

Country/entity	Papua New Guinea Bougainville
Region	Asia and Pacific
Agreement name	Agreement between New Zealand, Papua New Guinea, Australia, Fiji and Vanuatu concerning the Neutral Truce Monitoring Group for Bougainville
Date	11 Dec 1997
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Interstate/intrastate conflict(s)

Bougainville Conflict (1987 - 1998)

The conflict on Bougainville, an island under the jurisdiction of Papua New Guinea (PNG), began in 1987 as a dispute over compensation for the use of land by Bougainville Copper Ltd, a an Australian subsidiary. The underlying issue of independence soon emerged and the conflict escalated between the government of PNG and the native islanders, in turn spearheaded by the Bougainville Revolutionary Army (BRA). Until fighting ended in 1998, an estimated 20,000 died in the conflict. Several pre-negotiation agreements culminated in an agreement to a 'permanent and irrevocable' ceasefire, and a framework for normalizing the PNG-Bourgainville relationship, which included elections.

Close

Bougainville Conflict (1987 - 1998)

Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Bougainville: peace process
Parties	For New Zealand: NIGEL MOORE; For Australia: DAVID IRVINE; For Vanuatu: HON. VINCENT BOULEKONE; For the Independent State of Papua New Guinea: LE GENIA; For Fiji: COL. PAUL MANUELI
Third parties	-
Description	This agreement provides for implementing the Burnham Truce for States in the South Pacific Region, specifically the establishment of a Neutral Truce Monitoring Force to monitor the terms of the Burnham truce.

Agreement document [PG_971211_Agreement concerning the neutral truce monitoring group for Bougainville.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 6, Article 9, Respect for Local Law
Members of the Group shall respect the laws of Papua New Guinea and shall maintain strict neutrality and refrain from any action incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present Agreement.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

**Detention
procedures**

Page 7, Article 11, Arrest, Transfer of Custody and Mutual Assistance, 2

Persons authorized by the Commander may take into custody any person on the premises referred to in Article 12, without subjecting him or her to any routine of arrest, in order immediately to deliver him or her to the nearest appropriate Papua New Guinea authorities:

- (a) When so requested by the Papua New Guinea authorities; or
- (b) For the purpose of dealing with any offence or disturbance on the premises.

Page 7, Article 11, Arrest, Transfer of Custody and Mutual Assistance, 3

The Papua New Guinea authorities may take into custody any member of the Group, without subjecting him or her to any routine of arrest, in order immediately to deliver him or her, together with any items seized, to the nearest appropriate authorities of the Group:

- (a) When so requested by the Commander; or
- (b) In cases in which persons authorized by the Commander are unable to act with the necessary promptness when a member of the Group is apprehended in the commission or attempted commission of a criminal offence that results or might result in serious injury to persons or property, or serious impairment of other legally protected rights.

**Media and
communication**

Rights related issues→Media and communication→Governance of media

Page 9, Article 18, Communications and Postal Services, 1

The Commander shall have authority to install and operate a radio sending and receiving station or stations to make direct contact with the Participating States.

Rights related issues→Media and communication→Media logistics

Page 9, Article 18, Communications and Postal Services, 2

The Group shall enjoy, within the Area of Operations, the right of unrestricted communication by radio, telephone, or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of the Group, including the laying of cables and land lines and the establishment of fixed and mobile radio sending and receiving stations.

Page 9, Article 18, Communications and Postal Services, 3

The Group may process and transport mail addressed to or sent from the Group or members of the Group. Papua New Guinea shall not interfere with the mail of the Group.

Mobility/access

Page 5, Article 8, Entry into and exit from Papua New Guinea, 1

Members of the Group shall be exempt from passport and visa laws and immigration inspection and restrictions on entering or departing from Papua New Guinea territory. They shall also be exempt from any laws governing the residence of aliens in Papua New Guinea, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of Papua New Guinea by virtue of this Agreement. For the purpose of such entry or departure, members of the Group are required to have only:

- (a) An individual or collective movement order issued by the appropriate authority of their respective Participating State; and
- (b) A personal identity card issued by the appropriate authority of their respective Participating State.

Page 5, Article 8, Entry into and exit from Papua New Guinea, 2

Members of the Group may be required to present but shall not be required to surrender their personal identity cards upon demand of an appropriate Papua New Guinea Authority. Except as provided in paragraph 1, the identity card will be the only document required for a member of the Group.

Page 5, Article 8, Entry into and exit from Papua New Guinea, 3

If a member of the Group leaves the service of his or her respective Participating State while in Papua New Guinea and is not repatriated, or absents himself or herself without leave for more than twenty-one days, the Commander shall forthwith inform the Papua New Guinea Authorities, giving such particulars as may be required. If an expulsion order against such a person is made by the Papua New Guinea Authorities, the Commander shall take all responsible steps available to ensure that the person concerned shall be returned to his or her Participating State.

Page 9, Article 19, Freedom of Movement

The Group and its members, together with its vehicles, vessels, aircraft and equipment shall enjoy freedom of movement throughout Papua New Guinea. Wherever possible the Commander will consult with Papua New Guinea with respect to large movements of personnel, stores or vehicles on roads used for general traffic. Papua New Guinea shall supply the Group with maps and other information which may be useful in facilitating its movements, including locations of dangers and impediments, in particular mines and unexploded ordinance.

Protection measures

No specific mention.

Other

No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation

Socio-economic reconstruction→Taxation→Power to tax

Page 8, Article 16, Import and Export, 1

The Group shall have the right:

(a) To import, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of the Group;

Page 9, Article 16, Import and Export, 1

... (b) To clear from customs and excise warehouses, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of the Group;

(c) To re-export, free of duty or other restrictions, such equipment, provisions, supplies and other goods; and

(d) To dispose of within Papua New Guinea, free of duty or other restrictions, such equipment, provisions, supplies and other goods as are no longer required by the Group.

Page 9, Article 16, Import and Export, 2

Such importation, clearances, transfer or exportation shall be effected with the least possible delay. A mutually satisfactory procedure, including documentation, shall be mutually determined by the Commander and the Papua New Guinea authorities at the earliest possible date.

Page 9, Article 17, Taxation and Revenue, 1

Members of the Group shall be exempt from taxation by Papua New Guinea on the pay and emoluments received from their respective Participating States. Participating States and members of the Group shall also be exempt from all other direct taxes, fees and charges.

Page 9, Article 17, Taxation and Revenue, 2

Members of the Group shall have the right to import and export, free of duty or other restrictions their personal effects in connection with their duties in Papua New Guinea.

Banks

No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** Page 10, Article 20, Use of Roads, Waterways, Port Facilities and Airfields
The Group shall have the unimpeded right to the use of roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges either by way of registration or otherwise, throughout Papua New Guinea.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police Page 7, Article 11, Arrest, Transfer of Custody and Mutual Assistance, 1
The Commander shall take all appropriate measures to ensure maintenance of discipline and good order among members of the Group including the use of persons authorized by the Commander to police the premises referred to in Article 12 of this Agreement and such areas where the Group, or any member, of it is deployed in the performance of its functions.

Page 7, Article 11, Arrest, Transfer of Custody and Mutual Assistance, 4
The Commander and the Papua New Guinea authorities shall assist each other in:
(a) The carrying out of all necessary investigations into offences in respect of which either or both have an interest;
(b) The production of witnesses; and
(c) The collection and production of evidence, including the seizure of and, in proper cases and where practicable, the delivery of items constituting evidence of an offence. The delivery of any such items may be made subject to their return within the time specified by the authority delivering them.

Page 7, Article 11, Arrest, Transfer of Custody and Mutual Assistance, 5
The Commander or the appropriate Papua New Guinea authority, as the case may be, shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 2 or 3.

Armed forces No specific mention.

DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar Summary: The agreement in its entirety provides for the formation of a Neutral Truce Monitoring Group for Bougainville. Provisions include: Mandate; Contribution; Command and Control; Entry into and exit from Papua New Guinea; Respect for Local Law; Jurisdiction; Arrest, Transfer of Custody and Mutual Assistance; Premises of the Group; Emblems and Flags; Arms; Registration, Licensing and other Permissions; Import and Export; Taxation and Revenue; Communications and Postal Services; Freedom of Movement; Use of Roads, Waterways, Port Facilities and Airfields; Water, Electricity and other Public Utilities; Locally Employed Personnel; and Deceased Members.

Enforcement mechanism Page 4, Article 2, Peace Consultative Committee
The Peace Consultative Committee, established by the Parties to the Burnham Truce pursuant to the Cairns Commitment on the implementation of this Agreement of 24 November 1997, shall receive regular reports from the Commander on the implementation, progress and success of the Burnham Truce. It shall have no direct involvement in the command of the Group or the deployment decisions made by the Commander.

Page 4, Article 3, Truce Steering Committee, 1
There shall be a Truce Steering Committee comprising the Commander and a representative nominated by each of the Participating States.

Page 4, Article 3, Truce Steering Committee, 2
The Truce Steering Committee shall be chaired by New Zealand.

Page 4, Article 3, Truce Steering Committee, 3
The Truce Steering Committee shall consult regularly, including with the Peace Consultative Committee as appropriate, on issues arising from the activities of the Truce Monitoring Group and will meet as required from time to time. It shall have no direct involvement in the command of the Group or the deployment decisions made by the Commander.

Related cases No specific mention.

Source UN Peacemaker
<http://peacemaker.un.org/>
<http://peacemaker.un.org/png-truce-monitoring97>
