mine by Bougainville Copper Limited (BCL), and the tussle between different factions within Bougainville over distribution of proceeds from the mine (Regan, 2017). Adding to this volatile mix was the infuriation over the damage done to the environment from the mine tailings that adversely affected the livelihood of people living downstream, especially the lower regions of Jaba and Kwarong rivers. Moreover, the influx of people from other provinces who arrived to work in the mine was seen as taking opportunities from locals (Regan, 2013). What transpired led to the crisis in late 1988, at least in hindsight, is far from surprising.

In November of 1988, dissatisfied young landowners and mineworkers led by Francis Ona blew up power pylons that serviced the Panguna Mine (O'Callaghan, 2002). This was one amongst several acts of sabotage that were meant to express dissatisfaction with the way royalties and other compensations were being distributed to the locals and the slow response by the PNG Government and BCL to call for a review of the mining agreement. The National Government responded by treating the saboteurs as criminals. The Police Riot Squad arrived from the mainland and started apprehending suspects and bystanders alike. This was followed by the arrival of the PNG Defense Force (PNGDF) to restore peace, but they also used tactics similar to the Riot Squad. The heavy-handed approach of apprehending and assaulting anyone suspected of being with the rebels invited an equally violent counter-response from the now newly formed Bougainville Revolutionary Army (BRA) who now sought to "fight violence with violence" (Regan, 2017, p.388). Consequently, the conflict in Panguna quickly snowballed into an all-out civil war.

By May 1990, a decision was made by the National Government to withdraw the PNGDF, admitting that they had failed in restoring peace and order in Bougainville. The National Government instead imposed a blockade around the island that cuts off supplies of food, medicine, and other necessities such as fuel. While the Ceasefire

Agreement reached in September 1994 officially ended the blockade, it remained in effect until 1997 in many parts of Bougainville resulting in continued and widespread suffering in Bougainville (Parliament of Australia, 1999, para.2.48).

Also in May of 1990, Francis Ona declared Bougainville independent and announced the creation of the Republic of Bougainville with him as the President (O’Callaghan, 2002, p.10). However, the BRA found it increasingly difficult to maintain order as armed rogue elements took the opportunity of the crisis to attack other Bougainvilleans with whom they had issues with. This led to widespread violence amongst Bougainvilleans, and the subsequent creation of the Bougainvillean Resistance Fighters (BRF). The BRF, with tacit support from the PNGDF who supplied them with weapons and ammunition, fought with the BRA culminating into a large-scale organised conflict on Bougainville (Regan, 2013, p. 417).

The fighting that continued for 10 years destroyed roads, bridges, buildings, and cost thousands of innocent lives. At its peak, it is estimated that the conflict had displaced one-third (around 50,000 Bougainvilleans) who were living in care centres (Parliament of Australia, 1999, para.2.56).

It is worth noting that even before fighting commenced, there were attempts at resolving the emerging tensions on Bougainville. No one truly wanted the violence to escalate the way it did. However, these attempts at resolving the issues were thwarted by different parties who perhaps felt that they were not getting what they wanted. Fighting ended in 1997, but by then the mine was shut indefinitely, the economy was in tatters, and the rifts between the people were deep.

Attempts at preventing the conflict

Several attempts were made to restore peace throughout the conflict as reviewed in this paper in the following sections. These included local as well as international efforts to mediate between the warring factions, but to little avail.

One of the first notable attempts was a Memorandum of Understanding (MoU) signed on 8 December 1988, by a National Government-appointed Special Ministerial Committee and Francis Ona. The Ministerial Committee headed by then Deputy Prime Minister Akoka Doi, including John Momis – the regional Member of Parliament for Bougainville - met with Ona in his village. The MoU saw the National Government committing to improve services to the Panguna landowners. The projects the Government planned to support would have cost around K1.98 million. However, on the night of the signing of the MoU, the police, on the order of their commissioner arrested key landowners (Ona escaped only because he was not at the MoU signing venue). This betrayal by the police bred further distrust by

the Bougainvilleans of the National Government which was acting in good faith. This particular incident completely undermined the MoU that had just been signed (Sohia, 2002).

Another attempt was made at negotiations which ended with the assassination of Hon. John Bika, Minister for Commerce and Liquor Licensing in the North Solomons Provincial Government (NSPG). The Minister led the Bika Select Committee that in 1989 were tasked to “collect, analyse, and compile a comprehensive report on the long-term solutions to the Panguna Crisis and the concerns of the North Solomons people” (Sohia, 2002, p.18). The *Bika Report* proposed giving Bougainville greater political and administrative autonomy than it had. Key elements were later used as the basis for the NSPG negotiations for autonomy for Bougainville in the Peace Agreement. However, Ona and the BRA felt that this “undermined support for him and for secession” (Braithwaite et al., 2010, p.26). Bika was assassinated on the night of 11 September 1989, bringing an end to the second local attempt at restoring peace. The subsequent attempts were through international mediators.

Peace talk attempts during the conflict

Beginning in early 1990, as the conflict intensified, further attempts were made at restoring peace. However, none of them stuck as the different parties broke terms. Amongst the notable peace talks was the first *Bougainville Ceasefire Initiative* of March 1990. Sohia (2002) explained that under this initiative, the BRA agreed to hand over their weapons and the PNGDF agreed to leave the island with the understanding that talks would follow on the issues of Bougainville’s future and that of the mine. The International Observers Team (IOT) stated in their report that the ceasefire had been successful (Sohia, 2002, p.19). However, by May of 1990, the BRA broke terms and tried to take over the island.

Following this first ceasefire attempt, many other attempts at restoring peace followed without success. These included the *Endeavour Accord* of August 1990, the *Honiara Declaration* of January 1991, the *Kavieng Agreement* of February 1991, the *Honiara Commitment to Peace* and the *Ceasefire Agreement* of September 1994, the *Arawa Peace Conference* of October 1994, and the *Cairns I & II Dialogues* of 1995. Although these talks and agreements collapsed, each event provided lessons that were used to build upon for the next peace talks.

By 1997, other events drew attention and pressure from other parties to bring the conflict to a close. The then Commander of the PNGDF, Brigadier-General Jerry Singirok revolted against government directions on the use of foreign mercenaries, bringing PNG to the cusp of a military takeover. International media exposure of the

conflict was raised through this and it was known as the *Sandline Affair*, an attempt by the PNG Government to use foreign mercenaries in order to win the war against the BRA. This revolt was supported by the people of PNG and riots broke out in all major towns expressing disgust at the Government for taking such actions against their own people (Parliament of Australia, 1999, pp.29-39). This nationwide revolt culminated in Prime Minister Julius Chan stepping down on 26 March 1997 (Department of PMNEC, n.d). Hon. Bill Skate took up office as Prime Minister after the National Elections in July 1997.

The attempted use of foreign mercenaries to end the conflict also generated more focus and attention from the neighbouring governments of Australia and New Zealand to the developments in Bougainville. Through the efforts of the likes of Don McKinnon, the Foreign Minister of New Zealand, the leaders of the different factions from Bougainville were brought together at the Burnham military barracks in New Zealand (“A Risky Assignment”, n.d).

The major breakthrough was made towards restoration of peace through the *Burnham* talks. These talks, held from 5 to 18 July 1997, saw Bougainvillean leaders of the different factions for the first time come together for meetings and reconciliations (Tapi, 2002, p.26). Through these talks, the *Burnham Declaration* was signed. It outlined nine points that all the Bougainvillean leaders agreed to. The key points from the Declaration included the call for unity and reconciliation amongst the people of Bougainville themselves and for the ending of the war. It also agreed for a process for negotiation with the PNG Government to be set up, for the demilitarisation of Bougainville, and for a political process to be set out for Bougainvilleans to determine their political future (Parliament of Australia, 1999, p.187).

Following the successful talks, now labelled as the *Burnham I Talks*, the next phase called for the involvement of the PNG Government, the other party to the conflict. These talks (now known as *Burnham II Talks*) took place from 1 to 10 October 1997 as the PNG and Bougainvillean groups met at Burnham. These talks led to the signing of the Burnham Truce Agreement. This Agreement expressed the desire of all parties “to cease armed conflict, for peace and reconciliation, and for the return of normalcy and restoration of services...” (Parliament of Australia, 1999, p.191).

The stalemate and then peace through the BPA

This section describes the dynamics that led to the signing of the Bougainville Peace Agreement (BPA). It outlines the compromises reached first between opposing factions in Bougainville and then between the parties from Bougainville and the National Government for autonomy, a deferred

referendum, and the decision to let the National Parliament have the final say on the outcome of the referendum. It is a poignant reminder to many of the current generation of the hours of discussions between the different parties, punctuated by disagreements and compromises, that ultimately restored peace in Bougainville.

In January 1998, the *Lincoln Agreement* was signed. This was the result of the talks from Burnham I & II. The Lincoln Agreement “formalised the agreements at the Burnham II and established the process and schedule for achieving peace, security and development” (Tapi, 2002, p.27). Through this agreement, the ceasefire was scheduled for the 30 April 1998.

Following the signing of the *Lincoln Agreement*, the negotiations for the political future of Bougainville commenced. It was clear that all parties were keen to see an end to the conflict and for weapons to be disposed of. The *Lincoln Agreement* was a testament to this desire as it provided a clear roadmap to an “irrevocable ceasefire” (Parliament of Australia, 1999, p.198). The future political status of Bougainville, however, was an issue that divided the parties deeply (Regan, 2002a, pp. 36-43).

The PNG and the Bougainville sides commenced with discussions among themselves first to reach a position of agreement, before presenting their agreed positions to the other party. On the one extreme was Francis Ona and his cadres who did not engage in the discussions but instead demanded immediate recognition of Bougainville’s independence. This was, however, a small group as support for Ona was waning with many BRA leaders participating in the peace talks (Regan, 2002b, p.34).

The BRA and other aligned groups who participated in the peace process, however, still sought independence. This position conflicted with the wishes of other Bougainvillean factions, including the BRF, who wanted to remain with PNG. There were many Bougainvilleans who opposed independence because they “feared that independence would lead to domination by the BRA” (Regan, 2002a, p.37). Greater autonomy for Bougainville for some time, leading to a future referendum for independence was the compromise reached between the opposing factions from Bougainville. This compromise took a while to be reached, and for the BRA (and their supporters) to accept the fact that not all Bougainvilleans wanted independence.

Through multiple meetings amongst the different Bougainvillean factions from May to early June 1999, a common negotiating position was reached. The Bougainvillean factions agreed to two points:

- i. the highest possible autonomy for Bougainville; and,

- ii. a deferred and binding referendum on independence (Regan, 2002b, p.37).

These two points meant a compromise that allowed for the interests of all Bougainvillean factions to be met and gave them a position with which to negotiate with the PNG side. On the side of the pro-independence factions, the position taken meant that Bougainville could develop its self-governing capabilities until such time as when the referendum was held, and Bougainville could then become independent. The pro-integration faction saw the referendum as a compromise and a democratic means to deciding on the future of Bougainville. By then many Bougainvilleans, having come out of the brutal conflict, desired peace. The deferred referendum also allowed the wider Bougainville population rather than their leaders alone to determine Bougainville's political future. The deferral of the referendum also allowed time for weapons to be disposed of and reconciliations to be completed (Regan 2002, p.38).

Once a common position was reached, Bougainville re-engaged with the PNG side. According to Regan, this part of the negotiations was the longest and the most difficult, spanning from June 1999 to August 2001 with over 20 different meetings held (Regan, 2002, p.35). For the National Government, the sovereignty of PNG was paramount. They were not willing to consider Bougainville's proposal, especially that of the binding referendum for Independence which was seen as an affront to national sovereignty. Given how sensitive the issue of the referendum was, Hon. Sir Michael Somare who became Minister for Bougainville Affairs in late 1999 would later propose that the referendum issue be set aside, and that the autonomy arrangements be implemented first. He suggested that after enough time had passed for the implementation of autonomy and following evaluation, the referendum issue could be discussed. However, the Bougainville side rejected this suggestion and instead demanded that the two issues of autonomy and referendum be settled together. An agreement struck in the *Loloata Understanding* in March 2000 then brought the two sides to an agreement that the two points would be settled together (Regan, 2002, p.39). Even then, and by December of 2000, there was still a stalemate, and the negotiations were on the verge of collapsing.

A breakthrough in a compromise agreement to hold a deferred, *non-binding* referendum came through a proposal from the then Australian Minister for Foreign Affairs, Hon. Alexander Downer. His intervention that broke the stalemate between negotiators from Bougainville and PNG in December of 2000, was the proposal for a deferred non-binding referendum that was ultimately accepted by all parties (Regan, 2002, p.41). The process was also helped

along through the appointment of Sir Moi Avei who replaced Sir Michael Somare as Minister for Bougainville Affairs. As Regan (2002) explains, Avei's appointment helped break the deadlock as he was "far closer to the Prime Minister and ... was familiar with the Bougainville issue..." (p.41). He was able to convince the PNG side to accept the altered terms as he saw that there was no other way out of the stalemate, and he cautioned of the potential for a breakdown in the negotiations if the new proposal was not accepted.

The consensus on a deferred non-binding referendum mediated by Hon. Downer was a compromise that had not been evident in the earlier discussions. It gave Bougainvilleans the space to dispose of weapons, restore peace and public services within the Autonomous region, and install an autonomous government arrangement that would provide the foundations for independence. For the National Government, a deferred and non-binding referendum would give it time to win back support in Bougainville, and at worst the final say on the outcome of the referendum was a fallback should the results of the referendum be unacceptable.

The negotiators from Bougainville demanding immediate independence agreed to the deferred referendum but questioned its non-binding nature. Minister Downer got their agreement by pointing out that East Timor had just attained independence following its referendum through support from the international community. He reminded the negotiators that Indonesia did not want to let East Timor go, but pressure from the international community ultimately allowed for them to gain independence (Regan, 2002, p.41). Downer achieved a major breakthrough that led to the signing of the BPA in the presence of international observers in Arawa by representatives from Bougainville and the National Government on 30 August 2001.

The BPA was based on three pillars:

- i. autonomy;
- ii. weapons disposal for restoration of security; and,
- iii. a deferred referendum with one of the choices being Independence for Bougainville (BPA, 2001, p.1).

The referendum was the last of the three pillars. It followed the disposal of weapons that was completed in 2003; and the implementation of autonomous governance arrangements for Bougainville with the first elections held in 2005 for a President and Members of the Legislative Assembly as provided for under a new Bougainville Constitution.

The BPA also sets out that "the outcome of the referendum will be subject to ratification (final decision-making authority) of the National Parliament" (BPA, 2001, p.1).

At the time of writing this Issues Paper, it is still unclear what exactly the ratification process will look like.

Conclusion

For the BPA, its mandate draws to a close. It has so far been successful in its commitment to attaining “peace by peaceful means” (BPA, 2001, p.1). McKenna (2019) highlighted this when she points out the “unquestionable evidence of the strengths of the agreement” that has been demonstrated through the “absence of large-scale violence” since its signing (p.35).

However, missing from contemporary discussions is an understanding of the conditions at the time, the negotiations that were held and the failed and the successful agreements that were struck at different phases, leading to the evolution of the BPA to be crafted over the three years following signing of the Lincoln Agreement. This paper sought to highlight this long and arduous process.

For consensus to be reached and captured, the BPA needed the cooperation of all parties on all sides and the support of the international community. As the consultations now proceed to the post-referendum stage, the onus is on all stakeholders to achieve permanent peace in Bougainville. Only then will history elevate the BPA as a model peace agreement.

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