



"DEMOCRACY, CONSTITUTIONS & DEALING WITH THE WORLD"

2021 Melbourne Forum on Constitution Building in Asia and the Pacific

Session 1: International approval of new constitutions: the Autonomous Region of Bougainville as a case study

Reflections from Mr James Tanis

Before we talk about the Constitution making for the Bougainville Government we must understand the following features of the Bougainville Peace Process. The Bougainville Process was founded on a very aggressive ground up peacebuilding activities by the fighting factions themselves. It was a people driven process.

The Bougainville Peace Process was then supported by an international intervention from New Zealand. UN participation in the process was approved by the UN Security Council. There was also an enormous contribution by other countries in terms of funding and human resource capabilities. Bougainville needed international support to write the declaration of the final political status of Bougainville.

More recently, the International community funded the Bougainville Referendum process. The Referendum was held in late 2020. The Referendum was administered by an International Chairman, former Irish Prime Minister Bertie Ahern. The conduct of the Referendum was observed by the International community,

The result in 2020 was that 97.7 percent of voters voted for the Independence of Bougainville. The definition of "Independence" was jointly agreed by Autonomous Bougainville Government (ABG) and the Government of PNG, which has membership at the UN General Assembly.

In accordance with the Bougainville Peace Agreement the two Governments have since consulted on two occasions over the result. They agreed in June 2022 that the Declaration of Independence, which would be reflect the final political status of Bougainville, would need to be finalized will be no earlier than 2025 and no later than 2027.

The ABG Bougainville Executive Council has decided to start preparing for making of the new Independence Constitution for the Independent State of Bougainville. The process is based on the PNG Independence Constitution-Making Model. For the making of the PNG Constitution, Australia allowed PNG to produce a home-grown constitution from the bottom up, without altering any part of the Australian Constitution to recognise and accept the new Independent Constitution of PNG. Bougainville is adopting a similar model to progress its own Independence. Bougainville is preparing to secure agreement for the new Consultations by developing a Treaty between Bougainville and PNG. This has been proposed by Bougainville to avoid the need to wait for PNG to amend its own Constitution to start the process of developing the new Bougainville Independence Constitution.

An Independent Bougainville will be a new citizen in the community of Independent States. Therefore, any bottom-up Constitutional ideas will need to meet the international standards of democracy, rule

of law, justice, good governance, economic prosperity and protection of human rights and the rights of women and children.

We are confident that we will successfully produce a Constitution before year 2025 based on Bougainville's past record of producing Constitutions in a short span of time. We produced the North Solomons Provincial Constitution in 1974, the Constitution of the Bougainville People's Congress and the Constitution of the current Autonomous Region of Bougainville Constitution in 2004. The new Constitution of Bougainville will not start from scratch. We have enough experience, materials and connectivity to the people through the Governments Independence Readiness programs to quickly pull out a new Constitution of the Independent State of Bougainville in accordance with the Definition of Independence granted to the people of Bougainville through the ballots of the Referendum and voted for by the Bougainville people.

To sum up, at independence PNG will be biggest neighboring Melanesian country. Therefore, Bougainville must make sure it has ongoing and peaceful relationships with PNG, because Bougainville independence is a separation from another Melanesian brothers and sisters and not a colonial master.

Biography: James Tanis is a politician from the Autonomous Region of Bougainville (AROB) in Papua New Guinea. He ran for President of AROB in 2020 but did not win. He is now the Strategic Advisor on the Bougainville Peace Agreement Implementation to the Joint Ministers of the Governments of PNG & ABG. In 2008, he was elected President of the Autonomous Region of Bougainville, following the death of Joseph Kabui while in office, serving the remainder of the term from 2009 to 2010. He was previously the Vice President of the Bougainville People's Congress. He is a former member of the Bougainville Revolutionary Army (BRA)