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(Foreign Affairs Subcommittee)

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JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE
Foreign Affairs Subcommittee

Friday, 7 May 1999

Members: Mr Jull *(Chair)*, Senators Bourne, Chapman, Ferguson, Sandy Macdonald, MacGibbon, Quirke, Reynolds, Schacht and Synon and Mr Brereton, Mr Gareth Evans, Mr Hawker, Mr Hollis, Mr Lieberman, Mr Martin, Mr Nugent, Mr Price, Mr Pyne, Mr Snowdon, Dr Southcott, Dr Theophanous and Mr Andrew Thomson

Subcommittee members: Mr Jull *(Chair)*, Dr Theophanous *(Deputy Chair)*, Senators Bourne, Chapman, Ferguson, Sandy Macdonald, MacGibbon, Quirke, Reynolds, Schacht and Synon and Mr Brereton, Mr Gareth Evans, Mr Hawker, Mr Hollis, Mr Lieberman, Mr Martin, Mr Nugent, Mr Price, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

Senators and members in attendance: Senator Bourne and Mr Hollis, Mr Jull and Dr Theophanous

Terms of reference for the inquiry:

To review progress in the Bougainville peace process, from the time of the first meeting at Burnham military camp in New Zealand in July 1997, including Australia's support for that process; and to assess future prospects for the peace process, including ways in which Australia might assist further. This might include:

(a) an assessment of the current state of negotiations amongst the parties to the Bougainville dispute and of future prospects for the peace process;

(b) the contributions made towards the peace process by the Truce Monitoring Group/Peace Monitoring Group, including the likely duration of the peace monitoring operation; and

(c) consideration of Australia's current reconstruction and rehabilitation program on Bougainville, including restoration of civil authority, and ways in which Australia might assist further.

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Subcommittee met at 10.27 a.m.

CHAIR—Ladies and gentlemen, on behalf of the Foreign Affairs Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I declare open this public hearing. The committee is inquiring into Australia's contribution to the Bougainville peace process and the prospects for the future of the peace, including restoration of civil authority. The committee's review covers the whole peace negotiation process from the time of the first meeting at the Burnham Military Camp in New Zealand in June 1997 and extends into consideration of future reconstruction and rehabilitation programs for Bougainville.

Today's public hearing continues the program which has involved public hearings this year in Canberra, Melbourne and Sydney. In mid-March, several members of the subcommittee had the opportunity to visit Port Moresby and Bougainville for four days as part of this inquiry. The visit was an invaluable part of the Bougainville inquiry. We were able to meet with most of the key participants in the peace process and to see for ourselves the situation in Bougainville.

On 31 March 1999, the committee presented a short report to the parliament on the preliminary conclusions we reached as a result of the visit, including some suggestions for further consideration. Today we have invited several people with past experience in Bougainville to appear before the subcommittee. The information gathered today will assist the subcommittee's examination of the many issues surrounding the Bougainville peace process, its successes and setbacks, and ways in which Australia can assist further.

[10.29 a.m.]

DAVIDSON, Mr John, Managing Director, John Davidson and Associates Pty Ltd

GORST, Mr Derek, Senior Account Manager, John Davidson and Associates Pty Ltd

SMART, Mrs Rae

CHAIR—On behalf of the subcommittee, I welcome Mr John Davidson, Mr Derek Gorst and Mrs Rae Smart. The subcommittee prefers that all evidence be given in public. But should you at any stage wish to give evidence in private, you may ask to do so, and the subcommittee will give consideration to your request. In what capacity do you appear before the committee today?

Mr Davidson—I am a recruitment consultant. We are professional recruiters.

Mr Gorst—We are recruitment consultants.

Mrs Smart—I am here as an individual, but I also represent the women of Bougainville through the Women's Development Agency as their representative in Australia.

CHAIR—Thank you for that. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I now invite you to make a short opening statement, if you wish, before we proceed with questioning.

Mr Davidson—My association with Bougainville spans some 30 years. I went to work at the mine site during the construction with Bechtel Pacific and then, when the mining company CRA took over, I joined the mining company and had many different roles in the first 10 years from accounting to maintenance and training, and then for the last 10 years with Bougainville Copper I was the recruiter of all their expatriate staff. During that time I had a family based in Brisbane, but I was at Bougainville three or four times a year. So I have kept very close contact with the island. We have a business now which has an office in Boroka in Port Moresby. We employ a lot of Bougainvilleans throughout the country at the mine sites. Daily we talk to people travelling to and from Bougainville. And of course, our house here in Brisbane has visitors from Bougainville regularly. We have an ongoing association with the people there.

Mr Gorst—I was employed by Bougainville Copper from 1973 through to 1990 in a number of positions, culminating in monitoring and maintenance services. During that period I was also actively involved in the community, first in the education field as a member of the board of education at the Goroka school, and, ultimately, chairman of that board. I was also actively involved with the Arawa *Bulletin* almost from its inception. Again, I was chairman of the board of trustees of that organisation. I have had a good association with many Bougainvilleans, and I am here to help, if I can.

Mrs Smart—I first went to Bougainville in 1966-67, and I was there until 1968. During that time, I worked for CRAE. The mine was in its exploration stage then. I then returned to Australia for 10 years and went back to Bougainville in 1977. So I guess that I saw the exploration, the pre-mine, during the mine construction and then I went back when it was in full swing.

I was a teacher and head of department at Arawa Technical College for eight years. During that time, I served on the board for five years as the staff representative. I was also the staff representative of the student group. During that time, we instigated a Women and Youth Training Program in Arawa. It was based in Arawa but served the rural communities primarily. That was the Tiare Project. The reports that I have given refer to that.

I have kept in touch. I was evacuated in 1990. I went back there in 1994, and we did some documentation with the full permission of all of the government up there, including the military at that time. We took various rolls of film and video, and the report that I have tabled is as a result of that trip. It is by no means complete, but it serves the purpose of finding out what were the concerns of primarily the women.

During that time, we were also doing documentation, because I was working with an organisation called AWDU, a Pacific women's documentation program for the UN conference in Beijing, and I was the coordinator of the production of that documentation plus the resource person to teach the Pacific women how to do it. That covered eight countries and 21 organisations, and we took the delegation and the documentation to Beijing. I am happy to say that two of the women who went were Bougainvilleans, and their concerns were heard. I have kept in touch with the association, and I am their spokesperson in Australia. I think that keeps me up to date. I am in contact with them continually, and I am aware of the situation on Bougainville. If I can help this committee, so be it.

CHAIR—Thank you very much indeed. Mr Davidson, I suppose we could throw in the leading question: realistically, what are the prospects of any real economic recovery for Bougainville in the short, medium and long term?

Mr Davidson—I believe the plantation industry—now that the plantations have been fragmented—will find it difficult to be commercially very profitable. I am sure that families can live off the plantation in the primary industry. But we have found, of course, that the families can live anyway. It is absolutely astounding how the people have adapted on Bougainville and survived all these years. From talking to them, it is fascinating to hear how they have kept their village life going and how they have innovated with little engineering feats, you may say, like hydro-electricity and so on. But in actual fact, the reality with the commercial side there is pretty grim. Commodity prices are up and down. I guess if the cocoa and copra prices enjoy high prices, there will be pressure there to get their products to market. But then there is great difficulty getting their products to market. The government are not financial enough for major support there with shipping and so on. And that is all we can count on, I think—the primary industry. I don't think there is anything else we could realistically count on there.

Mr Gorst—I would tend to agree with that. Tourism might have been a factor, but its isolation makes it a very, very expensive factor. Its history in the last 10 years, of course, is

not very attractive to tourism. The primary industries—the plantations—are a possibility in the long term but, in the short term, obviously not. That depends upon a much improved infrastructure—roads, bridges, the lot. I know that there are AusAID projects going ahead right now to upgrade the roads, but that is purely an upgrading. It is not building roads; it is just making them passable for four-wheel drive vehicles in general. As a consequence, in the short term I cannot really see any possibility of any real commercial activity on the island.

Dr THEOPHANOUS—Do you say that irrespective of whether or not there is peace?

Mr Gorst—I think that is true. I think that is the case. The infrastructure on the island needs to be upgraded quite significantly before any significant form of commerce could take place. I would say that that is several years down the line, before you are going to get an upgrade, even if you start fairly soon. It does not look like that is going to happen fairly soon.

Dr THEOPHANOUS—Do you agree that mining is now not an option?

Mr Gorst—I think the mine is an irrelevance. I think it interferes with the whole process. I do not think that the mine will ever open again. Given the amount of money that would be needed to open that mine—well over three-quarters of a billion dollars in my estimate—there are much better places in the world to invest your money, much safer places in the world, much better ore bodies in the world.

CHAIR—That seems to agree with what Bougainville Copper told us. They said that they were actually looking at disposal of whatever they could up there.

Mr Gorst—They are doing that right now. I am associated with some of the people who are doing that. They are trying to sell off the physical assets—whatever they can get.

CHAIR—Do you know if there is any other interest in that mine or, indeed, in mining generally by any other companies? And is that really a proposition as well, or do you think that the days of even small scale mining are out the window?

Mr Davidson—With the deposit the way it is there, it has to be a complete mine. If anyone is going to open it up, it has to be done en bloc. With most mines in New Guinea in these areas that are politically unstable, the mines start up where there is some income immediately which pays for the progress to build a mine. With the Bougainville Copper operation, because the ore body is 0.06 or less, it has to be operating as a full mine. You cannot just start a small part of it. So because of that, it is a massive infrastructure—a massive cost up front. Rio Tinto, BHP maybe, and some of these multinationals would be financial enough to take it on, but very, very few. So I cannot see anybody around the ridges there that would be interested. I just cannot see anybody that is large enough that could possibly be interested, when you look at what these mines are doing worldwide. In South America and other places there are some good prospects, as Derek said, that are much more conducive to investment.

Mr Gorst—There are a couple of things there, too. I believe that models of the ore body have been done to see if, in fact, the mine could be run on a much smaller scale. The fact is

that, economically, it cannot. It has to be run as a large scale mine, which involves all of the waste disposal problems and all of the infrastructure problems that created some part of this problem in the first place. The other problem is that the very structure of the island, the logistics of the island, make it a very vulnerable mine. It is very easy to tumble down one tower and shut the mine down—anybody, regardless of rebels. And that is a very, very risky proposition for a three-quarters of a billion dollar investment.

Dr THEOPHANOUS—So are you saying that under no circumstances can the mine be profitable?

Mr Gorst—I do not say that it cannot be profitable. I say it is a very risky investment, and there are much better investments around right now, and there always will be—given that it is a very low grade copper mine. The cut-off grade was about 0.2 per cent when we were leaving. There are many, many higher grade mines around. While there is gold associated with the copper, there are many better goldmines around. I think it is a risky investment. If people wanted to invest in it and there was a very stable political environment, it would probably be a reasonable investment, but it is just too risky and there are better ones around.

Dr THEOPHANOUS—So are you saying that, economically, the mine might have closed down anyway?

Mr Gorst—No. What I am saying is that the one advantage that the mine has right now is that all of the overburden has been removed. If you put back the infrastructure, you could start mining tomorrow. The trouble is that you have to invest $750 million to put back the infrastructure. And in that time, you have got to be damned sure that there is good political stability, because even rebuilding the existing infrastructure, I would estimate, would take at least 18 months.

CHAIR—You made particular reference in the introduction to your contact with Bougainville and Bougainvilleans whom you employ. I understand you also have a database of some of those people who have particular expertise. Could you elaborate on that? Who are these people? Where are they now? What types of things could they contribute?

Mr Davidson—Our mission when we commenced the company, supported by Rio Tinto, or CRA, in 1990, was to stand by ready to restaff the mine. For at least two years, CRA had a mind-set that the Bougainville closure was a short-term aberration and that quickly everyone would see the light, get their heads together, come to an agreement and get on with the job. I could not leave Brisbane because I had teenagers, and they said, ‘We do not want to lose you. Would you be the custodian of our database? We will help you get into business as a recruitment consultant.’ Eventually, when it was obvious that the mine could not open, I took away the database and carried on with my life. I have been a reasonably successful recruiter throughout Asia and we did some big work in Africa.

In the last nine years this database has grown and kept building—it is quite a useful tool now as part of the business—but I have kept alive certain codes in the database which are relevant to Bougainville. We have all the civil engineers that ever worked on Bougainville in the database and we can call them up electronically. It is the same with all the water

engineers, all the power reticulation engineers and all the power generation engineers. We have a knowledge of almost all the people who ever worked in Bougainville. For power reticulation at Arawa town or Kieta town, we would have somebody who could come in and say, 'Yes, that is why that ridge has been knocked off,' for example.

We have people in the system. They are of varying degrees of availability. The younger brigade have probably gone on to work in Asia. The Bougainville staff were in great demand when the mine closed. I was in charge of outplacement in 1989-90 and I had calls from chief executives throughout Australia. We put 80 families into Hamersley alone—lock, stock and barrel. All the family just moved house. It was a smorgasbord of talent that went everywhere. A lot of those people have kept in contact and are very eager to contribute. We take calls every day from people saying, 'What is happening? When can we do something? Is there anything we can do?'

Next Sunday we have a major reunion here in Brisbane and I believe there will be thousands of people. It is the 10-year reunion of the closure of Bougainville. We have had it every year at the park out at Boondall. Former managing directors and people from throughout the community will be there and involved.

I guess what really interested me when I first talked to Cliff and first got involved was that I thought that surely all these people who are interested in Bougainville and have so much to offer could be sourced for some of the work you are doing. Rae and I are acutely aware of how difficult it is to go in there cold and contribute, as some of the people who have been contributing have done. It is very difficult to arrive at Buka airport, get down to Arawa and start meaningful assistance. It is just so tough. These people I am talking about know the situation and have been involved in the community. Their faces there would be a very comforting sight for the people.

CHAIR—Would they be primarily expats or do you have Bougainvilleans as well?

Mr Davidson—We have Bougainvilleans in our database. Derek, with our company, has done some work recently to assist with the ring-road project. From our database we supplied a civil engineer who will coordinate. To some of the bidders for that project we actually supplied Bougainvillean civil engineers—with the credentials thereof. We are trying to make a quid out of this, too, but it is difficult because we are not civil engineers. We are recruiters and facilitators, and we can assist. In this recent exercise we have actually contributed people for this project.

CHAIR—One of the things we heard when we visited Bougainville was simply that the Bougainvilleans wanted to see their own employed, and they appealed to us to try to get as many of the locals as possible involved, rather than use expatriate labour. How practical is that? Can you assist in that regard?

Mr Davidson—There is a limit to the number of Bougainvillean professionals. It is amazing that some have not come out. In all this time they have not come out of the jungles. There are a couple of computer graduates that we used to drive backwards and forwards to the university in Toowoomba. They are in southern Bougainville. I hope they are safe; I have not heard from them. Alex might be able to help me with that. Some of them stayed

there. Others have been out and about and contributing. There is a professional who works for the tax department. He works on contract. He spends six months with the tax department in Moresby, then goes back to Bougainville to help with the family in Buin. There are some in Honiara, working at the mine there. There are a lot in Port Moresby. There are several working for us.

Mrs Smart—In Western Australia, too.

Mr Davidson—They are spread around. We have most of them in our database and could call upon them. Some of the bidders for this ring-road job specified, 'We will only put Bougainvilleans in to work on these projects. Can you help us?' We have quite a big network there. I think possibly the non-Bougainvilleans from within New Guinea certainly would be unwelcome. If contractors went in there willy-nilly, without a database like ours, they would only be able to supply non-Bougainvilleans. To answer your question, there is a resource there that could be drawn upon.

Senator BOURNE—Could I ask about the people you have put in already on the ring-road? Was there any problem with them having been employed by Bougainville Copper in the past and then coming back?

Mr Gorst—The individual we put in is working as an adviser on the Bougainville infrastructure committee. He was put in by AusAID. He was not an employee of Bougainville Copper; he was an employee of the Bougainville Provisional Government for three years. We are sensitive to that issue. I was the consultant who identified who would be suitable for the job and I looked very carefully at the people. Fortunately, we had two people who were not employees of Bougainville Copper. We felt that in some areas there could be a problem with putting in Bougainville Copper people. I suspect that some areas in the north of the island and in the south of the island where the mine did not have such an impact that would not be a problem. Certainly if you wanted to put someone in an area near Panguna, you could have some problems.

Mr Davidson—To elaborate, I think perhaps the reaction of the high-profile management group in Bougainville is unknown, but I think for the rank and file people who work for the company it would be a soothing, comforting effect upon the community in general, because you cannot live there with a family and grow a family in a place without being part of the community. My wife and I were heavily involved in coaching and playing sport there for many years. I cannot see that the Bougainvillean people I know would be negative about me, for instance.

Senator BOURNE—It is obvious from what all three of you have said that you were well and truly involved in non-mining activities as well. All three of you—and that is just the start—would be able to give expertise in areas other than mining, which is not going to start up again. Do you think that would be the case with many people on your database?

Mr Davidson—Absolutely. There are people in the twilight of their careers. Here in Australia it is sad that when people arrive at their 50s and happen to find themselves out of employment it is just so difficult to get back in.

CHAIR—We know the feeling.

Mr Davidson—In Asia, a bit of snow on top is appreciated in the way that it should be, but here in Australia that is not the case. There are a lot of good people out there who certainly would like to contribute. I am speaking of possibly hundreds. I do not know how you harness that energy, but it is there. I just feel there is a waste of resources at the moment.

CHAIR—What is your relationship with the PNG government? Do you envisage this process going over the top of the PNG government, being a direct link with Bougainville? Can you see any contribution that you may be able to make in trying not so much to reconcile the PNG government or aspects of the PNG government with Bougainville but perhaps act as a bit of a bridge?

Mr Davidson—It is a difficult one. The PNG government is sort of intangible. There are elements in the PNG government that are extremely close to Bougainville, but it seems to me that the government is very preoccupied always, and this goes back to the eighties, about events in Port Moresby. The neglect of real issues in Bougainville—I do not want to get into a long discourse about this—led to the problems, because due attention was not taken. It is the same today. I am very sad to say that the politics there are complicated and, I am safe to say, very disappointing.

We are respected within the country. I guess we are one of the prominent recruiters there. The Bougainville people appreciate the effort this company has taken to draw people out of the system in Bougainville, which sometimes takes days. We identify the village where somebody that we really need is, and we say to our client, ‘Please just hang in. We have a chemist that we are trying to track down,’ and we may put it on the radio. I think the effort we go to is very much appreciated. From the Bougainville end there is not a problem. I cannot comment, really, about the other end. What do you say, Rae?

Mrs Smart—If I may, I will make a few points on what we have been discussing. They do not relate to John’s company’s database, but there are a couple of things that I have noted that might be useful. I work as a consultant in other mining areas in the Pacific for business development.

First of all, you asked about the plantations—whether industry would be viable and whether there is enough economic movement so that people could be employed. I found that people are now looking at new paradigms and have new ways of looking at a situation. In some cases people have been working the plantations for up to 100 years. One of the plantations is the biggest in the Southern Hemisphere. They realise that they are not going to make money on copper and cocoa so much. Cocoa maybe, but not copper.

They are looking at alternative industries that have not been in Bougainville before, such as new forestation of the old plantations and new types of crops. Now that they have the land in their control and it is not in the control of expatriate or international-multinational owners, such as Levers and the like, they feel that, with the manpower they have there, they can do a lot of physical work and employ a lot of youth and give them some meaningful

employment, where they will gain money back from their own efforts. I think that is a very big movement and one that really should not be ignored.

One of the areas in which Australia is helping, I believe, is in providing expertise to impart new skills on to the youth to make them productive. When I was in there last, the overwhelming thing I was being told by young men whom I knew from childhood was, 'We have come out. We have been told that what we were doing was wrong. We want to be peaceful. We are willing to work and there is nothing for us to do.' That was a very frustrating part of what was happening, and it is still happening today. That is why alcoholism with the home brew is such a big problem, I believe.

There are a lot of Bougainville people who are skilled at a higher level. They are just waiting for the chance to go back and help. They are not in Bougainville for various reasons—political reasons and for the safety of their family. The vast majority of them are purposely not in Bougainville because they feel they can be safer out of Bougainville and ready to go back and help for the restoration. They are just marking time, waiting to go in. I am sure you found that in Port Moresby and all around the mining areas as well. Everyone wants to go back to Bougainville and make it work. It is not as if they are running away or they are wasting their skills. They are waiting for the right opportunity and the right climate so that they can be safe with their families to go back and participate.

An underlying issue is that a lot of the people I am speaking of have university degrees. Others have qualifications in engineering and the like. They are being perceived as being the privileged Bougainvilleans. They are feeling very bad; they are feeling very big guilt feelings of not being in there and actually being on the ground and helping. They have been threatened because they got their skills. A lot of them got their skills either through scholarships or through working with the mine. It is not that the skills are not there for roadworks and infrastructure that is being planned now; it is just the right opportunity for them to go back and contribute.

So I think that what John was saying is true; there is a lot of Bougainvillean labour and a lot of Bougainvillean higher skilled people who can go back and contribute. But for every one person who is skilled, whether it is Bougainvillean or expatriate, that provides employment for 10 to 20 Bougainvilleans. I do not think that it is a negative; I think that it is an essential. In other words, if that expertise is not on the ground over there, the other people underneath there could not get employment.

Mr HOLLIS—What are your comments on the amount of Australian aid going into Bougainville—not so much the amount of aid, but the way it is being used? We get conflicting reports and people point to the hospital there that was rebuilt and say, 'Well, it is an inappropriate way.' People talk about the school, yet it would be much better if it was more widely dispersed on a village level rather than, say, a very large, modern hospital or a very large school. Some people have put it to us that it is an inappropriate way to be dispersing the aid.

Mr Davidson—I believe that they are doing both, from what I can gather in Bougainville. There is the smallish type of aid post—just talking about medical, for example. There are aid posts going in throughout the island but, of course, there has been an element

of danger working in central Bougainville. It is a big population in central Bougainville and obviously Arawa would be the right place to put that. So I guess that there could be comments that, at Nissan Island and at Buka Island, there has been money spent for Bougainville but, in actual fact, your hands were tied. The Australian government's or the aid facilitators' hands were tied as to where that aid actually went. I guess that coloured their decision as to where they should put it. Ever so slowly the trust is building and, in due course, we will be able to put significant facilities into Arawa and Kieta, which is very, very central and which is the traditional sort of headquarters for Bougainville.

Mrs Smart—Yes.

Dr THEOPHANOUS—I just wanted to ask a follow-up question, and it goes to your experience as an educator in Bougainville. Assuming there were a peaceful solution, what sort of human infrastructure would have to be put into place to build up the school system, the education system—in other words, the training systems—to get the people employed, et cetera? I would be interested in, given your experience, any suggestions that you have about that.

Mrs Smart—It is one that I have thought about for a number of years. It is not a new question to me. I have asked it myself. It is very complex. If we are talking about young children, I think they are going to be the least affected. Young children will be able to slip into play school, where they teach in the vernacular of language first and then swap over into an English system. I think that is going to really have to be the case in a lot of them, because when I was there I found that a lot of the parents purposely did not speak English nor did they speak Pidgin in front of their children. They only wanted them to speak their own language for safety, because they thought that if they were going to be asked anything in Pidgin and if the child could not answer, then that could not get anyone into a problem. So I think that the younger children are not a problem.

The main area of concern is children who have their education interrupted and now, 10 years later, desperately want to carry on their education. The feedback that I have had—and I will talk from the people's perspective first—is that, all things being equal, there will be a mixed class of people who are just coming up through the grades and they may have fellow students in the same level who may be up to 10 years older than them. But they are not feeling the pressure—the peer pressure. One of the solutions is to have a class that is divided in two, teaching a similar curriculum but having two different levels of presenting it. That was one of the solutions that was there.

The other solution was that the restoration is very much on the minds of everyone and, therefore, a lot of the schools could be at vocational level, like teaching carpentry, cement construction, water systems and the building of water supplies in villages—that type of thing. There was a system in place called VITU—Village Industry Technical; I cannot remember the rest of the acronym—in Bougainville prior to the closure of the mine and it worked very well. There has been a lot of talk about resurrecting that type of skill.

The main thing is that people feel that they are useful, that they are contributing. The Bougainvillean psyche is—dare I say it—different from most of the rest of Papua New Guinea inasmuch as they do not like to take handouts. They are not used to filling out

proposals for aid programs, whether it is government level or NGO level. They are having to be taught about having to take it, and they do not really like it. They are a very proud race. I cannot give you the short answer, but I think that vocational mixed with academic education is going to be possible. In relation to the comment about the schools—the whiz-bang schools and not having it spread—obviously, it would be a bit better to have it spread throughout the country, but it has not been possible because of the peace process.

Dr THEOPHANOUS—But isn't there a need for more—just simply for more schools and more education?

Mrs Smart—Absolutely.

Mr Davidson—There is a model available in New Guinea.

Mrs Smart—Even if it was just to get the schools back that they lost. The population has grown since then and the need for education is higher now. So there is absolutely a critical need for more—

Dr THEOPHANOUS—For physical infrastructure of schools? What about teachers, going back to your recruitment? Do you have teachers?

Mr Davidson—I think one of the big issues is that, okay, you educate people and you give them aspirations that they are going to be employed. I think in New Guinea there is a model there in Manus Island where we have got a people who just are naturally quite gifted. They make wonderful tradesmen. Probably every second head of department in New Guinea is a Manus Islander. They have got no industry—very little industry—at Manus and yet they are out there dominating the public service. Bougainville people are perceived—not far behind the Manus Islanders—as excellent English speakers. A Bougainvillean in a crew always stands out. I have worked in the drilling and in the mining or wherever. The concern would be that, if you educate these people and they have the aspirations to work, I believe Bougainville could be a significant exporter of labour within the country. I really do think that. So there is not that concern there of educating people who would become rebellious because they finished their education and they cannot be used.

Mrs Smart—May I just make one more comment. John hit on something that I had forgotten to mention earlier—I just did not think of it. In the past, Bougainvilleans have always been academically minded. Traditionally, if plantations were to be worked, labour was imported from other parts of Papua New Guinea. It was perceived that most Bougainvilleans did not want to do that type of manual labour. In a village situation where it is a cooperative garden, it is a different thing, but making money for a big company, using hard labour, was not in the psyche of the Bougainvillean. They are capable of doing a lot of academic work and it has been proven in the past by results. However, one of the main things that has happened because of the conflict is that Bougainvilleans now realise that they are going to have to get manual labour and manual skills. I think technical education is going to be a vital part of any education package that goes into Bougainville.

CHAIR—But wasn't the importation of labour one of the prime causes of some of the difficulties? Wasn't there a sense of resentment?

Mrs Smart—Yes, it was one of the contributing factors when it was imported for the mining. I do not believe it was so much the importation of the actual people who were working for the mine; it was the people who just came in because of the freedom of movement by the Constitutional Right who came in and packed, so to speak, around the fringes of the mine. If one person, say, from the mainland came in and had a job with Bougainville Copper, it was a source of income, whereas in the village on the mainland they may not have any annual income.

So the wantok system was such that people would save up every penny or they would come over and they would build settlements around the mining area, around the fringe of the towns, and that was a major concern. Twenty-five per cent of the population of Arawa was living in squatters' quarters and were people from outside of Bougainville but from Papua New Guinea. It was a major concern. But where I was speaking was of labour that was indentured from the mainland for the purpose of plantations and so forth.

CHAIR—Could I just move on. Allied to all of this, one of the things that hit me was the complete lack of communications that are available on the island at the moment. So much of what we are talking about is going to have to require a pretty hard look at what you provide. Do you have expertise in that area or, conversely, are there any quick fixes or any suggestions that you can make in terms of trying to get that whole communications process going again?

Mrs Smart—I noted in the report from the last visit that I believe—I may be wrong, but I think that it was—either $1.2 million or $1.5 million is being spent to upgrade the radio equipment. I was very pleased to see that because, despite what we may think, people in the rural areas can buy wind-up radios now. One of the things that has been told to me over and over again is that we do not know: we do not know what is happening, we are not sure what we can do, we do not know where we can go and what we can do. I think that radio is a very important area where communication can be heard and information can be given out—not just the talks that go out regularly and have been going out for 30 or more years and not propaganda, but just basic information, where skills can be taught, where health services can be sought and the like. If you are talking about a quick fix, I think that radio is an essential element of that. You are not going to get a postman going down to post boxes and things like that, so I think that that is secondary. But I think that radio and also awareness campaigns—people going in mainly, I think, through NGOs—are a possibility that is more suited to an NGO than a government program, but could be sponsored by AusAID or another funding organisation. But I think awareness campaigns and radios are a very good way of doing that.

Mr Davidson—I agree. The only comment that I would like to make there is—and I am not giving an answer; it poses a question—that we must always be careful of the sensitivity of certain areas in the island. The rebellion and the war are still quite recent, you might say. So individuals that are using education really have to research—are they acceptable there? There certainly are Bougainvilleans who are persona non grata, and they may have wonderful skills. But it is very important that the right research is done on each individual who is associated with the Australian government who goes in there to make sure that there are no impossible political issues. That is really ticklish. I guess Rae would be helpful with something like that, for instance. Do you agree?

Mrs Smart—Yes, I do. Just very briefly, when I went in to do this research, I had two mandates: first of all, to get information for the women and to have their concerns and their issues known. The second mandate was to show the non-government organisations and other bodies that it can be done if you followed the correct process and if you went through the right procedures—instead of going in through the back door. I was told that it could not be done. It happened that I was the first one to go in from the government controlled areas into the BRA controlled areas with permission from both sides. I was very conscious that there is a process and it should be followed and that, if it is followed, it can be done, despite what other people were saying.

So I did not come in through the back door. I did that. Having done that, with all the permission and six pieces of paper and so forth everywhere I went, when I was at Buka Island going off the island, I was asked to leave all of my documentation—six weeks of work—behind by two plain-clothes people from government areas. I raised my five foot two inch frame, stamped my foot and said, 'No, I'm not leaving here. If I stay, the documentation stays; but if the documentation can't go, I'm staying, anyway.' They let me go and it was sorted out. There are people who are actively trying to stop that process. I hope it is not as bad now. I believe it is not. But at least I did prove that it could happen. I think the only reason I was able to do it was not because I was special but because I was known. It was not because I was trusted, it was because there was no reason not to trust me. Whoever goes there must be very careful that it is not perceived that they are going there for any other reason. It should be very transparent.

Dr THEOPHANOUS—I am interested in your impression of how the peace process is going, especially in the light of the last few days where we had, firstly, a declaration in New Zealand that all was well and everything had been agreed and then, within three days or so, we had the opposite. The secessionists are now warning of a civil war unless the New Zealand brokered treaty is scrapped. I would be interested to know where you think the peace process is at. Also, having lived there and seen how the Bougainvillean people think, why do you think these sorts of things are happening?

Mr Davidson—I think Rae is the best person to answer this, but I will make one point. There is a lot of self-interest. Expatriates, non-Bougainvilleans and Bougainvilleans all see the process that is taking place as a business opportunity, for example, for employment for their family and so on. When that happens, there are always clashes in the community. It is sad to see what is happening with the ring-road. It is an enormous task to use contractors from certain villages along the road as it takes place. I cannot get my head around how the logistics will evolve to get that road completed and involve all of the villages along the way. If they have pieces of equipment, the pieces of equipment would be hired off them. It gives me a headache to think about it. But it is wonderful that we are having a go at it. I am troubled that this self-interest at different times bubbles up into much stronger feelings.

For example, I was recently in Lae in New Guinea. There was a contractor there, for all the right reasons. He is an Australian or a New Zealander. I think he is an Australian. He has moved all of his equipment onto the island. He has made friends with the resistance, the BRA, the government and CRA. He has spoken to all the right people. In fact, he is proceeding with a road that is to be paid for with aid money, but it has not gone through the due process. He is unhappy, because he is going to finish up with the tail out of his pants.

There are a lot of people involved in Bougainville who have been working with him. He said, 'Listen, we're going to put this bridge in and do this road.' All of a sudden it is not going to happen because the aid facilitators and the Australian government have said, 'There's a tender process for this.' This is just one incident. This sort of thing happens. There are timber ventures and other things there. Very strong leadership is needed from someone in the aid area who can watch and be sensitive to all of these things. It is diplomacy at its highest.

Dr THEOPHANOUS—Is it your view that the majority of people on Bougainville want an independent state, or do they want to stay in PNG?

Mr Davidson—I think there is a wide divergence of opinion among the people. One school of thought just wants it to end: 'Let's get our kids back to school, let's get it done and finished and let's live.' There is another group that has probably suffered equally—they have all suffered—and they feel very strongly: 'We have come this far. We want independence.' It troubles me to listen to these two opinions. There is a wide divergence of opinion. It is not clear cut.

Mrs Smart—From the people whom I have spoken to about that very question, before the conflict started I would say that the majority of Bougainvilleans wanted independence, but they did not want it this way. It is true that they have suffered greatly. Try to imagine being without a grain of salt for six years, let alone malaria tablets and everything else that goes with that. Despite that, there are a lot of people who would still like to be independent, but they are very realistic and very pragmatic and know that it is not possible to be independent. Even if they gained their political independence, their financial and economic dependence would make them similar to, say, Vanuatu, which has independence but which is very heavily reliant on the biggest industry over there, which is aid programs. That is not what Bougainvilleans want. It is not in their psyche to do that.

The women are demanding what is in the statement contained in the book. The women are fighting for peace. That is a paradox. They are fighting for and demanding that they have peace. They would like to see a process of independence take place and they do not care if it takes 20 years to achieve. They want to achieve it through due process, with not one drop of blood being spilt to gain it.

I think statehood and the emergence of independence are desirable, but we cannot forget that the Papua New Guinea government cannot afford to let loose Bougainville. It instigated the provincial governments in the first place. What would happen if it is seen to be giving in to Bougainville once more? We have only to scratch the surface; we know what is under there. It is very nervous about a lot of the border provinces, such as the West Sepik and the Western Province. As to the real reason it does not want it, if it gives one province independence or semi-independence, there will be other ramifications.

Mr HOLLIS—Isn't there another counterargument that Bougainville, which has been perceived as the wealthiest of the provinces—the province that had everything—has been a financial and emotional drain on Moresby for many years now? Isn't there a counterargument saying, 'Let's wash our hands of this thing and cut our losses and all of the problems and everything will go away'?

Mrs Smart—I agree that there is that school of thinking, but I do not know of a politician who would dare do it, because of what I just said. I agree that that is the practical thing to do.

CHAIR—Can I ask the 'dead cat' question: do you perceive any sense of real will in Port Moresby to get this thing sorted out?

Mrs Smart—I think your point was valid when you said that it is a drain on the economy of the nation. But Bougainville feel that they also were the ones that contributed the most to the nation for all of those years and got very little back. That is the real crux of the whole situation that has evolved.

Mr HOLLIS—The trust has gone?

Mrs Smart—I do not really honestly think that Moresby know what to do. They just want to wish it away. They know that they cannot do that. I think they want it solved, but I do not know what priority it takes in the scheme of all of the other problems that Papua New Guinea has. To be honest, I cannot answer that question.

Dr THEOPHANOUS—You mentioned earlier that they do not want to give it independence and that they do not want to give it any kind of semi-autonomy, either. That is not our perception. Our perception is that there is agreement virtually across the board that even those who want to remain as part of PNG in Bougainville want significantly more political autonomy for the province. They definitely want a separate deal which gives much more autonomy to Bougainville than any other province. We found that across the board in all the groups that we spoke to.

Mrs Smart—That is an essential element of the peace process. I think it must happen. I think Bougainvilleans must be able to realise that they are getting autonomy. I was answering the question in the negative—that is, I am not sure how the government in Moresby feels about allowing that much autonomy. I think one faction of it really wants it and says, 'This is the answer to the problem,' but I am not sure how far they are willing to go. I just do not know.

Dr THEOPHANOUS—I will return to my initial question, because I am trying to understand this. Perhaps you can tell us about this, because you have had experience with the Bougainvillean people. They went to a meeting in New Zealand and all the different groups agreed. It looked as if the next stage of the peace process had been achieved. Suddenly, three days later, it fell apart. How do you account for that? Is that because people did not represent their interests at the meeting, or is it, as some of the press statements indicated, because they were fooled? Is there something about their culture? I am just trying to understand how this type of thing has happened.

Mr Davidson—I will make some comments, but I think Rae, once again, would be the best person to answer this. In New Zealand, there would have been a representative group of the Bougainvilleans. You have 17 different languages. In the last nine years, there have been three or four distinct factions. People are still walking around the island armed. Everyone is still under some intimidation. They went to New Zealand and reached agreements. But you

cannot safely say that everyone is being represented in that. Of course, there is still that element of fear amongst the community there. I think that you do not get an honest result sometimes from those meetings, especially remote from Bougainville.

Mrs Smart—For instance, let us take the BRA element. There are at least three different factions within that element. The representatives who go might be representing the majority of the BRA. I am not saying this applies just to the BRA, but we will talk about it. It only takes a couple of people to disagree when they come back. Or they might perceive that something that was promised has not taken place. Or they might have misinterpreted what was truly said and thought that it is not happening in the way they were told it would happen. In some instances, that has been the case. In other cases, they have blatantly gone back on their word. It is difficult to say. I do not think culturally there is a dishonest faction in Bougainvillean culture. But usually there is. That is for the opposite reason: their very strength. If you say something in Bougainville, you better really make sure that you follow through on what you say, because they take it very literally. You have to be very straight with the Bougainvillean people. In my experience, they have always been very straight with me.

Dr THEOPHANOUS—Are you suggesting, as the press statement I think tentatively suggested, that some of the people there did not feel that the propositions had been put to them in a straight way and that they really did not know what they were agreeing to?

Mrs Smart—I think they are seeing a lot of shadows where perhaps shadows are not there. I am not up to date with that. I did receive a fax of the press statement, but I am not quite sure of the issues behind that so I cannot comment on this particular issue. It is certainly a very serious situation.

CHAIR—I am glad we started this part of the hearing 20 minutes early, because we are now running late. I think that is probably a tribute to the value that we have put on your attendance here today. Thank you very much indeed for giving up your time. If there are any matters on which we might need additional information, the secretary will certainly contact you. We will send you a transcript of the evidence, to which you can make corrections of grammar or fact. Once again, thank you very much indeed.

[11.41. a.m.]

CONNELL, Brother Martin John, Marist Brother

FLAHERTY, Dr Teresa Anne, University of Goroka

CHAIR—On behalf of the subcommittee, I welcome Brother Martin Connell and Dr Flaherty. The subcommittee prefers that all evidence be given in public. But should you at any stage wish to give evidence in private, you may ask to do so, and the subcommittee will give consideration to your request.

Brother Connell—I appear before the committee as a personal-interest person. However, I am a Marist Brother, and the Marist Brothers have been greatly involved in education on Bougainville for 50 years. So I felt that the Marist Brothers should make some submission to the committee. There are Marist Brothers on Bougainville at the present time working at the school at Talena. Perhaps you met them when you went up there. Two of those brothers are now working down at Mabiri, down the east coast towards Kieta. I spoke to Brother Bernard just the other day. So although I am not officially speaking as a Marist Brother, representing the Marist Brothers, I think it is appropriate that a Marist Brother be here before your committee to talk especially about education.

CHAIR—Although the committee does not require you to give evidence on oath, I should advise you these hearings are legal proceedings of the parliament and, therefore, have the same standing as proceedings of the House itself. I invite you to make a short opening statement, if you like, before we proceed to questions.

Brother Connell—Yes, I would appreciate that. I went to Bougainville before the copper mine ever opened, and I taught at Kieta. I taught at Talena for a year and then two years at St Joseph's at Kieta. So I have had quite a long-term interest in Bougainville—in fact, in foreign countries. I worked in Pakistan for a few years. So that is my continuing interest in the island. I had an interest in it and, therefore, I felt that when the opportunity arose that we could go in and help those people now, it would be a wonderful opportunity for us to do something and perhaps to recover some of the lost ground of those last nine years.

In particular, I felt appalled at the fact that a wonderfully well-educated district was now being left almost uneducated for nine years. It would be absolutely amazing for us if we closed all our schools for nine years. You could just imagine the havoc that we would have around Brisbane without any schooling for nine years. So I see it as a very important help that we might be able to make to get that schooling going again. In particular, I think that there are two areas to that: firstly, the whole idea of the actual children who are normally coming through in their schooling—the normal progression of years. As your children are going through schooling, in the same way that needs to be set up and running smoothly. Also, we need to make some special efforts to pick up the children—the young men and women now—who have missed out on those nine years.

In my submission, I suggested some ideas, but I think the crux of the matter at the present time, before the hearing here, is largely that we need to have a reliable assessment made of what is actually happening in education on Bougainville. I think that, if that was our

first point of attack, we would be able to get a good understanding of what the situation is. Maybe to do that assessment we need some immediate aid to get that going. In that whole process we would identify how many children need that special help in the ordinary schools, what is the situation with the teachers—all those kinds of items of assessment. It would be quite a reasonable way of finding what the problem is. Once we have done that, then I think we could direct aid more specifically to those kinds of areas that need it. So that would be the main point of my suggestion. I think that would be an effective way of using aid.

CHAIR—What is your assessment of the way the peace process is going at the moment? Have you got confidence in what is happening?

Brother Connell—The school up at Talena is running and going well. Just this year, the boys and girls are both on the one site. I think that would have happened about when you arrived up there for that. Two of the brothers are down there just out of Kieta, getting that school started there now. They are looking especially for the older boys, to teach them agricultural techniques and those kinds of things—looking after cattle and that sort of thing.

CHAIR—That is the old St Patrick's?

Brother Connell—No, that was the old gardening area that we had for the school at St Joseph's at Kieta. Kieta did not have very much land there, so we set up a farming area further up the coast, and they brought the food down to Kieta from Mabiri.

CHAIR—What have the Marist Brothers got left in the way of infrastructure on the island itself?

Brother Connell—That is one reason why they went there. There are some buildings still remaining there. So they are starting up by using those old buildings that are there at Mabiri. Of course, the school at Talena that you saw was originally one of the schools of the bishop we had there. In fact, I actually taught at Talena for one year, and then we left Talena and we came back to Kieta, because we were doing teacher training and we did not have small schools nearby to work in. So it is a continuing of that same process. But I understand that it has been beautifully built up now.

CHAIR—What has happened to those teachers that you trained? Are they still about? Can you get them back?

Brother Connell—There is your assessment item: where are those teachers? They are spread all over the island. They are spread all over New Guinea. Once we make an assessment of what teachers we have got, have we got teachers in the villages that are not working because they are afraid, perhaps, to go into other areas? There are teachers that must have left the island and gone to the various places. So those are the teachers that would be part of your assessment—to try to bring them back to the island and get the schools going again. I would see that as an important part of the area.

There are also other areas, too, in that. There is a College of Distance Education, like we have here in Australia, and that is centred up at Buka. That area there is very dependent upon the infrastructure on the island. It is all going to go by mail. If I am doing a course

down at Buin, it has to go by mail from Buin up to Buka. It has to be marked and then sent back again. And as you know, if you have done any of that sort of thing, you need it to come fairly quickly—to flow fairly quickly.

That could be a very simple way in which we could help that education get started again. Some of those teachers who have got part of the training done could easily pick up something by distance education. Queensland University has been working on distance education for yonks in the educational field. Similarly, we need people up there. We need people to do the marking, for example. Of course, we need the infrastructure and the mail services. That is a bigger and wider picture. We also need people who can prepare the material. Some of the materials have already been prepared by Australian educational resources. It may be that we just need photocopiers. If we could pick up that distance education, let us say, and put a centre at Arawa and a centre at Buin and those kinds of places, then that would be a great source of distance education that they could use and pick up. So that is what I am saying. There are simple things that we could probably easily implement without great expense. That would get the normal situation back again, as I would see it, which is so important to education.

Dr THEOPHANOUS—You talked about the positive side with this school. But in general terms—although a survey is obviously important—we already know, do we not, that the education system in Bougainville has been totally devastated? Even some of the old school buildings that existed in other parts of the island have been destroyed, and so on. What proposals would you have to get other people involved in—besides the Marist Brothers—in trying to rebuild the educational infrastructure?

Brother Connell—For example, at Arawa, there was a fine technical school set up by the mine there. I do not know whether the word 'mine' is the right one to use in this context now. A lot of those teachers would still be available on the island. They may not be qualified as teachers, but they would be engineers and trained people. We need to get those people back again and to set up another technical school at Arawa and get that same sort of thing going. Of all the things that you need now, you need mechanics to set up the roads, you need welders, people to rebuild your houses, and all that kind of thing. Those people would be a wonderful source of information and help in that sort of technical area. I also wonder, too, whether the military that are up there at the present time might be able to help us a little bit.

CHAIR—That is the Australian military?

Brother Connell—Yes. A lot of them would, no doubt, be engineers and mechanics and those sorts of things. Maybe they could also set up a small training centre where they could also start to pick up some of these people or attract them. I think that those kinds of things would be something that would be rather attractive to these young men who have been out in the bush—to come back now and start to do some of these things with their hands. It does not necessarily need a high degree of English or mathematics to get some of those things going.

Mr HOLLIS—It has been put to us quite strongly, especially with this Peace Monitoring Group, that it would be counterproductive if they were seen to be doing training. Their

strength at the moment is being seen as very impartial. And rightly or wrongly—this is the argument that has been put to us—immediately they were seen to be training or involved in some form of other work, it could be argued that they were siding with one group or another group, and that would dissipate that essentially neutral role that they are perceived as playing.

Brother Connell—We have to listen to what the people on the ground are saying to us, but I am just citing that as a possible source. Ideally, we want the people themselves who are there. There must be lots of trained people who are there from the mines who are just sitting in the villages doing nothing and who were once well paid. That must be one of the most difficult things: people who were once very well paid by the island standards sitting there doing nothing. And if we offered them some kind of an opportunity to use their technical skills and to teach other boys and girls, that would be a great way to go.

CHAIR—Could I ask a leading question? How effective do you think the Australian aid program has been so far?

Brother Connell—I can only answer that by saying what Brother Bernard said to me on the phone the other day. He has been associated with that program up in Talena. He said that one of the problems with any aid program is that you and I go in and we would like to see it built this way and done that way, so we push towards those directions. And, because we are the providers, we have the biggest say in it. Bernard was saying that, really, it would be a much better way to go about it to let them have the materials: 'We will give you the materials, and you go off and build it the way you want it and where you want it'—not to push our own ideas too strongly on some of those things. He feels that some of the things that were done at Talena are beautiful and well done, but they are going to be expensive to upkeep, and some of those sorts of problems associated with them. Aid is always going to be a hot potato in any environment, whether it is for feeding people or whether it is for education. But I did not get from Brother Bernard that it was not a great thing. It is a wonderful thing, and it is certainly providing a great service there in that secondary education area.

CHAIR—How effective is it beyond the Bishop Wade school, though?

Brother Connell—You would have to be on the ground to measure that, I am sure. But that is a start. You have a target for them to work to. I can remember going around to the primary schools and giving little tests, and we would just skim off the top 10 per cent or something and we would bring those to the brothers at Kieta or the sisters at Asitavi. So we were skimming the top. That was the way in which it was done 30 years ago. We skimmed off the top and the brains, you would say, and we educated the brains to the whole system, and they became the doctors and the lawyers that you are seeing up there today. So there is an objective for those primaries then. At least they have some secondary schools there. Talena and Hutjena have lovely secondary schools right there on the island. I think that infrastructure is a very successful infrastructure. So if I am going to school in the village, I have got an objective now: I would like to go to school up at Talena or at Hutjena. There is an objective there now.

Dr THEOPHANOUS—But there are not enough secondary schools.

Brother Connell—No, of course not.

Dr THEOPHANOUS—Surely, those people deserve the opportunity to have at least 50 per cent of them going to secondary school rather than 10 per cent.

Brother Connell—But that is a luxury of the First World, isn't it, that all our children go to school? That is a luxury that we enjoy. In the Third World, you would not find that 50 per cent. When I was in Pakistan, very few of the children went to school in the villages. They may have gone for one or two years, but then they had to go out and look after the cattle and help with the farming or mind the next lot of children coming along in the family—all those kinds of things.

Dr THEOPHANOUS—What proportion of Bougainville children went to school before the civil strife?

Brother Connell—I would say it would have been very high in the villages, going up to fourth and fifth class at least.

Dr THEOPHANOUS—When you say 'very high', can you give us a rough figure?

Brother Connell—I would say most of the children. There are little village schools. They were nothing fancy; they were just made of bush materials and so on and with a blackboard. They had a teacher who had been trained perhaps for the first couple of years. That was enough to get them going.

Dr THEOPHANOUS—So Bougainville was significantly better than the rest of PNG, was it not?

Brother Connell—Exactly.

Dr THEOPHANOUS—And certainly better than Pakistan and other places?

Brother Connell—Yes, with a very high level of education. It was almost the envy of a lot of the other provinces, especially because of the amount of money that was coming from the mine then, of course.

CHAIR—With the tradition of the Marist Brothers, how important would you regard sport as being part of that peace process?

Brother Connell—One of the things that has been done just recently was that the chaplain at the RAAF base at Townsville sent a message through the archdiocesan email asking for footies and things like that. I would not know how many schools did this, but certainly my own school bought a bunch of footies, sent them to the chaplain up there, and the RAAF have been distributing footies around all over. That may be a good sort of peace process program, too.

Dr Flaherty—Can I add a little bit to that. I have been over to Bougainville a couple of times with the UNDP missions, and also as a consultant regarding distance education. So I

have been over there at a few significant times. You mentioned sports. One of the times when I was there—I think it was in 1997—they had a sports carnival. It was not just the school children but it was the village people, the young men and women in their uniforms, from different parts. It was on Buka, but I know that it also extended down to Wakunai. It was one of the first signs of peace—to get together through sporting activities. It was a very proud moment—showing the unity. Wakunai is going down towards Arawa. I believe it happened in other parts of the island. That was a good point that you made before about the Australian aid and perhaps it being concentrated more around Buka and the northern area. I do believe that it has to get down to the south—to Arawa, Buin and Siwai.

I would just like to make a comment, if I may, with regard to the needs assessment, which was your first point. What I think that can do is put on the drawing board the harsh realities of the lack of resources, the lack of teachers, the lack of people with the qualifications and the number of Bougainvilleans out of the island who could be given some incentives to return. But, more importantly, I think it would give something in the hands of the people who are there—and that is where you want the initiatives to come from. We are talking of education, of the provincial department of education. They would see not only what is not there but what could be there; what directions they could work on with teacher education or releasing teachers for upgrading; and a needs assessment, which would also show what positive things could be done. At present it is at Buka. Hopefully, it will be down to Arawa soon. That would allow the initiatives to come from there, and I think that is what you are probably trying to avoid. We do not want to go in as the donors, showing how it is done: 'It is done with this and it is done in that way.' That is what I feel the advantage of the needs assessment would be. When I went there in 1995 there were no reliable records—and again in 1997. So if you do not have records, you do not know what possibilities you might be drawn to undertake. I think those are the few things that I wanted to say.

Senator BOURNE—Could I just ask about trauma counselling? You mentioned that, and you have an appendix here.

Brother Connell—That is right, from Brother Brendan Neiley.

Senator BOURNE—That is very distinctive. That would be an area where you would need to bring in specialised people who, I imagine, do not really exist too much on the island now. How would you go about that, do you think?

Brother Connell One of our brothers, Brother Pat Howley, has been up there, and he has been around the island. He is working on a special process called a conflict resolution program. The idea has not been so much his, but he has been training up the people. So he has a training group. They have been going to each of the villages and setting it up all around the island. That would be another immediate little group that we could easily give strong support to, and it is a very necessary group. They could work out of the village schools and those kinds of things. There is quite a large organisation set up there already, and it is one of those things that is ongoing. We just got a request the other day for little cards or things that the brother uses. We said to him, 'How many do you want?' We thought that he was going to ask us for 100, and he said, 'I need 10,000 of these kinds of cards.' So it is obviously something that is set up, and it seems to be very effective, done by the people themselves.

Senator BOURNE—It would need to, I imagine, take several forms. There would be small children, there would be teenagers, there would be adults, and you would need to treat them all differently when trying to solve this.

Brother Connell—Exactly, yes.

Senator BOURNE—Is that whole gamut being undertaken at the moment, do you think?

Brother Connell—Brother Brendan is a qualified psychologist, and so on. I am sure that there would be other people at the universities there who would be able to support that whole program.

Dr Flaherty—Can I make a comment. They prefer their own people to be these counsellors in trauma counselling. I think at least four teachers have been trained in Sydney.

Senator BOURNE—Going back to training?

Dr Flaherty—They are doing it now.

Brother Connell Yes, they are the trainers.

Dr Flaherty—It is only a few people, so it needs to be increased perhaps through scholarships. Because if you want teachers to do this in the schools—

Senator BOURNE—You would need different levels. Surely, you would need them in schools and outside.

Brother Connell—That is right, in the villages—just the same way as we have in our own schools, counsellors and all those sorts of things. We have a whole infrastructure in Brisbane Catholic Education, which I am working in. There is a whole infrastructure of that counselling and referral and all of that kind of thing. That is a real need there, certainly, yes. But the school would be a good starting point for it—a good point of entry.

CHAIR—But what you are talking about is your own initiative. That is not an AusAID initiative?

Brother Connell—No, I do not think so. There may be some money put into that by AusAID, but Brother Brendan has done that as his own interest and so on, yes.

CHAIR—I think that it is fair to say that, when we were there, we found some criticism of what had gone on at the Bishop Wade school from some quarters inasmuch as all the concentration was there and nobody else got anything. I guess it would be true to say, too, that, in terms of the hospital facilities, it was a similar process. With your experience across the island, is this criticism well founded, or is there a fair bit of politics being played by the locals?

Brother Connell—I think that it is some of both, isn't it? The politics are always going to be there in it. And when you put up a lovely building like at Talena, naturally everybody

on Buka wants to send their children there because it has such lovely up-to-date facilities. So that is partly a natural thing. Of course, much has been put into that one area, which is the very point that Sister Tess and I were saying: that, if we could open up something really good, which is really only rebuilding what was there, like the technical school at Arawa, the high school at Buin, and the other high schools that are there—we are not building anything especially new; we are just going back and putting back in what was there already and bringing it up to date, really, so there is nothing terribly dramatically new about that part of it—I think the people would easily accept that.

One of the other things, of course, too, is that if we worked through that district officer of education from out of Buka, and he has to move down to Arawa and see those things down there, it is always possible that he will follow that through, I think. I may not tell you, but I could suggest to you different things, and eventually you would say that is my idea. I do not mind you taking that idea. It is a good suggestion, and you follow it through, really.

Senator BOURNE—We saw the high school at Buin. We went past it. It did not look particularly flash, I would have to say, but it was packed with students.

Brother Connell—Yes, they are keen to learn. When I was at Kieta, you would give the boys a holiday and they would say, 'Oh, yes, a holiday!' They would all go out, then go back into the classroom and get their books out and do all the reading. That was their idea of it. They did not go out to kick the footy or anything. They went back into the classroom. They spent the morning of a holiday in the classroom. That is the spirit of the Bougainvilleans in terms of education.

Dr THEOPHANOUS—Brother, a lot of the things that we have been talking about as possibilities, of course, all depend on the question of having in Bougainville some kind of administration that can not only have a kind of peace, as there is now—some would say an unstable peace—but an actual administration that can take control of these projects and give them some authority and standing. Australia and the other countries can help provide the projects on the ground, but at any given moment you could have the whole thing breaking down if the peace process does not continue and if there is not an administration.

Brother Connell—Yes.

Dr THEOPHANOUS—What is the information you are getting about the peace process—where is it heading? Do you think that there can be an administration there that is agreed to by everyone?

Brother Connell—I think that there can be. I said to Brother Bernard, 'How did you fly out?' He said, 'We drove all the way—a 5½ hour drive up the east coast.' That is a fair indication that there has to be a certain amount of peace there. If people are moving up and down that road from Mabiri up to Buka, that is all that east coast. You are not right at Arawa at Mabiri, but—

CHAIR—You are getting there.

Brother Connell—You are getting there. You are close to it. I think that is a sign. The other thing is that in any of this I think you have to be prepared to go in and do things. If some opposition comes to it and they burn it down or they destroy it, you say, 'Well, that was bad luck. We missed that one.' That is the nature of helping people in this sort of thing.

If we can get the schooling system up and running as normally as possible and soak up those other students that have missed out, I think we will bring a lot of peace. We heard the previous speaker saying that this is what the women want. They want peace. They are sick and tired of all of this, in amongst the few faction groups that have a vested interest, perhaps, in keeping the place destabilised.

CHAIR—The women really are a key to this whole thing.

Brother Connell—Exactly. I know that I have not stressed it, and Sister Tess will be a bit annoyed with me about it, but it is important that the girls be involved in the whole process. I am talking about boys learning agriculture. In the same way, girls have to be involved in those same kinds of things and be given scholarships to go to university, to teachers college and those sorts of things, so that people can see that the opportunities are opening up once more.

Dr Flaherty—Earlier I think it was said that there was an overconcentration in Talena. I point out that Talena accommodates students from all over the island.

CHAIR—We are aware of that.

Dr Flaherty—Also, the technical and vocational centres, along with the other schools, have not been functioning. But at least with Talena now you have the boys and girls there doing the secondary vocational education, which is very significant. Now that that has started, I am sure it will be carried on more easily in the rest of the island. Also one of the schools, Asitavi, as you probably know, was closed for the last couple of years because of trouble around the school, and the whole school from Asitavi moved to Talena. So there have been good things enabling a fairly stable secondary education, albeit with very large classes, during that time. That has to be kept in mind.

Dr THEOPHANOUS—I refer to social problems that have arisen, especially with the breakdown of the education system; for example, many young women with children who are not married and have no support system. Are the Marist Brothers doing anything about handling those social issues?

Brother Connell—Not that I am aware of, no.

Dr Flaherty—I think it is more an economic issue. It is social, but certainly economic in the sense that there is not that much money around. That gets back to the other issue of infrastructure, with the roads and the shipping, and perhaps getting the small businesses and other things. I guess I am saying nothing except that it is a big problem.

Dr THEOPHANOUS—The welfare association told us quite a bit about it. I was just wondering whether you were involved with it at all.

Brother Connell—Education also partly addresses that. If the children are all coming to school in their ordinary classes and so on, that is starting to take the pressure off mother looking after the children all the time at home and those sorts of things. There is a sort of indirect way in which that is being supported.

Dr Flaherty—There is a local sisterhood—CSN Sisters. They are in all the areas—Arawa, Buin and the west coast, which has also suffered a lot. They are doing things regarding literacy and other social welfare. The Red Cross also is there. Marist Brothers cannot do everything.

Brother Connell—Unfortunately.

CHAIR—Doctor, it is probably completely irrelevant, but the highlanders always struck me as being fairly direct people. Would it be unfair of me to ask you the attitude to Bougainville of the people you deal with around Goroka?

Dr Flaherty—It is an amazing thing, but there is a sympathy towards the plight of Bougainville. We have Bougainvilleans there, of course, as there are in other centres. There was a time when there was some panic and they fled Goroka—our staff left to other safer places—but that was only a one-off kind of situation and people are there living peacefully. It is only when there is a crisis, I suppose—like before when a soldier would get killed—that it would flare up.

With the people I work with—that is in an institution, the university there—there is a great concern and a great desire for peace and reconciliation on Bougainville. It is the same kind of thing as when the tsunami hit. The garden people and the market people sold their vegetables and got money for the people. I do not think I am exaggerating and I do not think I want to see it through rose-coloured glasses. In the normal thinking of people, there is a desire for a united country.

CHAIR—Thank you very much indeed for your attendance today. If there are any matters on which we might need additional information, the secretary will certainly contact you. We will send you a transcript of the evidence, to which you can make any corrections of grammar or fact. As Hansard may wish to check some details with your evidence, could you remain for a short time afterwards? Thank you very much. It was most useful.

Proceedings suspended from 12.19 p.m. to 1.36 p.m.

SMITH, Mr Lawrence Edgar

CHAIR—On behalf of the subcommittee, I welcome Mr Lawrence Smith to our hearings today. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will consider your request. Although the subcommittee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the house itself. I now invite you to make a short opening statement, if you like, and then we can proceed to questions.

Mr Smith—Thank you. My interest in the inquiry and its objectives arises from my previous experience as a professional engineer working in Bougainville on mine development and infrastructure projects over a 10-year period. It is also influenced by my subsequent work on investigations for the Lihir Gold project, as an employee of Kennecott Explorations.

The particular project in which I participated and which is possibly of relevance to the inquiry was investigation for the Laluai hydroelectric project on Bougainville. That was a potential 100-megawatt development. It was undertaken by a joint group which we call the Laluai Hydroelectric Development Trust. That was a combination of the national government, the provincial government at the time, the business arm of that provincial government and the mining company. It was managed by that trust and funded by the sponsors. I was fortunate at the time in being seconded on a part-time basis to assist the chairman of the trust, who was a Bougainvillean businessman, with coordination of those investigations.

I did intend to summarise my submission, but I think it may be more useful to respond to specific questions at the appropriate time. I actually gave an initial submission back in June with a slight amendment. Subsequently, I gave one in January and another one recently—about two weeks ago. The substance of my submission is contained in the first one, but there were a number of changes in my thoughts, arising from further developments.

In the January submission I addressed the resourcing and administration aspects of my earlier submission. The particular point I make is that I recognise there is a need to employ Bougainvilleans directly rather than engage contractors. It is interesting to note that a number of NGO people have come up with the same point. I come from a different perspective, but I come to the same conclusion. Bougainville as it is at present, and possibly over the next few years, is not a suitable place to put contractors. I will expand on that at a later stage if you wish.

In my last submission, which was produced after the New Zealand understanding of 22 April and also after being advised that I had to attend here, I thought I would just summarise my current views. The first section is an overview of the current situation as I saw it. In the second section I expanded my earlier ideas, particularly those elaborated in the January supplementary submission, as to how the Australian government, through AusAID, could actually get involved in interacting with the various authorities in PNG.

I think it is a logical development, having read the understanding of 22 April, that I should suggest that there is an opportunity for the Australian government, through AusAID, to get involved in the establishment of and participation in the Bougainville development

authority. That is a term I have used. There is a specific item in the understanding which addresses that issue. I have taken that on board as being an understanding within the PNG system that there is a need for a centralised authority which can coordinate the various inputs from the sectors and focus on the Bougainville problem as the key issue. That was contained in my last submission.

I draw your attention to a specific point in the inquiry report back in February. It contained the proposed BRG constitution. In reading that, I was quite surprised to see a very clear statement in the preamble which really focuses on the heart of the problem. The statement reads:

The resources of Bougainville belong to the people of Bougainville.

That is in the preamble of the constitution. To me, that almost puts the problem up there in a nutshell. It certainly reflects the observations I was making while I was employed up there and it seems to reflect what I have read since then.

Since that understanding was expressed and released to the press, I have noticed that there has been a continuing exchange of ideas amongst the contesters in PNG relating to whether or not that understanding is acceptable. That is an ongoing exercise that will continue and probably get more intense, I suggest. But it does have the potential to threaten and destabilise the peace process. It needs to be very carefully monitored.

In conclusion, I suggest that the primary purpose of my submission is to focus on the involvement of the Australian government, through AusAID, in setting up the Bougainville development authority, or whatever it should be named as, to coordinate the infrastructure activities on Bougainville.

CHAIR—Thank you very much indeed. Have you stayed in touch with the Bougainvilleans since you left?

Mr Smith—Only to the extent that I have met with two of them in other places. I did meet an engineer who worked with me and whom I assisted in training in Mount Hagen in the early 1990s. In fact, at that time he was purposely endeavouring to assist in overcoming the problems—a very difficult personal situation to himself.

CHAIR—I guess what is coming out in evidence is that a lot of the Bougainvillean expertise that was there pre-1990 is now scattered to the four winds. They are all around the place. I guess it will be very difficult to get them back into the game plan. I suppose I was really fishing to find out whether you really think this is possible and whether a lot of these people who have that expertise in fact would be willing to go back.

Mr Smith—I believe that in the short term that is the major difficulty. There will need to be a situation of reasonably stable government, where the conflicts are being worked through at the government level, before people, certainly at the professional level and even at the more skilled level, will go back to Bougainville.

The additional point I should make there is that a lot of these skills that Bougainville people have and that you now see scattered around different places were facilitated by their exposure to the mining activities on Bougainville. There was a substantial training program in place and people who were exposed to that training developed quite high levels of skill. A personal contact I have is Mel Togolo, who was the provincial secretary at the time I was there. He subsequently was involved in the PNG government's efforts to set up a mining industry through its own resources. He was also general manager of Highland Gold at the time I joined Mount Isa Mines. I did have quite a lot of contact with him at the time I was up there.

CHAIR—Another area of some concern, to me anyway, is: if you get this group together and it is under the auspices of the PNG government, how do you go about getting that accepted by the Bougainvilleans themselves?

Mr Smith—The understanding I have from the New Zealand understanding statement is that the national government recognises that existing legislation up there has to be changed to facilitate the Bougainville people actually controlling, at the highest level, what goes on on Bougainville. That may be an overinterpretation, but that is the interpretation I have come to.

CHAIR—That could be the major sticking point, of course.

Mr Smith—It certainly is.

CHAIR—Just to get that accepted. I think we would probably all agree that that is going to be a major sticking point. One of the things that came through to us during our visit there was this whole business about involving the locals and providing as much employment as possible in terms of the reconstruction. But it was put to us that in actual fact there may not be expertise available to do it and that there could well be some requirement for contractors of some kind. I guess it is not impossible, trying to get a balance, though, is it?

Mr Smith—No. I think, however, you need a basic training facility there. One of the points I made in my submission is that, as part of the Australian government's contribution, we should look at supporting the setting up of a vocational training school which would provide the resources and allow those resources to be trained on the job by being employed directly on the aid funded projects. I saw that as a major issue that needed to be addressed.

CHAIR—Reading into your submission, you virtually admit, I guess, that you do not have much confidence in the mine getting under way again?

Mr Smith—I have made a number of comments on that. I tried to avoid the mining issue because that is not the purpose of my submission. However, I do have that background and I am willing to make any comment you wish me to.

CHAIR—I posed that because of the credence you gave before of just how well the mine had done in terms of providing that initial training for the locals.

Mr Smith—There is no question that the mining industry in Papua New Guinea, and specifically the mining industry on Bougainville, contributes substantially to a wide range of training—right from graduate and even postgraduate level down to the operators and the semiskilled people. There is no question that the Bougainvillean people who were exposed to that have been very well trained by that particular function.

Dr THEOPHANOUS—Naturally, one would expect you to support the formation of this authority which is mentioned in the Matakana understanding, which you have quoted in your submission. It states:

The National Government will prepare proposals for legislation to establish an authority containing representatives of all major groups to plan and manage major reconstruction activities in meaningful consultation with the four Bougainvillean National Parliamentarians.

I must say that when I read that I thought it was pretty idealistic, because we knew from our visit there that three of the four parliamentarians were at odds with the other one. There were also other people, such as Mr Momis, who were not agreeable with what the government of Papua New Guinea had allowed to occur in Bougainville. We were not surprised that the general agreement started to unravel. You suggest in your submission that somehow the Australian government can both sponsor and facilitate establishment and management of this authority. Could you explain that further? In light of the fact that there is so much politics involved in such an authority, how could we help?

Mr Smith—I did include in my submission a simplified organisation chart. I think I tried to express in that how this particular problem could be addressed, relative to how you actually carry out physical work on the ground.

Dr THEOPHANOUS—Is this the one headed 'Bougainville Development Authority'?

Mr Smith—That is it. The intent is that you have what we would probably call a board in our environment which brings in the conflicting views of the areas through the membership, whether it be the national membership or the provincial Bougainville representative. I saw that as being the area in which there are issues of a conflicting nature, of a priority nature, of a conflict between sectors. At that level those sorts of conflicts would be resolved. On the other hand, I saw below the managing director, the executive manager and what is below there as being very similar to the functions that would be carried out by an AusAID team. That is the concept I had in that sketch.

Dr THEOPHANOUS—So Australia would be involved at what level?

Mr Smith—They would come in at the executive manager level or as an adviser there, too.

Dr THEOPHANOUS—Do you think that, given all the tensions about the formation of such bodies and the distribution of the moneys involved in reconstruction, that is a viable proposition, that Australia would be able to have participation at this senior level, which would involve quite a lot of political infighting, I imagine?

Mr Smith—Yes. I accept that. That is why I was quite surprised to see that the understanding actually expressed those ideas, because further down the track that is one of the positive ways in which the problems can be resolved on the ground—by having such an entity in place. I am aware of the difficulties of a state to state problem being transferred to a state to province problem. This same problem arose when I was working on the Laluai project where I had exposure to the national government issues and the provincial government issues, quite apart from the mining company's issues. It came out very strongly that the particular project, which had the potential to be funded partly by aid funds from various sources, was running into this same hurdle: how do you get an external aid source providing funds which are focused on a particular provincial problem?

What I was surprised at was that there was a very wide consensus within the provincial government at the time—and that covered both the opposition and the government—to support the line that was taken of getting a combined group of both national and provincial people and the private enterprise together into an entity which could move forward specific, significant projects. So there is a capacity to do that within the Bougainville system and even within the PNG system.

Dr THEOPHANOUS—In this diagram, you have got Australia listed under 'planning team and services team', but you do not have Australia listed under the other three teams. Why is that?

Mr Smith—Okay. The concept that I had in mind there was whereabouts the activities take place. The planning team is essentially a design-type team—a team that is right up-front on defining the scope for a project, getting the basic technical things on paper, getting the detailed designs. I saw a lot of that being able to be carried out in Australia without having to be exposed to any of the PNG problems. There are consultants and so on in PNG who can carry out some of the work, but that is the reason for the Australia component in that section.

The other sections where I have left out Australia, for example, the village liaison—obviously, that is something that has to be on the ground on Bougainville. I do not think that there is any question about that. That was certainly the experience that I had in the Laluai. In relation to the services one, I believe some of that can be carried out in the Australian scene—services being things such as logistics. There are two ends to logistics—materials being supplied out of Australia and some through the Port Moresby area. The training one—again, I saw that as having to be on the ground in Bougainville. That is where the primary resource and facility are.

Dr THEOPHANOUS—You would not see a role for Australians in the training?

Mr Smith—Yes, but on the ground in Bougainville. That was the intent of the diagram.

Dr THEOPHANOUS—So these are the geographic places, essentially?

Mr Smith—Yes.

Dr THEOPHANOUS—Thank you.

CHAIR—I was quite interested in that supplementary proposition of yours when you started talking about the role that might be played when it came to supplying materials and equipment, and I think you said, 'No materials or equipment would be ordered from or supplied by local suppliers or construction contractors.'

Mr Smith—Yes.

CHAIR—I was wondering if you could expand on that a little bit.

Mr Smith—The problem that you have got in the PNG system and probably even got here in Australia is that, if you go into an isolated area—confined area—the possibility of conflict between people having different business interests is fairly intense. You can see it anywhere here in Australia. You can certainly see it in developing countries, such as PNG. To put a similar situation into an already conflicting situation is just multiplying the problem.

So the approach that I adopted at this stage of the work was that it is best that those types of conflicts be avoided by supplying externally in terms of materials and that you should not bring external contractors into that potentially conflicting area to further generate problems. There is an overriding point there, which I think you mentioned earlier. There are specialised contractors and there is no way that you could train Bougainvilleans to carry out the same function within the time frame that we are talking about. An example might be pile driving, if you are building a wharf. You would have to source those types of contractors externally, I expect.

CHAIR—Can I ask a leading question? Overall, are you reasonably happy with AusAID's performance?

Mr Smith—In PNG?

CHAIR—Yes, to your knowledge of their operations? I say that in a serious sense, because part of our brief is to look at what AusAID is doing and how they are doing it.

Mr Smith—I have certainly got no reason to question that. I guess it could only be compared against other aid sources that I may have been exposed to. Again, I refer back to the Laluai project in the mid-eighties. I had the opportunity to communicate right across the world in terms of expertise on hydroelectric design from the US right across Europe, New Zealand and Australia. It became very evident that we could, in the Bougainville situation, access funds from anywhere in the world for that project, and that would have put people like AusAID in a highly competitive situation as opposed to what appears to be at this stage a fairly preferred situation in providing funds to PNG.

I think, in summary, apart from those comments, I have got no reason to question AusAID's approach to providing funds to PNG. The additional comment that I would make is that, in the Bougainville situation, I would strongly advocate what I would call an integrated management team. The purpose of that is to pull together the various sectors under one umbrella as opposed to each of them going their own way and doing their own

thing on Bougainville. So if that is not in place in AusAID, I would be recommending that that be looked at quite seriously.

Senator BOURNE—You mention in your comments on the current situation something that everybody else, I think, from whom we have heard also thinks is most important, and that is the unemployed youth who have been out there not being educated during the crisis. How feasible do you think it would be to actually employ those people on the ground in the near future, and what do you think would be a minimal level of education that they would need before they can feel as if they are actually contributing something?

Mr Smith—Starting with the level, you have obviously got a very wide range of educational standards up there—more so now because of the last 10 years. Without seeing the direct effect on the people of that—I am guessing a little bit, but certainly the observation I made earlier back in the eighties was that the Bougainvilleans have got a very high-level capacity to comprehend issues which we in Australia can communicate quite easily to ourselves, whereas in other parts of PNG, I found that that was not necessarily the case. Again, it comes back to educational exposure. Bougainville people have been exposed to a very high standard of education, particularly at the secondary level. That just comes through so obviously when you compare them to other people up there.

Senator BOURNE—Even now, that is right. What about on-the-ground training?

Mr Smith—On-the-ground training, just—

Senator BOURNE—Sorry, say one of these things is going ahead and you are trying to build a wharf, for instance.

Mr Smith—Okay.

Senator BOURNE—Do you think that there is any level of training that would be useful to the people involved that could be communicated while that wharf is being built?

Mr Smith—Yes, I do. I have seen it actually occur up there back in the 1980s. The approach is that you can either go using an expatriate contract resource or you can bring in expertise from contractors. The appropriate measure that I would see at this time is to identify competent construction contractors in Australia who would be willing to provide expertise for short periods to actually work with the people and train them directly. Whether that be in a formal training facility or training on the site, both would apply.

Senator BOURNE—So, for instance, if you were doing a series of wharves, you would have a longer period in being able to train people to higher skills and everything?

Mr Smith—Yes. This is an important point also, in that in relation to the time factor in using the Bougainvilleans to provide those resources there has to be an expectation, an appreciation, that the time frame is going to be longer. It is very easy to go to a contractor here in Australia and say, 'Get up there, build a wharf', and they can do it in quick time. What you have to expect if you do not go that route and you use Bougainvillean sources

primarily is that you are going to take a lot longer to do it. That needs to be built into any programming.

Senator BOURNE—Yes, but surely it would be in Australia's best interests to just accept that, because we would then be contributing a lot more and that would help us in the long run.

Mr Smith—Well, there are lots of reasons. I think one is that it puts money back in the pockets of the Bougainvilleans. It is important, I think, that aid funds should not only go to create the facility, but go into the people who are creating the facility, particularly Bougainvilleans.

Senator BOURNE—Exactly. Thanks.

CHAIR—You also made reference to the role of the Peace Monitoring Group. I think that you said that you thought that there should be a greater interaction by the PMG in any reconstruction. I was wondering whether you could expand on that. How far do we go or why do we do it that way?

Mr Smith—From recollection, I talked about the PMG representing a military style of functioning. Fair enough, that is the way they operate. They have got support systems that are geared to that. What I see is a fairly rapid transition after you have got a stable government situation where that exposure to the military style is put to one side and you get an easier civil authority. There are some people in the construction industry who would like to see the military style applied in construction. I am not one of those.

CHAIR—Right.

Senator BOURNE—Fair enough.

CHAIR—Any other questions?

Dr THEOPHANOUS—What are your overall impressions of the prospects for peace? Do you think we are going to be able to get through to a peaceful conclusion here shortly to elect an authority in Bougainville or do you think that it will break down?

Mr Smith—This is very much a current subject up there. I believe the election has been carried out during this week and very soon you will see the results of that. I think the next key target date, if you like, for monitoring this is the end of June this year, when submissions are to be completed to Sir John Kaputin for setting up the government on Bougainville. I think at that stage there will need to be a reappraisal of stability issues. If things are positive at that stage, apart from a few ups and downs, I think it should move fairly quickly.

Dr THEOPHANOUS—You said 30 June?

Mr Smith—Yes, 30 June 1999 is the date nominated under the New Zealand understanding

Dr THEOPHANOUS—That is the date for him to produce a formula, is it?

Mr Smith—As I understand it, submissions are being prepared by various people and they are going in to him as the central coordinator and he will then—

Dr THEOPHANOUS—But doesn’t he have to report by the 30th?

Mr Smith—It is the other way.

Dr THEOPHANOUS—It is other way? How long does he have to report?

Mr Smith—I guess that is influenced by his submission to the PNG government, which, I think, recommences in July.

Dr THEOPHANOUS—You are saying that you are optimistic or pessimistic?

Mr Smith—I am optimistic, yes—quite optimistic.

CHAIR—Thank you very much indeed, Mr Smith, for being with us today. If there are any matters that we need to follow up with you—additional information—the secretary will be in contact. We will also send you a transcript of the evidence so that you can make any corrections of grammar or fact. As Hansard may wish to check some details concerning your evidence, will you please remain just for a short time so that the reporters can speak to you and catch up with anything that might be necessary? Thanks very much.

[2.14 p.m.]

DAWIA, Mr Alexander Takarau, Chairperson, Bougainville Survivors of Trauma Association Inc.

SMART, Mrs Rae

CHAIR—On behalf of the subcommittee, I welcome Mr Alex Dawia. The subcommittee prefers that all the evidence be given in public, but should you at any stage wish to give evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the house itself. I invite you to make a short opening statement, if you wish, before we proceed to questions.

Mr Dawia—My purpose for being here is mainly as a trauma counsellor for the victims of Bougainville. The reason we started this group in Cairns is not in the wide dimension as you would see it. We started this group because I saw that a lot of Bougainvilleans, mainly women and children, were married to Australians. They settled in the far northern region, because the climate is suitable for them. I found they were running away from the atrocities and tortures not only from the military but also from the rebels and the resistance groups. The three factions were all involved. I am a trained trauma counsellor. I am just finishing a PhD in sociology, mainly in the self-help development area. The idea is to skill people to help themselves instead of depending on other people.

Going back to the group in Cairns, I set it up because I could see that a lot of women were lost and fearful. You went to Bougainville. You saw that people were traumatised. I felt that the best way for me to help these people was to form a group. I trained them and they can also train their fellow women. Now, most of the women go home every now and then. The idea was to train them and, if they go home, they start training their families. I believe that it is good to start within the family unit. The war has even broken up families. They really need to come to grips with what they have gone through and work out how the families will get back together. From the family, it will go to the extended families, then the tribe, then the language group and then through the district and the province. It has to be a bottom-up approach. That was the reason why I set up this group. I thought that from there I would, if I had been asked to, go and help. I am from Bougainville. I left there before the war, but I feel that I have a daily connection. I thought that, if they asked me, I could go back and start training. I did my training in Denmark on my own initiative. I thought it would be good to give back what I have learned in a capacity that is of value. I even said to the brother this morning, 'I am willing, if you want, to assist or help in whatever way I can.' I think you also have a submission from Scott Murphy, of CARITAS Australia. I have already told him of my availability to assist.

CHAIR—How many people have you managed to train so far?

Mr Dawia—We have 10 so far. The idea is not for me to train everybody but to train this group and—

CHAIR—You train the trainers?

Mr Dawia—Yes, and they train others.

CHAIR—Are those 10 all in Cairns or are some in Bougainville?

Mr Dawia—In Cairns.

CHAIR—How do you finance it?

Mr Dawia—It is a voluntary group.

CHAIR—One of the things that fascinated me about your submission was your proposal to set up a truth and justice commission a la South Africa as part of that process. CARITAS Australia has made a similar recommendation. Could we get your comments on this? How do you see it working?

Mr Dawia—I see that it has to be ground based. It has to start from the ground level; otherwise there is no use. As I set out in my brief submission—it was just a draft—it needs to start within the family. However, there has to be a mechanism which makes sure that there is a level of communication. I said also that the provincial level will act as the resource people to train all these people, even the families. They will go through training in relation to this trauma and then they will resource out all of these skills to them and they will start from there.

I feel also that that is probably the only way to get the peace going. People have to come to grips with it one day. Even when the war and this infrastructure is finished, there is still going to be a level of hatred. Trauma takes a long time to get over. This is why it has to be done this way. It is just a suggestion. Everyone on the ground has to be really sure of what has happened. They have to really come to grips with forgiveness and accept that they are wrong, not say, 'We are right and you are wrong.' We have to develop these areas and skill all of these families. We have to make sure that those who are responsible for atrocities are put on trial. The people have to determine the trial. It will only work if the people put those criminals on trial. It will work if their own people put them on trial. That will work.

Mr HOLLIS—You mentioned that people have to come to terms with this. How long do you think that process will take? At one of the hearings, it was put to us—and this is very much what you are saying—that you are not going to get any solution to the problem until people start to grieve, and they are not going to start to grieve until there is a peace process. It was put to us that that may take many, many years.

CHAIR—Generations.

Mr HOLLIS—Generations. It will not be limited to one generation; it will go on. I was interested in what you were saying. You said more or less the same thing, although you did not put a time frame on it. You said that it is not until people come to terms with what has actually happened that any form of reconciliation will be effective. Have I understood you correctly?

Mr Dawia—Yes, that is right. That is one way that I see that this process will take. I do not want to give a time, because I do not know. I cannot tell. I do not think I am in a position to give a time.

Mr HOLLIS—Will it be a long process?

Mr Dawia—It will be a long process. It is going to be a long and hard process, but it has to happen if you want peace for centuries to come.

Mr HOLLIS—You said that people have to be faced with the activities that they have been involved in and put on trial. Would there be a counterargument that, following a civil war or a revolution—in respect of whatever place you look at—where atrocities have been committed on all sides, when you put people on trial for those atrocities it is reinforced and that serves as a further form of division? One does not want to go back to the Nuremberg war crimes trial, but many people argue that that was the victors punishing the losers—the winners punishing the losers. People even argue that it was only the Versailles peace settlement of the First World War that ensured that we had a Second World War.

Mr Dawia—I guess you are right. I think it is the way I framed it. I used the word 'criminal'. The people are the alternative to that sort of thing. That is what I was actually getting at, not putting people on trial in terms of a military court or something. What I meant is that there is an alternative—that people talk together and come up with that.

Mr HOLLIS—That is a more Melanesian way of solving it?

Mr Dawia—Yes, it is more cultural. Sorry I confused you. I did not really mean it in a criminal sense. It is criminal, but there are ways that you can avoid that.

Dr THEOPHANOUS—But the timing issue is very important. In the South African experience it was only possible to have the Truth and Reconciliation Commission after a political settlement came about and a government was democratically elected. I presume that that would be the case here too, would it? It would seem to be a bit difficult to set up a truth and reconciliation commission before you resolve the political and constitutional issues in forming a government in Bougainville. Is that your view?

Mr Dawia—As I said, I cannot give a time frame, but I think you are right. A time has to be set. But I do not want to say that this is the time frame. People will set the time frame. There needs to be one set. But I am not prepared to say how long that would be.

Mrs Smart—In speaking with the people on the ground at that level, I think the emphasis on the time frame could be better put on the start of it rather than the ending of it. I have found that a lot of the trauma had not been addressed, because the grieving could not start. In Bougainville culture, if I have a worry and if Alex had a worry, if I gave my worry to Alex I am not halving my worry; I am doubling his. But if he does not have any worries, he can take it on. For instance, when I was in a group of women, they were very solemn, serious and traumatised when we started sitting down, talking together and sharing stories. I was an insider, but on the outside. I had been through two years of trauma with them. I was safe and, in their eyes, I did not have the same types of worries that they had. They knew I

was friendly and I could understand what they were going to say. I felt very humbled by the fact that they used me as a catalyst not to tell me their problems but to let the others in the group hear their problems by that route. At the end of the hour session, when all of the stories had been told, amazingly, there was spontaneous singing here and there. They were dancing and they felt that it was the beginning of their trauma being unloaded off them and they could start the grieving process as well. But until they face that, they cannot start the grieving process. I think the emphasis should be on a mechanism so that they can start the process, rather than looking at how long it will take.

Dr THEOPHANOUS—You made a very important point. From the information we picked up when we were there, we assumed that those processes had already started in certain parts of Bougainville. A truth and reconciliation commission, similar to South Africa's, is somewhat different, because that is more of a formal body, with witnesses and so on. Mr Hollis is probably correct in saying that perhaps you need a Melanesian version, which would be more informal and more interested in overcoming the trauma rather than laying the blame on people.

Mrs Smart—It is vital that it starts from the Bougainvillean people themselves, even beginning with a small family group and then extending it to the extended family and the clan. They have to resolve their differences at that level as well.

Dr THEOPHANOUS—Do you have any comment on that, Mr Dawia?

Mr Dawia—No.

CHAIR—Can I just move on a little bit, because I think in your submission, too, you were talking about the necessity to have Francis Ona involved in the peace process. Could I ask you what role you would see him playing? Do you have contact with him?

Mr Dawia—No, I do not. He has been out of the process for a while now, and I think he should be involved. He is on the other side. He commands a great number of people, which can cause a lot of problems. So I just see that he should be somehow asked to be in the team.

CHAIR—The reason I asked you as to whether or not you had any contact with him—and we have not been able to fully establish it—is that it was suggested to us that he is developing into some kind of recluse.

Mr Dawia—Yes.

CHAIR—To my mind, that is probably not the way you would want it to go.

Mr Dawia—Yes, exactly. That is probably why the peace process is fragile at the moment, because he is not involved—and some of the key people with him as well. There is that question of leadership. There are tensions between Kabui and Kaona and Ona as well. That has to be resolved before anything happens. I think it is a big leadership question. You need a leader to say, 'Look, this is the way we have decided to go', and progress it that way. But it is not happening, and it will not happen, because these three leaders are at logger-

heads. People are not noticing it, but we hear stories. Some people tell us that this is what is happening internally, and that is a big question. I know Kabui and Kaona very well, because we went to school together, and I know their leadership capabilities. You need a stronger leader than any of them.

Dr THEOPHANOUS—Do you believe that the absence of Ona in the negotiations may be responsible for the current problems where people have run away from the New Zealand agreement?

Mr Dawia—I think that has something to do with it, and also the drift between Kabui and Kaona—who wants to be a leader. There is a question there, because Kaona wants to be a leader above all, and Kabui wants to be a leader as well. So they have to resolve that. The way to resolve it is to have a big meeting among themselves and decide who is going to be their leader.

Senator BOURNE—Could I ask something quite different? You mentioned the Laceweb network a lot in your submission. Could you tell us something about that?

Mr Dawia—Laceweb is just a loose term. It is actually like a spider web. It is different groups. We do not belong to a group, but we are people with similar interests. It is all over Australia—mainly community work.

Senator BOURNE—And around the Pacific, too, you were saying?

Mr Dawia—Yes. It is a non-political, non-religious group. It is mainly interested in self-help types of projects. Its main emphasis is on people helping themselves.

Senator BOURNE—Would it be fair to say that that might be a useful source of information on how to approach these sorts of things in a culturally sensitive way—a more Melanesian way—to go about healing Bougainvillean problems? Would that be a useful source for people to go to to try to find these things?

Mr Dawia—Yes, I think that it is. That is the only way I think it should happen, because people are contributing and making decisions together.

Senator BOURNE—Yes. Could I just ask one more question about the trauma counselling—going back to trauma counselling? It must be the case that you need different types of trauma counselling, say, for children, for women, for combatants—

Mr Dawia—Yes.

Senator BOURNE—How do you go about training in specific ways for those different types? Is there one sort of central set of skills that you need and then several other sorts of skills for the different groups?

Mr Dawia—Yes, we do it in groups first. We all train each other. Then we need different skills for those different levels—I mean, women and kids and all of that. We do not train separately.

Senator BOURNE—Together?

Mr Dawia—Yes. I want to raise one issue here. I feel that, with the trauma counselling funding and all that, even on the ground in Australia, the people who are doing trauma counselling should be a group. You have the Marist Brothers here, and then you have other groups here. I feel that they should be merged as one, just the same as on the ground. That way you are all communicating with each other; you are not confusing the people.

Senator BOURNE—Yes. It is too peripheral at the moment, isn't it? It is not seen as being as central as it ought to be.

Mr Dawia—Yes. That is why I do not talk about money, because I like to talk to people where they are. The main thing is the program. You need to go to the ground and ask the people what sort of training they want. They talk to you and say, 'Oh, yes, we need trauma training. Is this a priority, or what is the priority?'

Senator BOURNE—Yes. And, of course, it should be.

Mr Dawia—Yes, it should be.

Senator BOURNE—You even say in here—and of course it is right, and I had not thought of it before—that the combatants need trauma counselling as well.

Mr Dawia—Yes, everybody. It is not just the people on the ground, but everybody.

Senator BOURNE—It would be a long-term thing, too.

Mr Dawia—Yes.

Senator BOURNE—Thank you.

CHAIR—Could I just ask about the role of the Peace Monitoring Group? I think that your statement was that they probably should stay as long as possible.

Mr Dawia—As long as the people want them to.

CHAIR—Are you worried that that might be indefinitely? And would there be any assistance, do you think, in pushing along the process by starting to give the Peace Monitoring Group some sort of timetable for withdrawal? Or would that perhaps turn off some of the people of Bougainville even more quickly?

Mr Dawia—It is a hard question. I think one of the issues that people have is that the two can get along. When they are there, they are sort of easy. But I take your point. I think there has to be a time limit. As I said in my submission, they can be there for as long as they like, but I think you have to look forward at the peace process as well. Sometimes we have those peace monitoring troops there. I think people get sort of laissez faire. They feel, 'They are here. We are okay', and they forget that there is a job to be done, that there has to be peace. So I think that there should be time limits.

CHAIR—I am not suggesting that it is going to happen—not at all—but if the government of Australia said tomorrow, 'We will have the peace monitors out of Bougainville by Christmas', if you look into your crystal ball, what would happen?

Mr Dawia—That is a political question.

CHAIR—Would you see there being any major change in the processing of the agreement? Would the place drop back into chaos? Would you like to try to make any sort of prediction?

Mr Dawia—Initially, there would probably be some tension there, and that tension might continue, depending on how the leaders talk or get on themselves. It goes back to the question of leadership. It will test the leadership from both sides—whether they are really genuine, and what they have signed is really genuine. At this moment, it is still fragile. Last week, after they returned from the peace talks, we heard that Kaona does not want that; he does not agree with what went on. I mean, they signed that. Then I heard that Kaona's adviser said that even Kabui agrees that this is not right, but he signed that document. So it is very tense.

Dr THEOPHANOUS—Are you optimistic that some kind of agreement can be reached amongst the people of Bougainville?

Mr Dawia—Yes, I am optimistic, but it is a hard road. I feel people just keep on talking and making progress, and it is not easy.

Dr THEOPHANOUS—What do you see as the main stumbling block—the main problem?

Mr Dawia—My main stumbling block is the leadership issue. That has to be really clarified. They have to really sort it out. There is a leader somewhere there who should lead; I do not know who, but there is a real need for leadership.

Dr THEOPHANOUS—Do you mean a leader or leaders?

Mr Dawia—One leader who can get these people together.

Dr THEOPHANOUS—That is an interesting view. So you do not think that the disagreements are fundamentally about the political direction of Bougainville?

Mr Dawia—Do you mean what they just signed?

Dr THEOPHANOUS—No. You said that you were optimistic, but there are all these disagreements. To us, it appeared that the disagreements are about, for example, political issues, like whether to go for independence now or for autonomy or those sorts of issues. But you are saying that it really has to do with leadership; is that right?

Mr Dawia—Yes.

Dr THEOPHANOUS—So you think that a leader could emerge who could bring these viewpoints together?

Mr Dawia—Yes. There is too much fear within the present leadership as well. There is lots of fear that if they turn this way, they will be killed. So it really needs to have this leader—not a dictator, but someone who will—

Dr THEOPHANOUS—Someone who can give a direction that others will follow; is that what you mean?

Mr Dawia—Yes. There is no direction at the moment.

Dr THEOPHANOUS—That is an interesting view.

CHAIR—The implication in your submission was that the Peace Monitoring Group, in actual fact, could play a greater role than perhaps they are now. I was wondering if you could expand on that a little bit. If the PMG became involved in even basic training, do you think there is a worry there that the Bougainvilleans might see that as Australia imposing itself on them again?

Mr Dawia—Yes. That is how they see it now, I think. I think one of the issues with the Peace Monitoring Group at the moment is probably—I am not sure, because this is just a hypothetical thing—whether they are trained in other areas or just in military areas, because there needs to be some understanding within themselves of the issues—the cultural issues, the legal issues and the trauma counselling issues. Maybe they could have some influence. But, you see, the thing is that they see themselves as soldiers.

CHAIR—Even though they are unarmed?

Mr Dawia—Even though they are unarmed, yes; they are like spies for foreign countries, or something. Probably you need someone else who will not be sort of seen as—with a uniform, they are seen as representing a monster, or a colonial bloc or whatever, in people's views and minds.

Dr THEOPHANOUS—So would civilian workers from Australia be better?

Mr Dawia—Yes, civilians would be. I mean, I am not saying that the Peace Monitoring Group are bad, but I am just looking at the perception of them and how they are seen. They have been seen as soldiers of war, and they are associated with these people. The perception of these people is that they represent the regime, which they do not trust.

Dr THEOPHANOUS—But, on the other hand, could it not be argued that the presence of an authority has also kept the factions from fighting each other?

Mr Dawia—Yes, that is true.

Dr THEOPHANOUS—If you replaced all the peace monitors with civilians, is there not a danger that fighting will break out again?

Mr Dawia—It may, but what I look at is the concept and perception in the longer term. But maybe in the shorter term they are doing the job.

Senator BOURNE—About half of them are civilians now, I think.

Mrs Smart—I think the presence of the monitoring team is very important to keep the peace process going along. But, as I see it, there are at least two agendas for the Peace Monitoring Group. That is as I have just said but also to help along the peace process between the people themselves. It is perceived that it is an extension of authority and it is an extension of military authority. I think that the Australian government has tried very hard.

I cannot talk about the other side, but from my conversations with Colonel Bob Breen, I know that they have been conscious to try to have the perception that they are there to help the peace process. I think it is important that the Peace Monitoring Group is there, no matter who it is—whether it is Australia or another body—until the elections of leaders and the true leadership comes through, and not appointed leaders. That is one of the very big issues that is going on up there at the moment. People are not wanting to have leaders appointed by the chief system. They want to have a true elected leadership from the people, from the grassroots up, particularly the women, because they are feeling marginalised because they are not able to be voted in.

I think it is very important that tokenism is not taking place, whether it is with the women or with other groups—factioned groups—that the big, strong message that is coming out is that we want elected leaders, we do not want appointed leaders. That has been part of the trouble for the last three or four years. But I think it is important that the team stays there at least until that is in place.

Mr Dawia—I think withdrawal, as I mentioned in my submission, should be in small groups, not just ones.

CHAIR—Thank you very much indeed for being with us this afternoon. If there are any matters on which we might need additional information, I am sure the secretary will contact you. We will also send you a transcript of the evidence so that you can make corrections of grammar or fact. Thank you very much indeed.

Mrs Smart, I understand that you would like to make some additional information available to the committee following earlier hearings.

Mrs Smart—Yes, that is true. It is not a long statement that I wish to make. But from what I have heard today, and from what I know as fact is happening in Bougainville now, I think it is important for the Australian government to understand that, with the letting of $20-plus million into Bougainville, it is vitally important from Australia's point of view that the due process of the tendering of any works that are done up there is taking place—that, if necessary, there be an awareness program so that the tender process is understood by the leadership level, and I am assuming that they do, and it is filtered down to the village level.

What I fear is happening is that, with one of the major projects that is going on now, from what I have been told, the due process has not been taking place. Australia has two

choices, as I see it. They say, ‘Okay, if the process has not taken place, we still have to go through with the payment of the letting of contracts’, because local people are involved and, therefore, they have to turn a blind eye so that trouble does not start up. Then you have the problem that, if that is the case, and people have gone through the due process, they say, ‘Why did we go to the bother of doing what we should be doing when Joe Bloggs did not do that and is still getting paid?’ Either way, it is a lose-lose situation.

More importantly, if the contract was not paid—and I am talking about all different levels here—because the process was not followed, then who is going to tell the smaller person who has been involved in the contract that AusAID is reneging on the payment of such a contract because somebody messed up? Then people are going to be unhappy again, Australia will have mud on its face, and instead of doing a service I think it would put the peace process behind quite a lot. I just wanted to say that, because I think it is a very important point in the peace process. Thank you.

CHAIR—Thank you very much indeed.

[2.56 p.m.]

VILLAFLOR, Mr George

CHAIR—On behalf of the subcommittee, I welcome Mr George Villaflor. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private, you may ask to do so and the subcommittee will give consideration to your request. Would you please state your full name and the capacity in which you appear before the subcommittee?

Mr Villaflor—My name is George Villaflor. I am appearing in a private capacity, I suppose.

CHAIR—Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and, therefore, have the same standing as the proceedings of the house itself. I now invite you to make a short opening statement, if you like, before we proceed to questions.

Mr Villaflor—Thank you. For the first bit, the nature of my submission was an assignment dealing with that evidence. Most of the observations in there are my own, and the impressions in there are my own, which no doubt you are aware of. But I do have a request in part B of my supplementary that I would like to put in. I would like to put that in camera if I can. I will probably deal with it. I have copies of the supplementary here, if I can pass them over to you.

First of all, I started looking at the question, particularly of Papua New Guinea, back in about 1997. I was in Darwin. That is where I am from. I am from Aboriginal descent, Portuguese and white Australia. I have been involved in the Aboriginal movement for about 20 years, and I can see a lot of analogies in what the Bougainvilleans are doing over there to what we did here for many years, that is, calling for a political settlement. Most of the people would know our cry in the streets: 'What do we want? Land rights! When do we want it? Now!' We took that to mean that we wanted it through the legislative process of Australia. We were not at that stage saying that we were taking it. That is the difference with Bougainville, where I think they want to take it. That concerns me as a private citizen, like anybody else in Australia.

I looked at the Papua New Guinea constitution up in Darwin, because they were looking at taking a few of the sections from there and putting them into the new Darwin constitution. Some of the provisions of the 1975 statute, particularly sections (4) and (5) of the Papua New Guinea Independence Act of 1975, intrigued me. Australia talked about repealing sovereignty, sovereign rights or rights of administration. Those little clauses got me thinking about: what do they have over that territory? They cannot have three of them. My submission is talking about how Bougainville got in there, for a start, if Australia had none of this over there, and how they gave independence to Papua New Guinea? So in my law studies on the constitution, that also intrigued me: how, within our constitutional framework, an Australian parliament could give independence to another foreign country. I am aware of the constitutional cases that have dealt with this issue back in the early 1920s. That was at a

different period of constitutional interpretation. So I did not include that in any of my writings, because I think that question is right to be reagitated again.

I particularly draw to your attention that clause in sections 4 and 5, from memory. It is in the supplementary submission. It deals with the question of whether Australia could repeal sovereignty, sovereign rights or rights of administration. That still intrigues me to a point: what do they mean by that? This is where I am suggesting that the peace process needs something meaty. They do not need more money put into it as far as more people. They need to get to a constitutional settlement, and this is what we are dealing with in Australia. Aboriginal people in Australia are looking for a constitutional settlement. Why we still rely on the political settlement—we will go around and around and spend money on all these native title bodies being set up and keep going. While Bougainville then pushed for a political settlement from Papua New Guinea, I feel they are in the same boat. There would be a lot of money spent on that question. There would be a lot more lives lost on it, and we would get nowhere with it. So it is the constitutional settlement that I think Australia is well placed to offer.

I do not know the limits of your recommendations from this committee, but I recommended that you try to put on some sort of legislative committee to have a look at that point on how Bougainville got into Papua New Guinea in the first place, dealing with the mandated trust, or look at that section that I have just raised about what Australia had when they made the independence act: sovereignty, sovereign rights or rights of administration. That is the legal question that I think that we can offer them, rather than more troops, more peace and all that sort of stuff. I have raised it to a point where, from what I have heard of him, Francis Ona is looking for something more meaty to say, 'Let's look at it on the long-term settlement.' But that is not upsetting the process completely. Look at Mabo. We thought that would earthquake this country to the end, but it has not. If we got to a situation where we found that the Papua New Guinea constitution was ultra vires, and Australia did not have the legislative capacity to give another sovereign country independence, then it certainly would not bring the world to an end, but it would start the two countries to move towards something a lot more lasting—and this is in my view—than what is happening now. It is in our national interest for security reasons. It is in our national interest for finance reasons, and it is our right as humanitarians, too.

All the stuff that went on back in the early days of Papua New Guinea—we are dealing in a pretty heavy age of racial discrimination. We cannot deny that. Australia had a lot of mistaken beliefs back in that period. It was only the courts that delivered the constitutional process to say, 'Here we go. You had a mistaken belief that native title had been extinguished. It has not. So work it out.' That has not been afforded to Papua New Guinea or Bougainville. They are still chained to what I call the historical—I would not call it injustice, but it was in that time when things were a bit different. So what I am offering to the committee is to look at the point of recommending that Australia puts itself up and sees whether we actually have breached any of the mandated trust requirements from the League of Nations and onwards to the United Nations.

I go back to the basic premise that our common law system, dealing with Mabo, said that it was not the common law that dispossessed Aboriginal people, it was acts of parliament. That is my analogy with Bougainville. It was not the common law that dispossessed

Bougainville people of Papua New Guinea; it was an act of parliament. And like a Mabo-type High Court case, one day they may bring it back to truism and say, ‘We will have to start again. We did not have the capacity to transfer one sovereign country to another.’ I know it is far fetched. I have to put that on record. I commend you for bringing me down, because I actually thought it was, too, when I was dealing with it. But at the same time, that clause really intrigued me about what did Australia have when we passed independence to Papua New Guinea? It is ambiguous. And when it is ambiguous, it is a matter for the High Court to deal with. So whether we just look at that point and see what we did have when we passed independence to Papua New Guinea—which has repercussions back to Bougainville.

When I heard Francis Ona is becoming a recluse, that is a dangerous situation; it is very unstable. I think what is happening around the world—the impartial negotiators seem to be moving along a lot better than those of the government—dealing with Jesse Jackson in America. So I am looking at even recommending that maybe indigenous negotiating troops go in there and try to talk to Ona. I have been involved with United Nations indigenous people of the world, and when you do put indigenous people up to each other, it is a whole different process altogether. We have that respectful position with each other, and we will listen to each other. Australia is in a very respectful position when we go overseas. People look to us as having the best system, which says a lot for Australia. And while we go over there to agitate better rights, they look on the Australian indigenous people as having—not the best system, but at least we are not getting shot in the streets like other countries. So we are in a position to move around the world and talk to people.

So, in short, that recommendation of sending an indigenous group in to talk with Ona or whoever needs to be talked to—from what I read in your report, I think we are getting desperate, to a stage where, if the government withdraws funding, we have a country in real dire straits sitting right next door to us. So if we can stretch the longbow and look at using an indigenous negotiating team, maybe there is some merit in that, as well. Maybe the groups up in the mountains may talk to us more than they would talk to the military or white Australia. I do not know. But I found that with my experiences of dealing with indigenous people around the world, we start from that respectful basis. We are descendants from indigenous people, so we have more room to move.

CHAIR—Do you have much interaction with the Bougainvilleans themselves?

Mr Villaflor—No, I am sorry. I have only known one Bougainvillean in Cairns, who I have kept in contact with.

CHAIR—I was wondering whether or not there was any reaction that you might have got from them on this.

Mr Villaflor—I find it very hard. I spoke to an academic, which I try to avoid doing in my law studies, because academics can really push the boundaries, and that is good, too. But I found research on Bougainville was hard to get. There are basic books around, but not too many of the books gave me any guts of how Bougainville got transferred. Most of those words ‘transferred’ and ‘annexed’ and all those colonial words were lacking the substance of legality as we know it now.

Mr HOLLIS—I have a flight to catch, but I wish to make a couple of points. I found your paper very interesting, having studied international law myself. But I wonder, when we are looking at the peace process and bringing stability to Bougainville, what the contribution would be. Surely, the whole question of sovereignty or handing over or the various terms you have used would depend on where the island of Bougainville was and who was the administering power which took over from the League of Nations after the First World War, when they were the mandated territories, and then Australia became the administering power. I think you were correct when you spoke about negotiating. The Peace Monitoring Group is made up of Australia, New Zealand, Vanuatu and Fiji. When we were there, it was put to us several times that the people were much more relaxed with the Vanuatuans and Fijians than they were with the Australians. I noted a couple of times when we visited there were people who were Maoris, and although they were still in uniform—and you have made a good point there about their ability; it is only a human nature thing that people would relate more, and that was put to us several times when we were there, with the Vanuatuans and Fijians—often when they went out they always made sure that there would be a Vanuatuan and Fijian within the group.

Mr Villaflor—I find with negotiating—and I am not an expert by any sense of the word—when I am dealing with indigenous groups from other parts of the world, it is more relaxed. When I go to the Torres Strait, it is more relaxed there, too. Once all the non-indigenous people are out of the room, there is a relaxation that comes there that is very basic. But that was just one recommendation to look at—to stop Francis Ona, which I do not know much about, going into recluse. When you have a reclusive area like that—

Mr HOLLIS—It is a bit hard getting there when it is a no-go area. You will have to excuse me, but I have a plane to catch, and they will not wait—even for me!

CHAIR—Yes. Thanks.

Mr Villaflor—I was excited about coming down, in a way, because I was hoping to put some ideas to push it forward more, because I can see the worry in your report. It is a financial worry, apart from anything else. There is a lot of money going into that area on personnel—not so much into the more emergency areas of the trauma groups, the rehabilitation of the schools and some of the basic stuff.

Dr THEOPHANOUS—I can see where you are coming from in saying that maybe the original constitutional basis for Bougainville being part of Papua New Guinea was mistaken or could be reopened in some way. But even if it could be, it is not actually going to solve the problem of what the Bougainville people themselves want in terms of self-determination. Let us say that it could be opened up and someone could find some rationale to say, ‘Although it is clumsy, it was actually legal or constitutional’; it still would not satisfy the Bougainville people if they themselves wanted to have independence.

Whether or not the Bougainville people are going to be independent ultimately is a question they want to resolve themselves. Although there could be technical arguments as to why they were put in with the rest of New Guinea in the first place and so on, the fact is that the issue of independence is one that a lot of them want to address. That was clear from our visit. On the other hand, there are other people there who clearly want to be part of New

Guinea. The difficulty you have on Bougainville is the division of opinion and how you reconcile the differences—how you find a formula which can meet the aspirations of those who want to look at the possibility of independence and those who want to continue in PNG.

Going back to the original act of putting them together, one could argue that it was politically stupid or culturally insensitive. All sorts of things could be argued about it. Even if you were to determine that there was some problem about its original constitutionality, I really think that is not going to get us very far in terms of the reconciliation. What do you think about that?

Mr Villaflor—I think you have just described Australia. I mean, they have differences of opinion. That is a healthy part of democracy. The thing that protects us is our constitutional framework and the processes we have within our parliamentary system for sorting out those differences. Bougainville certainly has not got to that at this stage. Differing opinions are a healthy part of any community.

Just on that point alone, the Bougainville reconciliation government draft constitution horrified me, in a sense. There has not been any mention of it, naturally, for reasons I gather, but still I think they need some constitutional people up there to make sure the differences of opinions can still be expressed. I thought the draft constitution was veering towards a fair bit of power in the executive. That leads to any type of tyranny. That needs to be addressed.

As I say, you described Australia but, because of our whole constitutional practices, we have the political processes to argue ideas out rather than argue in the street. If we do take Bougainville right back to square one, the second stage is to give them a decent constitution that allows people to have their differences of opinion. Australia is the worst for differing opinions, and that is healthy, too. That is democracy.

So bring in democratic practices to Bougainville, so that taking it back to the original position is not a worry. If there is any thought of illegality in passing them to Papua New Guinea, that has to be approached. It cannot be forever put aside. This is, I suppose, the carrot to say to the people of Bougainville, 'We are having a look at it. We are going right back to see whether your self-determination has been exercised properly or not yet, and if it has not been, then you should have the right to do that.' That is the best any country can do for a neighbour so close.

From the writings and the readings I have done on it, I do not think they have had that choice. I would not be too concerned that we go right back to square one. Naturally, when you do anything you have to have a plan for it. Then you go to stage two by having a decent constitution in place. And if they decide they want to go with Papua New Guinea, that is for them to decide. They may even decide to have a constitutional settlement between Papua New Guinea and Bougainville themselves, with which everybody would be happy, but that is a right that they still possibly have to exercise. Does that answer you?

Dr THEOPHANOUS—Yes. Actually, I am interested very much in the second point—what you call your second stage: the need for a constitution. I agree with you that there has not been sufficient discussion of the details. There is the draft that you mentioned, but there

is certainly a need for much more than that draft. You mentioned the need for a constitutional arrangement. Do you have any thoughts about what is required in such a constitution which is not present in the draft that you saw?

Mr Villaflor—You can see, having only learnt constitution within the law studies, the influence of America in the terminology they have used, for instance with the word 'congress'. I do not know who has advised them over there on those sorts of things. It is in Australia's interests that they have a constitution compatible with ours, in a sense—where there is a rule of law that is operating—without totally submerging the customary law. That is what impressed me about Papua New Guinea. Their customary law is still to be developed, the same as Bougainville. Their customary law is still sitting above so-called common law, but it has not come out yet.

The constitutional set-up is for Bougainvilleans to decide, because the Melanesian way of doing things is totally out of my league. As much as I may try to decide what Torres Strait Islanders want to do, Torres Strait Islanders would have difficulty trying to understand what Aboriginal people want to do. They may come up with something that will surprise us, but I think the bottom line is that they have the right to do that. What Australia can offer towards the peace process is to move towards giving them that right. If they have exercised it and they want to stay with Papua New Guinea and they have done it through a democratic voting system and all of that sort of stuff, good on them. But if they decide they want to go holus-bolus and make up their own constitution, I think Australia could offer them the assistance to have a compatible constitutional arrangement to ensure that those who want to dissent can, and get away from the draft Bougainville reconciliation government constitution the way it is formed now, which raises many concerns.

CHAIR—I refer the subcommittee to page 2, section 1.6, of our interim report. Our statement was:

Australia has been indirectly involved in the crisis from the outset, with the establishment of Bougainville Copper Limited (BCL) and through the training and supply of the PNG Defence Force'.

You go on to say:

In examining that history, it would also be reasonable to argue that Australia was in breach of its international "sacred trust" in passing the sovereign soil of Bougainville, with Bougainville's sovereignty over its natural resources to PNG.

You then go on to say:

On inquiry, if the Senate Legal and Constitutional Committee finds such a breach to be arguable, the sentence should read:

'Australia has been directly responsible for the crisis from the outset with the establishment of Bougainville Copper Limited (BCL) and through the training and supply of the PNG Defence Force (PNGDF).'

Mr Villaflor—I am sorry if that is a bit unkind, but Australia cannot completely have a clean sheet. Its own record is darkened by its involvement with us, indigenous people. I put some very brief points there that would allow us to have a look at that trust. We are going right back to the trust situation first in this statement, not so much where it has been passed

over. They had a C mandated trust with certain criteria from the League of Nations. Whether they breached it in any sense or form needs to be looked at. This is going back to the writings about the mine. The basics on trust create fiduciary relationships. They are the basic things about conflict of duty and interest. If Australia has breached it from there, then Australia can be justifiably accused of being directly responsible.

But the world does not end for us there. In relation to Australia's record on human rights, we have been pretty free in promoting ourselves to the world and telling the world to come in and examine us. We have not gone into dictatorships and said, 'Keep out.' So Australia should not be frightened to see whether they have breached that trust. In respect of that period of time, we are dealing with a period of racism. I think most people would recognise that they were difficult times and that we have come a long way since then. I have not mentioned the constitutional cases that have dealt with this question, because that was in the mid-1920s, when we had a declaratory system of law. Parliament declared it; the courts enforced it. There is room to revisit that question. The committee would have to see if there is any meat in that that will tweak up the groups who are in the minority over there who are saying, 'We do not want to be a part of this peace process any more. We are not going anywhere with it.'

When I read your report I felt a bit sorry for you, actually. I do not mean that unkindly, either, because I did. You had seen the trauma that is going on over there. I was impressed by that. I was also concerned about the financial position, because the buck has to stop somewhere. If you continue to just have a Peace Monitoring Group flying in, having the military sitting as the helpers in there, nothing will be resolved until one day the government decides to pull the pin and say, 'Sorry, we are taking our $30m out of there.'

This is just something to hopefully attract those over there to say that Australia is prepared to launder its dirty washing if it has to and to see if we have breached it in any shape or form—not so much on conduct; we are talking about legal breaches as well, because fiduciary relationships all deal with legal relationships as well. If we have breached that, we should address it and not be afraid to show the world that, if we have been mistaken, we should address it. That is what Mabo did to us. They were wrong 200-odd years ago, so we are going back only a short time to look at the Bougainville situation. It may give those in the mountains of Bougainville some room to move and say, 'Australia is contributing by having a look at whether it was wrong in the first place.' If the legal rights—we are dealing not so much with conduct—were impinged in any shape or form, then we should put them back in place. That is what the law requires.

I see your report and I think, 'If they continue the way they are going, more money will be spent by Australia', which needs it just as bad, but they need it even more now. There is nothing there to offer them. I cannot see anything to offer them, if it is going to be like the Aboriginal situation where we agitated a political settlement for years and years and they turned their backs on us. We had to go to the courts. What I am offering is that same analogy.

Bougainville should have access to the courts to see whether their legal rights have been trampled on. I do not think we should be afraid to offer that. It would certainly be a lot of short change to have a legal position looked at, as opposed to the way you are going now. I

am just frightened that when the buck does stop our national security will be affected. That is apart from the economic aspect. The disadvantage to the Bougainvillean people themselves is that we are going to leave them stranded. We have come in and offered them assistance, so we have to go whole hog now and look at whether we did breach and were mistaken in some shape or form back in the early days.

The whole world is evolving with differing constitutional changes. There are new nation states appearing—it is not a problem—and I do not think Australia should be frightened to look at itself to see whether in that time, when things were difficult, in a whole different constitutional interpretation, we did do wrong. We are getting accused of it. People have accused us of being directly responsible, and no doubt you would have heard that on your travels—that Australia is not impartial and Australia is at fault. The benefit of that is that we can clear up that fault. We can say quite proudly to the Bougainvilleans, to Papua New Guineans and to the world, 'We did no wrong.' But if we do find out that there was some wrong, then we should be mature enough to address it.

Senator BOURNE—Did you find at any time in this study—I think probably not—that the Bougainvillean people, or even any of the people of Papua New Guinea, were themselves given a choice about what sort of independence they wanted and if they wanted to be given an independence from Australia or an independence from each other, like Bougainville? Were they ever asked if they wanted to be a part of an independent Papua New Guinea?

Mr Villaflor—You see I mentioned a bit about consultation, which comes from one of the court cases in Papua New Guinea. It is a political decision how much you do your consultation, but it was not a decision for Australia to make at that time. I come from the monist sort of system of legal studies even though my law school officers still think we are the dualist system, where we have our law and there is international law. I am coming from the position that international law is part of our system and we cannot deny that. But most of the difficulty I found with Bougainville and Papua New Guinea in researching it was that there is bugger all about it. When you come to the actual transfer over to Papua New Guinea, I found it very difficult to find out how that happened. So, yes, I just found that really difficult.

Senator BOURNE—Australia did that in the context that we had already signed on to the International Covenant on Civil and Political Rights. I think it is article 1 or 2 that says that every people has a right to self-determination.

Mr Villaflor—But they signed an important one before that, too.

Senator BOURNE—The universal declaration with—

Mr Villaflor—They signed the Racial Discrimination Act, too, in that same year.

Senator BOURNE—That is true. And that was before that, too.

Mr Villaflor—The Racial Discrimination Act was assented to in June. It came out with certain provisions later on that year. But the same year they passed Papua New Guinea's

independence, the Racial Discrimination Act was enacted as well. That is what Mabo relied on a bit, too. It was discriminatory.

Senator BOURNE—That is a good point. And that is Australia.

Mr Villaflor—We are not talking about the consultation that the politicians in our country will do. Anyone can do that, either cursorily or by getting right into it, depending on the political wind at the time, as you would know. But it is dealing with the international requirements as well regarding self-determination—the freely expressed wishes—where the international would say, 'You spoke to 50 or 60 Bougainvilleans. That is good enough.' It is that sort of background we are looking at to make sure that we did not breach there. I did not find too much on how the international community endorsed these types of transfers.

What I want to stress on you is that we are dealing with a different time. All of that happened in a period of time that was probably totally alien to us—to even think of wartime, national security or communist party. All of that stuff is almost gone from a lot of people's minds. Being of a new generation, I find it difficult to believe that we are set in concrete on some of the constitutional cases that dealt with the question that Australia had the constitutional powers to give another sovereign country independence. In modern times, I find it quite astounding that our Australian parliament had such a legislative ability.

I mentioned to a friend the other day that there is a report that says there are 2,000 widows over there from the Bougainville crisis. I asked, 'Do you think we should pass special legislation to allow them to have parenting payments?' They said, 'No. They are not Australians.' And I said, 'How did we pass their country on?' That was just an analogy to me. The legality of things intrigues me. Not knowing the ins and outs of Bougainville and what they are actually looking for, that is our contribution from Australia and they should be granted as much access to their legal rights as possible.

While we are dealing with the political situation, Australia is going to suffer, because PNG has made it quite clear where they stand on this. Maybe when they look at the constitutional question they will have to be forced to deal with Bougainville as a sovereign part of the world, and they will probably come to, hopefully, a constitutional settlement between them. Who knows? That is in the future.

For Australia, my push in Aboriginal affairs is to come to a constitutional settlement and stop this railway gauge approach of having every state deal with native title. It is not the way to go. The analogies are there that we need constitutional settlements rather than political settlements. That is really how you put your mind to, I suppose, what you offer Bougainville as a constitutional settlement—whether it is with Papua New Guinea. In the same sense, it clears us from any wrongdoing, if there is any.

Dr THEOPHANOUS—So you are suggesting that Australia should be directly involved in the constitution issue with respect to Bougainville, rather than the current position of the government, and the previous government for that matter, which is that this is an issue between Papua New Guinea and Bougainville?

Mr Villaflor—I think it is in our national interest to do that. After reading your report—it has been around for quite some time—I just could not see where you were going on it and where Bougainville was going to go. You had a stalemate that was in Aboriginal possession before Mabo. That is how it was. The government of the day said, 'We will give you what we feel', and we were saying at that time, 'We have legal rights', and we had to go through 10 years to get there. I feel that in Bougainville they have not had those legal rights established yet. There is room there, too.

We have national security with Papua New Guinea. I realise that they are a sovereign country of their own and we cannot go poking our noses in there and getting too involved. But at the same time, we gave them independence, supposedly. We are responsible for this independence. The question of whether that was even legal still does not release us from our responsibilities to have a check of it. All that will do is sever that section 4 and 5 and Papua New Guinea will go along as normal. It should not bring them down. It is not going to have a catastrophic effect on them. At the same time, it may be enough incentive for them to look at a constitutional settlement with Bougainville. Of course, all we are offering is access, I hope, to legal avenues rather than political settlements. The political settlement will be between Bougainville and Papua New Guinea, after we have decided whether there is a constitutional question there.

I am not frightened of the future, that Papua or Bougainville cannot get on. The ties between those two countries are a lot stronger than towards this country. They would have to be, over the many thousands of years that people have been there. I do not think that, just because Australia pulls out in some shape or form, we are going to interrupt the flow of people between the two countries.

These new issues may be novel, but they are also legal issues. As I say in my supplementary submission, we are not looking at the conduct of Australia; we are looking at the legality of it. What more could we do? We are prepared. I had a section B there that I wanted to quickly talk about, but I would like to do that in camera just before I finish, if you have no more questions.

CHAIR—I was going to suggest that we go in camera now.

Evidence was then taken in camera, but later resumed in public—

CHAIR—Thank you. If there are matters on which we might need additional information, the secretary will certainly be in contact with you. We will send you a copy of the transcript of your evidence so that you can make any corrections of grammar and fact.

Can I get a resolution that submission No. 4A and exhibit 15 from Mr Villaflor be received as evidence to the inquiry into the Bougainville peace process and authorised for publication?

Senator BOURNE—Yes.

Dr THEOPHANOUS—Yes.

CHAIR—Can I also get a resolution of the subcommittee authorising the publication of the evidence—other than that taken in camera—given before it at the public hearing this day?

Senator BOURNE—Yes.

Dr THEOPHANOUS—Yes.

CHAIR—I give a special thanks to the staff, and particularly to Hansard, for being with us today and being their usual efficient selves. It is very much appreciated.

Subcommittee adjourned at 3.41 p.m.