

## Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

<b>Country/ entity</b>	Papua New Guinea Bougainville
<b>Region</b>	Asia and Pacific Asia and Pacific
<b>Agreement name</b>	Agreement between Papua New Guinea and Fiji, Tonga, Solomon Islands, Vanuatu, Australia and New Zealand, concerning the Status of Elements of the Defence Forces of those countries deployed in the North Solomons Province of Papua New Guinea as part of the South Pacific Peacekeeping Force
<b>Date</b>	28 Sep 1994
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/ conflict level</b>	Interstate/intrastate conflict(s) ( Bougainville Conflict (1987 - 1998) )
<b>Stage</b>	Pre-negotiation/process
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Bougainville: peace process
<b>Parties</b>	Papua New Guinea and Fiji, Tonga, Solomon Islands, Vanuatu, Australia and New Zealand
<b>Third parties</b>	-
<b>Description</b>	This agreement provides for the establishment of a neutral South Pacific Regional Peacekeeping Force to provide a neutral environment and security for the Bougainville peace process.

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**Agreement document** [PG\\_940928\\_South Pacific Peace keeping force.pdf](#)  | [Download PDF](#)

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### 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.

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## Gender

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

Family No specific mention.

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## **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.

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## **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.

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## **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.

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## Human rights and equality

Human rights/RoL general No specific mention.

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.

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## Rights related issues

Citizenship Rights related issues→Citizenship→Citizen delimitation  
Page 2, Article 1, Definitions  
... (d) "Papua New Guinea Citizen" includes a person of Papua New Guinea citizenship and a person resident or present in the territory of Papua New Guinea other than one associated with the Force.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication Rights related issues→Media and communication→Governance of media  
Page 7, Article 18, Communications and postal services, 1  
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. The right of the Commander is likewise recognized to enjoy the priorities of government telegrams and telephone calls.

Rights related issues→Media and communication→Media logistics  
Page 7, Article 18, Communications and postal services, 1  
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. The right of the Commander is likewise recognized to enjoy the priorities of government telegrams and telephone calls.

Page 7, Article 18, Communications and postal services, 2  
2. The Force shall enjoy, within its area of operations, the right of unrestricted communication by radio, telephone, telegraph or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of the Force, including the laying of cables and land lines and the establishment of fixed and mobile radio sending and receiving stations. It is understood that the telegraph and telephone cables and lines herein referred to will be situated within or directly between the premises of the Force and the area of operations, and that connection with the Papua New Guinea system of telegraphs and telephones will be made in accordance with arrangements with the appropriate Papua New Guinea authorities.

Page 7, Article 18, Communications and postal services, 3  
3. Papua New Guinea recognizes the right of the Force to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the Force. Papua New Guinea will be informed of the nature of such arrangements. No interference shall take place with, and no censorship shall be applied to, the mail of the Force by Papua New Guinea. In the event postal arrangements applying to private mail of members of the Force are extended to operations involving transfer of currency, or transport of packages or parcels from Papua New Guinea, the conditions under which such operations shall be conducted in Papua New Guinea will be agreed upon between Papua New Guinea and the Commander.

Mobility/  
access

Page 3, Article 7, Entry into and exit from Papua New Guinea and Australia, 1  
1. Members of the Force shall be exempt from passport and visa laws and orders and immigration inspection and restrictions on entering or departing from Papua New Guinea territory and Australia. They shall also be exempt from any laws and orders governing the residence of aliens in Papua New Guinea and Australia, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of Papua New Guinea and Australia. For the purpose of such entry or departure members of the Force will be required to have only:

(a) an individual or collective movement order issued by the Commander of the Defence Force of their respective Participating State; and

(b) a personal identity card issued by the appropriate military authority of their respective participating State.

Page 3, Article 7, Entry into and exit from Papua New Guinea and Australia, 2  
2. Members of the Force may be required to present but not to surrender their personal identity cards upon demand of an appropriate Papua New Guinea authority. Except as provided in paragraph 1 of this Article the identity card will be the only document required for a member of the Force.

Page 3, Article 7, Entry into and exit from Papua New Guinea and Australia, 3  
3. If a member of the Force leaves the service of his respective Participating State while in Papua New Guinea and is not repatriated, the senior military officer from that State shall immediately inform the Papua New Guinea authorities, giving such particulars as may be required. The senior military officer of each participating State shall similarly inform the Papua New Guinea authorities of any member of the Force belonging to his State who has absented himself for more than twenty-one days. If an expulsion order against an ex-member of the Force has been made, the senior

Page 7, Article 19, Freedom of movement

The Force and its members together with its service 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 will supply the Force with maps and other information, including locations of dangers and impediments, which may be useful in facilitating its movements.

Page 8, Article 20, Use of roads, waterways, port facilities and airfields

The Force shall have the 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.

Protection  
measures

No specific mention.

Other No specific mention.

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## **Rights institutions**

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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## **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.

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## **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	<p>Socio-economic reconstruction→Taxation→Reform of taxation</p> <p>Page 7, Article 17, Taxation and revenue matters, 1</p> <p>1. Members of the Force shall be exempt from taxation on the pay and emoluments received from their respective Participating States. They shall also be exempt from all other direct taxes, fees and charges.</p> <p>Page 7, Article 17, Taxation and revenue matters, 2</p> <p>2. Members of the Force shall have the right to import free of duty their personal effects in connection with their first arrival in Papua New Guinea. They shall be subject to the Papua New Guinea laws and orders governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Papua New Guinea with the Force. Special facilities for entry or exit shall be granted by the Papua New Guinea immigration, customs and fiscal authorities to regularly constituted units of the Force provided that the authorities concerned have been duly notified sufficiently in advance. Members of the Force on departure from Papua New Guinea may, notwithstanding any foreign exchange laws and orders, take with them such funds as the appropriate Pay Officer of the Force certifies were received in pay and emoluments from Papua New Guinea and are a reasonable residue thereof.</p> <p>Page 7, Article 17, Taxation and revenue matters, 3</p> <p>3. The Commander will co-operate with customs and fiscal authorities of Papua New Guinea and will render all assistance within his power in ensuring the observance of the customs and fiscal laws and orders of Papua New Guinea by the members of the Force in accordance with these or any relevant supplemental arrangements.</p>
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Banks	No specific mention.
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## Land, property and environment

Land reform/ rights	No specific mention.
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Pastoralist/ nomadism rights	No specific mention.
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Cultural heritage	No specific mention.
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Environment No specific mention.

Water or riparian rights or access Page 8, Article 20, Use of roads, waterways, port facilities and airfields  
The Force shall have the 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.

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## **Security sector**

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police

Page 4, Article 10, Military Police, arrest, transfer of custody and mutual assistance, 1

1. Responsibility for disciplinary action with respect to military personnel made available by each Participating State shall rest with the military authorities of that State. However, the Commander shall take all appropriate measures to ensure maintenance of discipline and good order among members of the Force. To this end Military Police designated by the Commander shall police the premises referred to in Article 11 of this Agreement and such area where the Force is deployed in the performance of its functions. Elsewhere such Military Police shall be employed only subject to arrangements with the Papua New Guinea authorities and in liaison with them and in so far as such employment is necessary to maintain discipline and order among members of the Force. For the purpose of this paragraph the Military Police of the Force shall have the power of arrest over members of the Force.

Page 4, Article 10, Military Police, arrest, transfer of custody and mutual assistance, 2

2. Military Police of the Force may take into custody any person on the premises referred to in Article 11 who is subject to Papua New Guinea criminal jurisdiction, without subjecting him to the ordinary routine of arrest, in order immediately to deliver him 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 4, Article 10, Military Police, arrest, transfer of custody and mutual assistance, 3

3. The Papua New Guinea authorities may take into custody any member of the Force, without subjecting him to the ordinary routine of arrest in order immediately to deliver him, together with any weapons or items seized, to the nearest appropriate authorities of the Force: (a) when so requested by the Commander; or (b) in cases in which the Military Police of the Force are unable to act with the necessary promptness when a member of the Force 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.

Page 5, Article 10, Military Police, arrest, transfer of custody and mutual assistance, 4

4. When a person is taken into custody under (b) of paragraphs 2 and 3, the Commander or Papua New Guinea authorities, as the case may be, may make a preliminary interrogation but may not delay the transfer of custody. Following the transfer of custody the persons concerned shall be made available upon request for further interrogation.

Page 5, Article 10, Military Police, arrest, transfer of custody and mutual assistance, 5

5. The Commander and the Papua New Guinea authorities shall assist each other in the carrying out of all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses, and in 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

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.

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## **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.

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## Implementation

UN  
signatory No specific mention.

Other  
international  
signatory Signed by: Papua New Guinea, Fiji, Tonga, Solomon Islands, Vanuatu,  
Australia, New Zealand

Referendum  
for  
agreement No specific mention.

International mission/ force/similar	<p>Summary: The whole agreement deals with establishing a peace keeping force whose general purpose is outlined below.</p> <p>Page 2, Untitled Preamble  ACKNOWLEDGING the need to establish a secure and neutral environment at the said Conference site and other agreed places;  NOTING the request of Papua New Guinea for Fiji, Tonga, Vanuatu, Australia and New Zealand to contribute to the establishment of a neutral South Pacific Regional Peacekeeping Force to provide a neutral environment and security for the peace process; and  DESIRING to set out in writing the terms of the agreed conditions for contributions to the South Pacific Regional Peacekeeping Force;</p> <p>Page 3, Article 4, Establishment of the South Pacific Peacekeeping Force  The Participating States shall establish the Force. The Force shall perform the following tasks:</p> <ol style="list-style-type: none"> <li>1. secure the Conference site identified in the Ceasefire Agreement;</li> <li>2. secure and protect the delegates to the Bougainville Peace Conference;</li> <li>3. any other tasks as requested by the parties to the Ceasefire Agreement with the approval of the Participating States subject to the approval of the Participating State taking part in the task.</li> </ol>
Enforcement mechanism	<p>Page 9, Article 30, Consultations  Any matter arising under this Agreement with respect to its interpretation, application or implementation shall be settled by consultation or negotiation between Papua New Guinea and the Participating States.</p>
Related cases	<p>No specific mention.</p>
Source	<p>Australian Treaty Series  <a href="http://www.austlii.edu.au/au/other/dfat/treaties/">http://www.austlii.edu.au/au/other/dfat/treaties/</a>  <a href="http://www.austlii.edu.au/au/other/dfat/treaties/1994/30.html">http://www.austlii.edu.au/au/other/dfat/treaties/1994/30.html</a></p>

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