

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

Country/ entity	Papua New Guinea Bougainville
Region	Asia and Pacific Asia and Pacific
Agreement name	Sharp Agreement on the Dispensation of Constitutional Requirements Relating to the Process of Transfer of Functions and Powers
Date	13 May 2021
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Bougainville Conflict (1987 - 1998))
Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Bougainville: peace process
Parties	Hon. James Marape, MP Prime Minister Government of Papua New Guinea Hon. Ishmael Toroama, MHR President Autonomous Bougainville Government
Third parties	Witnessed by: Hon. Brian Kramer, MP Minister for Justice Government of Papua New Guinea Hon. Ezekiel Masatt, MHR Attorney General & Minister for Bougainville Independence Mission Implementation Autonomous Bougainville Government
Description	Agreement to remove impediments to the constitutional process of transfer of functions and powers from the Government of Papua New Guinea to the Autonomous Bougainville Government, following the results of the Bougainville Referendum on independence.

Agreement
document

[PG_210513_Sharp Agreement.pdf](#)  | [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 Page 2, Preamble,
Whereas the Prime Minister of Papua New Guinea has on the occasion of the declaration of the result of the Bougainville Referendum on the 13th of December 2019, and on other occasions, declared his Government's commitment to facilitate the transfer to Bougainville of all powers available to Bougainville under Section 290 of the National Constitution;

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 Governance→Constitution→Constitutional reform/making

Page 2,

An Agreement proposed at the Sharp Memorial Centre, Arawa, and made today at Port Moresby between the Government of Papua New Guinea and the Autonomous Bougainville Government to remove impediments to the constitutional process of transfer of functions and powers.

Page 2, Preamble,

Whereas Section 295 of the National Constitution provides for a process for the transfer of functions and powers from the National Government to the Bougainville Government by which a function or power may be requested by the Bougainville Government to be transferred to it;

Page 2, Preamble,

Whereas the pre-requisite steps for initiating the process for transfer of a function or power being for Bougainville to assess its needs and capacity in relation to the function and power; and, for the Bougainville Government to give to the National Government 12 months' notice of its intention to seek the transfer of the function or power; and, for Bougainville to then consult with the National Government concerning the transfer of that function or power;

Page 2, Preamble,

Whereas Section 295 of the National Constitution further provides that both Governments may however agree to waive or dispense with those requirements;

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Page 2,

2. The requirements under Section 295(a) and (b) of the National Constitution relating to the process of transfer of functions and powers available to Bougainville under Section 290 of the National Constitution, irrespective of whether a specific request was made or not by the Bougainville Government since the establishment of the Autonomous Bougainville Government, are dispensed with, effective as of the date of this agreement;

Page 2-3,

3. The Autonomous Bougainville Government shall, in consultation with the National Government, proceed to develop and continue to implement agreed plans for the transfer of functions and powers for which the Bougainville Government shall become responsible in accordance with the Bougainville Peace Agreement and Section 3 of the Organic Law on Peace-Building in Bougainville - Autonomous Bougainville Government and Bougainville Referendum, 2002;

Page 3,

4. The Autonomous Bougainville Government shall as from this day be at liberty to legislate on any of all of those areas or matters under Section 290 in accordance with agreed plans;

Power sharing

Political
power
sharing

No specific mention.

Territorial
power
sharing

Power sharing→Territorial power sharing→Autonomous regions
Page 2,

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Economic power sharing	<p>Power sharing→Economic power sharing→Other</p> <p>Page 2, Preamble,</p> <p>Whereas both Governments understand the need also to remove other forms of economic and financial controls which hinder the ability of the Autonomous Bougainville Government to effectively perform its function:...</p> <p>Page 3,</p> <p>6. All economic and financial controls by the National Government that continue to impede on the ability of the Autonomous Bougainville Government to effectively manage its own revenue collection - whether or not these controls have arisen under agreed plans by the implementing agencies as envisaged by Sections 4, 5, and 39 of the Organic Law on Peace-Building on Bougainville -Autonomous Bougainville Government and Bougainville Referendum 2002 - shall be reassessed or reviewed by the relevant agencies and have them removed as soon as practicable.</p>
Military power sharing	No specific mention.

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.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

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 3, 6. All economic and financial controls by the National Government that continue to impede on the ability of the Autonomous Bougainville Government to effectively manage its own revenue collection - whether or not these controls have arisen under agreed plans by the implementing agencies as envisaged by Sections 4, 5, and 39 of the Organic Law on Peace-Building on Bougainville -Autonomous Bougainville Government and Bougainville Referendum 2002 - shall be reassessed or reviewed by the relevant agencies and have them removed as soon as practicable.
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	No specific mention.

Security sector

Security Guarantees	No specific mention.
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Ceasefire No specific mention.

Police No specific mention.

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 No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Language of Peace Database <https://peaceadmin.languageofpeace.org/v3/agreements/1353/pdf> (Accessed on 13/6/2022)
