

Country/entity	Papua New Guinea Bougainville
Region	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)

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-Bougainville relationship, which included elections.

Close

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	<p>Witnessed by:</p> <p>Hon. Brian Kramer, MP Minister for Justice Government of Papua New Guinea</p> <p>Hon. Ezekiel Masatt, MHR Attorney General & Minister for Bougainville Independence Mission Implementation Autonomous Bougainville Government</p>
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 \(opens in new tab\)](#) | [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 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.

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, or all, of those areas or matters under Section 290 in accordance with agreed plans;

Page 3,

Page 7 of 16

5. All outstanding issues of the transfer of a function and power for which notice under Section 295(b) has been given, which includes the signing of inter-agency memorandum

Power sharing

Political power sharing

No specific mention.

Territorial power sharing

Power sharing→Territorial power sharing→Autonomous regions

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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.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	No specific mention.
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
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National economic plan	No specific mention.
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Natural resources	No specific mention.
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International funds	No specific mention.
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Business	No specific mention.
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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.

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)
