

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	Joint Bougainville Negotiating Position
Date	14 Dec 1999
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict ()
Stage	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	Bougainville: peace process
Parties	Signed by: Joseph C. Kabui; Hon. John Momis, MP; James Tanis; Thomas Anis; Hon. sam Akoital, MP; Hon. Michael Laimo, MP; Hon. Michael Ogio, MP; Mr. Joel Banam; Mr. Carolus Ketsimur; Mr. Joseph Bana; Mr. Gordon Bure; Mrs. Ezliabeth Burain; Mrs. Theresa Jaintong; Mrs. Lucy Morris; Mrs. Martha Toarats; Mrs. Dorcas Awasa; Mrs. Genevieve Pisi; Mr. Ben Kamda; Mr. Steven Topesi; Mr. Thomas Tari;
Third parties	-

Description Outlined a common position on autonomy, mechanisms for implementation and guarantee, and options for a deferred referendum, to form the basis for any negotiations with the PNG.

Agreement document [PG_991214_Joint Bougainville Negotiating Position.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) Page 1, Proposals to give effect to Principles:
ii) Government arrangements for Bougainville:
... Democracy, transparency and accountability in the Bougainville government: essential principles of Bougainville Government.

State configuration No specific mention.

Self determination No specific mention.

Referendum Page 3, C. Referendum, Principles

A referendum on independence shall be held among Bougainvilleans.

Page 3, C. Referendum, Proposals to give effect to Principles

Timing of holding of the referendum - The referendum shall be held on a date to be determined by the autonomous Government of Bougainville after consultation with the Government of Papua New Guinea

Page 3, C. Referendum, Proposals to give effect to Principles

Trigger - The Government of Bougainville shall consider the following matters in determining a date for the referendum:

Capacity of the Bougainville Administration,

Progress towards reconciliation,

The Political and Economic situation,

Progress in the operation of autonomy arrangements,

Progress on Arms disposal.

Page 4, C. Referendum, Proposals to give effect to Principles

Rejection of holding referendum (including method) - The Bougainville Legislature may determine not to hold a referendum - to be confirmed by the people of Bougainville by referendum.

Manner of the conduct of a referendum

Consequences of definitive yes vote and of definitive no vote

'Binding' effect of the referendum (the mechanism)

Guarantee of agreed referendum arrangements

Referendum on a referendum (holding a referendum on the issue of whether or not a referendum should be held)

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation	<p>Page 2, Proposals to give effect to Principles: iv) Territory: Maritime territories: The Government of Bougainville shall have all title, powers and jurisdiction over the maritime territories associated with Bougainville's land territory equivalent to that which the Government of PNG has under international law.</p> <p>Page 2, Proposals to give effect to Principles: iv) Territory: ... Land territory: The land territory shall be, at least, that defined under the Organic Law on Provincial Boundaries.</p> <p>Page 2, Proposals to give effect to Principles: iv) Territory: ... Defining internal maritime boundaries: The maritime territories of Bougainville within PNG shall be agreed through consultations carried out by a consultative group, comprised of officers of the Government of PNG and of the Bougainville Administration, and those agreed boundaries shall then be defined by Organic Law and by a schedule to the Bougainville Constitution. If the consultative group cannot reach agreement the matter shall be referred to the mediation panel with jurisdiction to deal with disputes about implementation of the agreed arrangements (below), and that panel shall be guided by the principle that neither PNG nor Bougainville should have jurisdiction beyond that available on the basis of the equip-distant principle.</p> <p>Page 2, Proposals to give effect to Principles: iv) Territory: ... Defining international maritime boundaries: The Government of Bougainville shall be a party to any negotiations that the Government of PNG may have with any state or any regional or international organisation concerning, or that may impinge upon, the maritime territories of Bougainville or, prior to those territories being defined, any area that may reasonably be expected to be included in those territories.</p>
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→General references Page 1, Proposals to give effect to Principles:</p>
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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 1, Proposals to give effect to Principles:
i) Establishing self-government:
Adopting a Bougainville Constitution- structures a matter for Bougainville
Constitution to be adopted by the Constituent Assembly after consultation.
Status of the Bougainville Constitution
To prevent change by PNG statutes high status in PNG hierarchy of laws shall
be given to the Constitution

Power sharing

Political power sharing No specific mention.

Territorial power sharing Power sharing→Territorial power sharing→Autonomous regions
Page 1, A. Autonomy, Principles
1. The highest level of self-government short of independence shall be established in Bougainville immediately
2. Under the highest level of self-government the Bougainville government shall have exclusive responsibility for the full range of powers and functions of government other than agreed essential powers and functions that may be reserved primarily to the Government of PNG.

Economic power sharing No specific mention.

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 Rights related issues→Citizenship→Citizens, specific rights
Page 3, Proposals to give effect to Principles:
x) Guarantees for Bougainville:
Bougainvilleas shall have the same rights and access as PNG citizens.

Democracy Page 1, PROPOSALS TO GIVE EFFECT TO PRINCIPLES
ii) Government arrangements for Bougainville:
... Democracy, transparency and accountability in the Bougainville government: essential principles of Bougainville Government.

Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/ access	No specific mention.
Protection measures	No specific mention.
Other	Page 3, Proposals to give effect to Principles: viii) Human Rights: Bougainville able to have its own regime wholly or in part. Bougainville to have its own enforcement provisions.

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 Page 3:
Overseas aid - Bougainville able to deal directly with donors.

Business No specific mention.

Taxation No specific mention.

Banks Socio-economic reconstruction→Banks→International finance
Page 4:
Bougainville able to raise loans, issue securities, etc.

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 Page 1, Proposals to give effect to Principles:
iv) Division of legislative powers:
Legislative powers of Bougainville (primarily Bougainville legislative subjects): The laws of Bougainville shall prevail over the laws of PNG in relation to all legislative subjects (including the economy, land, natural resources, environment, culture, policing and courts) but not over PNG laws on subjects reserved primarily for the Parliament of PNG (below).

Armed
forces Page 2, Proposals to give effect to Principles:
iv) Division of legislative powers:
Defence, (but with provisos as to deployment of PNGDF and the establishment of a Bougainville Reserve Military Force);

DDR	Security sector→DDR→Demilitarisation provisions Page 3, C. Referendum, Proposals to give effect to Principles Trigger - The Government of Bougainville shall consider the following matters in determining a date for the referendum: ... Progress on Arms disposal.
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 Originally accessed from Conciliation Resources Accord (<http://www.c-r.org/accord/papua-new-guinea%E2%80%93bougainville> – no longer available from original source).
