



# JOINT REFERENDUM KEY MESSAGES

## Bougainville Peace Agreement and Referendum

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### KEY MESSAGES AND FREQUENTLY ASKED QUESTIONS

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*A Guide For Awareness  
Materials and Activities*



*Jointly approved and endorsed by the Chief Secretary to Government of Papua New Guinea and the Chief Secretary to Autonomous Bougainville Government pursuant to Joint Supervisory Body Meeting Resolution of 29th June 2018.*



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# Bougainville Peace Agreement and Referendum

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## APPROVAL AND ENDORSEMENT OF JOINT REFERENDUM KEY MESSAGES

“Peace by peaceful means”

### **Joint Statement of Approval and Endorsement**

Pursuant to the decision of the Joint Supervisory Body Meeting in Arawa, Autonomous Region of Bougainville, dated 29<sup>th</sup> June 2018, we have had consulted on the content of these Joint Referendum Key Messages and are making this joint statement in approval and endorsement of this Awareness Document as the guide for referendum awareness material development and awareness activities.

We concur that our Joint Technical Team had studied and evaluated the content in consultation with the different stakeholders that are engaged in the referendum awareness and information dissemination in the Autonomous Region of Bougainville and in Papua New Guinea.

We agree that these messages are timely, relevant and provide accurate information that will help recipients to develop informed opinions, and make informed decisions and choices pertaining to critical political information that include; understanding of the Bougainville conflict dynamics, understanding the BPA and understanding fundamentals related to the referendum and sustainable peace and development.

We jointly approve and endorse these key messages as the basis for information materials so that by having access to timely, relevant and trusted information the people can meaningfully engage and participate for the conduct of a credible referendum with a peaceful and sustainable referendum outcome.

AMB. ISAAC LUPARI - CBE  
Chief Secretary  
Government of Papua New Guinea

Dated: 12/1/2019

MR. JOSEPH NOBETAU  
Chief Secretary  
Autonomous Bougainville Government

Dated: 24/1/2019

## INTRODUCTION

These key messages provide jointly agreed information from the two governments to the people of Bougainville and Papua New Guinea. (PNG) The key messages provide people with neutral, consistent, and up to date factual information on the Bougainville Peace Agreement. They are designed to respond to frequently asked questions from community regarding referendum and BPA awareness activities – in both Bougainville and in PNG provinces. It is intended that this information will form the basis for both face-to-face awareness and the production of multi-format awareness materials. These key messages should continue to be revised as both governments agree to new decisions and new information is available to share.

The Joint Supervisory Body (JSB), Arawa, 29<sup>th</sup> June considered a draft of these messages and resolved that:

*“The Joint Technical Team study and evaluate the proposed new awareness messages prepared by the ABG on pre-referendum and post-referendum issues, and authorizes the two Chief Secretaries to process and approve such messages on a progressive basis.”*

In response, the ABG, through a whole of government approach<sup>1</sup>, has revisited the document and revised to reflect the most recent JSB resolutions at the 2019 JSB in Port Moresby on 01<sup>st</sup> March. This document had been jointly approved by the two Chief Secretaries.

As at this date of approval and endorsement, the content is updated, true and accurate. This document shall be updated on a progressive basis in accordance with the Joint Supervisory Body Resolution of 29<sup>th</sup> June 2018.

## BACKGROUND

In 2016, the JSB approved the first set of joint BPA/referendum key messages. These were produced into a range of information materials (posters, fact sheets, web content, videos, and booklets). Now that new government decisions have been made and people are asking questions beyond the scope of the first key messages, there is an urgent need to update information being provided to people. That is the main purpose of this document.

The questions were primarily collected through the Bougainville Referendum Dialogue project (implemented under the Department of Peace Agreement Implementation (DPAI) by the Peace and Conflict Studies Institute Australia, and community consultations undertaken by DPAI with NCOBA and Constituency Referendum Ready project coordinated by the Office of the Bougainville House of Representatives. While there are 33 Constituency Referendum Ready Committees, the PACSIA project has a team of more than 80 facilitators from all 33 constituencies of Bougainville who undertake dialogues in schools, market places, churches and community government offices. The team has captured the following 48 frequently asked questions. Their issues can be divided into:

1. General issues and concerns about Bougainville and its future (14)
2. Referendum process (29)
3. Other Peace-building issues and concerns (5).

The responses, including a brief history of the BPA and its intentions, have been drafted in a collaborative effort between the ABG Directorate of Media and Communications, Department of Peace Agreement Implementation and the Office of the Bougainville Electoral Commissioner, the National Coordination Office for Bougainville Affairs, with support from the Bougainville Legal Officer. The aim is neutral, consistent, concise, simple and factual information, creating an authoritative feedback loop to address community concerns.

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<sup>1</sup> Office of the Chief Secretary, Department of Peace Agreement Implementation, Department of Community Government, Office of the Bougainville Electoral Commissioner, Department of Community Development, National Coordination Office for Bougainville Affairs and the Directorate of Media and Communications.

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## **PART 1 – HISTORY OF THE BOUGAINVILLE PEACE AGREEMENT**

### **A JOINT CREATION AND COMMITMENT**

The Bougainville armed conflict was the bloodiest and most destructive crisis to have occurred since the independence of Papua New Guinea in 1975 and the longest armed conflict in the Pacific Region after the Second World War.

The Bougainville Peace Agreement – or BPA - is a lasting peace strategy built on three pillars: autonomy, weapons disposal and referendum. It was signed on 30 August 2001 by the Government of Papua New Guinea and Bougainville leaders. **The BPA has no end date.**

The BPA was built on compromise and agreement. For example, the National Government did not want to be bound by the referendum result. Also, different Bougainville groups had different views:

1. Early independence with referendum as soon as possible (3-5 years), with a binding outcome – where the result was binding on the National Government.
2. Autonomy and deferred referendum: Immediate autonomy, with a referendum after enough time to conduct reconciliation and weapons disposal to avoid a return to conflict.
3. Remain part of PNG: but with a high level of autonomy.

Bougainville leaders & Government of PNG agreed to the 'middle road' between the two extreme options: autonomy with a referendum on independence 10-15 years later.

### **UNDERSTANDING THE BOUGAINVILLE PEACE AGREEMENT**

The Bougainville Peace Agreement was signed at Arawa on 30<sup>th</sup> August 2001 after about ten years of negotiation between Bougainvilleans, the Government of Papua New Guinea. . It was assisted and witnessed by the representatives from the international community including New Zealand, Australia, Fiji, Solomon Islands and the United Nations.

A better knowledge of the Bougainville Peace Agreement can be drawn by understanding the reasons, content and parties of the Peace Agreement. The Bougainville Peace Agreement contains 6 Parts (A – F) with about 344 Paragraphs and can be summarized as;

1. To end the conflict between the State of Papua New Guinea and Bougainville and also within Bougainville.
2. To address and resolve the causes and aftermath of the Bougainville Conflict, that means;
  - Problems that caused the original uprising and conflict with Papua New Guinea that surfaced in 1988
  - Problems and issues that arose from the conflict that caused unrest and conflict among Bougainvilleans
  - Avoidance and prevention of future unrest and conflict, including Bougainville's ability to govern its own affairs in post-conflict situation.
3. The problems and issues that are identified as causes and contributors of the conflict which are dealt with in the Bougainville Peace Agreement include;
  - The basic grievances regarding land, people, environment and culture
  - The aspiration and strong wish of the people for Bougainville independence

- The conflict and division among Bougainvilleans (crisis) including Bougainville independence
  - The destructions and damages to Bougainville industries and infrastructure (roads, bridges, schools, etc.)
  - The weak economy (low government revenue)
  - The weak capacity of Bougainville government including administration.
4. In order to deal with these issues the Leaders (parties) resolved and decided that the best future political arrangement for Bougainville should be based on;
- A guaranteed but deferred referendum for Bougainville independence
  - A high autonomy for Bougainville before (or leading to) referendum
  - A demilitarization plan including weapons disposal, reintegration and reconciliation.
5. It took more than two years (June 1999 – August 2001) and well over twenty meetings to reach such a decision and the rationale for choosing these political arrangements included;
- High Autonomy gives Bougainville the power to deal and resolve their basic grievances as they will control land, people, mining, forestry, environment, foreign investment and culture.
  - Deferring the referendum gives and allows enough time for reconciliation; reintegration and unity as well as keeps open the question of Bougainville independence and allow time for the development of trust and consensus among the people of Bougainville who may be divided on that issue.
  - High Autonomy and deferred referendum both allow Bougainville to build up economy and both governance and administrative capacities until a final decision on independence is made, (2015 – 2020).
6. The Government of Papua New Guinea agreed to make changes (amendments) to PNG National Constitution to guarantee the autonomy, referendum and demilitarization as follows;

**A very high level Autonomy that will allow Bougainville to;**

- a) Choose its own name, government structures in its constitution;
- b) Gradually take on most of powers and functions of government
- c) Build up its own revenue through taxes as its economy grows, and until then to get financial support from the National Government and donors (development partners).
- d) Establish separate Bougainville courts, public service, police and correctional services (CIS).
- e) A new relationship between Papua New Guinea and Bougainville and a new Government framework that allows Bougainvilleans to develop Bougainville in their own way.

**A referendum for Bougainville on its future political status;**

- a) Deferred to at least 10 years but for no more than 15 years after establishment or Autonomy begins
- b) The vote in the referendum will be subject to final decision (ratification) by the parliament of Papua New Guinea
- c) The protection of the constitutional arrangements for Bougainville from change by the parliament of Papua New Guinea unless Bougainville agrees.

## **Demilitarization and weapons disposal**

- a) Provision for disposal of weapons by the Bougainville Revolutionary Army (BRA) and the Bougainville Resistance Force (BRF).
  - b) Withdrawal of the remaining members of the PNG Defence Force and the PNG Police Riot Squad.
  - c) The Peace Monitoring Group and United Nations to remain in Bougainville and help with the weapons disposal.
  - d) Strong restrictions on future deployment of the PNG Defence Force and PNG Police Riot Squad.
  - e) Bougainville Police not to have anything like a heavily armed Riot Squad.
  - f) Commitment by all groups including BRA and BRF to working with and through the Autonomous Bougainville Government.
7. The actual implementation of the Bougainville Peace Agreement began in March 2002 when the Parliament of Papua New Guinea passed the Constitutional Law titled as; ***‘Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum’*** that gave effect to the Agreement (BPA). However, the Constitutional Law that deals with the referendum issues and provides for establishment for the Autonomous Bougainville Government came into operation after August 2003 when the completion of Stage Two of Weapons Disposal was verified by the United Nations Observer Mission on Bougainville (UNOMB). The Constitution of the Autonomous Region of Bougainville was adopted by the Bougainville Constituent Assembly in November 2004 and Gazetted by the Government of Papua New Guinea in December 2004. The first General Election of the Autonomous Bougainville Government was held with its first inauguration in June 2005 after UNOMB verified the completion of Stage Three Weapons Disposal in May 2005.

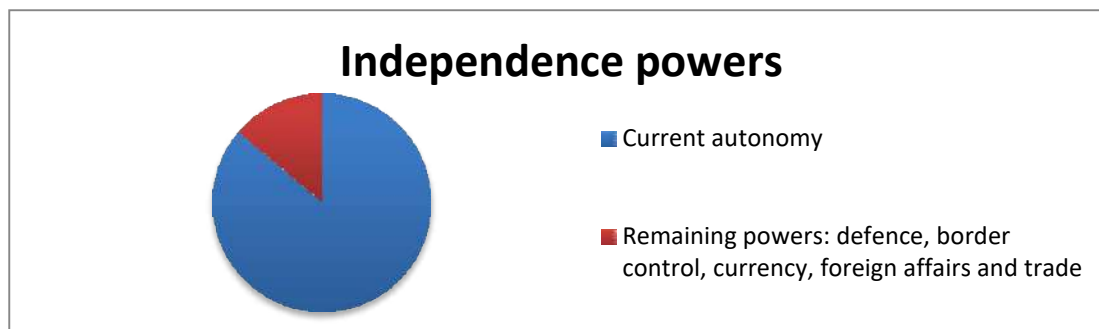
## **SUMMARY**

The Bougainville Peace Agreement is an evolving undertaking made by Bougainvilleans among themselves and with the Government of PNG. The Bougainville autonomy Arrangement grants Bougainvilleans the authority to govern their own affairs and through the referendum, determine Bougainville’s future political status, and through peace-building and weapons disposal create a conducive environment for autonomy to grow and create an enabling environment for a free and fair referendum.



## PART 2 - GENERAL ISSUES AND CONCERNS ABOUT BOUGAINVILLE AND ITS FUTURE

### AUTONOMY versus INDEPENDENCE



**What is *Autonomy*:** Autonomy is a higher level of responsibility for government service under a national government. Around the world there are many different levels of autonomy. Under the Bougainville Peace Agreement, Bougainville has a high level of autonomy powers for home grown decision-making. When the ABG began in June 2005, all provincial government powers and functions were automatically assumed. Since then, the ABG has continued to seek the transfer of additional powers and function from the National Government.

<b>BPA Autonomy powers</b>	<b>National Government powers</b>
<p><i>As per the PNG Constitution S.290 (2)</i></p> <p><i>Transfer process outlined in BPA part 7 and Constitution of Bougainville s.43(1) j-p</i></p> <p>All provincial government powers Agriculture, arts, building regulation, cemeteries, censorship, children, churches and religion, civil registration, communications and information services within Bougainville, community development, corporation law, culture, education, energy (including electricity, power generation and distribution, environment, family law, fire service, fisheries (other than highly migratory or straddling stocks), Forestry and agro-forestry, gambling, lotteries, harbours and marine, health, heritage, home affairs, including youth and social welfare, housing (but not State-owned housing), information technology, insurance, intellectual property, labour and employment (other than industrial relations), land and natural resources, language, land, sea and air transport, licensing of public entertainment, liquor, livestock, local-level government, manufacturing, mining, non-banking financial institutions, oil and gas, parks and reserves, physical planning, professionals, public holidays, public works, science and technology, sports and recreations, statistics</p>	<p><i>Outlined in BPA article 51</i></p> <ol style="list-style-type: none"> <li>1. Defence</li> <li>2. Foreign relations</li> <li>3. Immigration</li> <li>4. Highly migratory and straddling fish stocks</li> <li>5. Central Banking</li> <li>6. Currency</li> <li>7. International civil aviation</li> <li>8. International shipping</li> <li>9. International trade</li> <li>10. Posts</li> <li>11. Telecommunications</li> <li>12. Powers required to implement National <i>Constitution</i> (like citizenship, national elections)</li> </ol>

<p>(other than National Census), symbols of the Bougainville Government, time zones, tourism, trade, commerce and industry, waste management, water and sewerage, water resources, wild life preservation, wills and succession, such other functions and powers for which, in accordance with this Part and the Agreement, the Bougainville Government may be responsible.</p> <p>Foreign investment applications for Bougainville</p> <p>Also</p> <ul style="list-style-type: none"> <li>• Foreign Relations - The two Governments will establish mechanisms for consultation in agreed areas of foreign affairs.</li> <li>• Immigration - The ABG may recommend names to the National Government for inclusion on or removal from the Visa Warning List</li> </ul>	
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- Since 2015, the ABG has drawn down a number of additional powers and functions from the national government.
- A recent study reported that the ABG had only achieved 20% of the benefits that should be derived from autonomy due to continued capacity constraints (staff, knowledge and money to implement).

**What is independence:** Additional powers and responsibilities provided by independence include defence, border control, currency and foreign relations to be self-funded without grants or support from the National Government - unless financial arrangements are made between the parties. **(Refer to Question 25 for definition of Independence)**

**1. What is the difference between the current Autonomy, Greater Autonomy and Independence?**

Autonomy can be described as being a nation within an independent state. Bougainville has most of the powers to govern itself without PNG National Government interference. Autonomy and independence are different levels of self-rule, self-governance or financial responsibility, and generally independence is the highest level with absolute responsibility for funding and delivering government.

The two governments have agreed to provide descriptions of ‘independence’ and ‘greater autonomy’ to ensure that the people have a clear understanding of the choice that they are making. **(Refer to Question 25 in respect of definitions of Greater Autonomy and Independence)**

Autonomy	Independence
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<p>Autonomy means Bougainville remains a part of PNG.</p> <p>Autonomy is a level of government with higher level of decision-making powers/functions.</p> <p>Under the BPA, Bougainville has a high level of autonomy or self-rule. It has all powers available to the National Government except defence, border control, currency and foreign affairs, and collection of all taxes and revenue. However, it receives financial support from the National Government for the funding of services and government.</p> <p>It can collect some taxes and make laws.</p> <p>Bougainville has drawn down 25 powers and functions from the national government and will be able draw down more powers as capacity, resources and money are available to the ABG.</p> <p>A recent study found that the ABG had only achieved 20% of the benefits that should be derived from autonomy due to continued capacity constraints.</p>	<p>Independence means Bougainville is no longer part of PNG.</p> <p>Independence is when Bougainville can assume absolute sovereignty - total self-rule and responsibility.</p> <p>Independence for Bougainville would give powers over defence, border control, currency and foreign relations - which it doesn't currently have under autonomy – however it would also have absolute responsibility for funding government and services currently provided for by the national government (public service salaries for ABG, teachers and health staff etc.).</p>
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**2. What is the difference between referendum and independence?**

*Referendum* is the process of voting, like an election, but with a question instead of candidates. *Independence* is a choice people can vote for at the referendum for Bougainville's future political status – an independent Bougainville. The other choice is Greater Autonomy within PNG. Like elections, the referendum will have a ballot paper, ballot boxes, polling stations, scrutineers and observers.

Unlike ABG and national elections which happen every five years, the Bougainville referendum will only happen once, so people cannot change their mind in five years' time and conduct another referendum on Bougainville's future political status.

**3. What is a referendum?**

Referendum is like an election, but instead of voting for a candidate or a person, people will vote on a question the two governments have agreed to put on the ballot paper. The question for the Bougainville referendum is whether people want Bougainville to be completely separated from PNG or to have greater autonomy within PNG.

Referendums are one way that countries resolve important questions in a legal, peaceful and internationally recognised way. The referendum will affect future generations - so it is important that people think carefully about what and how they vote.

**4. What is a unilateral declaration of independence?**

A unilateral declaration of independence is when a group of people declare their independence, but that declaration is not recognized and accepted by the international community. Bougainville declared twice (1975 and 1990) but failed to gain international recognition.

**5. What is the Bougainville referendum?**

The Bougainville referendum gives Bougainvilleans a chance to express their choice on two different political futures (options):

- greater autonomy
- independence

It is a 'non-binding referendum'. This means the final referendum result (after counting) – for greater autonomy or for independence - will not automatically be the final decision (referendum outcome). Based on the BPA and the national constitution, the two governments have agreed on a process to decide the final status of Bougainville:

1. *Eligible people of Bougainville will vote in the referendum.*
2. *National Government and the ABG will consult.*
3. *National Parliament will make the final decision.*

The rules for the referendum are set out in the Bougainville Peace Agreement, the National Constitution and Organic Law on Peace-building in Bougainville, Autonomous Bougainville Government and Bougainville Referendum 2002.

**6. If Bougainville votes for greater autonomy, does that mean Bougainville will have its own defence force, currency and foreign trade?**

Responsibility for defence, currency and foreign trade are generally powers of an independent nation. However, there are also countries around the world that share currencies and security with other sovereign states. Greater autonomy will have to be defined by the two governments and jointly owned as an agreed political status. Under current autonomy powers, Bougainville can:

- send sports teams internationally under the Bougainville flag
- have trade commissioners in PNG foreign embassies
- attend international conventions where Bougainville is being discussed

However, Bougainville has not yet exercised these powers.

## IS BOUGAINVILLE READY FOR INDEPENDENCE ECONOMICALLY?

### 7. Is Bougainville ready for independence? (Human resources, infrastructure, law enforcement, universities and job creation etc.) And where will Bougainville get money from after independence?

Bougainville is very much referendum ready but is not yet at the point where it can support itself – this is known as ‘fiscal self-reliance’. To reach fiscal self-reliance Bougainville has to increase its internal revenue from the current K20million to K100million, (this is the amount that GoPNG gives as annual grant to Bougainville). An independent Bougainville, or even a Bougainville with greater autonomy will need even money to deliver services and fund developments after the referendum. Experts suggest that an independent Bougainville will cost about K900million per year to fund development and effective service delivery.

Both governments are committed to help boost the Bougainville economy and achieve fiscal self-reliance. This is done through the transfer of national powers and functions, policies and legislations and helping create the environment for economic growth.

### 8. What will the education system look like after independence and where will people go to attend university?

Currently Bougainville has no universities. The Joint Post Referendum Transition Taskforce will make recommendations that shall be considered during the consultation period after the declaration of the referendum result.

### 9. How will PNG and the international community assess Bougainville’s progress on the three pillars?

**Good-Governance** - The BPA is a joint creation of GoPNG leaders and Bougainville leaders. Both GoPNG and ABG have responsibilities in implementing the Peace Agreement. The review of Bougainville’s autonomy arrangements is one way to independently assess how well both ABG and GoPNG have done in implementing autonomy. The Second Autonomy Report (August - October 2018) states that Bougainville meets many levels of good governance including holding democratic elections and delivering services like health, roads and education. The report also notes that Bougainville suffers from same issues of corruption and poor financial management as are found elsewhere in PNG. The report also noted that Bougainville has not taken on all the powers available to it under the BPA due to a lack of financial and human resources. The report recommended both governments do more to support the continued implementation of autonomy arrangements.

**Weapons Disposal** - The first weapons disposal exercise was the UNOMB-led program that paved the way for the election of the first Autonomous Bougainville Government in 2005. In 2017, the two governments agreed to a four phase joint weapons disposal plan that aims to dispose remaining weapons in Bougainville, and all other weapons to be addressed as normal peacetime law and order issues. Community Government Members and Bougainville Police Service are working in collaboration with ABG to ensure Bougainville is weapons free. (*See also key message 11 below*)

**Referendum** – the conduct of the referendum must be considered free and fair according to international standards as assessed by international observers.

Any assessment of poor or low level of weapons disposal or good governance will not stop the conduct of referendum as is scheduled for October 2019. However, the presence of weapons and poor governance may affect the credibility of the referendum vote and the final decision to be made by the National Parliament on the Bougainville’s future political status.

### 10. People don't understand the choice/responsibilities of independence. More awareness is needed.

The ABG has been conducting awareness through the offices of respective constituency members with support from the United Nations. The ABG and PNG National Government are also working through other channels (like this) and with Community Government to

get information to the people before, during, and after the referendum. The Bougainville Referendum Commission (BRC) will also conduct awareness about the referendum process. There is recognition on the importance of awareness and the need for the people of Bougainville to fully understand the options that would be put to them, the outcomes that would arise, and the process that would follow after the referendum takes place.

People must listen to radio, read newspapers and look out for community awareness gatherings and share information they hear.

#### **OTHER READINESS AND ECONOMIC QUESTIONS**

*[These concerns and questions are to be considered by the Joint Post Referendum Transition Taskforce while planning the transition arrangement]*

- Do we have the economic and human resources and capacity?
- Concern about service delivery after referendum.
- Bougainville is not ready to vote because there are no services for people.
- Concern about government salaries after referendum.
- Concern about education system, public servant salaries and access to universities, Bougainville needs a university

#### **WEAPONS DISPOSAL AND FACTIONS**

##### **11. What is being done about weapons disposal? Will the referendum go ahead if weapons are still in communities?**

The issue of weapons is both a legal and moral one – both before and after referendum. During the conflict, in 1990 after Papua New Guinea withdrew, guns were used by Bougainvilleans against Bougainvilleans, creating internal conflict and loss of life.

Guns also affect Bougainville’s ability to become a peaceful place. Morally, Bougainville wants to be weapons-free, to remove fear from communities and create an environment that promotes peace, confidence and sustainable development.

The Bougainville House of Representatives have made the commitment to prepare their respective constituencies and declare themselves ‘Referendum Ready’ prior to the actual conduct of the vote. Under the theme, *‘People owning referendum through their elected leaders’*, the aim is to make sure Bougainville is weapons-free and unified under the Bougainville Peace Agreement. The Community Governments will assess and verify whether their communities are weapons-free and identify where further support is needed to resolve outstanding issues from the conflict. The credibility of the referendum may be affected by the presence of weapons (firearms) in relation to free and fair referendum as well as well-informed-choice.

As at March 2019, through the ABG Constituency Referendum Ready Initiative, two-thirds of the 33 Constituencies have declared themselves *“weapons free and united”*. A total of 183 weapons were registered and 56 weapons had been disposed by way of destruction. The United Nations continues to support this process to ensure compliance with the United Nations Program of Action on Small Arms and Light Weapons.

Reconciliation plays a pivotal role in the Bougainville unification and weapons disposal process. The December 2017 JSB had resolved to progress reconciliation to National and International Reconciliation. The National Reconciliation is now scheduled for 15<sup>th</sup> June 2019.

The two governments approved a joint weapons disposal plan in December 2017. The four phase plan includes, awareness, registration of weapons, collection and storage, disposal (destruction, monumentation), verification and reporting. It separates weapons of war, from weapons held by criminals, who can be prosecuted under the *National Firearms Act*.

All unregistered weapons are illegal under national laws, and all weapons in Bougainville are illegal under Part E weapons disposal, paragraph 10 (a), (b) and (e) of the BPA and under Section 15 (3) (a) and (b) of the Constitution of the Autonomous Region of Bougainville.

## **12. What will happen to people with weapons?**

People with weapons put at risk the referendum being seen as credible by national and international communities. It must be seen as a free and fair vote. As part of preparing Bougainville to be weapons-free, the ABG insists on compliance with the provisions of the BPA, the United Nations Program of Action on Small Arms and Light Weapons, and the *National Firearms Act*, meaning that people who continue to hold weapons after Bougainville has declared itself weapons free can be arrested and fined – including 10 years jail and K10,000 fine. The ABG will continue to work with police and former combatants to ensure a weapons-free Bougainville.

***Definition of Weapons Free Bougainville*** - That in compliance with the BPA and United Nations Program of Action (UNPoA) on Small Arms and Light Weapons: that no later than the date of declaration of Bougainville been Referendum Ready, there shall be:

- a) The removal and disposal of firearms and ammunitions of the Bougainville armed war;
- b) the removal and disposal of Second World War firearms, ammunitions, explosives and bombs,
- c) the removal and disposal of all other firearms, ammunitions, explosives and bombs from the hands of Bougainvilleans, and,
- d) from the date of declaration of Bougainville been Referendum Ready, all outstanding firearms, ammunitions and explosives shall be addressed under the Papua New Guinea Firearm Act as tailored to Bougainville context.

## **13. Is it safe to become an independent state (while different governments/factions exist in Bougainville)?**

The different factions and governments are one of the key issues and challenges for Bougainville's future political status and especially for separate independence. The utmost qualifications for sovereignty of a state are;

- a) Internationally recognized (clear) borders (sea/land boundary)
- b) One constitutionally established government (system/structure/procedure)
- c) Good governance (law and order, peace and justice, security and the well-being of its citizens)
- d) Bilateral relations including trade and foreign investment.
- e) On 17<sup>th</sup> May 2017, all the Bougainville factions including Meekamui committed themselves to unify under the umbrella of the BPA and to work towards a united Bougainville in preparation for the referendum and the post referendum period.

## **14. Amnesty/Pardon**

In the Lincoln Agreement on Peace, Security and Development on Bougainville (19<sup>th</sup> -23<sup>rd</sup> January 1998) the parties met and the Government of PNG confirmed the removal of bounties and agreed to facilitate the free unhindered movement of Bougainvilleans within PNG in accordance with law. The parties agreed that the PNG National Government shall grant amnesty and pardon to persons involved in crisis related activities on all sides and the parties shall co-operate in promoting public awareness of and respect for this agreement.

The BPA reaffirmed the Lincoln Agreement for the grant of amnesty and pardon for all persons involved in crisis-related activities or convicted of offences arising out of crisis-related activities. Both governments have reaffirmed the grant of amnesty and pardon to include the Meekamui Factions based on their decision to participate in the peace process including weapons disposal in compliance with the BPA.

## **PART 3 – REFERENDUM PROCESS**

### **VOTER ELIGIBILITY**

#### **15. Who can vote?**

Detailed criteria as resolved by both Governments is as follows;

##### ***General***

Paragraph 315 of the Bougainville Peace Agreement stipulates that eligibility to vote in the referendum will be the same as for national elections in Bougainville plus non-resident Bougainvilleans as determined by both governments. This has been resolved as follows:

##### ***Resident Bougainvilleans that are 18 years and above;***

- (1) Non-Bougainvilleans that are 18 years and above currently residing in Bougainville for at least 6 months;
- (2) Be a citizen of Papua New Guinea;
- (3) Be sound mind and of full capacity;
- (4) Be not under death sentence or sentence of imprisonment for a period of more than 9 months;
- (5) Have not committed an Electoral Offence in the last 3 years;
- (6) Have enrolled and name is in the Referendum Roll
- (7) Non-Resident Bougainvilleans that had enrolled under the category of “***Non-Resident Bougainvilleans***” to participate and vote in the referendum.

##### ***Non-Resident Bougainvilleans ((those Bougainvilleans living outside the Autonomous Region of Bougainville)***

The person must –

- (a) Be a member (whether by birth or by adoption according to custom by the clan lineage) of a Bougainvillean clan lineage (matrilineal or patrilineal) owing customary land in Bougainville; or
  - (b) Be married (whether by law or custom) to a person to whom the above paragraph (1) (a) applies; or
  - (c) Be a child, one of whose parents is a person to whom the above paragraph (1) (a) applies; and
- (1) The person must –
- (a) Have a right to vote under Section 50 of the Constitution of the Independent State of Papua New Guinea, and
  - (b) Comply with the requirements of Schedule 1 Part VII of the Organic Law on Peace-Building in Bougainville, Autonomous Bougainville Government and Bougainville Referendum 2002 for enrolment for a voting District.

*(that is, the person must meet the same criteria that a person residing in Bougainville must meet under Section Sch.1.23(1)(a) and (c) of the Organic Law on Peace-Building in Bougainville, Autonomous Bougainville Government and Bougainville Referendum 2002).*

**Note:** It is mandatory under the Organic Law for ALL eligible electors to be on the Referendum Roll.

#### **16. Voting age – some say from as young as 14 years of age**

The two governments agreed and reaffirmed that the voting age will be 18 years and above as consistent with the provisions of the BPA and internationally accepted conventions.

#### **17. Bougainvilleans outside Bougainville – some say should, some say haven’t earned BOUGAINVILLE REFERENDUM: Key Messages and Frequently Asked Questions**



**right.**

Eligibility to vote in the referendum will be the same as for national elections in Bougainville plus non-resident Bougainvilleans (detailed criteria to be finalised through consultation). (*Refer to Key Message 15, above*).

**18. Non-Bougainvilleans married to Bougainvilleans**

Non-Bougainvilleans residing on Bougainville for at least six months can vote in the referendum while Section 55 of the Organic Law on Peace-Building, Autonomous Bougainville Government and Bougainville Referendum 2002 will apply for non-resident Bougainvilleans. Details for eligibility of non-resident Bougainvilleans is provided under *Key Message 15* above. Additionally, all PNG citizens resident in Bougainville and eligible to vote in a National Election in Bougainville (that is, resident for six months or more) are able to vote in the referendum.

**19. Who will assist illiterate voters?**

Schedule 1.87 (1) (a), (b) and (c) of the Organic Law on Peace-Building, Autonomous Bougainville Government and Bougainville Referendum 2002 provides for assistance for illiterate persons and persons with disability. The presiding officer shall permit no more than two persons appointed by the voter to provide such assistance.

**20. What happens to people refusing to vote: particularly factions, hardliners, no-go zones**

The outcome of the referendum will affect all Bougainvilleans. It is therefore important that all people register on the referendum roll and participate in the referendum because this is a very important process. It is also mandatory under the Organic Law for citizens that have reached age 18 years to be enrolled.

All factions, including hardliner groups, have committed to participating fully in the referendum. Various declarations have been made by factional leaders and commanders to unite under the umbrella of the BPA and participate fully in the referendum to decide on Bougainville's future political status. The most recent undertaking is the 17<sup>th</sup> May 2017 Bougainville Unification Commitment and Declaration.

**21. Concerns raised that national people will be able to vote**

The two Governments have agreed on voting eligibility criteria for non-resident Bougainvilleans and voter registration will ensure that only people who meet those criteria are registered to vote (verification shall be done by Village and Ward Leaders). The referendum will have officials and observers to ensure only those registered on the referendum roll can vote. Non-Bougainvilleans residing on Bougainville can vote as described under Key Message 18 above.

**22. Is 15<sup>th</sup> June 2019 the Date for conduct of the Referendum?**

On 20<sup>th</sup> May 2016 the two Governments agreed to 15<sup>th</sup> June 2019 as the 'target date' for the purpose of referendum preparations. On March 1, 2019, the two governments agreed the actual dates for the referendum.

- (1) 16<sup>th</sup> August 2019 – Issue of Referendum Writs
- (2) 12<sup>th</sup> October 2019 – Polling begins
- (3) Counting Dates is to be decided by the BRC.

**23. How can we trust voting occurring outside Bougainville?**

For the purpose of trusted and credible referendum process the two governments decided that an Independent Agency shall conduct the Bougainville Referendum - the Bougainville Referendum Commission (BRC) Mr Bertie Ahern, former Prime Minister of Ireland is Chair of the BRC. The BRC shall make sure the voting and the result is trusted both within and outside Bougainville and achieves a credible result. (*Also refer to Key Message 27 below*)

**THE REFERENDUM QUESTION/S**

## 24. What will the question be? Will it be simple, take into account literacy – concern that will be too complicated for people?

The two governments have consulted through the Special JSB in October 2018 and have agreed on the referendum question as follows:

*Preamble: The outcome of the referendum on the future political status of Bougainville, will be discussed by both governments (the GoPNG and ABG), and will be presented to the National Parliament for final decision making in accordance with the Bougainville Peace Agreement and the National Constitution.*

*Question: Do you agree for Bougainville to have:*

- *Greater Autonomy; or*
- *Independence*

*Explanation of process:*

1. *Eligible people of Bougainville will vote in the referendum.*
2. *National Government and the ABG will consult.*
3. *National Parliament will make the final decision.*

*(Also refer to Key Message 19 in respect of literacy concerns)*

## 25. What is greater autonomy/independence?

The agreed definitions for the two options of Greater Autonomy and Independence as agreed by both governments are as follows:

- **Greater Autonomy:** A negotiated political settlement that provides for a form of autonomy with greater powers than those currently available under constitutional arrangements
- **Independence:** An independent nation state with sovereign powers and laws, recognized under international law and by other sovereign states to be an independent state, separate from the State of Papua New Guinea

## VOTER REGISTRATION AND REFERENDUM ROLL

### 26. Will the common roll be used?

One of requirements to vote is to have your name on the Referendum Voter Roll. In General Elections, it is called the “Electoral Roll” The Bougainville Referendum Roll is based on an update to the 2015 ABG electoral roll that also includes non-resident Bougainvilleans. It is the responsibility for each Bougainvillean to ensure that they are enrolled to secure their right to vote and participate in deciding the future of Bougainvillean.

The Referendum Roll will be developed by the Bougainville Referendum Commission through a three-step enrolment process. This includes house to house registration by Ward Recorders to make sure the community has the ownership on the registration and verification of the final referendum roll.

Phase 1 – Verification of 2015 ABG Electoral Roll against Ward Voter registries – this will help especially in eliminating the names of deceased persons from the roll.

Phase 2 – House to house enrolment. Ward recorders visit every house with a Working Roll to enrol new eligible electors using the *Claim for Enrolment* form.

Phase 3 – Objection period. Public display and verification of the *Preliminary Referendum*

*Roll.* The roll will be displayed in each Ward for people to object or accept the Referendum Roll.

The final Referendum Roll will then be printed to be used as the only Official Referendum Roll.

It is very important that all Bougainvilleans take part in the enrolment process and objection period to help the Bougainville Referendum Commission create a good referendum roll for each Ward. You must check with your Ward Recorder that your name is on the final list being prepared. It is then important that once you register, you must vote where you enrolled or as advised by the Bougainville Referendum Commission through the process of declaring the Voting Districts.

### **Bougainvilleans living in Papua New Guinea Provinces**

The Papua New Guinea Electoral Commission (PNGEC) through the respective Provincial Electoral Offices will assist the BRC to register non-resident Bougainvilleans but verifications shall be done by their respective Village and Ward Leaders. The BRC will advise on where and how to vote when declaring the Voting Districts.

### **Bougainvilleans Living Outside of Papua New Guinea**

The BPA and the Organic Law on Peace Building in Bougainville, Autonomous Bougainville Government and Bougainville Referendum 2002 has no specific provision in relation to Bougainvilleans living abroad. The two governments valued their participation but due to logistic and funding limitations decided that the BRC shall engage with them and consider on their participation. The two governments noted that a person can only vote when enrolled in the Referendum Roll.

## **THE REFERENDUM PROCESS**

### **27. What is the BRC/BRC must be transparent**

The Bougainville Referendum Commission is the independent agency established under a Charter in compliance with Section 56 of the Organic Law on Peacebuilding in Bougainville, Autonomous Bougainville Government and Bougainville Referendum 2002 to conduct the referendum. The Bougainville Referendum Commission will be guided by governing principles to ensure that there is all-inclusivity, transparency and credibility of the referendum process for a sustainable peaceful outcome. These are;

- a) ***Independence and Neutrality;*** (Sections 59 and 60 of the Organic Law); the Commission is independent from undue and partisan control, including all persons, groups, observers and both Governments, political interest groups and or any other influences. The Commission shall be neutral in its decision making in relation to all political interest.
- b) ***Impartiality;*** The Bougainville Referendum Commission shall be impartial in all its work and its dealings with voters and political actors and treats all in an equal, fair and just way according to formally established rules and procedures.
- c) ***Transparency;*** Decision making and administration (operational and financial) should be transparent. Decisions and information on various activities and stages of the process should be communicated regularly, concisely and in a timely manner and stakeholders should have easy access to all information relevant to their participation. There shall be broad-based consultation with stakeholders on major decisions to promote and maintain integrity of the process.
- d) ***Professionalism;*** The Commission shall conduct itself in accordance with the principle and procedures in an accurate, competent, efficient and cost-effective manner. The Commission shall ensure recruiting skilled staff to ensure professionalism and maintain trust and confidence in the process.

**28. Will the ABG have enough money to conduct the referendum?**

The BPA is a joint creation requiring joint implementation. The responsibility of delivering a timely and credible referendum is a joint obligation of the PNG National Government and the Autonomous Bougainville Government. Both governments had considered the funding aspect in deciding the actual date for the conduct of the referendum.

In recognising the funding shortfalls, both governments resolved at the December 2017 JSB to consult the United Nations to explore processes for securing a new Referendum Package to support the operations of the BRC to conduct the Referendum. The UN Referendum Support Project was jointly launched and at date contributions and pledges had been received from New Zealand, Australia, and Japan. At the JSB in March 2019, the two governments committed K30 million to the referendum process.

**29. Bougainville referendum security**

The Government of PNG and ABG have jointly requested New Zealand to lead a team of Pacific Regional Police Officers that will *provide neutral, unarmed and non-operational support to the Bougainville Police Service* over the referendum period. The New Zealand Government has agreed to lead a team of 23 police personnel from the signatories to the Bougainville Peace Agreement (Papua New Guinea, New Zealand, Solomon Islands, Vanuatu, Fiji and Australia) that will include the 11 New Zealand Police officers already in Bougainville under the existing Police Programme Partnership between New Zealand and the ABG. The Team shall be deployed to Bougainville three weeks prior to the referendum date and remain in Bougainville for the duration of the referendum process and until the count is completed, but no longer than one week following the completion of the count.

**30. International referendum observers**

In accordance with Schedule 1.11 of the Organic Law on Peace-Building in Bougainville, the two governments are to invite international observers to observe all aspects of the conduct of the referendum including the polling, delivery of the ballot-boxes to the counting centre, and the scrutiny (including any re-counts). The two governments have agreed on the importance and urgency of the presence of the international observers and agreed to initiate invitations to accredited election observers to observe the Bougainville Referendum.

**THE REFERENDUM RESULT AND IMPLEMENTATION**

**31. What percentage vote will secure independence?**

The Bougainville referendum is non-binding and does not require any percentage on the results threshold. The result of the referendum is subject to consultation and final ratification by the PNG National Parliament.

Section 342 of the PNG National Constitution has provision on the referendum results and its implementation. It says:

1. that the National Government and the Bougainville Government shall consult over the results of the referendum
2. the Minister responsible for the Bougainville Referendum shall take the results of the referendum in the National Parliament
3. the Speaker of the National Parliament shall furnish to the Bougainville Executive a copy of the minutes of the relevant proceedings and of any decision made in the National Parliament regarding the Referendum.

**32. What does a ‘failed’ referendum mean?**

There are many reasons a referendum can fail. Since both governments are committed to deliver a credible referendum, the major challenge would be violence or threat of violence and intimidation during the voting period. This would bring fear and affect people’s chance to vote freely and fairly. The implication would be no more referendum as the privilege had been neglected.

To avoid and prevent conflict relapse and or future unrest, Bougainvilleans must embrace

this referendum and fully participate to put at rest the historic Bougainville's aspiration for an independent Bougainville.

### **33. What happens if people vote for independence? What if people vote against independence?**

The referendum is an internationally recognised and accepted democratic process for citizens to determine and or decide on Bougainville's future political status. This will be a choice between separate independence and greater autonomy. It is the first step in a three part process. (See Key Message 34)

It is a democratic requirement that Bougainvilleans must accept and respect the referendum result and its final outcome. Difference in opinion and desire is a natural faculty and shall be respected in order to uphold credibility of the process as well as to maintain peace and continue the peaceful and sustainable development path.

## **PART 4 – POST-REFERENDUM**

### **NEXT PHASES AFTER DECLARATION OF REFERENDUM RESULT**

#### **34. What will the government do after the vote?**

The result of the Bougainville referendum is 'non-binding'. This means the result of the referendum vote will not automatically become Bougainville's political status. The two governments have reaffirmed the process outlined in the BPA and agree on the following process to decide the final political status of Bougainville:

1. *Eligible people of Bougainville will vote in the referendum.*
2. *National Government and the ABG will consult.*
3. *National Parliament will make the final decision.*

#### **35. The Post Referendum Transition Planning Taskforce**

The two governments have agreed on a Post Referendum Planning Taskforce that is headed by the National Minister Assisting the Prime Minister on Bougainville Affairs, Sir Puka Temu - MP and the ABG Minister for Peace Agreement Implementation, Hon. Albert Punghau - MHR. This group will help plan the post referendum transition arrangement with a particular emphasis on:

- Ensuring peaceful acceptance of the referendum results
- Timely consultation between the governments about the results of the referendum
- Reference to the Parliament for timely ratification of what the two governments negotiate.
- Developing an agreed basis for the ongoing relationship between Bougainville and PNG.

#### **Expanded role and responsibilities of the Taskforce**

The review of the role and responsibilities of the Taskforce in January 2019 led to a refinement of the mandate for the Taskforce that was sketched in the JSB resolution, the agreed outcomes of the meeting of the two ministers of 13 August 2018, and the agreed concept note. It was agreed that the Taskforce will develop proposals for the way in which the two governments can move forward in the post-referendum phase in order to ensure that the BPA is fully implemented and to implement the referendum result and outcome;

- in a context of peace and stability,
- with as much public awareness of the post-referendum processes as possible (managing expectations), and
- with due regard to security issues.

#### **The current work process of the Taskforce**

The January meeting agreed on how the Taskforce will need to work to fulfil its mandate:

- Identify and analyze the issues and challenges in the post-referendum phase with

frequent analysis to update emerging issues and challenges.

- Work together on these issues and find joint solutions and ways forward through dynamic dialogue.
- Build broad support for the work of the Taskforce and consult on its proposals for input and feedback through (a) engaging with the eminent persons identified in the ‘Joint Outcomes of Ministerial Engagement’ of August 2018, including, among others, women, youth, and former combatants in the next meetings; (b) holding a Summit of leaders; and (c) engaging as appropriate with relevant government departments both in the government of PNG and in the ABG.
- Develop concrete plans for responding to the post-referendum issues and challenges that the Taskforce identifies and, working through relevant government departments and other entities, do what needs to be done *before* the referendum to secure peace and constructive dialogue *after* the referendum.

*The establishment and work of the Joint Post Referendum Transition Taskforce is an ongoing commitment of both Governments to maintain peace and stability beyond the outcome of the Bougainville Referendum.*

**36. What will be the status of Bougainville if not independent after the referendum?**

The BPA is a living and evolving document which does not end in 2020. Furthermore, the BPA is governed by the principle of “*Peace by Peaceful Means*” and consultations and the PNG National Parliament ratification shall be guided by this principle.

**37. How do we stay secure and not go into another Crisis?**

Security is one of the key issues and challenges for the referendum and its post-referendum period. If Bougainville is not peaceful and secure with respect for rule of law, respect for human rights and respect of the democratic process, the final outcome of the referendum could be implicated for the purpose of human security, stability and sustainable peace.

People must accept and respect the understanding reached through the BPA – that means accepting the result of the referendum and the final decision by the National Parliament on the agreement reached by the two governments following the referendum.

Peace by peaceful means we learn from the past experiences and maintain unity by respecting the democratic process and accepting diversity of opinions. Referendum related disputes and any other grievances should be addressed and resolved through peaceful means.

Security must be promoted and maintained through reconciliation and unification processes at all levels: families, communities, regions and at the leadership level between Bougainville and PNG.

**38. How many years is the transition period/There should be a long transition period/It should be five, ten years.**

There are no provisions in the BPA and the Organic Law on Peace Building, Autonomous Bougainville Government and Bougainville Referendum 2002 pertaining to transition period. The two governments have established the Post Referendum Transition Planning Taskforce to plan out the transition period. The transition period shall be determined by the tasks that will be required to accomplish, to assume or transit to the next decided political status.

**39. What relationship would Bougainville have with PNG provinces under independence?**

At the social and economic structural level, Bougainvilleans and Papua New Guineans are bonded by inter-marriage, health, education, trade, and employment as well as our shared Melanesian identity. The two governments shall agree on the political and socio-economic relationship during the consultations on the result of the referendum.

The two governments also expect the established joint Post Referendum Transition Planning Taskforce to recommending arrangements for the ongoing relationship between Bougainville and PNG under different political options – which will include independence.

## **OTHER POST-REFERENDUM QUESTIONS**

### **40. Why should PNG grant Independence to Bougainville?**

The understanding is that Bougainville is geographically and ecologically part of the Solomon Islands archipelago. Politically, Buka, Bougainville, Choiseul, Santa Isabel, and Ontong Java were claimed by Germany in 1885 as the “German Solomon Islands Protectorate”; in 1900, Germany gave Choiseul, Santa Isabel, and Ontong Java to England in exchange for territory in Samoa but kept Buka and Bougainville for itself. Buka and Bougainville only became part of the Territory of New Guinea after the First World War.

Prominent Bougainvilleans were part of the leadership that created and shaped the Sovereign Independent State of Papua New Guinea to become one people, one nation and one country. Therefore, it is not the wish of the Government of PNG to grant independence to Bougainville. However, the Government of PNG is committed to comply with the provisions of the BPA and to respect the democratic process in determining the Bougainville’s future political status. In essence, credibility of the referendum process and sustainable peace and stability beyond the referendum are invaluable considerations in deciding the future political status of Bougainville.

### **41. What happens if PNG doesn’t accept a vote for independence?**

The Government of PNG will not just reject an above majority vote for independence as the two governments shall consult on the result of the referendum. (*Refer to Key Message 34 above*).

### **42. What is the ABG plan if not independence? This should be communicated.**

Both governments have agreed on greater autonomy as another political option for Bougainville, (*Refer to Key Messages 24 and 25 above*).

### **43. If Bougainville becomes independent, will the people who voted against independence have to move?**

Credibility of democracy is determined by well-informed choice, free and fair vote, transparency and finally acceptance and respect of the result. Unification and peace demands understanding and accepting diversity of opinion of other persons and living in harmony. The people are free to choose and their choice must be respected especially as Bougainvilleans because they are citizens and have the right to remain in Bougainville under continued peace and stability.

## **PART 5 – OTHER ISSUES/QUESTIONS**

### **GENERAL FREQUENT CONCERNS**

### **44. Compensation for conflict period?**

In Melanesia compensation is a customary obligation. However, during the peace negotiation, the Bougainville leaders decided not to hamper the process with compensation claims and demands. This was underpinned by the grant of amnesty and pardon for all persons involved in crisis-related activities or convicted of offences arising out of crisis-related activities. This arrangement for pardon and amnesty were intended to reduce tensions and divisions that could continue to flow from the conflict. It is now the responsibility of the ABG to develop a broad-based peace building policy and relevant legislation to address crisis-related issues including compensation.

### **45. Reconciliations need to be completed before referendum**

Conflict is inevitable in any human society and reconciliation heals and mend broken relationships. Paragraph 341 of the BPA stipulates that the signing of the Peace Agreement was intended to be a symbol of progress in reconciliation. Therefore, reconciliation is an ongoing process in Bougainville as a Melanesian and Christian obligation. Many reconciliations, both large and small have already taken place, leading the way for others to happen before the referendum. The Bougainville – PNG National Reconciliation is scheduled to be held on 15<sup>th</sup> June 2019.

### **46. Corruption fear, ABG mismanagement**

There is evidence of corruption in Bougainville as reported in the second independent review of Bougainville autonomy arrangements. The ABG has embarked on the fight against corruption in Bougainville. To weed out corruption, the understanding and support of all Bougainvilleans is required.

**47. Need for a stronger police force**

Law and Order is a universal challenge. Bougainvilleans decided through the Bougainville Constitution to establish a Police Service rather than a Police Force. It was a decision founded on addressing and dealing with problems through peaceful means. The intention was to give ownership and responsibility of policing and security to the people. Bougainvilleans must appreciate that they themselves ended the most destructive and bloodiest war in the Pacific Region and must stand in to participate and support policing and security in Bougainville.

**48. Need to improve services**

The ABG has restored service delivery to many areas. The recent second review of autonomy arrangements revealed that in a number of areas of governance, the ABG is performing well, including the delivery of services and conduct of elections. However, the ABG will continue to be hampered by a lack of economic development through a lack of resource development. It is for all Bougainvilleans to continue to work together to build a better Bougainville.