

# **Mediating peace and autonomy through consultation and consensus: The Bougainville experience**

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Keynote address

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Distinguished guests, fellow-participants in this important and informative conference, ladies and gentlemen,

Let me begin by thanking the organisers for giving me the honour and privilege of presenting this keynote address.

In doing so, let me say that, pleased as I am to have the opportunity to share my experiences with you, I am also here to learn from those of you who have been actively engaged in mediation activities in other countries and contexts – with families and in communities at the grassroots level, in efforts to make or build peace in countries suffering or emerging from violent conflict, and in relations between states.

While the circumstances in which we have lived and worked might differ, our goal is the same. If I might borrow from the expression which has guided the peace process in my home area, Papua New Guinea's Bougainville Autonomous Region, it is 'to secure lasting peace by peaceful means'.

We, therefore, have much to learn from each other, both from challenges met and overcome, and from situations in which conflicts have not, for whatever, reason, been resolved.

Ladies and gentlemen,

I am a layman, not an academic or a professional practitioner.

So, when I look at the theme of this conference, I find that it seems to invite us to look in several directions.

One is towards a feature which is common to many Asia Pacific societies – that they seek to resolve internal differences, tensions and problems by consultation, compromise and consensus.

Shared values and customary law are clearly important.

But a common characteristic of societies in our region is that they do not resolve internal difficulties by leaving it to officials to apply rules - or, except in the last resort, by employing other forms of enforcement.

Another direction in which the stated theme of this conference draws our attention is towards activities which can be described as mediating between cultures.

These activities can involve fostering cordial relations between different indigenous cultures – which is no mean feat in an area like Bougainville where fewer than 200,000 people speak more than twenty languages and dialects, and, despite certain shared characteristics, have many distinctive cultural characteristics.

They can also involve mediating between indigenous and external cultures – and, in the particular circumstances of Melanesia, where societies were traditionally stateless, between local communities and the state.

As one who has been privileged to spend most of my adulthood in public life – as member for Bougainville in the Papua New Guinea parliament from 1972 until last year – I can testify to the recurrent significance of such activities in the experience of most Papua New Guinean politicians.

Responsible and committed leaders are constantly engaged in trying to bring people together – not just to mobilise votes at elections, but to build the wider sense of identity, mutual understanding and co-operation on which nation-building and development depend.

Leaders are also frequently faced with the multiple challenges involved in trying to build linkages between local communities and the state.

This is why empowering the people has been a constant goal and a recurrent theme of my own public activities.

Before Papua New Guinea became independent in 1975, I had the honour and responsibility of participating in the making of Papua New Guinea's national *Constitution*.

Following the terrible conflict which Bougainville experienced between 1989 and 1997, I was also involved in negotiating the agreements through which peace has been restored and on which the *Constitution* establishing the structure and regulating the activities of the autonomous Bougainville government (the ABG) is based.

Both the *Constitution of the independent state of Papua New Guinea* and the *Constitution of the Autonomous Region of Bougainville* (which is made under the national *Constitution*) begin with the words: 'we, the people ...'

Both constitutions were made following widespread and intensive consultations with the people in whose name they are made, and whose interests they are intended to serve.

Both are, in this sense, 'home-grown'.

Where they owe something to foreign precedents or models, it is because the people – speaking and acting directly, and then through their elected representatives – have chosen to incorporate them in the system of government for which the two constitutions, together, provide.

This is what having a ‘home-grown’ constitution means in a globalising world – where even islands are not isolated from other islands and parts of the world.

The key is that the constitution and the system of government for which it provides are made by the people they are intended to serve – and designed to meet their particular circumstances, including both their aspirations and their needs.

A democratic constitution empowers the people to decide who shall provide leadership in meeting the challenges their society faces.

A system of government in which the authority to make decisions is devolved as closely as possible to the people directly affected empowers them further – and increases the likelihood that government will be truly responsive to public opinion.

Thus are democracy and decentralisation linked to a goal – empowerment - and the ability (not just the legal right, but the actual capacity) of people to shape their own lives.

When one looks back to the origins of the Bougainville conflict – and the manner in which it spread throughout Bougainville – the relationship between peace and empowerment become clear: it is when existing arrangements do not provide adequate opportunities for people to express and seek remedies for their grievances that violence is likely to erupt and spiral out of control.

*Ladies and gentlemen,*

Constitutions are generally intended to provide for the peaceful resolution of differences and potential conflicts.

In circumstances where violent conflict is imminent or has actually occurred, they can help to transform conflict into peaceful, political competition.

The former was the case when the *Papua New Guinea Constitution* was being made.

This was in the aftermath of a series of crises in which the Australian authorities had deployed some hundreds of police to Bougainville and the gazelle peninsula of east New Britain (where the defence force was also put on standby) in the mistaken belief that such tactics would resolve deeply and widely held grievances among the public in both areas.

The making of the *Bougainville Constitution* which led to the election of the ABG last year was part of a process in which the national government and the Bougainville parties which had been involved in the previous conflict agreed to make, and work together to keep building, peace.

The agreed arrangements for Bougainville autonomy are contained in the *Bougainville Peace Agreement*.

They have been given the force of law by a constitutional amendment and an organic law whose main purpose is made clear by their name – ‘peace-building in Bougainville’.

It is against this background that I shall try to sketch some of the ways in which mediation has operated in Bougainville and Papua New Guinea generally – in the hope that our particular experience will provide a useful introduction to the variety of experiences and ideas on the agenda for this most interesting conference.

*Ladies and gentlemen,*

The Bougainville conflict was the deadliest, bloodiest, and most destructive conflict in the south Pacific since World War II.

Its origins lie in repeated and continuing failure to mediate differences between Bougainvillean communities and activities conducted directly or sponsored by the state, including the development of the huge open-cut copper-, silver- and gold-mine at Panguna in central Bougainville.

Some of these activities gave rise to tensions which divided communities internally – in some cases, leading to differences and even violence within families.

This was especially true in the area close to the mine.

These and other divisions eventually became the basis of wider alliances.

On one side, there were Bougainvilleans who joined or otherwise identified with the Bougainville revolutionary army (the BRA) and fought or gave support for a separate independence for Bougainville.

On the other side, there were Bougainvilleans who identified with the Bougainville resistance forces (BRF) and the cause of ensuring that Bougainville remain an integral part of Papua New Guinea.

The divisions were deep. They became even deeper as the conflict progressed – and the death toll, the number of persons injured, the material losses, and the social disruption grew.

As is often the case, the conflict itself made peace all the more difficult to achieve. Violence and destruction spiraled and spread.

As my wife Elizabeth has explained on other occasions, a number of women's groups demonstrated and tried to prevail on the men to make peace.

Churches and non-governmental organisations, both national and foreign, worked hard to promote reconciliation and peace.

The breakthrough came when the efforts of these mediators at the grassroots were supported and facilitated by the New Zealand government, which provided transport, a venue, and an environment in which Bougainville political leaders and combatants could come together and discuss how to make peace.

Thus did external mediation assist in bringing key members of a bitterly divided Bougainville together at the meeting in July 1997 which became known as 'Burnham I'.

This was followed a few months later by a meeting in which the national government also participated – Burnham II, which produced the *Burnham truce*.

A neutral, regional truce monitoring group (TMG) – made up of unarmed civilian and military personnel, women and men, from Australia, Fiji, New Zealand and Vanuatu – was then set up to help create an environment in which former enemies would neither threaten nor feel threatened by one another, and could be encouraged to make peace by peaceful means.

It was against this background that all of the parties met again at Lincoln University, New Zealand, in January 1998, and agreed to an agenda for making and building peace by peaceful means.

Thus did lasting peace by peaceful means become the common objective of all the major parties involved in the previous conflict.

The TMG, the Solomon Islands leaders who chaired the meetings leading up to the *ceasefire agreement* of 30 April 1998, and regional governments, all played a role in mediating and facilitating the progress the formerly conflicting parties made.

The pattern continued through the long series of talks which eventually led to the signing of the *Bougainville Peace Agreement* in August 2001.

Within a few months of the 'permanent and irrevocable ceasefire' taking effect, the United Nations observer mission in Bougainville (UNOMB) was on the ground; the TMG had been transformed into the neutral, regional peace monitoring group (PMG) – which was, again, made up of unarmed civilian and military personnel, both women and men, from Australia, Fiji, New Zealand and Vanuatu; and other forms and opportunities for mediation had come into play.

Thus it was that the national government and the former combatant groups, the BRA and the BRG, agreed to a weapons disposal plan following a meeting supported and facilitated by the Australian government at Townsville, Queensland, in early 2001, and negotiations conducted within the framework of the peace process consultative committee which was chaired by UNOMB.

When the main Bougainville groups came together to resolve their previous differences over Bougainville's political future, their ability to reach agreement required a compromise in which they all accepted a high degree of autonomy for Bougainville as part of a package which also included a referendum on Bougainville's political future.

The Australian government then mediated a compromise in which the national government and the Bougainville parties compromised on the referendum issue by agreeing that the vote be deferred for a period of 10-15 years and the result be subject to the final decision-making authority of the national parliament.

As the Australian foreign minister, hon. Alexander Downer, observed at the time, it is sometimes not what is said that is important, but who says it – in this case Mr. Downer himself, speaking on behalf of a major regional actor.

Thus was peace built – through compromise among the Bougainville parties, between different parties and leaders at the national level (who consulted and co-operated on a bipartisan, national basis), and across the negotiating table at which UNOMB and the PMG-chaired meetings between the national government and a combined Bougainville delegation.

This is why observers have described the peace-making process as multi-dimensional and / or multi-layered.

Progress depended on consultations, compromise and consensus-building among Bougainville leaders and factions, at the national level, and between the Bougainville and national delegations.

Although the United Nations, the TMG and then the PMG, as well as ministers and governments from other countries in our region played a facilitating and supporting role, agreements were not imposed.

UNOMB and the PMG chaired meetings. They encouraged the parties to discuss and resolve issues. They rarely, if ever, took the initiative to reduce differences by making specific proposals. Their mediating roles were narrowly defined.

The peace process was ‘owned’ by the parties.

In fact, both national government and Bougainville leaders and officials had, at times, to mediate between sponsoring governments and officials of the United Nations and neutral regional peace observation and monitoring teams, on the one hand, and participants in the peace process on the ground. They had to explain why peace-building took as long as it did (four years from Burnham I to the *Bougainville Peace Agreement*, and then almost another four years to the election and swearing-in of the ABG).

It was not that people were being lazy, or following something called ‘Bougainville / Papua New Guinea / Melanesian / Pacific time’.

Rather, the dispersed character of Bougainville societies, the consultative basis of local leadership, and the commitment to inclusiveness, participation and ‘ownership’ of the peace process on the ground required negotiation, reconciliation and coalition-building from the grassroots up to point at which the *Bougainville Peace Agreement* itself was negotiated and could be implemented.

Thus it was that key themes of the negotiations, such as the goal to secure ‘lasting peace by peaceful means’, originated with the parties and belonged to them at all levels and on all sides of the negotiations which led to the *Bougainville Peace Agreement*.

So did the over-all package of measures which became the *agreement*: an agreed weapons disposal plan, a guaranteed referendum on Bougainville’s political future – with a separate independence for Bougainville an available option, and arrangements for autonomy, together with commitments to reconciliation and to work together through unified administrative and political structures following the disbandment of former combatant groups.

The challenge now is ensure that the ABG and the national government continue to ‘own’ – and honour – the commitments they have made, and, even more importantly, that people on the ground in Bougainville and around Papua New Guinea see the *Bougainville Peace Agreement* and the peace-building laws which give it legal effect as theirs.

*Ladies and gentlemen,*

The preamble to the *Bougainville Peace Agreement* describes the *agreement* as – quote – ‘a joint creation’ – unquote.

The agreed arrangements for Bougainville autonomy depend on ongoing consultation and co-operation.

They include a gradual transfer of functions and powers to the ABG as resources and capacity allow, and the assumption of increasing control over sources of revenue which make this essential.

The main means for joint management of the arrangements is the joint supervisory body, which was actually set up on an interim basis in 2002 – almost three years before it was legally required.

The development of the *Bougainville Constitution* was not only a matter for Bougainvilleans but also involved ongoing consultations with the national government.

The *Bougainville Peace Agreement* and the peace-building framework set out in the *Papua New Guinea Constitution* as a result of the amendment giving legal effect to the *agreement* make clear that the *Bougainville Constitution* must be consistent with the national *Constitution*.

The consultations with the national government during its making were intended to ensure that it is.

Where differences arose, the *Bougainville Constitution* was often clarified or amended. Where doubts remained, the Bougainville constituent assembly, which made the final decision, formally noted the national government’s reservations as aids to interpretation.

At a practical level, when my role as governor was fully restored by the supreme court – and the Bougainville interim provincial government took office – in 1999, we did not seek or take power just for ourselves.

Instead, we established a mechanism, the Bougainville transitional consultative council, through which we consulted the Bougainville people’s congress, and governed by consensus and with their co-operation.

Thus, in a very particular sense, did leaders and officials in Bougainville attempt to mediate their differences in finalising the *Bougainville Constitution* and in respect of the day-to-day functioning of government there.

The *Constitution* which established and regulates the activities of the bag contains a number of provisions that are intended to help mediate differences between the ABG and local communities, and between local cultures and communities around Bougainville.

The national goals and directive principles contained in the *Papua New Guinea Constitution* emphasise the importance (among others) of integral human development, equality and participation, and Papua New Guinean ways.

The *Bougainville Constitution*, in turn, commits the people of Bougainville and the ABG to a set of Bougainville objectives and principles .

These include: strengthening customary authority; democratic principles; pursuit of peace, rehabilitation, reconciliation and harmony; unity and stability of Bougainville; fair representation of women and marginalized groups; welfare of widows, children, orphans, the aged and the disabled; and others.

The general and social and economic objectives contained in the *Constitution* are directed towards promoting – quote – ‘the maximum social, cultural and spiritual well-being of all people in Bougainville’ – unquote. They are also directed towards guaranteeing that – quote – ‘all people in Bougainville enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing and food security’ – unquote.

Thus does the *Bougainville Constitution* recognise and address the lingering effects of the previous conflict, including the need to mediate differences between traditional values and practices and the state, and to remediate suffering and disadvantages experienced by people on the ground.

In doing so, it also provides for the ABG to give priority to the fight against HIV/AIDS – a constitutional commitment which is probably the first of its kind anywhere in the world.

When it comes to giving practical effect to the values intended to guide the ABG’s policies and actions, the *Bougainville Constitution* makes specific provision for the establishment – when resources allow – of a special advisory body composed of traditional chiefs and other leaders.

Differences between women and men are mediated by a constitutional provision establishing special representation for women (a seat for each of Bougainville’s three regions – north, central and south – for which only women may nominate, but all eligible Bougainvilleans can vote).

This provision does not prevent women nominating for other offices, including the presidency, the speakership or one of the 33 constituencies (however, in practice, women did not win any other than the special women’s seats in last year’s general election).

At least one of the ten members of the Bougainville executive council must be a woman (in actual fact, the deputy speaker of the Bougainville house of representatives is also one of the three women elected last year).

Another, more controversial provision contained in the *Bougainville Constitution* is intended to help mediate differences both between former combatants and the rest of society and between the main former combatant groups by establishing three special regional seats for which former combatants alone can nominate but, again, all eligible adults can vote. The qualification for nomination is that former members of the BRA, the BRF or the meekamui defence force (MDF) seeking to stand must have their nominations signed by 20 members of the group to which they belonged – and 10 members of another group.

The councils of elders and the court system at the grassroots are intended to be close and responsive to local communities, to operate in ways consistent with customary modes of decision-making and dispute



resolution, and to mediate differences between local values and the structures established for the government of Bougainville as a whole.

Thus have the parties who made peace and co-operated to govern together while designing the future system of government in Bougainville tried to mediate differences among the rich variety of Bougainville's traditional communities and cultures, and between them and the structures of government in Bougainville and at the national level.

Meanwhile, the need to ensure that government actually provides good governance remains a continuing challenge for everyone involved, and a matter for everyone concerned for Bougainville's future.

Customary methods of reconciliation – admission, regret and forgiveness, and compensation or exchange – have been important in bringing Bougainvilleans together in order to end the previous conflict, to prevent the resumption of violence, and to make, build and maintain peace.

They remain important, both in practice and as challenges to communities, groups and individuals where they are still needed.

In this respect, it is difficult to say that peace is complete.

There is still a great deal of work to be done to create the sense of civility on which democratic good governance and the rule of law depends.

The inclusion of good governance as one of the conditions to be used in determining the precise date for holding the guaranteed referendum on Bougainville's political future underlines the importance of the issues to be addressed.

Peace is also incomplete in another way.

Communities around Panguna – the area where the late Francis Ona continued to be a strong influence until his death in July last year – remain outside the peace process.

Meanwhile, Noah Musingku and others associated with U-Vistract, an illegal and fraudulent fast-money scheme, have introduced fresh uncertainty and tension in Siwai and other parts of south Bougainville, and further reduced freedom of movement and access to services there.

They are doing so with the assistance of outside intruders – former soldiers from Fiji.

Throughout every stage of the peace process, the Bougainville parties and the national government have always kept the door open to those who have not joined in.

While the late Francis Ona declined the parties' repeated invitations to participate directly, he and his supporters did not actively disrupt the process by which peace has been made and built outside the 'no-go zone' which is their home.

This remains the case today.

But the reckless and illegal activities of U-Vistract, the five remaining Fijian ex-soldiers, and other outsiders (some of whom have already left, while others have subsequently tried to intrude) continue to threaten progress already made.

In the sensitive circumstances which prevail on the ground, a small spark – such as a careless shot fired in anger – can give rise to serious tensions, and worse, thereby threatening the peace already achieved.

Ladies and gentlemen,

As I have already observed, the origins of the Bougainville conflict owe a great deal to failure, including unwillingness by a centralised and bureaucratic government, to mediate differences among Papua New Guineans, and to address tensions which created or reinforced divisions between neighbours, within communities, and even inside families.

Despite the efforts which the pre-independence constitutional planning committee and others put into mediating between introduced state structures and the society they are intended to serve in the lead-up to independence, Papua New Guinea became independent in 1975 without adequate constitutional provision for decentralisation.

It took the declaration of Bougainville's secession two weeks before independence to shock many national leaders into seeking negotiations.

The outcome was the *Bougainville agreement* of 1976, which led to the establishment of the north Solomons provincial government based on this *agreement* and the introduction of provincial government nationwide – in many respects, following the model proposed by the constitutional planning committee before independence.

It was in the aftermath of eight years of bloody and destructive conflict between 1989 and 1997 – and several years of negotiations - that the arrangements for Bougainville autonomy were agreed.

They are part of a package of measures embodied in a peace agreement, and a constitutional framework explicitly directed towards peace-building.

The making of the *Bougainville Peace Agreement* required compromise and consensus-making on – and between – all sides.

One can only hope – and pray – that the lessons learnt in the process will help the ABG, other Bougainvilleans, together with leaders, officials and people around the rest of Papua New Guinea to avoid any future relapse into violence in Bougainville or any other part of the country.

It is up to the ABG and the national government, in particular, to make sure that the arrangements for Bougainville autonomy work smoothly as intended – and help to build, consolidate and sustain peace.

People of other countries in the Asia Pacific might gain useful insights from our experience, and draw conclusions which will help them to resolve differences, and build and maintain peace by peaceful means.

In fact, participants in conflicts and peace processes in other parts of the region have already begun to do so – by visiting, seeking advice from persons involved in peace-making and building in Bougainville, and

listening, reading and otherwise observing and learning from the written and other materials we have produced.

In similar fashion, I am sure that there are experiences, insights and techniques employed in other parts of the Asia Pacific which will help Bougainvilleans and other Papua New Guineans to keep building and sustain peace.

Viewed in hindsight and as a whole, the past nine years or so of peace-making and peace-building in Bougainville seem to owe a great deal to two important factors: the parties' commitment to a consultative and inclusive, 'bottom-up' approach, in which people at all levels were able to participate and retain 'ownership' of agreements as they were negotiated up to and across the tables where the *Lincoln*, *ceasefire* and *Bougainville Peace Agreements* were made.

Like the *Papua New Guinea Constitution* itself some thirty years earlier, the *Constitutional amendment* and the *organic law on peace-building in Bougainville* were based on prior processes of widespread and detailed consultation. So is the *Bougainville Constitution*.

Making people aware of issues and options; consultation; openness and public participation were key.

In the language that managers and foreign aid donors seem to prefer, 'stakeholders' have been able to retain 'ownership' at every stage of a 'bottom-up' process – or, in the case of those who have chosen to remain outside, have been repeatedly invited to do so (the door has never been closed).

Such a process is the only practicable way of ensuring that important decisions in societies like ours can be sustained – that agreements, constitutions and laws, and the institutions for which they provide are effective because they are legitimate (based on wide public consultation, participation, and acceptance), and genuinely 'home-grown'.

This is, of course, what democratic governance requires.

It is consistent with the customary practices of most Melanesian societies.

It is also consistent with the importance our shared Christian faith attributes to the dignity of all human beings, and to the respect for human rights which governments and peoples around the world have affirmed in many international conventions.

Thus it is that the Bougainville peace process took time - much more than many people expected at the beginning, more than outside supporters found easy to accept while it was in progress, and more than is often allowed to other peace processes.

The Bougainville peace process was highly participatory. The process itself empowered the people most directly affected. So has the outcome – a democratic and autonomous system of government for Bougainville, within the framework of the *Papua New Guinea Constitution*, and provision for decentralisation of decision-making authority to Bougainville's three regions and local communities.

Peace-making and building in Bougainville have progressed through reconciliation, consultation, and active participation in coalition-building at every level of society and negotiation – from the grassroots up (or, should a genuine democrat say 'down?').

In these respects, there are aspects of our experience – especially, the relationship between people’s empowerment and peace - on which others might well draw.

I am, therefore, both honoured and pleased to deliver this keynote address drawing on our experience in Bougainville for this thought-provoking conference on mediating cultures in the Asia Pacific.

I look forward to listening to other participants, and learning by sharing and reflecting on the wider relevance of our experiences.

Thank you.